

North Byron Parklands

Response to Submissions

MP09_0028 Modification 3 – Lodged May 2015

Appendix E – Commenting Submissions

Appendix F – Objecting Submissions

October 2015



Appendix E – Commenting Submissions

A total of 10 submissions providing comments were received by the DP&E. 8 submissions were received from government agencies, 1 from a community group and 1 from an individual. Each commenting submission is provided in full plus Parklands' response provided in blue text.

Department of Planning and Environment, Sydney NSW (Ref. MP09_0028 MOD 3)

In response to the exhibition, the Secretary requested Billinudgel Property Pty Ltd to respond to the submissions raised in the submissions received in a Submissions Report. In addition to the issues raised in submissions, the Department also have a number of issues that you are requested to respond to. These should be addressed within the Submissions Report.

- Noise - The Department recommends reviewing the requested noise limits and providing 'zones' for varied noise levels i.e. those located in a zone where agreements are offered, and a zone for those outside this area. The data obtained from events held to date should be used to support the request showing how the levels can be met.

RESPONSE

Since lodging this modification in May 2015, another large trial event, Splendour in the Grass 2015 (SITG15) has been held at Parklands. In consultation with both the venue and event management it was agreed to increase the number of acoustic engineers per event day/night shift from 3 to 5 engineers to capture a greater number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions. Appendix D – Acoustic Management Addendum Report provides a detailed analysis of these noise samples).

This data has since been analysed pursuant to the DP&E's request to review the proposed noise limits. In particular, the data has been assessed in terms of the establishment of varied noise 'zones' to increase community amenity. For the SITG15 event two categories of data sets were analysed being samples taken as a result of calls to the community hotline and additional samples taken by acoustic engineers surrounding the venue where music (event related sound) was audible. In both cases A and C weighted samples were collected.

This data has shown that implementing a varied noise criteria based on two zones (an inner and outer zone arrangement) would mean that the noise criteria proposed for the outer zone could be

reduced from the blanket limits proposed in this modification. The data sets show that the inner zone could be based on a distance of one kilometre from the boundary of the venue property, while the outer zone would cover all areas surrounding the venue (including those with higher housing densities such as South Golden Beach, Fern Beach and North Ocean Shores). All receptors located in the inner zone have formal agreements in place with the venue (or receive tickets to the event) with respect to noise.

At a meeting with the DP&E Officers on 3rd of September 2015 revised noise criteria were proposed based on a zonal arrangement (see **Appendix D**) as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

For the outer zone these newly proposed noise criteria would result in the following change versus the blanket limits provided in the modification as submitted:

- 11am to midnight
 - A-weighted – 65dB(A) down to 60dB(A); and
 - C-weighted – 75dB(C) down to 70dB(C).
- Midnight to 2am

- A-weighted – 55dB(A) down to 50dB(A); and
- C-weighted – 70dB(C) down to 65dB(C).

The following noise zones figures (Figure 1 and 2) illustrate the proposed noise criteria for inner and outer zones.



Figure 1. Maximum measured Leq receptor noise levels, SITG15, dB(C)



Figure 2. Maximum measured LAeq receptor noise levels, SITG15, dB(A)

At the meeting with the DP&E it was proposed that such a zonal arrangement with differing noise criteria would improve the amenity of community members, particularly in those areas where more receptors reside as a result of higher housing densities.

While some noise samples recorded at SITG15 were above the latest proposed inner and outer A and C weighted noise criteria, venue and event management believe that additional on site attenuation and stage orientation, in addition to existing successful stage management practices by events will ensure that future noise emissions shall remain within these proposed noise limits.

Therefore the following revised zonal noise criteria (see **Appendix D**) are now proposed:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and

- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.
- Noise – Please provide further justification for the dB(C) limits proposed using data collected from previous events (i.e. complaints data where bass was specified, monitoring results at residences, etc.). Also include data to support the justification for the proposed limit (i.e. FOH levels, weather conditions, levels at residences).

RESPONSE

As discussed in the previous DP&E response above, during the SITG15 event the number of acoustic engineers per event day/night shift were increased from 3 to 5 engineers to capture a greater number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions (refer Appendix D). In particular, these attended noise samples captured lower frequency data (C-weighted).

What this additional low frequency data from the SITG15 event showed was that the proposed C-weighted noise criteria of 75dB(C) between 11am and midnight and 70dB(C) between midnight and 2am was potentially too intrusive for some receptors, particularly in higher density residential areas. As discussed above, it is now proposed to implement a zonal arrangement (inner and outer zones) with differing noise criteria that will improve the amenity of community members. In particular, reductions in bass frequency noise criteria have been made. For the outer zone the following noise criteria reductions are proposed:

- 11am to midnight
 - A-weighted – 65dB(A) down to 60dB(A); and
 - C-weighted – 75dB(C) down to 70dB(C).
- Midnight to 2am
 - A-weighted – 55dB(A) down to 50dB(A); and
 - C-weighted – 70dB(C) down to 65dB(C).
- Noise – Adjust the units of the dB(C) limits to align with proposed practice in the AMP for Splendour in the Grass 2015 (i.e. Leq, 63Hz).

RESPONSE

Agreed. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Noise – Please provide justification as to how the limits proposed would '... *deliver greater amenity to the surrounding community.*' Justification for maintaining the same bass frequency level from midnight to 2am whilst the corresponding dB(A) value reduces, is requested.

RESPONSE

Based on the significant number of additional noise samples collected during the SITG15 event further analysis was undertaken to determine the appropriateness of the proposed noise criteria, particularly the lower end or bass frequencies.

What this additional low frequency data from the SITG15 event showed was that the proposed C-weighted noise criteria of 75dB(C) between 11am and midnight and 70dB(C) between midnight and 2am was potentially too intrusive for some receptors, particularly in higher density residential areas. As discussed above, it is now proposed to implement a zonal arrangement (inner and outer zones) with differing noise criteria that will improve the amenity of community members.

In particular, reductions in bass frequency noise criteria have been made. For the outer zone the following noise criteria reductions are proposed:

- 11am to midnight:
 - C-weighted – 75dB(C) down to 70dB(C);
- Midnight to 2am:

- C- weighted – 70dB(C) down to 65dB(C).
- Noise – Please confirm how the adverse weather conditions will be measured at the site. In particular the identification of temperature inversions.

RESPONSE

The presence of adverse meteorological conditions will generally be determined in accordance with the methods described in **Appendix E** of the Industrial Noise Policy. Specifically, where possible, the presence of temperature inversions will be established through analysis of sigma-theta in accordance with the Turner Method. It is noted that G class atmospheric stability is typically considered the worst-case conditions due to the possibility of strong temperature inversions occurring. This class was added to the original scheme developed by Pasquill to accommodate extreme stable conditions typically observed in rural areas.

Despite this, moderate and strong temperature inversions can occur in both F class and G class atmospheric stability conditions respectively. As such, it is important that the presence of temperature inversions not be limited to G class conditions in isolation. Rather, the presence of these should be defined to include both F and G class atmospheric stability.

It is noted that this was also recommended in a discussion paper released by NSW EPA (Discussion Paper Validation of Inversion Strength Estimation Method, March 2014), which recommend that the following be included in environmental licenses where allowances are provided for specific atmospheric conditions:

“temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 m/s at 10 metres above ground level”

It is noted that atmospheric stability under the above conditions would be described as F class due to the presence of wind speeds above 3 m/s.

This information will be supplemented, where necessary, with other meteorological data collected at the site meteorological stations combined with subjective observations made by noise monitoring personnel on site.

For example, subjective observations made during the recent SITG 2015 identified the likely presence of an adverse meteorological condition for a period of four hours on 26 July 2015 at approximately 9:30 pm. During this period, ambient temperature increased by 3-4 degrees indicating the presence of a warm air pocket trapped near to ground level by a low level temperature inversion.

After four hours the temperature inversion can be observed to dissipate with ambient temperatures returning to normal. Figure 1 provides a plot of ambient temperature data as measured at the Crabbes Creek monitoring station during this period as an example.

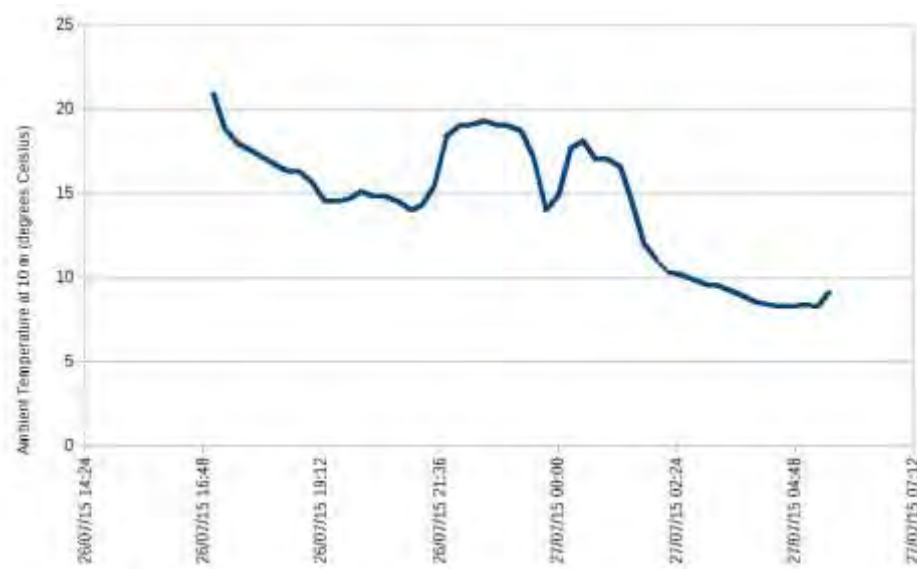


Figure 1 – Crabbes Creek Monitoring Station 26 July 2015

In the above situations, the presence of a temperature inversion is clearly observed. This was also confirmed by on-site monitoring personnel who identified a low level fog coming into the area during this period combined with a sudden increase in temperature. It should be noted that the ability to record detailed subjective observations on site throughout the event provides an additional data source not considered by the NSW INP. This is because the INP was intended to address the identification of adverse meteorological conditions through review of remote monitoring data as it is impractical to have personnel on site for an extended period of time to make direct observations.

In the case of the Parklands venue, experienced monitoring personnel are present on site throughout the event to undertake noise management. It is therefore important that this additional source of data be included in any analysis of the presence of adverse meteorological conditions and the subsequent assessment by the department.

- Noise – The Department notes that typical 'worst case scenario' is G on the Pasqual-Gilford scale, not F. In considering the 'worst case' conditions, please review data and align with the zones as mentioned previously.

RESPONSE

The presence of adverse meteorological conditions will generally be determined in accordance with the methods described in **Appendix E** of the Industrial Noise Policy. Specifically, where possible, the presence of temperature inversions will be established through analysis of sigma-theta in accordance with the Turner Method. It is noted that G class atmospheric stability is typically considered the worst-case conditions due to the possibility of strong temperature inversions occurring. This class was added to the original scheme developed by Pasquill to accommodate extreme stable conditions typically observed in rural areas.

Despite this, moderate and strong temperature inversions can occur in both F class and G class atmospheric stability conditions respectively. As such, it is important that the presence of temperature inversions not be limited to G class conditions in isolation. Rather, the presence of these should be defined to include both F and G class atmospheric stability. It is noted that this was also recommended in a discussion paper released by NSW EPA (Discussion Paper Validation of Inversion Strength Estimation Method, March 2014), which recommend that the following be included in environmental licenses where allowances are provided for specific atmospheric conditions:

“temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 m/s at 10 metres above ground level”

It is noted that atmospheric stability under the above conditions would be described as F class due to the presence of wind speeds above 3 m/s. This information will be supplemented, where necessary, with other meteorological data collected at the site meteorological stations combined with subjective observations made by noise monitoring personnel on site.

- Ecology – States that ... *'restoration undertaken to date (. . .) is well beyond the requirements of the consent conditions'* - please provide detailed information to support this statement, particularly in relation to aspects that area requested to be modified.

RESPONSE

The statement refers to progress made in relation to the project's habitat restoration plan. Currently in its third year, Parklands committed to implement the revised ecological structure plan over ten years with a minimum of 5% of the plan implemented each year. Based on the investment in habitat restoration to date and the progress documented in the annual habitat restoration reports, more than the minimum 5% per annum has been achieved. Details of the progress of Parklands Habitat Restoration Program have been provided to the DP&E included in both annual Performance Reports submitted to date.

It should be clear that no modification to this plan has been requested and the balance of the restoration works will be implemented within the timeframes committed to.

- Traffic - In relation to small community trial events, please provide additional data and analysis to ensure that 3000 vehicles would not result in impacts to the surrounding road network without any traffic controls.

RESPONSE

Greg Alderson and Associates (Traffic Engineers) were engaged to undertake additional Traffic Impact Assessment (TIA) to specifically address the matters raised by DP&E and RMS (**Appendix C**). As part of the TIA (refer **Appendix C**), analysis of traffic surveys collected at a wide range of festivals, trade shows and a sporting field shows that small events have the potential to create concentrated peaks in event traffic, which could temporarily cause congestion at the Yelgun Interchange and Link Road intersection. This congestion could occur both during arrival and departure.

The TIA shows that the traffic load on the Yelgun Interchange and Link Road intersection during events such as fairs and non-music camping events is acceptable. Level of Service and queue lengths comply with the current consent traffic KPI's (C10) for events up to 3,000 patrons.

Other events however, such as trade shows, non-music festivals and cinema events (due to more defined start and finish times) could cause congestion at the Link Road intersection during arrival, with the potential of queuing on the motorway off ramps and onto the motorway in some situations. During departure, the right turn from Tweed Valley Way onto the Link Road could also become congested. For events with a defined start and finish time, these traffic aspects could be mitigated as follows:

- Option A: for a 3,000 patron event, at least 50% of patrons would have to arrive by bus, or;
- Option B: a maximum patronage of 1,500 patrons is set for these events.

Parklands are happy to commit to such traffic management strategies for small community trial events. Greg Alderson and Associates consulted with RMS (Grafton Office) on the 4th of August 2015 regarding the TIA and advised that THE RMS had no issues with the findings within this report.

- Table 2.1 - Please include operating hours with this table.

RESPONSE

Table 2.1 has been modified as requested below:

Each of the winery venues has up to 12 concerts per annum. The Royal Botanical Gardens has 15 or more events per annum and the sports stadiums have approximately 6 - 10 concerts per year.

TABLE 2.1 SUMMARY OF A-WEIGHTED NOISE LIMITS FOR OUTDOOR ENTERTAINMENT EVENTS

Event - Name, Location, Date, Operating Times	Locality	Noise Limits	Complaints, measured levels, treatments, comments on criteria
Multiple Day Camping Events			
Falls Festival (Lorne, VIC) 28 th December 2014 to 1 st January 2015 Five Day Event (11am – 2am)	Rural Surf Coast Shire	<ul style="list-style-type: none"> • 11am to 11pm – 65 dB(A) Leq at the residence • 11pm to 2am – 55 dB(A) Leq at the residence 	No complaints
Falls Festival (Marion Bay, TAS) 29 th December 2014 to 1 st January 2015 Four Day Event (11am to 6am)	Rural Sorrell Council	<ul style="list-style-type: none"> • 11am to 11pm – 65 dB(A) Leq at the residence • 11pm to 2am – 55 dB(A) Leq at the residence • 2am to 6am – 40 dB(A) Leq at the residence 	One Complaint
Splendour in the Grass (Woodford QLD) Four Day Event 28 th July to 31 st July 2011 (24 hours)	Rural Moreton Bay Regional Council	<ul style="list-style-type: none"> • 11am to midnight – 60 dB(A) Leq at the residence • Midnight to 2am – 50 dB(A) at the residence 	4 complaints
Woodford Folk Festival (Woodford QLD) 27 December 2014 to 1 st	Rural Moreton Bay Regional Council	<ul style="list-style-type: none"> • 11am to midnight – 60 dB(A) Leq at the residence • Midnight to 2am – 50 dB(A) at the 	No complaints

Event - Name, Location, Date, Operating Times	Locality	Noise Limits	Complaints, measured levels, treatments, comments on criteria
January 2015 Six Day Event (10am to 2.00am)		residence	
Event - Name, Location, Date, Operating Times	Locality	Noise Limits	Complaints, measured levels, treatments, comments on criteria
Multi Single Day Event Venues (up to 12 Events per Annum)			
Shore Thing (Bondi Beach, NSW) 31 December 2014 (3pm to 2am)	High Density Residential Waverley Council	75 dB LAmax at the residence	Two complaints
A Day on the Green Bimbardgen Estate Winery (Pokolbin, NSW) 24 March 2014 (2:00pm – 9:30pm)	Rural Residential, Cessnock City Council	LAmx 65 dB(A) (Note: Applied noise limits from NSW Noise Guide for Local Government (2011). Original background plus noise limits in accordance with NSW Industrial Noise Policy referenced in development approval and later amended as considered too low.)	No complaints
A Day on the Green Centennial Vineyards (Bowral, NSW) 11 November 2012 (12:30pm – 8:30pm)	Rural Residential, Wingecarribee Shire Council	LAeq 65dB(A)	No complaints
A Day on the Green Sirromet Winery (Mt Cotton, QLD) 30 March 2014 (12 pm – 8:30 pm) 29 March 2015 (1:30pm – 8:30pm)	Rural Residential, Redland City Council	LAeq 70 dB(A) Note: Noise limits as specified in Environmental Protection Act 1994	No complaints
A Day on the Green The Hill Winery (Waurin Ponds, VIC) 16 February 2013 (2:00pm – 9:30pm)	Rural Residential, Greater Geelong City Council	LAeq 65 dB(A) outdoors and 55 dB(A) indoors. Note: Noise limits as specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.	No complaints
St Jerome's Laneway Festival Rozelle Hospital Grounds (Sydney, NSW)	Urban City, Leichardt City Council	LAmx 75 dB(A) (Note: Applied noise limits from NSW Noise Guide for Local Government (2011)).	No complaints

Event - Name, Location, Date, Operating Times	Locality	Noise Limits	Complaints, measured levels, treatments, comments on criteria
2 February 2013 (12:00pm – 11:00pm) Club/internal music (11:00am – 1:30am)			
St Jerome's Laneway Festival Rozelle Hospital Grounds (Sydney, NSW) 2 February 2014 (11:00am – 11:00pm)	Urban City, Leichardt City Council	LAm _{ax} 65 dB(A)	3 complaints received: 3 were within limits and 1 over limits. Noise levels reduced when limits exceeded.
Foo Fighters Sydney Football Stadium (Moore Park, NSW) 8 December 2011 (12:00pm – 10:30pm)	Urban City Operates under venue NMP	LAm _{ax} 80 dB(A)	1 complaint
Sydney Festival (Parramatta, NSW) 21 January 2012 (6:00pm - Midnight)	Urban City, Parramatta City Council	LAm _{ax} 75 dB(A) (Note: Applied noise limits from NSW Noise Guide for Local Government (2011)).	No complaints
Field Day (Domain of the Sydney Royal Botanical Gardens) 31 December 2013 (3:30pm – 4:30pm) and 1 January 2014 (11:00am – 10:30pm)	City, South Sydney City Council	LAm _{ax} 70 dB(A)	3 complaints during event, 1 the following day
Bliss n Eso (Domain of the Sydney Royal Botanical Gardens) 16 and 17 April 2014 Rehearsal (1:00pm – 5:00pm) Event (5:00pm – 10:15pm)	City, South Sydney City Council	LAm _{ax} 70 dB(A)	9 complaints relating to noise as the event was held on a business day.
Foo Fighters Metcon Stadium (Carrara, QLD) 10 December 2011 Sound checks / Rehearsal (11:30am – 2:00pm) Event (4:00pm – 10:00pm)	Urban, Gold Coast City Council	LA _{eq} 70 dB(A). Note: Noise limits as specified in Environmental Protection Act 1994	8 complaints received (6 were measured and all were well within the noise limit)

- Table 2.2 - Please review adverse weather condition data and align with zone limits.

RESPONSE

Table 2.2 employed worst-case conditions with source to receptor winds as described in the ISO standard. The implementation of the Concawe meteorological algorithms within the ISO standard calculation procedure will, in most cases result in a slight reduction of receptor noise levels as a result of the way it is implemented. As such, the data presented in Table 2.2 is considered to be representative of worst-case predicted receptor noise levels. It is noted that comparison of these predicted receptor noise levels with those observed for past events held at Parklands has indicated that the predictions are conservative and typically not exceeded.

- Recommend additional clarification on what stipulates a small community event in definition.

RESPONSE

It is agreed that the definition of *small community trial event* could be expanded to better stipulate the nature of these events. The attached consent document markup (**Appendix A**) includes a change of definition as follows:

Small community trial event is a non-music focused event, such as a trade show, fun-run, food fair, school carnival, moonlight cinema and the like with up to 3,000 patrons.

- Also, 'small community *trial* event'.

RESPONSE

It is agreed that this definition should include the word “trial”. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition B3 – Noise Restrictions - Recommend inclusion of limits. Recommend that these be outlined in terms of 'zones'.

RESPONSE

As responded to above, Parklands now propose to adopt the following zonal noise criteria:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and

- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

It is proposed that these zonal noise criteria (see **Appendix D**) are inserted in consent condition C16 – Noise Management Plan. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition B4 - Traffic Management and car parking. Please include justification for use of the southern car park for events of 10,000 patrons.

RESPONSE

Given the Departments apparent reticence concerning this change, this proposed amendment has been withdrawn.

- Condition B5 - Timing and duration of trial events. Please clarify the inconsistency with Condition C57.

RESPONSE

Parklands concur with the need to have timing and duration consistent and Condition C57 has been amended to accord with our requested modification for condition B5.

- Condition B6 – Campers. Please include justification for the increased camper arrival and departure days. Why is this considered to be necessary?

RESPONSE

From a best practice traffic management perspective allowing camping patrons to arrive onsite up to two days prior to the first event day reduces traffic arrival peaks (particularly on the day prior to the first event day). Typically 10-15% of camping patrons will arrive on this first camper arrival day. To date each event has nominated an additional “event day” as part of the event dates approval process with the DP&E. Effectively this arrangement allows events an extra day to accept camping patrons. For example, the SITG event is a three-day event, however to better manage camper arrivals and traffic flows four event days are sought from the DP&E (being Thursday, Friday, Saturday and Sunday). This arrangement thereby allows camper arrivals to commence on the Wednesday. Allowing the three additional camper arrival days means that approved event days (being a maximum of 10 days) can be allocated specifically for days that events operate rather than for the provision of camper arrivals. Note there would be no increase to camper departure days (i.e. a maximum of three departure days would remain static).

- Condition C8 - Event Management Plan. Please include justification as to why an event management plan is not required for each trial event.

RESPONSE

An Event Management Plan is required for all small, medium and large trial events as currently defined in the approved Concept and Project Approvals issued by the PAC. However, an Event Management Plan is not deemed necessary for a small community trial event. The cost to produce an Event Management Plan for a small community event (i.e. community fun run) would be prohibitive and would likely result in the event not proceeding. The level of detail required in an Event Management Plan is not necessary for small community events and for this reason Condition C8 is proposed to be amended to allow this to occur.

- Condition C10 - Traffic Control Plan - Please obtain confirmation from RMS and Council that they are both satisfied with this approach.

RESPONSE

Both RMS and Council have been consulted regarding the proposed amendments to the Traffic Control Plan. The changes reflect agreement from both parties regarding their respective roles in the endorsement of TCPs and approving of reduced speed zones and special event clearways. This is also

why neither Council nor the RMS raised any issues or comments in the response to the Modification during public exhibition covering these aspects.

- Condition C15 - Speed Changes - Please obtain confirmation from RMS and Council that they are both satisfied with this approach.

RESPONSE

Council is the approving authority for any speed changes of the surrounding local road network. Both RMS and Council have been consulted regarding the proposed amendments to C15. The changes reflect agreement from both parties regarding which agency is responsible for approving speed changes on surrounding roads. This is also why neither Council nor the RMS raised any issues or comments in the response to the Modification during public exhibition covering speed change approvals.

- Condition C16 - Noise Management Plan Please consider the inclusion of zones which detail the differing requirements.

RESPONSE

As responded to above, Parklands now propose to adopt the following zonal noise criteria:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and

- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

It is proposed that these zonal noise criteria (see **Appendix D**) are inserted in consent condition C16 – Noise Management Plan. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition C16 - Noise Management Plan Please review units of dB(C) limits.

RESPONSE

Parklands has adjusted the units of the dB(C) limits to align with proposed practice in the AMP for Splendour in the Grass 2015 (i.e. Leq, 63Hz). The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition C16 - Noise Management Plan - Recommend review of the INP re: adverse weather conditions (i.e. should be defined as 'G-class weather events').

RESPONSE

The presence of adverse meteorological conditions will generally be determined in accordance with the methods described in **Appendix E** of the Industrial Noise Policy. Specifically, where possible, the presence of temperature inversions will be established through analysis of sigma-theta in accordance with the Turner Method.

It is noted that G class atmospheric stability is typically considered the worst-case conditions due to the possibility of strong temperature inversions occurring.

This class was added to the original scheme developed by Pasquill to accommodate extreme stable conditions typically observed in rural areas. Despite this, moderate and strong temperature inversions can occur in both F class and G class atmospheric stability conditions respectively. As such, it is important that the presence of temperature inversions not be limited to G class conditions in isolation.

Rather, the presence of these should be defined to include both F and G class atmospheric stability. It is noted that this was also recommended in a discussion paper released by NSW EPA (Discussion Paper Validation of Inversion Strength Estimation Method, March 2014), which recommend that the following be included in environmental licenses where allowances are provided for specific atmospheric conditions:

“temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 m/s at 10 metres above ground level”

It is noted that atmospheric stability under the above conditions would be described as F class due to the presence of wind speeds above 3 m/s.

This information will be supplemented, where necessary, with other meteorological data collected at the site meteorological stations combined with subjective observations made by noise monitoring personnel on site.

- Numbering of conditions (from C16 in Annexure A) should be reviewed as they do not align with the existing approval from this point forward

RESPONSE

The consent mark-up (**Appendix A**) has been amended to reflect this change. Parklands apologises for this typographical error.

- Condition C17 - Acoustic Monitoring Program - In relation to the statement '*where no noise agreement is in place*' - the Department assumes that the limits proposed are for those residents with agreements and that there would be different limits for others. The Department recommends providing means to delineate zones to enable this to be more accurately defined and managed by Parklands

RESPONSE

As responded to above, Parklands now propose to adopt the following zonal noise criteria:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

It is proposed that these zonal noise criteria are inserted in consent condition C16 – Noise Management Plan. Events are required to develop their Acoustic Monitoring Program (AMP) in line with the requirements of the approved Noise Management Plan (including the noise criteria). The AMP is consulted with members of the Regulatory Working Group (RWG) prior to being forwarded to the Secretary for approval. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition C18 - Noise Mitigation - '*over more than two consecutive events*'. The Department requests that this be justified.

RESPONSE

Currently this noise mitigation condition can be triggered by any “sensitive receiver identified in the NMP or AMP or the landowner of a residence where subsequent noise monitoring shows that the noise generated by activities onsite is greater than the specified noise criteria”. Such a requirement means that an event may breach the specified noise criteria, for example, as a result of a particular meteorological condition such as a strong source to receiver wind or temperature inversion.

With Parklands now adopting a zonal noise criteria arrangement as suggested by the DP&E it now seems appropriate that this condition be applied to the “inner zone” given sensitive receivers in this zone have higher noise criteria as a result of their proximity to the venue.

The reasoning behind modifying this condition to include '*over more than two consecutive events*' allows such adverse meteorological conditions to be taken into account and also allows the event to implement additional onsite noise mitigation measures to address any elevated noise emissions relating to an affected sensitive receiver.

As such it is proposed that C18 be worded as follows:

“Upon receiving a written request from any sensitive receiver located in the Inner Zone as depicted in the approved NMP, where subsequent noise monitoring shows that the noise generated by activities onsite is:

- a) Greater than the specified inner zone noise criteria;
- b) Is sustained in duration for that event (i.e. a minimum of 3 x 10 minute samples on any given event day) and
- c) That such inner zone noise criteria exceedances have occurred over at least two consecutive events;

The proponent shall implement additional noise mitigation measures at the residence in consultation and agreement with the landowner. Mitigation measures may be in the form of double glazing, secondary glazing of ‘weak’ areas, insulation and must be reasonable and feasible. If within three (3) months of receiving this request from the landowner, the proponent and landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution”.

- Condition C20 - Updated Koala Plan of Management - '*if a resident population of koalas becomes established ...* 'Please justify this addition through indicating the surveys that have been undertaken to indicate that there is no resident koala population.

RESPONSE

The following whole of property Koala surveys have been carried out:

- Yelgun Koala Survey (SEPP 44 Assessment) & Koala Plan of Management, July 2007;

- Byron Coastal Koala Habitat Survey, March 2012 (Biolink undertook searches across Parklands as part of this Council initiated assessment);
- SEPP No. 44 Koala Survey/Habitat Reassessment, April 2013;
- Koala Habitat Assessment, March 2014; and
- Biennial Fauna Survey Report, October 2014;

These assessments are in addition to the fauna and flora monitoring program survey and assessments which are carried out one month before, during and one month after an event held at Parklands. To date these assessments have been undertaken covering SITG2013, FFB13/14, SITG2014, FFB14/15 and SITG2015.

No sightings of any Koala or Koalas at Parklands have ever been made during any of these extensive whole of property surveys and/or before/during/after event monitoring programs. Eight years of assessments have identified a single Koala on this site, let alone a “resident population”.

- Condition C25 - Bushfire Emergency Evacuation Plan - Please clarify the frequency that this would be undertaken.

RESPONSE

Prior to any small, medium or large event taking place. The consent mark-up (**Appendix A**) has been amended to reflect this change.

- Condition C37 - Erection of Temporary Structures - Provide further detail of the works that would be undertaken outside of 'daylight hours' and detail of how these works would be undertaken to ensure that they would not generate disturbance.

RESPONSE

The following work can be undertaken inside erected facilities but outside of daylight hours. The following activities set out below do not create noise or light emissions sufficient to generate disturbance.

- Electrical wiring;
- Painting;
- Erection of acoustic drapes;
- Office administration activities;

- Cleaning;
 - Emergency sign installations;
 - Food preparation for workers;
 - Installation of fire safety equipment (i.e. extinguishers, etc);
 - Art installations;
 - Décor; and
 - Other similarly quiet preparatory activities.
- Condition C41 - Positioning of Event Stages and Sound Equipment - Please provide further justification on the removal of this condition

RESPONSE

This information is currently captured in both the Noise Management Plan and event specific Acoustic Monitoring Programs. Condition C41 is an unnecessary duplication of the requirements already captured in C16 and C17 of the project approval.

- Condition C42 - Acoustic Monitoring - Please provide further justification for the removal of specific elements within this condition

RESPONSE

This information is currently captured in event specific Acoustic Monitoring Programs approved by the DP&E. Condition C42 is an unnecessary duplication of the requirements already captured in C17 of the project approval.

- Condition C51 - Emergency Evacuation Plans - Please provide information on locations where these plans could be installed to provide patrons with adequate information in the event of an emergency.

RESPONSE

It is not considered appropriate to provide predetermined evacuation routes or locations to patrons. Each emergency will have its own specific characteristics and the assigned emergency managers will determine the specific evacuation circumstances for that emergency event. For example, bushfire evacuation routes will be very different to flood evacuation routes (one heads for the lowland open

spaces while the other directs patrons to the higher more forested areas of the venue). The evacuation commands will then be distributed by means of the established chain of command.

During a cultural event at the site, the specific Event Management Plan for that event contains detailed response procedures for emergency management, including emergency evacuation.

Emergency management during a large event has the following characteristics:

- Centralised Communications Model;
- On site Event Management Centre (EMC);
- Assigned primary assembly area;
- On site weather station & METEYE data with BOM Special Weather Fire Forecasting Service providing site specific real time FDI data;
- Network of Security officers positions across the site to provide situation reports to the EMC during an emergency;
- 24 hours Event Security Coverage; and
- Extensive traffic control contingency plans to allow priority for emergency services.



Image of EMC at Splendour in the Grass event at North Byron Parklands July 2015

The human resources available on site to respond to an emergency coordinated by the EMC includes:

- On site police with Police Command Centre;
- RFS Command Centre (subject to consultation with and agreement by the RFS Far North Coast Team);
- Private medical provider with doctors, Registered Nurses and Paramedics;

- Up to 325 security personnel including fire wardens providing internal and external security;
- Over 300 staff including fire wardens in camping areas; and
- All event and camping zone areas are managed and supervised by fire wardens.



Image of primary Medical Centre entrance at Splendour in the Grass event at North Byron Parklands July 2015

Emergency responses including evacuations are coordinated by the onsite Event Management Centre. The EMC is staffed with security, first aid, together with NSW Police. The EMC implements the Event Risk Assessment and Emergency Evacuation Plan that is a coordinated plan incorporating plans such as the flood and bushfire evacuation plans.

- Commitment A111 - Ecological Impact Review - Please provide further justification for the removal of this commitment

RESPONSE

The requirements of the ecological impact review have been incorporated into the Performance Report submitted annually to the Department. Included in the Performance Report is a review of environmental performance against consent conditions, Parklands Environmental Health and Safety Management Manual and event specific Event Management Manual requirements. Specific environmental aspects covered in the Performance report include:

- Impact prediction and performance;
- Habitat restoration program;
- Summary of monitoring results; and
- Flora and fauna trends.

Comprehensive environmental documentation covering environmental monitoring, analysis and performance assessment are included in the Performance Report including:

- Specific Environmental Performance reports for events in the calendar year being reported against;
- Results and analysis of event impact monitoring data;
- Permanent photo point vegetation assessment; and
- Biennial fauna survey (depending on timing).

The performance report is consulted with members of the RWG and the final report is made available to members of the public via the Parklands website.

- Commitment C3 - Managing demand on emergency and local services - Please provide further justification for the removal of ambulance services

RESPONSE

The term “major event” is not defined in the current project approval. The proponent used the term “major event” in its original environmental assessment to define events greater than 35,000 patrons. The current project approval does not allow events greater than 35,000 patrons. Therefore the request to remove this commitment.

- Commitment C8 - Transport and Traffic Management - This differs from Condition B4

RESPONSE

The only aspect that differs from Condition B4 is in relation to the Level of Service (LoS) along the Tweed Valley Way (B4 says LoS C). Parklands met with the RMS regarding this requirement and it was agreed that the more appropriate performance indicator was LoS D. Parklands has written correspondence from RMS to this effect.

- Commitment C8 - Transport and Traffic Management - Please provide justification for removal of public transport mode share commitments

RESPONSE

The public transport mode share commitments made under Commitment C8 relate to “70% and 100% capacity events”. The proponent used the terms “70% and 100% capacity events” in its original

environmental assessment to define events greater than 35,000 patrons when it was seeking a maximum capacity of 50,000. The current project approval does not allow events greater than 35,000 patrons. This requirement should have been removed when the PAC modified the approval and provided the current trial approval. Therefore the request to remove this commitment.

- Commitment C9 - Environmental Management - Please provide further justification regarding the deletion of the following “implementation of environmental repair works”

RESPONSE

The reference to environmental repair works under Commitment C9 refers to works described in B12 of the current Project Approval. The B series of commitments related to the construction phase of the project and have been fully implemented.

The Private Certifying Authority responsible for the construction works signed off on these works as part of the completed construction certificate. As such, this Commitment is no longer required.

- Commitment C9 - Environmental Management - - Please provide further justification regarding the deletion of the following “direction of event lighting”.

RESPONSE

The issue of event lighting and its direction is adequately covered under Commitment C9 (13).

- Commitment C9 - Environmental Management - Please provide further justification regarding the deletion of the following “types of lights”.

RESPONSE

Commitment C9 (8) referred to the “use of low-pressure sodium vapour lights which are less attractive to insects or bats, where possible”. Unfortunately the “market” reality is that there is no supplier in Australia that provides low-pressure sodium vapour light towers. As such it is not possible to provide this type of lighting.

- Commitment C9 - Environmental Management - Please provide justification for the inclusion of' ... overhead lighting should be (...) directed downwards, where possible'

RESPONSE

The primary purpose of lighting is to provide a high level of safety to patrons and staff. In some cases, safety has been compromised due to the requirement to either direct lighting in a certain way and/or the provision of certain numbers of lighting towers being limited in order to meet environmental requirements. As such, the proponent is seeking the ability to manage lighting in a manner that does not compromise safety and which, where possible, can meet the requirements that support better environmental outcomes. Safety of patrons and staff is the number one priority of Parklands.

- Commitment C11 - Wastewater Management - Please provide justification for the removal of part 12.

RESPONSE

Parklands will retain part 12 of Commitment C11.

- Commitment C12 - Fire Management - Please provide justification for not seeking approval of managed fires prior to each event.

RESPONSE

Managed bonfires are only utilised in the non-bushfire season. Details of proposed bonfires and their locations are included in each Bushfire Emergency Evacuation Plan (BEEP), which is reviewed by members of the RWG prior to being submitted to the Local Emergency Management Committee for endorsement. Parklands has also developed a Bonfire Management Procedure (NBP Procedure 004) as part of its Environmental Health and Safety Management Manual and this procedure will be included in all future BEEPs. The procedure has been presented to the Rural Fire Service (RFS) for their consideration and all comments received have been incorporated into the final document. The procedure covers the following points:

- Pre-event bonfire activities;
- Bonfire management during an event;
- Extinguishment of bonfires; and
- Post-event activities.

As such the RFS will still be required to provide their approval covering bonfires as part of the BEEP approval process.

- Commitment C12 - Fire Management - Please provide justification for the removal of the requirement to engage RFS staff at each event.

RESPONSE

Parklands have developed a strong working relationship with the NSW Rural Fire Service. The statement that “Rural Fire Service personnel shall be engaged for the duration of the event” is not enforceable by Parklands. While Parklands has been fortunate that RFS has been present for all events to date, this has always been and always will be on the basis of their operational capacity at the time. The RFS have communicated with Parklands that if due to operational constraints they were unable to provide an onsite presence, they would always respond to a fire incident in exactly the same manner that they provide fire protection to the rest of the community.

As this requirement is not enforceable it is requested that it be removed or changed to “Rural Fire Service personnel will be engaged for the duration of the event subject to operational constraints”.

- Commitment C12 - Fire Management - Please provide justification as to the removal of the elements specific to each event

RESPONSE

The terms “major event” is not defined in the current project approval. The proponent used the term “major event” in its original environmental assessment to define events greater than 35,000 patrons. The current project approval does not allow events greater than 35,000 patrons. Therefore the request to remove this point under C12.

- Commitment C14 - Noise Management - Please provide additional justification for the removal of these commitments (aside from inclusion in management plans).

RESPONSE

The purpose of revising this commitment was to achieve greater consistency with the current project approval. In many cases the original commitments were based on the proponent expecting to receive noise criteria similar to those issued to other outdoor events in NSW and Australia. As clearly stated in Condition A5 of the Project Approval (A5(a)) in the event of any inconsistency between “the conditions of this approval and the Statement of Commitments included at Schedule 3, the conditions of this approval prevail”. As such every attempt has been made to include various commitments (that do not conflict with the current approval outlined) in C14 within either the Noise Management Plan or the event specific Acoustic Monitoring Program. Those that clearly conflict

with the current project approval (i.e. “After midnight achieve a 55dB(A) level outside bedroom windows”) are being requested to be removed.

- Project Description (under the Concept Plan) - Addition of demountable - this is not consistent with the project approval.

RESPONSE

It is agreed that the insertion of “demountable” needs to be consistent between the concept approval and the project approval. Parklands have corrected this in the attached post-exhibition updates to the modifications sought.

- Definitions (under the Concept Plan) - 'small community trial event'

RESPONSE

The small community trial event definition has been changed as discussed above.

- Definitions (under the Concept Plan) - Consistency with modifications requested within the Project Approval. Please review.

RESPONSE

We have completed a review of the modifications to the Project Approval against the Concept Plan Approval and the following additional changes were undertaken to harmonise the two approvals:

- Correct quantum for small trial event;
- Correct quantum for medium trial event; and
- Correct quantum for large trial event.

Department of Environment, Canberra ACT (119308)

By Letter of 3rd July 2015, the Federal Department of the Environment wrote:

I write in response to your request for submissions into modification request MP09_0028 MOD 3, Cultural Events Site North Byron Parklands Yelgun NSW. On 22 October 2012, a delegate of the Minister for the Environment gave notice of a Non- Controlled Action Particular Manner (NCAPM) decision under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to The Trustee for the Billinudgel Property Trust for the operation of cultural events at the North Byron Parklands, Yelgun. Under section 77A of the EPBC Act, actions subject to a NCAPM decision must be

undertaken in a manner consistent with the particular manners attached to that decision. Particular manner 4 of the EPBC decision specifies:

Noise levels must be continually monitored for the duration of events, at three points along the Jones Road boundary with the Billinudgel Nature Reserve, as defined at Appendix 1. Noise levels at these monitoring points must not exceed 65 dB(A).

The modification request seeks a tolerance of 5 dB over 65 dB(A) maximum noise limits under certain circumstances. The Department of the Environment seeks clarification as to how this requested tolerance relates to monitoring locations; specifically how it applies to the monitoring points along the Jones Road boundary with the Billinudgel Nature Reserve, as defined at Appendix 1 of the EPBC decision. I thank you for providing the opportunity to comment on the requested modification.

RESPONSE

The modification seeks a tolerance of 5dB(A) over 65dB(A) maximum noise limits under certain circumstances (i.e. adverse meteorological conditions) with respect to “sensitive receptors” as defined in the existing project approval (i.e. residence, education institution, health care facility and/or religious facility). The three monitoring points along the Jones Road boundary within the Billinudgel Nature Reserve, as defined at Appendix 1 are not affected by this request for tolerance (i.e. the maximum noise limit for these locations will remain at 65dB(A)).

Tweed Shire Council, Murwillumbah NSW (118703)

By email response the Tweed Shire Council made the following comments:

I refer to your email below requesting comments from Tweed Shire Council in relation to the proposed modifications to the approval for Cultural Events Site, North Byron Parklands, Yelgun (MP09_0028 MOD 3). From a planning and engineering perspective, no issues are raised. The following comments are raised by Council's Environmental Health Unit: PART B - Definitions

- No objections are raised to the proposed changes to the definitions of large, medium and small trial event.

RESPONSE

Noted.

- No objection to the addition of the definition of small community event, however due to the matter of outdoor cinema events having amplified sound inclusive of low frequency element, it is recommended that these events be included within the small trial event.

RESPONSE

Noted.

PART C - Conditions that apply to the trial

- Tweed Shire Council has concerns with regard to the proposed removal of C16 (1). During the trial period it is not considered appropriate to remove the requirement to consider background noise levels. The Review of Noise Limits FINAL report prepared by Air Noise Environment dated April 2015 has not presented the background noise data, as conditionally required, in a format as stipulated within the NSW Industry Noise Policy across the 3 periods: day, evening and night. An understanding of the background vs exposure levels will aid in understanding the level of disturbance experienced by the community in relation to background levels. The introduction of considering low frequency monitoring would also aid in the understanding of comparisons. Sleep disturbance in particular is considered an issue where the level of exposure, measured LA1, 1 min, is 15 dB(A) above background, LA90, 15 min, measured outside of the bedroom window.

RESPONSE

Noted. It appears that the Environmental Health Officer who has prepared the response by Tweed Shire Council may have misunderstood the intent of Modification 3. That is, to move away from a background noise criteria regime to one of absolute limits (both A and C weighted) at affected boundaries. The Review of Noise Limits FINAL report prepared by Air Noise Environment dated April 2015 is not “conditionally required” to present background noise data, rather the report was prepared specifically for this modification and to demonstrate that by setting noise criteria for the currently unregulated C-weighted frequencies, this would improve overall community amenity.

- Concern is also raised with regard to the proposed amendment of C16 (2). The report provided does not present proposed limits in comparison of complaints received and details of the noise exposure levels that triggered the complaints. Would it be that the proposed limits are below the noise exposure experienced that trigger complaints?

RESPONSE

The Review of Noise Limits FINAL report prepared by Air Noise Environment dated April 2015 focused significantly on data captured by the community hotline covering 4 events held at North Byron Parklands. The resulting analysis highlighted that a majority of calls to the community hotline were in response to bottom end or C-weighted sound. To address this issue the modification seeks to establish C-weighted noise criteria. The current trial approval does not have any such bottom end limits.

- There is also very little commentary on the potential for sleep disturbance and the noise exposure limits set in consideration of the duration of the event. People exposed to low-level noise that is audible, unwanted, uncontrollable, unpleasant in character and if the home provides no refuge from it have the potential to become highly stressed. Sleep arousal is also a function of both noise level and the duration of the noise. Note: It is generally agreed speech interference levels starts at around 50 dB(A) for octave bands centred on the main frequencies 500 Hz, 1 kHz and 2 kHz. For normal speech communications at a distance of approximately 1 m, a background noise of no more than 45 dB(A) is preferable, 55 dB(A) is just acceptable and 65 dB(A) will require extra vocal effort to be understood. The limits proposed, if deemed adequate for the remainder of the trial period, should be "and" not "or" in 3(a) and (b) with the time period of measurement being 15mins, not 10mins, in line with standard practice.

RESPONSE

After analysing data from SITG15 and consulting with the DP&E, Parklands now proposes the following zonal noise criteria:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10-minutes or 75dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10-minutes or 70dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10-minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

With respect to changing C16 from “or” to “and” Parklands believes it is important to comply with both A and C weighted noise criteria. Using “or” instead of “and” achieves this requirement.

Regarding the sampling period, the Regulatory Working Group members requested 10-minute time sample periods to allow more measurements to be taken. This change was also consulted with the NSW EPA, who while not the regulator for noise, have provided written advice that they have no objection to this sampling time period.

Office of Environment and Heritage, Coffs Harbour NSW (119471)

By letter dated 7th July 2015 the Office of Environment and Heritage made the following comments: Thank you for your letter dated 3 June 2015 requesting comment from the Office of Environment and Heritage (OEH) in relation to the proposed modification for the Cultural Events Site at North Byron Parklands in Yelgun. I appreciate the opportunity to provide input and apologise for the delay in responding. Although most of the proposed amendments in the modification request appear minor, the accumulation of the amendments result in an intensification of the existing approval and the use of the site. This is likely to increase direct and indirect impacts on biodiversity. The impacts

on biodiversity associated with the operational activities at the site are well documented within the existing approval documents.

- We note that the existing approval requires the rehabilitation of cleared lands, rehabilitation of existing native vegetation areas, and dedication of lands to OEH for addition to the National Park Estate. These areas are generally depicted within the Ecological Structure Plan which forms part of the existing approval documents. OEH acknowledges that some work in line with the Ecological Structure Plan has been implemented by the proponent. However, the exact scope and timing of implementing the Ecological Structure Plan and other rehabilitation works are currently not clearly defined in enough detail to enable accurate auditing of the existing approval conditions.

RESPONSE

Parklands have since provided documentation to OEH highlighting the habitat restoration works to date. Further, Parklands met with Mr Krister Waern from OEH and the Parklands Bush Regeneration Manager and undertook a comprehensive site tour. During this tour the Officer was shown the extensive level of tree plantings and naturally occurring regeneration (as a result of cattle removal) across the site and in line with the Vegetation Management and Biodiversity Plan. The Officer confirmed that the habitat restoration works were important in terms of improving previously cleared lands. Parklands have agreed to quantify habitat restoration works undertaken to date as part of its ongoing habitat restoration reports generated each year.

- We consider that further increases in rehabilitation efforts should be implemented to absorb potential biodiversity impacts associated with the proposed intensification of the existing approval via the modification. To achieve this, any approval for this proposed modification should include conditions that clarify the requirements for rehabilitating the site and ensure these works are appropriately implemented for the remainder of the trial approval period.

OEH recommends the following conditions of approval for the modification proposal:

1. North Byron Parklands must develop an implementation schedule for all works associated with the Ecological Structure Plan and the current approval documents in consultation with the Regulatory Working Group and OEH.
2. The works to be implemented under the Ecological Structure Plan must be detailed in the implementation schedule for the remainder of the approved five year trial period.
3. The implementation schedule must be finalised to the satisfaction of the Department of Planning and Environment by 30 September 2015.

4. All works identified in the finalised implementation schedule must be completed by 31 December 2017.

RESPONSE

Parklands has a Habitat Restoration plan that has been reviewed by the Regulatory Working Group and which is three years into a ten-year plan. To date this program has significantly improved habitat values across key areas of the site and is considered to be well documented and managed. Based on the investment in habitat restoration to date and the progress documented in the annual habitat restoration reports, Parklands is on track to undertake the balance of the restoration works within the timeframes originally committed to. Parklands have agreed to quantify habitat restoration works undertaken to date as part of its ongoing habitat restoration reports generated each year.

Byron Shire Council, Mullumbimby NSW (118824)

By way of email the Byron Shire Council made the following comments:

- * Byron Shire Council acknowledges that the Department of Planning and Environment is the consent authority for the proposal and should therefore consider all impacts arising from the modifications.
- * Noise impacts associated with the event site is a key community issue. Council is particularly concerned with conditions that relate to noise levels as Council has received a number of complaints from the surrounding residents in relation to previous events.
- * Council understands that it is the Department of Planning and Environment's role to enforce the conditions of the development approval, including noise monitoring.
- * The Department of Planning and Environment should not support the modifications unless satisfied that the proposal will not result in significant adverse impacts on the natural and built environments and the amenity of the locality.
- * If the proposal is supported, the Department should ensure adequate measures are applied to mitigate impacts where appropriate.

RESPONSE

Byron Shire Council's comments are noted.

Roads and Maritime Services, Grafton NSW (119139)

By way of letter dated 29th of June 2015 the Roads and Maritime Services made the following comments:

I refer to your email of 4 July 2015 requesting a submission regarding the proposed modification to the approval for the North Byron Parklands cultural events site.

The key interests for Roads and Maritime Services are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport. Roads and Maritime is a stakeholder in the trial process for the cultural events site at Yelgun. Our key interests include the affect of traffic and road safety on event patrons and the non event community travelling on the Pacific Highway and roads adjacent to the site.

Roads and Maritime has reviewed the road related modifications associated with this request and provides the following comments:

1. The modification to the Level of Service (LoS) performance criteria for the Tweed Valley Way and Brunswick Valley Way is accepted. The change from LoS C to LoS D is consistent with previous advice from Roads and Maritime to your Department.
2. There are concerns with the modification to have small events up to 3000 patrons. Data from events previously held at the site indicates the highway is the primary travel route to the North Byron Parklands site. The link road between the Yelgun Interchange roundabout and the Tweed Valley Way has a limited capacity before queuing vehicles impact on the interchange southbound off ramp.

Single day events will tend to have different traffic profiles than larger multiple day events and they will vary depending on the activity. With small events it is unlikely to be economical to employ traffic control or buses to manage traffic flow or demand so it becomes necessary to ensure there is capacity to accommodate the numbers proposed. It is noted that the small one day event proposal is not supported by any traffic analysis. Before agreeing with this modification to the current approval it is recommended that some capacity analysis, based on traffic data already collected from previous events, be undertaken. There will be a need to examine a series of event scenarios. The analysis should focus on peak hour traffic flows, event traffic profiles and conflict with background traffic. Any assumptions about traffic profiles used should be justified, either from data already collected at the site or from data collected at similar events.

RESPONSE

Greg Alderson and Associates (Traffic Engineers) were engaged to undertake additional Traffic Impact Assessment (TIA) to specifically address the matters raised by RMS (refer **Appendix C**). As

part of the TIA analysis of traffic surveys collected at a wide range of festivals, trade shows and a sporting field, shows that small events have the potential to create concentrated peaks in event traffic, which could temporarily cause congestion at the Yelgun Interchange and Link Road intersection. This congestion could occur both during arrival and departure.

The TIA shows that the traffic load on the Yelgun Interchange and Link Road intersection during events such as fairs and non-music camping events is acceptable. Level of Service and queue lengths comply with the current consent traffic KPI's (C10) for events up to 3,000 patrons. Other events however, such as trade shows, non-music festivals and cinema events (due to more defined start and finish times) could cause congestion at the Link Road intersection during arrival, with the potential of queuing on the motorway off ramps and onto the motorway in some situations. During departure, the right turn from Tweed Valley Way onto the Link Road could also become congested.

For events with a defined start and finished time, these issues could be mitigated as follows:

- Option A: for a 3,000 patron event, at least 50% of patrons would have to arrive by bus, or;
- Option B: a maximum patronage of 1,500 patrons is set for these events.

Primary Industries NSW - Aquaculture & Aquatic Environment, Wollongbar, NSW (118667)

By way of email the Department of Primary Industries NSW made the following comments:

The proposed modifications do not trigger involvement from Fisheries NSW.

RESPONSE

Noted.

NSW Trade & Investment - Division of Resources & Energy, Maitland, NSW (118663)

By way of email the Department of NSW Trade and Investment made the following comments:

Thank you for the opportunity to provide comment on: Exhibition of Mod (MP09_0028 MOD 3) - Cultural Events Site Nth Byron Parklands, Yelgun. This is a response from the New South Wales Department of Trade and Investment - Geological Survey of New South Wales (GSNSW).

GSNSW has no resource issues to raise regarding the above matter.

RESPONSE

Noted.

Appendix F – Objecting Submissions

A total of 68 submissions were received and classified by the DP&E as objecting to modification 3. Of these submissions 6 were from non-government organisations/community groups and 62 from individuals. Each of these submissions is individually reproduced below with Parklands' detailed response provided in blue text.

3.2.1 Non government organisations / community group

South Golden Beach Community Association, New Brighton, NSW (118193)

We object to North Byron Parklands asking you to modify their PAC approval and urge you to consider these points in making your decision:

1. In 2012, the PAC gave Parklands approval for a five-year trial period. That approval is giving the state government, the local council, and the community a chance to see if Parklands can manage noise and other issues satisfactorily. Major conditions of the approval, such as noise limits, should not be changed in the middle of the trial.

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance..." To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned. To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue. The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

Furthermore it is now proposed to implement a zonal arrangement (inner and outer zones) with differing noise criteria that will improve the amenity of community members. In particular, reductions in bass frequency noise criteria have been made.

2. The proposed new limits for dB(A) noise would mean that Parklands could possibly avoid fines in the future and would have a better chance of saying they are staying within government-approved limits. But the amenity of surrounding residents will be negatively impacted. To protect residents

from the disturbance they are experiencing from Parklands festivals, the noise limits should be lowered.

RESPONSE

Despite Splendour in the Grass 2014 (SITG14) non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by Falls Festival Byron 2014/15 (FFB14/15) that were in full compliance with existing noise criteria based on summer background levels.

At SITG14, non-compliances with the LAeq background +10 dB(A) and background +5 dB(A) noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing, due to local noise influences such as highway traffic, ocean noise, lawnmowers, etc. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Parklands and the events therefore have worked closely with their noise consultants (ANE) and used the learnings from previous festivals to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a reduction in overall sound emissions experienced by some residents during previous festivals, particularly the more intrusive bass emissions.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

3. The developers are claiming that the dB(A) noise limits must be raised so that their customers and the performers who entertain them are not adversely affected. Festival goers want the noise to be as loud as possible, and performers want to keep the volume high. But residents want the peace and quiet that they are used to in their homes. This is a key issue and was a key issue from the start. When community members spoke directly to the PAC in 2012 and registered their strong objections to the development, they repeatedly pointed out that the site was the wrong location for outdoor

music festivals because too many quiet residential and ecological areas surround the site. Now that the community has experienced the impacts of the festivals, we can say again that Parklands is still the wrong location for outdoor music festivals!

RESPONSE

The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience. A-weighted noise limits do not align with those in other similarly located venues nor do they align with the existing regulatory and guidance instruments provided by a number of States. Compliance of events with the existing noise limits is expected to result in adverse impacts on patron experience and ultimately lead to the venue being unable to sustain its intended purpose of hosting outdoor music events. (North Byron Parklands, Mod 3, Part 1, p21). Indeed there were periods when undertaking attended monitoring where noise levels at residences were higher than the existing criteria due to non-event sound sources (e.g. highway traffic, insects, the ocean etc).

Parklands reiterate, the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

4. We would like to see dB(C), or bass, noise limited, but the limits proposed here are questionable (75 dB(C) until midnight; 70dB(C) until 2AM). In October 2013, after the extremely noisy Splendour 2013, the Department recommended similar criteria for bass levels with the suggestion that the suitability of the criteria be judged in light of the subjective assessments of nearby residents. Parklands specified these levels as aspirational targets for the next two events: Falls 2013 and Splendour 2014. Noise remained a problem at both events, however, with numerous complaints lodged both with regard to bass noise and higher-frequency noise, and breaches in the noise limits at Splendour 2014 resulted in the Department imposing a \$3000 fine. To protect residential amenity in this very quiet area, lower limits should be set for the bass noise.

RESPONSE

As discussed in the previous DP&E response above, during the SITG15 event the number of acoustic engineers per event day/night shift were increased from 3 to 5 engineers to capture a greater

number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions. In particular, these attended noise samples captured lower frequency data (C-weighted).

What this additional low frequency data from the SITG15 event showed was that the proposed C-weighted noise criteria of 75dB(C) between 11am and midnight and 70dB(C) between midnight and 2am was potentially too intrusive for some receptors, particularly in higher density residential areas. As discussed above, it is now proposed to implement a zonal arrangement (inner and outer zones) with differing noise criteria that will improve the amenity of community members. In particular, reductions in bass frequency noise criteria have been made. For the outer zone the following noise criteria reductions are proposed:

- 11am to midnight
 - A – weighted - 65dB(A) down to 60dB(A); and
 - C- weighted – 75dB(C) down to 70dB(C).
- Midnight to 2am
 - A – weighted - 55dB(A) down to 50dB(A); and
 - C- weighted – 70dB(C) down to 65dB(C).

5. Parklands want to "level the playing field" by having the same dB(A) noise limits as other venues in NSW. They give examples of other locations and say that these other places had very few complaints when the noise limits were what Parklands wants to use. According to the proposal, these other venues often generated no complaints, and the highest number lodged was 9. However, the complaints to Parklands so far have been numerous: 73 during Splendour 2013, 34 during Falls 2013, 139 during Splendour 2014, and 22 during Falls 2014. (The actual number of people who tried to complain was higher because Parklands has had trouble with their complaint hotline. At one event, for example, the hotline didn't function at all because the mobile phones the operators were using couldn't get a signal.) The large number of noise complaints that have been registered so far, under the current noise limits, strongly indicate that the limits should not be raised.

RESPONSE

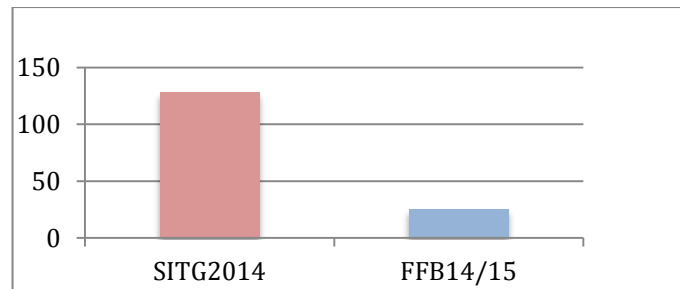
It is noted that the unsuitability of the existing noise limits is not expected to be limited to the current Parklands venue. In fact, most venues in Australia able to accommodate events of the size supported by Parklands, are likely to be similarly restricted in their ability to operate within the existing noise limits. (North Byron Parklands, Mod 3, Part 2, ANE Report Section 3.2)

ANE's report (North Byron Parklands, Mod 3, Part 2, Table 3.3) provides a summary of the noise limits applied to a range of music entertainment events in Australia. Review of the information provided in Table 3.3 indicates that noise limits for other venues similar to Parklands include LA_{max} of 65 dB(A) (Cessnock), LA_{eq} of 65 dB(A) (Bowral and Waurn Ponds) and LA_{eq} of 70 dB(A) (Mt Cotton). Based on monitoring at these and other venues, the LA_{eq} 65 – 70 dB(A) noise limits applied to venues in Cessnock, Bowral and Waurn Ponds would equate to music levels of approximately LA_{max} 75 – 85 dB(A) at the receptor. Each of these venues hold a number of events per year and typically do not receive any complaints associated with noise emissions from the venue. Hence, it can be concluded that LA_{eq} noise levels of 65 – 70 dB(A) are generally considered acceptable for communities affected by outdoor music events.

The dramatic reduction in noise complaints between SITG14 (139) and FFB14/15 (22) reflects the success of better management of C-weighted frequencies at the source, and increased acoustic attenuation measures throughout the venue during FFB14/15. In addition, the community's general feeling regarding sound emissions as reported by the community representatives at the Regulatory Working Group after FFB14/15 was positive regarding the improved management of sound (RWG Minutes 1 April, 2015). Rather than acknowledge the event's successful management of sound, the respondent prefers to account for the reduction in complaints by criticising the adequacy of the event hotline. Parklands acknowledge the event hotline did experience difficulties for a number of hours during the first event. However, since then a new multi telephone line PABX system that records all incoming and outgoing calls has been installed. This system worked without fault at SITG15 and therefore the community hotline statistics should not be read as understated in any fashion.

Nevertheless, of primary importance, is the dramatic decrease in the complaint numbers between SITG14 and FFB14/15 that provide compelling evidence that better managing low end sound emissions is seeing an overall increase in community comfort.

Noise related Calls to Community Hotline



6. We object to allowing the loud, amplified music to operate until 2AM on New Year's Eve. If the location of the site were different, we would not object to this, but there are too many people in the area who do not want loud music that late in the evening, even on NYE, especially after having suffered from loud music for several days before NYE, the entire day of NYE, and the prospect of suffering up until midnight on New Year's Day as well.

RESPONSE

Regarding extending times of operation for New Years Eve, Parklands is seeking noise criteria specific to New Year's Eve only that allow stages to operate until 2:00am (rather than midnight). This change is proposed to be achieved by modification of the consent to identify the New Year's Eve noise level flexibility at Condition C16 (3)(e).

With the provision of a New Year's Eve event at the FFB, in conjunction with the Council's Summer Safety and Cultural Activities Committee, being able to operate stages till 2:00am would provide a more conducive New Year's Eve experience for local, regional and interstate patrons, rather than closing stages at midnight. Such arrangements take place at a number of other events that operate on New Year's Eve.

Regarding events at Parklands on NYE, for the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family-friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25)

7. Noise data collected to date have mostly been based on Parklands' noise monitoring and management, and both have been inadequate. a. At Splendour 2013, Parklands' monitoring was so inadequate that the Department couldn't tell if the noise limits had been breached. Residents had commissioned their own professional engineers to monitor the noise, and those readings showed obvious breaches. When this information was sent to the Department, their own noise engineer raised a number of criticisms of the procedures used by Parklands. Although the Department did not acknowledge breaches of conditions, residents in the area were greatly disturbed by the festival noise, which lasted for days. b. At Falls 2013, Parklands's noise engineer did not do the monitoring that was required at sensitive receivers and at ecological locations, so data on observed noise were simply not generated. However, residents reported that the noise from Falls 2013 was much worse than the noise from Splendour 2013. c. At Splendour 2014, Parklands engaged a different noise engineer and the required monitoring was done. The result: The DOP levied a fine of \$3000 for breaching the noise limits. Area residents again commissioned a professional noise engineer to do independent monitoring, and that engineer found that the noise at Splendour 2014 was even louder than the noise at Splendour 2013. d. At Falls 2014, noise management was improved. However, breaches still occurred. A stage was allowed to operate for an hour after midnight. That breached approval conditions and most certainly disturbed nearby residents.

This history clearly shows that Parklands should concentrate on improving the monitoring and management of the noise rather than seeking to increase the limits.

RESPONSE

Parklands approach to acoustic monitoring and noise management is rigorous and highly detailed. Prior to the commencement of any event where amplified noise is a feature, a qualified acoustic consultant prepares and implements an Acoustic Monitoring Program (AMP) to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP has always been prepared in consultation with the RWG and is consistent with the provisions and limits within the NMP required under Condition C16.

In addition, a Noise Management Plan (NMP) outlining measures to manage and minimise potential noise impacts of events is prepared by a qualified acoustic consultant. The NMP is prepared in consultation with the RWG, and submitted to the Secretary for approval at least 60 days prior to any event where amplified music is a feature. For more information regarding Parklands detailed

monitoring and noise management procedures please see (North Byron Parklands Mod 3, Part 2, Annexure A, Section C16).

In addition, after the FFB14/15, this point was raised by community representatives at the RWG. Both event operators spoke to the concern and highlighted that there were problems with the first noise consultant, which was unfortunate because it has caused a number of inconsistencies in the data sets. Since SITG14 ANE have been engaged and in that time have completed a comprehensive winter background survey, which was not affected by adverse meteorological conditions. They have also expanded on the existing summer background surveys by capturing data in December 2014 for a number of key receptors including R12 and R13. ANE also rewrote both the Noise Management plan and the Acoustic Monitoring Program for events in plain English and have gone to great lengths to communicate results more clearly and consistently. To facilitate a greater understanding of the noise monitoring program now well established by ANE, the RWG Chairperson recommended Parklands convene a meeting with interested RWG members to discuss the technical aspects of noise monitoring. Parklands agreed to this action. (RWG Minutes, 1 April 2015). Further to this point Mayor Simon Richardson said that it was an important role of the community reps to disseminate accurate information provided by Parklands and the RWG to clarify misconceptions and respond to questions raised by members of the community. (RWG Minutes, 1 April 2015).

Parklands accept that at FFB14 one small stage did run for a brief period without permission after 12am. The stage was shut down immediately when it was brought to the attention of the General Manager via the event hotline. Again this was discussed with community reps at the RWG after FFB14/15.

Finally, with respect to the latest event held at Parklands (SITG15) in consultation with both the venue and event management it was agreed to increase the number of acoustic engineers per event day/night shift from 3 to 5 engineers to capture a greater number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions. It is unlikely that any other outdoor venue takes such numbers of attended noise monitoring samples.

8. In particular, with regard to noise monitoring, Parklands should be expected to continue to monitor the areas designated in the approval as sensitive receivers even if agreements with the

property owners are in place. Ongoing monitoring is very important to have a record of the noise over time so that when Byron Shire Council takes over as the consent authority they will have useful data for making their own decisions about noise limits. The PAC specifically said "In considering any future project applications, the Council must take into consideration the performance of events during the trial, the effectiveness of the management plans, the monitoring results of environmental conditions ..." (PAC Final Determination Report). We strongly urge the Minister to require ongoing noise monitoring, regardless of any agreements that may be in place.

RESPONSE

Parklands appreciates that it's immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs include:

- Offering noise mitigation and/or compensation agreements to sensitive receivers R12 and R13;
- Entering into a range of impact mitigation agreements with key adjacent land owners;
- The implementation of a four-week pre-event 'community manager scheme'. The community manager is the first point of contact for community enquiries and concerns. He listens and documents community issues and identifies any concerning activities within a 3 km radius of the event;
- The employment of a 'community advocate' to provide a clear and distinct voice at all planning team meetings for and on behalf of the community at large; and
- Provision of complimentary tickets to nearby residents pursuant to the Community Management Procedure 001. (North Byron Parklands, Mod 3, Part 1, p12)

Furthermore, prior to the commencement of any event where amplified noise is a feature, a qualified acoustic consultant must prepare and implement an Acoustic Monitoring Program (AMP) to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP must be prepared in consultation with the RWG and be consistent with the provisions and limits within the NMP required under Condition C16 . The AMP shall include, but not be limited to:

- Locations at which monitoring will be undertaken. As a minimum monitoring locations must include the most sensitive noise receivers (residential, where no noise agreement is in place between the proponent and the receiver and the adjoining nature reserve) as identified in the Noise Management Plan.

9. Parklands claims that the strict PAC limits are "prohibitively low in winter and therefore very difficult to comply with". In fact, the two winter (Splendour) festivals so far have been quite disturbing to the surrounding residential areas and will be even more disturbing if the allowable noise limits are increased. If the smaller Falls festival continues to grow, it, too, may be unable to control the noise as well as it did for Falls 2014.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. $LC_{max} > 120$ dBC). Despite Splendour in the Grass 2014 (SITG14) non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB14/15 which were in full compliance with existing noise criteria based on summer background levels.

Again it is important to reiterate, that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

10. The proposal states that noise exceedances were observed during Splendour 2014 even when the festival was not generating amplified sounds. Parklands claims that noise from ocean sounds and vehicle movements were at times at or above the PAC-set limits. However, what matters to the community is the disturbing amplified music noise that is generated by the festivals, noise that needs to be effectively controlled within the existing PAC conditions. The fact that other occasional sources of noise may be observed in the area does not justify an increase in the limits for festival noise. It should be obvious that ocean noise and vehicle movements generate very different qualities of noise to amplified music. It is the amplified music that's the problem, not occasional vehicle sounds or surf sounds.

RESPONSE

Overall, the noise limits currently approved for the venue are considered unworkable for outdoor entertainment events. It is therefore recommended that the noise limits for the venue be reviewed such that the venue can operate and comply with the noise limits for entertainment noise.

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, more than three hours prior to event entertainment commencing, due to local noise influences such as highway traffic, ocean noise, lawnmowers, etc. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

From the information presented in ANE's report contained in (North Byron Parklands, Mod 3, Part 2, Sections 3.3.2 and 3.3.3), event noise limits derived from background noise levels are uncommon and existing noise limits are considered unable to support an acceptable level of entertainment noise at the venue. The proposed noise limits on the other hand provide increased amenity for the community while supporting the patrons' experience.

11. The PAC approval states that noise limits can be lowered if the Regulatory Working Group recommends more stringent levels. RWG members have in fact recommended lower noise limits more than once, given the widespread disturbances that have been experienced by residents, and lowering the limits remains an option that we strongly support.

RESPONSE

On occasion community representatives and one Councillor from Byron Shire Council have motioned to have noise levels reduced. There has never been a motion by the entire RWG to reduce noise levels.

12. Use of the southern car park was limited by the federal government under the Environment Protection and Biodiversity Conservation Act (EPBC) with regard to protecting the adjacent wetlands. The EPBC approval specified "eastern and southern areas of the southern car part that will not be used during the 5 year trial". We're against allowing even more cars so close to this restricted area.

RESPONSE

Noted.

13. We note that several proposed changes are also part of the federal government's approval under the EPBC Act, including the total number of events of all kinds and the bump-in and bump-out periods. We believe that additional approval needs to be sought from the relevant federal government department for these changes.

RESPONSE

Noted. Any such approvals or modifications required at the Federal level will be undertaken.

14. If all noise criteria are to be consolidated into C16, then all five clauses of B3 should be moved to C16. It is not clear from the proposal that this is what would happen. In particular, it is important to preserve the right of the RWG to recommend changes to the noise criteria in the interests of protecting the amenity of the surrounding communities.

RESPONSE

The RWG is still able to provide any recommendation to the Director-General under C2 (e) of the project approval.

15. RE C17, Noise Mitigation. We know that noise mitigation works have still not been completed at some sensitive receivers. This was supposed to have been done before the first event, which occurred two years ago. The Department even gave specific follow-up instructions to Parklands to comply with this condition, and these residents, who are part of our community, have been as accommodating as possible in having engineers and others enter their property to determine what can be done to protect them from festival noise. Four festivals have now been completed. No progress has been made with mitigation, and these residents are still strongly affected by festival noise and will be affected even more if limits are raised further.

With regard to this, the proposed change in (new) C17 is unsupportable. We mean the addition of the clause "over more than two consecutive events". At least one sensitive receiver put in a written request for noise mitigation some time ago, the Department directed Parklands to provide that mitigation, nothing happened, and the matter was referred to the Director-General/Secretary. These residents have experienced very disturbing noise repeatedly. The fact that Parklands now claims that these people experience excessive noise only on a "one-off basis" is extremely misleading. And their

attempt to reduce their responsibility to these residents further is unconscionable. Regards Angela Dunlop
Secretary, South Golden Beach Community Association

RESPONSE

Parklands has reached a permanent agreement with one of the sensitive receivers mentioned and has repeatedly written to the other receiver requesting commencement of the attenuation works approved by the DP&E. To date, the receiver has not responded to these written requests (three in total).

Conservation of North Ocean Shores Inc. (CONOS Inc) Billinudgel, NSW (118625)

1. Introduction

Conservation of North Ocean Shores Inc. (CONOS Inc) is opposed to the project Modification regarding:

- Changes to PAC Project Approved sound criteria.
- Introduction of smaller events.
- A number of the proposed changes to PAC Project Approved Conditions of Consent.

We believe that the Modification proposals should be examined in the context of the continual significant breaches of consent conditions outlined herein. We outline non-compliance issues including those that go beyond noise levels and relate to numerous other compliance matters that collectively significantly dilute a central purpose of the PAC Conditions, that being protecting local residents' amenity and the protection of fauna and flora within the environmentally sensitive lands that comprise the locality. CONOS Inc. submits that the Planning & Assessment Commission (PAC) is the appropriate body to determine this Modification and provide their recommendations to the Minister for Planning, rather than the DOP&E/ Secretary, because the Modification proposes highly significant changes to some of the PAC's most fundamental Conditions of Consent prior to the expiry of the 5 year trial approval period. We do not believe that the PAC anticipated such significant proposed changes particularly in term of sound level criteria, though we acknowledge that the PAC did anticipate more modest adjustments to sound level criteria. Notably the nearby Blues Festival major festival site operates at lower FOH (stage) noise levels and conducts a globally renowned festival with multiple stage without exceeding sensitive receiver noise limits. The Modification statement that "background plus" criteria is unworkable is disputed by Acousticworks who state: "This statement is incorrect. The PA systems all have volume controls and consequently the volume

and frequency characteristics can easily be reduced in order for noise emissions to comply.” (2014a). It appears that the proposed increases in noise levels are being justified on the basis that the proponent is unwilling to constrain the noise levels to those imposed by the existing PAC Conditions of Consent. We believe that rather than permitting these significant changes to noise limits, the proponent should be demonstrating, during the 5 year trial period, an ability to control noise levels to within the existing Consent Condition parameters, which they have repeatedly failed to do. There is a history of numerous noise complaints by the local community in this regard and we believe complaints would be reduced if the proponent demonstrated a willingness to operate within the existing sound criteria. The continual breaches of noise limits cause widespread dissatisfaction within the local community in terms of adverse noise impacts on amenity.

The Modification’s proposed noise criteria are riddled with problems:

- They seek to impose noise criteria that are too high;
- They fail to adopt “background plus” levels for sensitive receivers contrary to the PAC’s purpose for doing so. They allow for a “tolerance” addition of 5dB(A) due to weather conditions, contrary to the NSW Noise Policy that requires incorporation of this factor into the overall criteria (not added on later as a bonus).
- They fail to provide for the addition of cumulative noise increases due to the simultaneous operation of multiple stages.
- They fail to adequately identify the low frequency octave bands that contribute to noise complaints.
- They seek to delete reference to FOH (stage front) noise criteria.
- They failed to compare noise criteria with the nearby Blues Festival site;
- They fail to account for a duty of care to patrons exposed to very high noise levels over multiple days.

We note that the PAC Conditions of Consent (below) state that the Minister has directed the Director General (now Secretary) to mitigate adverse impacts where necessary: Relevant PAC Condition of Consent: Part B: B2 (3) The Director- General may amend any approval that has been granted for a future trial event to minimise adverse impacts after considering –

- (a) the performance of previous trial events;
- (b) any monitoring data about the impact of those events: and
- (c) the management plans that will apply to the future event.

(4) The Director- General may impose additional mitigation measures including (but not limited to) reducing the number of patrons permitted to attend the event, reducing the number of event days, imposing stricter noise limits or by amending plans of management for the event. CONOS Inc believes that there is abundant evidence of Consent Condition breaches that warrant the DirectorGeneral imposing mitigation measures ranging from project approval termination to reduction of “A” weighted noise level criteria and the imposition of “C” weighted noise criteria.

RECOMMENDATION: If the trial approval proceeds then CONOS Inc proposes the imposition of “C” weighted criteria (that includes the frequencies between 31.5Hz to 125Hz 1/3 octave bands) with a difference of 10dB above the “A” weighted criteria. The “A” weighted criteria should be reduced in accordance with the factors noted above (ie inclusion of the weather tolerance and cumulative effects). Further FOH levels should be reduced from 102dB(A) to 95 dB(A) LAeq,15min in line with the nearby Blues Festival criteria. The number of stages in operation simultaneously should be capped to meet the existing PAC imposed “background plus” criteria for sensitive receivers. Compliance needs to be a much greater focus during the remainder of the trial period to address the history of continual noise criteria breaches. The Modification application attempts to make alterations to the PAC’s Consent Conditions through their proposed “Documentation Refinements”. NBP (and the DOP&E’s newspaper public notification of the application) state that these refinements are minor in nature. We have attempted to review these proposed changes and note the following factors that inhibit thorough examination and call into questions the adequacy of the Modification attempt at “refinement”. Problems with the proposed changes to PAC Consent Conditions include:

- Some proposed changes are very significant and far-reaching rather than ‘minor in nature’;
- Mistakes have been noted (eg number of patron for large medium events are wrong);

Some changes are accompanied by inadequate justifications;

- Some unidentified changes have been incorporated;
- The complexity of six categories of proposed changes, plus wrong numbering, combined with the above issues make the refinements overly complex and adversely affect the “refinements” transparency.

We suggest that such broad changes to the Consent Conditions should be detailed in a separate Modification rather than briefly outlined in this Modification. Therefore we oppose the proposed “refinements”. We believe that the Modification completely fails to provide enough information, and is too vague, to justify the holding of small events on-site. While the NBP claim to be swamped with requests to use the site, only one example is clarified (school cross country), and that example

fails to examine alternative locations such as the nearby Brunswick Heads Sports Complex. CONOS Inc. believes that the Modification's proposal to introduce small events is a non-issue and should be rejected outright as inadequate information is supplied (eg definition of the scope of events may allow trail bike riding); lack of evidence of demand; absence of an examination of alternative facilities etc (eg Brunswick Heads Sports Complex).

Further Information Should the Minister or Department require additional information or clarification regarding matters raised herein, CONOS Inc requests that consultation precede determination of the Modification.

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...".

To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii)

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at the source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18)

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not *increasing* A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

The current noise limits derived from existing background levels are designed for permanent noise sources in order to control the audibility of the noise for nearby noise sensitive receptors (e.g. industry, permanent music venues such as pubs and clubs). Background plus noise limits are not appropriate for an activity that operates for 10 days or less per annum. The background data presented in the original Environmental Assessment was collected in the summer months when ambient noise levels are much higher than in winter. Accordingly, the approving authority could not have been aware that during winter, when there is very little extraneous noise (insects, wind, etc), the background noise levels can sometimes be below 30 dB(A) for locations away from roadways. This in turn can result in noise goals as low as 40 dB(A) during the daytime and evening. As a consequence, the current noise criteria means that while the same event noise level experienced in summer may be below the recommended limits, it will exceed the limits during winter.

Despite SITG14's non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 dB(A) lower than in summer at many sensitive receivers). Parklands and the events therefore, have worked closely with their noise consultants (ANE) and used the learning's from previous festivals, to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

Since lodging this modification in May 2015, another large trial event, Splendour in the Grass 2015 (SITG15) has been held at Parklands. In consultation with both the venue and event management it was agreed to increase the number of acoustic engineers per event day/night shift from 3 to 5 engineers to capture a greater number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions.

This data has since been analysed as part of the DP&E's request to review the proposed noise limits. In particular, the data has been assessed in terms of the establishment of varied noise 'zones' to increase community amenity. For the SITG15 event two categories of data sets were analysed being samples taken as a result of calls to the community hotline and additional samples taken by acoustic engineers surrounding the venue where music (event related sound) was audible. In both cases A and C weighted samples were collected.

This data has shown that implementing a varied noise criteria based on two zones (an inner and outer zone arrangement) would mean that the noise criteria proposed for the outer zone could be reduced from that proposed in this modification. The data sets show that the inner zone could be based on a distance of one kilometre from the boundary of the venue property, while the outer zone would cover all areas surrounding the venue (including those with higher housing densities such as South Golden Beach, Fern Beach and North Ocean Shores). All of receptors located in the inner zone have formal agreements in place with the venue and/or receive tickets to the event.

At a meeting with the DP&E on 3rd of September 2015 the following revised noise criteria was proposed by Parklands based on a zonal arrangement as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and

- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Parklands' application to host small community events is a reflection of the good relationship with community and local school groups that Parklands enjoys. Allowing small community events at Parklands such as local school cross-country runs, open-air cinema and minor sporting events will provide a significant social asset to the community located in the north of Byron Shire, where such facilities are lacking. (North Byron Parklands Mod 3, Part 1, p10)

Operational parameters will limit the potential impacts of such events in that they are non-music focused; are small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands, Mod 3, Part 1, pii) In addition, to safeguard against potential adverse impacts, it is proposed that the Secretary may limit aspects of small community events following receipt of the annual performance report. (North Byron Parklands, Mod 3, Part 2, Annexure A p48)

2. Issues with the procedural fairness of the public notification of the proposals, and the lack of transparency and inaccuracy of the Modification document itself. We find it deplorable that the DOP&E, in its Modification notification in newspapers, has failed to adequately identify the true nature of one major aspect of the proposed Modification, that being the proposed increase in dB(A) levels. Similarly the proponent's Modification application has failed to adequately identify the scope of the proposal in terms of increases in noise level criteria and the true extent of other proposed changes detailed herein. Instead the Modification misleadingly only refers to 'aligning general noise criteria with standard Statewide noise protocol for outdoor venues'. This absence of transparency

draws into question the procedural fairness of the Modification proposal. The general public, who have been demonstrably keen to submit their views in the past, will undoubtedly be alienated and excluded by the complexity of the Modification Application, combined with the lack of transparency, and the misleading scope of the proposal advertisement within the public notifications.

RESPONSE

Sound is an incredibly technical issue, however, Parklands went to great lengths to communicate the proposed changes clearly and in layman's terms throughout the Byron Shire, including; 10,000 community letters to residential and business addresses, interviews on ABC North Coast Radio, Bay FM and an open letter to the Shire's two local papers. The General Manager discussed the modification with particular reference to noise with the Byron Shire Echo. In addition, local councillors, mayors and council staff, State and Federal Members of Parliament were all notified by email. Notice of the modification was also posted on the North Byron Parklands website. At all times the Parklands General Manager welcomed the community to discuss the proposal for clarification.

Again, it is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not *increasing* A-weighted emissions at sensitive receivers. The proposed A-weighted levels are reflective of best practice and are indicative of noise limits for other venues throughout Australia. Fixed noise limits at the sensitive receivers (rather than noise limits derived from background noise levels) represent the preferred approach for outdoor music events.

4. Weighting of public submissions – a fair go for locals. CONOS Inc wants the Minister to be aware that submissions from local affected residents are likely to be swamped by thousands of submissions from patrons/ supporters of SITG and Falls festivals. This is due to NBP calling on these hundreds of thousands of patrons/ supporters to make submissions to help them “pump up the music” (see image below from FasterLouder for example). They give patrons the impression that the festivals will cease altogether without patron support for the noise changes. CONOS Inc questions whether the Minister will be able to identify submissions from local residents given the submission process is largely an on-line process in accord with the DOP&E specifications. If the DOP&E cannot, or does not, identify the geographical locations of submitters through this on-line process then we believe locals will have been enormously disenfranchised. However if the DOP&E can identify local region submissions then we urge the Department's report on submissions to identify the difference between local and more widespread as two distinct groups of submitters. In addition we hope that

the Minister will give extra weight to local region submitters who are the most affected by the festivals.

RESPONSE

Parklands and its events deliver world-class events and as a result enjoy a large Australian and international client base that feel strongly about the quality and the future of the events at Parklands. With particular regard to the online submissions from the general public, it's important to note that 293 of the 1394 submissions in support for the modification are residents from the Byron Shire and the Northern Rivers. Equally, Parklands and the events would hope that the DP&E takes into consideration all submissions of support from local residents.

In addition, Parklands has no control regarding the manner in which some entertainment media interpreted the modification's conditions. The particular news article the respondent refers to is from an independent news source and is not an accurate interpretation of the proposed noise modifications, nor does it reflect Parklands or the Event's communications with the community or their patrons regarding the modification.

5. Local community dissatisfaction with current continual breaches of existing noise criteria. The local community have been continually expressing their deep dissatisfaction with the excessive noise level via:

- Numerous letters to the editor in local newspapers;
- Complaints to festival hotline; • Over 400 signatories to a Change.org on-line petition addressed to the NSW Planning Minister asking that the festival site be moved;
- On-line complaints documented on the CONOS Inc FaceBook Page.;
- Discussion within the local community. The ability of the local community to make a complaint about excessive noise levels has been significantly compromised by:
 - poor telecommunications/ inadequate hotline accessibility;
 - at one event the Hotline did not function at all due to telecommunication issues;
 - inaccurate and misleading advertising in local papers about music stage operation times (overstating the time limits);
- a public perception that complaints resulted in little or no action as noise levels continued to be excessive after complaints were lodged.
- Time lag between complaint and on-site noise monitoring.

Acousticworks note: "In responding to complaints, it is unclear as to the length of time between the time of complaint (assuming the noise was occurring at the time) and the time at which ANE arrived to assess the noise. In many cases it is likely that, due to the time lag between complaint and monitoring times, changes in song/act/stage may cause significant differences in the noise impacts. (2014a) These factors also significantly diminish the proponents ability to assess complaint trends over time. Sensitive receiver residents have felt compelled to employ their own professional sound consultants given their dissatisfaction with the proponents responses to their noise complaints. CONOS Inc makes reference to these private noise assessment herein with the agreement of the residents who commissioned those reports. The following satellite image provides an example of noise complaints during a festival (SITG 14). The accompanying quotes are drawn from Letters-to-Editors and on-line remarks.

RESPONSE

In addition to letters of complaint submitted to the local newspapers, the response from much of the local community, also played out in the local papers, has been extremely positive.

Parklands and the events take all community concerns and complaints seriously and members of the community can lodge complaints by phone with the event hotline and by email. Parklands acknowledge the event hotline experienced difficulties for a number of hours during the very first event. However, since then Parklands is confident that the hotline receives and logs all calls and at SITG15 a PABX system with multiple telephone lines and the recording of all incoming and outgoing calls was implemented to great effect.

In addition, The Community Manager makes his mobile and email address available by way of a letter drop to 3,000 homes for community issues and feedback at event time and responds to complaints personally. Throughout the year the General Manager and Community Advocacy Officer respond personally and seek resolutions to any concerns in the community.

6. History of Non-Compliance with PAC's Conditions of Approval. The PAC imposed numerous Conditions of Approval, to which the proponent has been substantially unable to comply. The regulatory environment imposed by the PAC and the DOP&E has proven to be unworkable in that the regulator (the DOP&E) are remotely located from the trial festival site; the DOP&E is dependent upon the proponent to assess their own project impacts; project certifiers have proven unable to document and address non-compliance; and the Regulatory Working Group (RWG) is unable to identify and impact identify upon many of the non-compliance issues. The ineffectiveness of the

RWG environment is demonstrated by the fact that the RWG was not given the opportunity to consider the proposed Modifications prior to the application being made. Further, formal Recommendations from the RWG that the noise levels should be reduced have failed to be addressed by the DOP&E although the PAC Conditions specify that the RWG can make such recommendations. The proponent has been responsible for numerous breaches of Consent Conditions some examples of which are summarised below. Most of these breaches have not been documented by the proponent (eg within the Performance Reports), nor by the project certifiers, nor by the DOP&E. However, CONOS Inc is able to document evidence of many of these Consent Condition breaches. Appendix A provides samples of photographic evidence of non-compliance issue at the Falls Festival 2014/15 which we believe are indicative of that which occurs at other festivals held at this site to date. (Appendices are provided in a separate submitted document).

Point-form summary of non-compliance issues include:

- excessive noise levels at sensitive receiver locations and in the broader locality (contrary to Sch 3; C14);
- inability to provide noise data to the DOP&E that could be interpreted in the context of the imposed limits (Splendour 2013) (contrary to C52);
- Failure to monitor noise levels at sensitive receiver sites, including ecological sites, during Falls 2013 (contrary to Sch. 3; C14 (6));
- The proponent admits purposely breaching dB(C) levels for the SITG14 event stating: "... SITG14 operated the event using elevated levels for this lower frequency emissions (i.e. LCmax > 120dBC)." (pg 22) (Contrary to Sch 3, C14, 11 which requires control of dB(C) levels).
- Failure to attenuation/ compensation to sensitive receivers prior to any and all festivals being held at the site.
- the provision of camping areas beyond the footprint of the festival site (contrary to Sch. 2 Part A; A2 (a)(1); & Sch 3, C9 (1)).
- vehicle parking and camping sites abutting forest blocks (absence of buffer zones) (contrary to Sch. 2; Part C; C26);
- high turbidity and litter within drainage channels (contrary to Sch. 3; C 9; 5);
- entry and consumption of large amounts of high strength alcohol (contrary to Alcohol License);
- Misleading and incorrect information published about the event times and noise limits (contrary to Sch. 2; Part C; C35);
- Patrons found on adjacent private property and in other exclusion areas such as Jones Road and the Billinudgel Nature Reserve (contrary to Sch 3; Part C; C13; 4 & 5);
- Unsightly litter and unsanitary conditions during festivals last day (contrary to Sch 3; Part D; D11);

- Use of laser lights focused on surrounding bushland and private properties (contrary to Sch 2; Part C; C19e);
- Inability to produce Noise Monitoring Programs 60 days prior to proposed festivals (contrary to Sch 2; Part C; C16;2);
- Denial of CONOS Inc requests for access to basic information (contrary to Part C; C1);
- Patrons exposed to excessive noise levels at Front of Stage (failure of a duty to care);
- Continual use of fireworks on-site (contrary to Sch 3; Part C; C9; 11);

RESPONSE

The Department of Planning and Environment has sent planning and compliance officers to events held at Parklands. These officers undertake detailed assessments of regulatory requirements that events and the venue are required to adhere to. The issues raised above have not been communicated to Parklands in terms of breaches of the consent or other venue commitments. As reported in its publicly available annual Performance Report to the Department of Planning and Environment, Parklands continues to meet and improve upon Key Performance Indicators and Consent Conditions.

7. Noise level criteria The existing PAC Conditions of Consent are formed by the Concept and Project Approval which incorporates the proponents Statement Of Commitments (SOC). The existing Approval details the sound criteria for sensitive's receivers in Part B, B3. While the Front Of House (stage) sound criteria are detailed in Schedule 3 of the Approval, that is, the proponents SOC and the proponents NBP Noise Standard 008. There is no inconsistency between these two parts of the Approval, as they seek to provide sound criteria for two different aspects of sound criteria, that is, sensitive receivers sound levels and FOH (source) sound levels. The Modification's proposed "document refinements" extraordinarily seek to delete reference to FOH noise criteria which is a major component of the existing Approval, rather than a minor administrative change as the Modification states. CONOS Inc considers this unreasonable and at odds with government policy, guidelines and legislation. As identified herein, the festival events continually exceed the PAC imposed noise criteria set out in the Approval. FOH noise levels are excessive and sensitive receiver noise levels are excessive. The PAC placed significant weight upon the potential for noise levels to impact on local resident amenity and the natural environment. Incredibly, the Modification seeks to disenfranchise sensitive receivers by disallowing noise mitigation, following a proven complaint, unless the noise breach continues over more than two consecutive events (proposed "refinement" to C17). Appendix B: (CONOS Inc records of non-complying noise levels at the FOH- Falls 2014/15),

provides an example of the excessive noise levels at FOH at the Falls Festival 2014/15 which the NBP claim was their most complying festival to date. Sound levels recorded by CONOS Inc. at FOH are consistently above those required by the PAC Conditions of Consent and contrary to the Modifications claim that FOH noise levels are maintained at 102dB(A). (Appendices submitted separately). We note that Acousticworks (2014a) found "... the 63Hz octave band does not cover the entire range of problem frequencies (as presented in the Acoustic Works noise monitoring reports for SITG 2013 and 2014). The preferred frequencies of interest are 31.5Hz to 125Hz 1/3 octave bands." Therefore the control of Bass frequencies should not be restricted to the 63Hz octave band. The Modification proposes only dealing with the 63Hz octave band. The proposed noise limits contain no duration or descriptor for either the "A" nor "C" weighted frequencies. Acoustic works describe the same proposed noise criteria (when proposed in the ANE report 2014) as a significant increase in noise at sensitive receivers, and as, "... unacceptable for this locality, particularly given the number of complaints already received based on the current noise limits." CONOS Inc proposes the imposition of "C" weighted criteria (that includes the frequencies between 31.5Hz to 125Hz 1/3 octave bands) with a difference of 10dB above to the "A" weighted criteria. The "A" weighted criteria should be reduced in accordance with the factors noted above (ie inclusion of the weather tolerance and cumulative effects). Further FOH levels should be reduced from 102dB(A) to 95 dB(A) LAeq,15min in line with the nearby Blues Festival criteria. The number of stages in operation simultaneously should be capped to meet the existing PAC imposed "background plus" criteria for sensitive receivers.

a) Modification proposed noise criteria. The Modification proposes (pg 18): "The key noise management controls proposed in this modification at the sensitive receiver are: a. Between 11:00am and midnight, music noise levels must not exceed LAeq 65 dB(A) or 75 dB(C) Leq in the 63 Hz 1/1 octave frequency band; b. Between midnight and 2:00am, music noise levels must not exceed LAeq 55 dB(A) or 70 dB(C) Leq in the 63 Hz 1/1 octave frequency band; c. A 5 dB tolerance above the criteria listed above be provided during extreme meteorological conditions, but must be accompanied by reasonable and feasible measures to manage dB(C) in the 63 Hz 1/1 octave frequency band; and d. On New Year's Eve, the event noise being permitted to operate between 11:00am and 2:00am."

RESPONSE

It should be very clearly stated that the current concept and project approval issued by the PAC does not stipulate any front of house noise levels. While Parklands originally offered as part of its original

Statement of Commitments a front of house limit, this was not included in the PAC approval. The Department of Planning and Environment have corresponded with Parklands and a community representative of the RWG (who raised the same point) and clearly stated that the only noise criteria (i.e. noise values) required to met are those found in consent condition B3. Parklands have addressed these other points in response to the respondent's introduction at point 1. In addition, Parklands reject the accuracy or legitimacy of CONOS members engaging in acoustic monitoring at the event with an Apple iPhone application.

b) The "tolerance" component. The Modification's 5dB "tolerance" noise component should have been incorporated directly into the PAC proposed noise criteria in line with the EPA's Noise Policy which states: "When assessing noise impacts, the project-specific noise levels are expected to apply under weather conditions characteristic of an area. These conditions may include calm, wind and temperature inversions". Hence, exceedance of the Consent Condition sound levels can not be expected due to weather conditions. Instead weather conditions must be accounted for at the outset. The wording of the inclusion of the "tolerance" component is open to interpretation and distinctly benefits the NBP. Using the terms "reasonable and feasible" will allow the NBP to increase noise levels at their discretion. Why should the NBP receive a 'bonus' 5dB increase when conditions are unfavourable to them, and then the sensitive receivers are forced to suffer extra disadvantage through no fault of their own? Similarly, previous Acoustic Management Plans (AMPs) and Noise Management Plans (NMPs) should have, but did not, included a noise component to allow for local characteristic weather conditions.

RESPONSE

With regard to 5dB tolerance; the key noise management controls proposed in the modification allow at the sensitive receiver a 5 dB tolerance above the noise criteria during extreme meteorological conditions, but must also be accompanied by reasonable and feasible measures to manage dB(C) in the 63 Hz 1/1 octave frequency band. (North Byron Parklands, Mod 3, Part 1, p18).

The presence of adverse meteorological conditions will generally be determined in accordance with the methods described in Appendix E of the Industrial Noise Policy. Specifically, where possible, the presence of temperature inversions will be established through analysis of sigma-theta in accordance with the Turner Method. It is noted that G class atmospheric stability is typically considered the worst-case conditions due to the possibility of strong temperature inversions occurring. This class was added to the original scheme developed by Pasquill to accommodate

extreme stable conditions typically observed in rural areas. Despite this, moderate and strong temperature inversions can occur in both F class and G class atmospheric stability conditions respectively. As such, it is important that the presence of temperature inversions not be limited to G class conditions in isolation. Rather, the presence of these should be defined to include both F and G class atmospheric stability. It is noted that this was also recommended in a discussion paper released by NSW EPA (Discussion Paper Validation of Inversion Strength Estimation Method, March 2014), which recommend that the following be included in environmental licenses where allowances are provided for specific atmospheric conditions:

“temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 m/s at 10 metres above ground level”

It is noted that atmospheric stability under the above conditions would be described as F class due to the presence of wind speeds above 3 m/s.

This information will be supplemented, where necessary, with other meteorological data collected at the site meteorological stations combined with subjective observations made by noise monitoring personnel on site. For example, subjective observations made during the recent SITG 2015 identified the likely presence of an adverse meteorological condition for a period of four hours on 26 July 2015 at approximately 9:30 pm. During this period, ambient temperature increased by 3-4 degrees indicating the presence of a warm air pocket trapped near to ground level by a low level temperature inversion. After four hours the temperature inversion can be observed to dissipate with ambient temperatures returning to normal.

c) Allowance for the logarithmic addition of the cumulative sound effects for operation of additional stages. Similarly to the nearby major music festival site at Tyagarah (Blues Festival; Byron Shire), the Modification should have included noise criteria, at FOH and at sensitive receivers, based upon the cumulative effect of multiple stages in operation at the one time (Geolink, 2014. Statement of Environmental Effects Community Events Facility Tyagarah, Appendix C Acoustic Assessment). The cumulative effect is based upon logarithmic addition. Therefore at NBP with a FOH noise criteria of 102dB(A) LAeq,15min, the cumulative effects can be summarised thus:

- * one stage: 102dB(A) LAeq,15min;
- * two stages: 105dB(A) LAeq,15min;
- * three stages: 107dB(A) LAeq, 15min;

* four stages: 108dB(A) LAeq,15min.

Therefore, with the NBP events the Falls festivals, with two main stages, the FOH level would be 105dB(A). While SITG with 3 main stages, the FOH level would be 107dB(A). With the 2015 SITG introducing a fourth stage the FOH level would be 108dB(A). When either event has more than one stage operating at the one time, then the FOH noise criteria exceed 102dB(A)LAeq,15min dictated by the PAC. These progressive increases in noise source will also increase the noise levels at sensitive receivers logarithmically. Therefore plans must be proposed to control the source/ FOH outputs from the various stages that are operating simultaneously to ensure that the cumulative sound effects do not impact sensitive receivers. The Modification (and previous AMPs and NMPs) should have included a noise allowance for the addition of cumulative effects. Any new criteria should include this factor.

d) Failure to provide alternative “C” weighted criteria proposals. The Modification proposes “C” weighted criteria based upon proposed “A” weighted criteria. The Modification fails to propose “C” weighted levels as a fallback should the “A” weighted levels not be approved.

e) “C” weighted sound levels The Modification claims that C weighted sound levels are not regulated for the NBP events, yet the proponents own Statement of Commitments, based on their Noise Standard 008, states that NBP should control dB(C) levels. CONOS Inc agrees with the need to provide “C” weighted criteria as a logical progression from the need to “control” dB(C) levels. However we do not agree with the Modification’s proposed criteria. The Modification proposes to ‘assume’ a 10dB difference between FOH “A” weighted and “C” weighted noise levels but then applies for “C” weighted sound levels beyond this difference. This modification proposes to utilize the dB(C) levels previously tentatively proposed by the DOP&E that were targeted by the event organisers during Falls 2013 and Splendour 2014. However these ‘aspirational’ levels resulted in numerous complaints from as far afield as 10km. Hence the Modification would entrench dB(C) levels that are already proven to be entirely unsatisfactory. Acousticworks (2014) found a massive 30dB(C) above L90 noise levels (ambient levels). The local residents’ privately commissioned acoustic experts stated that the NBP’s “aspirational” levels contained in the AMPs appears to have been selected in order to allow the NBP to continue at high “C” weighted level that have caused considerable noise problems within the local community (Acousticworks, 2014). These private studies observed audible rattling of windows (due to “C” levels) at two sensitive receivers properties (which had not been attenuated at the outset of the trial as required by the Conditions of Consent).

Acousticworks (2014) note that apart from direct noise levels, the repetitive nature of the bass content also needs to be regulated. They note that, in NSW, the repetitive nature of the bass would attract a penalty reduction of 5dB(C).

RESPONSE

Regarding the respondents points c) – e) the proposed levels are reflective of best practice and are indicative of noise limits for other venues throughout Australia. Fixed noise limits at the sensitive receivers (rather than noise limits derived from background noise levels) represent the preferred approach for outdoor music events.

It must be pointed out again that the current approval has no dB(C) noise criteria. This was an unfortunate oversight when the original trial approval was issued. Parklands has worked with DP&E exploring aspirational noise criteria levels and from the last SITG15 the event has taken some 296 attended noise samples around the venue during the event days. This data has now been analysed and in consultation with the DP&E the following zonal noise criteria have now been offered. Importantly the proposed zonal noise criteria (see **Appendix D**) will improve community amenity while allowing the event to comply with these “typical” outdoor venue limits.

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

f) “A” weighted sound levels While the proponent tends to focus upon the dB(C) levels as the intrusive component of noise complaints, the reality is that dB(A) levels are also a significant intrusion. This is particularly so in light of the continual failure of the proponents to maintain dB(A) levels to within the PAC criteria. Additionally, the Acousticworks studies (2014 & 2014a) found that: “ ... the 63Hz octave band does not cover the entire range of problem frequencies (as presented in the Acoustic Works noise monitoring reports for SITG 2013 and 2014). The preferred frequencies of interest are 31.5Hz to 125Hz 1/3 octave bands.” The proponent’s claim (pg 20) that they are unable to conduct outdoors music events, within the existing sound limits, without increasing the dB(A) levels is demonstrably a nonsense. The other major Byron Shire festivals site (Blues Festival) has similar sound limits and manages to operate within those limits. Yet the Blues Festivals are further limited by an allowance for the logarithmic addition of the cumulative sound effects for additional stages. While the NBP, should, but do not make an allowance for cumulative effects for additional stages (Geolink, 2014. Statement of Environmental Effects Community Events Facility Tyagarah, Appendix C Acoustic Assessment). Contrary to the Modification claim that NBPs FOH levels are maintained at 102dB(A), we submit that the NBP events have a FOH level greater than 102dB(A) due to being understated. Further, due to the cumulative effect of more than one stage operating at the same time, source sound is greater than individual FOH levels.

Operating at their site over the last 5 years, the Blues Festivals have sensitive receiver targets of 55 dB(A) LAeq,15min. during the daytime, and 50dB(A) LAeq,15min. during the nighttime. Blues Festival’s Acoustic Assessment states that they have only once exceeded the night time criteria of 50dB(A)LAeq,15min. for one sensitive receiver. Similarly, the existing NBP sensitive receiver criteria are 57dB(A) during summer events at night, and 48dB(A) for winter events at night (11am-12am), yet the NBP site continually exceeds sensitive receiver noise criteria. It should be noted that ambient noise levels at the Blues Festival (average night time levels 40dB(A)), and the NBP site are very similar. By contrast, the NBP exceeded dB(A) criteria for sensitive receivers by a massive 15dB(A) during SITG 2014 (Acousticworks, 2014). Hence despite similar ambient sound levels at the two festival sites, NBP ‘s Modification proposes significantly louder noise criteria than Blues Festival of 55dB(A) LAeq until 10pm, and 50dB(A) LAeq from 10pm until midnight. Notably the Blues Festival operates only until 12 midnight while the NBP has music until 2am (albeit smaller stages). Despite the similarities with the highly successful Blues Festivals, the NBP Modification claims similar sound criteria are unworkable for them! Why didn’t the Modification compare sound levels against the Blues Festival (only some 15 km away) which has a strong similarities (eg ; traffic noise; located east

side of the highway; climate and weather conditions; rural setting; locations for sensitive receivers etc). The Modification proposal claims that “background plus” criteria is unsuitable due to the low level of ambient sound. However, the ambient sound levels are one of the key aspects that convinced the PAC to use “background plus” levels. Queensland’s Noise Policy utilizes “background plus” levels, as do Bath (UK). Where this criteria is not used, then the FOH limits are much less than the existing FOH limits for NBP (refer SITG 2014, Noise Impact Report, Table 2.4). The Modification statement that “background plus” criteria is unworkable is countered by Acousticworks who state: “This statement is incorrect. The PA systems all have volume controls and consequently the volume and frequency characteristics can easily be reduced in order for noise emissions to comply.” (2014a). CONOS Inc believes that the proposed noise level modifications should be considered in the context of the numerous breaches of the existing sound criteria. The proponent is demonstrably unable, or unwilling, to comply with the PAC imposed sound limit Conditions of Consent.

RESPONSE

It is important to note that the Blues Fest is a five day event plus camper bump in and out days. They have been approved by the Byron Shire Council and operate 50-100 metres from the Pacific Highway. Background noise levels are in the order of 58dB(A).

In relation to the proposed A-weighted limits both events would be able to comply with this criterion, while not *increasing* A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

The current noise limits derived from existing background levels are designed for permanent noise sources in order to control the audibility of the noise for nearby noise sensitive receptors (e.g. industry, permanent music venues such as pubs and clubs). Background plus noise limits are not appropriate for an activity that operates for 10 days or less per annum. The background data presented in the original Environmental Assessment was collected in the summer months when ambient noise levels are much higher than in winter. Accordingly, the approving authority could not have been aware that during winter, when there is very little extraneous noise (insects, wind, etc), the background noise levels can sometimes be below 30 dB(A) for locations away from roadways. This in turn can result in noise goals as low as 40 dB(A) during the daytime and evening. As a

consequence, the current noise criteria means that while the same event noise level experienced in summer may be below the recommended limits, it will exceed the limits during winter.

Despite SITG14's non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Parklands and the events therefore, have worked closely with their noise consultants (ANE) and used the learning's from previous festivals, to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

Since lodging this modification in May 2015, another large trial event, Splendour in the Grass 2015 (SITG15) has been held at Parklands. In consultation with both the venue and event management it was agreed to increase the number of acoustic engineers per event day/night shift from 3 to 5 engineers to capture a greater number of noise level samples. Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions.

This data has since been analysed as part of the DP&E's request to review the proposed noise limits. In particular, the data has been assessed in terms of the establishment of varied noise 'zones' to increase community amenity. For the SITG15 event two categories of data sets were analysed being samples taken as a result of calls to the community hotline and additional samples taken by acoustic engineers surrounding the venue where music (event related sound) was audible. In both cases A and C weighted samples were collected. Importantly, apart from a number of samples affected by traffic noise A-weighted levels were recorded between 41 and 59 dB(A), similar to the 5 day Blues Fest event.

This data has shown that implementing a varied noise criteria based on two zones (an inner and outer zone arrangement) would mean that the noise criteria proposed for the outer zone could be reduced from that proposed in this modification. The data sets show that the inner zone could be based on a distance of one kilometre from the boundary of the venue property, while the outer zone would cover all areas surrounding the venue (including those with higher housing densities such as South Golden Beach, Fern Beach and North Ocean Shores). All of receptors located in the inner zone have formal agreements in place with the venue and/or receive tickets to the event.

At a meeting with the DP&E on 3rd of September 2015 the following revised noise criteria was proposed by Parklands based on a zonal arrangement as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

g) A duty to care to patrons in terms of noise levels It should also be noted that the proponents should exercise a duty of care to protect patrons from the adverse health effects of the existing very high noise levels (about 120dB(A)) at the Front Of House (stages). Patrons are exposed to these levels of a number of days. PAC noted this issue by identifying patrons as sensitive receivers. The demonstrated failure by North Byron Parklands to adhere to the Conditions of Consent in term of

front of house (at Stages) sound levels (refer Appendix B) , may have resulted in a failure in their primary duty to protect the audience from safety risks associated with excessive sound levels (which is detailed in the Workers Health and Safety Act 2011, NSW). According to WorkCover NSW: “A person conducting a business or undertaking has the primary duty under the WHS Act to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking”, (emphasis added). Because the decibel scale is logarithmic, an increase of 3 dB represents a doubling or twice as much sound energy. This means that the length of time a worker could be exposed to the noise is reduced by half for every 3 dB increase in noise level Based upon the CONOS Inc. sound levels recorded at distances of 20mt to 30mt from the speakers, it can be reasonably expected that the levels of exposure for a majority of patrons presented a safety risk extended by exposure over the four (4) day period of the Festival. Therefore WorkCover standard exposure limits appear to have been breached at the Festival. Table 3 below demonstrates the length of time a person without hearing protectors can be exposed (over a 8 hour period) before the standard is exceeded. (NSW WorkCover 2011. Managing Noise and Preventing Hearing Loss at Work. Code of Practice. NSW Gvt Publ). Table 3: Equivalent Noise Exposure LAeq8h = 85 dB(A). (NSW WorkCover 2011. Managing Noise and Preventing Hearing Loss at Work. Code of Practice. NSW Gvt Publ).

RESPONSE

The current concept and project approval issued by the PAC does not stipulate any front of house noise levels. While Parklands originally offered as part of its original Statement of Commitments a front of house limit, this was not included in the PAC approval. The Department of Planning and Environment have corresponded with Parklands and a community representative of the RWG (who raised the same point) and clearly stated that the only noise criteria (i.e. noise values) required to met are those found in consent condition B3.

Further data collected by ANE at both the Falls 14/15 and SITG15 events clearly demonstrates that front of house levels do not rise above 102 dB(A). If the 120 dB(A) levels purported by this organisation were those it captured on a mobile phone application then they should be immediately dismissed. ANE sound meters must pass rigorous industry best practice calibration processes and the devices cost tens of thousands of dollars to purchase.

8. Ecological Monitoring Programs In this section CONOS Inc.:

- Addresses the high significance of the broader implications of the NBP ecological assessments.

- Provides a scientific critique of the ecological assessment to date. We believe, contrary to the claims within the Modification, ecological impacts have not been adequately addressed. Appendix C provides a scientific critique undertaken by Christine Cherry **** (who includes identification of non-compliance issues) of the NBP ecological assessments. The critique provided suggests that the ecological assessments may lack scientific robustness which deserves independent review as we recommend below. The Modification's proposed noise increases should not be permitted in the absence of a demonstrably robust ecological Assessment program.

a) The broader significance of the NBP events ecological impact assessments/ studies. We urge the Minister to consider the broader implications of the ecological impact assessments/ studies being undertaken at the NBP. These assessments are likely to be used as precedents and scientific references for other events/ development elsewhere particularly relating to projects in biologically sensitive locations subject to high levels of noise. It is essential that these impact assessments are scientifically robust especially given the paucity of existing literature on this subject matter within NSW/ Australia. Usually the robustness of such studies are published in respected journals and subject to the peer review process. This independent process provides for refinements and recommendations for improvements in the study processes. At NBP these studies are being undertaken by the proponent. It is reasonable, and necessary, to test whether these studies/ assessments are robust. In order to achieve this outcome, CONOS Inc urges the Minister to require the proponent to commission a government appointed independent expert to examine the NBP ecological assessments and publish the results for peer review prior to consideration of changes to noise limit criteria.

RESPONSE

In February 2015 Dr Mark Fitzgerald provided the following fauna assessment. Results of fauna surveys at North Byron Parklands in August 2007 and February 2009 indicated that greater than 75% of fauna species were recorded in native forests. Event Impact Monitoring (EIM) during the first two years of operation has therefore focussed on birds, small mammals and micro-bats within forested habitats in Parklands and in the Billinudgel Nature Reserve.

Combined results of EIM include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. Fauna species recorded include four threatened birds and nine threatened bats (8 micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands and all of the 9 threatened bat species were also recorded in Parklands.

No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. Greatest recorded abundance of micro-bats during the first Falls festival close to event activities suggest that event processes did not adversely affect this faunal group.

Predicted adverse effects from events include: Grey-headed Flying-foxes avoiding blossom in illuminated tree canopies, but attending this tree canopy after lights were switched off. Changes to areas of non-native grassland within the event areas resulted in changes to the bird species present, as predicted.

Dr Robert Kooymann provided the following flora assessment, also in February 2015. Permanent photo point monitoring of (25) selected 'event' areas on the North Byron Parklands property commenced in 2013. The brief was to monitor those areas in relation to the potential impacts of events on the native forest and other vegetation.

Across the period of time monitored to date (2013-2015) there has been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing, and removal of cattle from remnant native vegetation areas has seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. In preparing the site for events, fencing, extensive drainage, road construction, and expansion of hard surfaces was undertaken in close proximity to remnant forest vegetation. Despite those changes, no direct negative impacts of those actions or events on the existing forest vegetation have been observed or recorded during the monitoring period.

During the same period the large area of non-native pasture on the property has been released from grazing and subjected to more intensive tractor mowing and levelling. While some evidence of human-induced trampling of grassy areas following events has been observed, recovery to date has been rapid. Perhaps the biggest shifts in relation to grass cover are reduction in area by expansion of

hardened surfaces, and the more intensive mowing. Together, those factors potentially simplify the structure of the grass sward across the property, and result in the loss of seasonal tall grass domination.

Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, improvement of native vegetation in response to cattle removal and forest rehabilitation, and a reduction in area and shift in the grassed areas from rough pasture to lawn like open spaces.

9. EPBC review required CONOS Inc believes that the DOP&E has a duty to notify the Commonwealth's Department of Environment of the likely potential for dB(C) noise levels to significantly impact upon the threatened fauna within the locality. The current EPBC approval conditions relate only to dB(A) levels. Further, the discovery of additional threatened species requires review of the EPBC approval. The EPBC approval should therefore be reviewed.

RESPONSE

Correspondence from the Department of Environment dated 6 May 2015 states that the department is entirely satisfied with a) the noise-monitoring regime currently in place and b) that Parklands have complied with the EPBC approval.

10. Smaller events - Alternative locations/ justifications not addressed adequately We believe that the Modification completely fails to provide enough information to justify the holding of small events on-site. While the NBP claim to be swamped with requests to use the site, only one example is clarified (school cross country), and that example fails to examine alternative locations such as the nearby Brunswick Heads Sports Complex. The Modification fails to address justifications and alternative locations for holding small events such as sports events (eg. school cross country runs). Yet the Brunswick Heads Sporting Complex (BHSC) is a viable alternative. The BHSC is a purpose-built, council maintained, sporting venue which is far superior to the NBP site. The BHSC provides a large area for sporting activities; club house facility, a weather protected canteen, permanent sewerer toilets, shelter, patron seating stands, toddler play ground, and formalised (bitumen) parking area. Notably, the BHSC is only 2 -3 km further distance from the Ocean Shores Public Schools than the NBP site. As the children will be bused to either venue, this additional small distance is insignificant. It is not in the public interest to ignore appropriate formal facilities in favour of a informal rural site that is in the process of being developed for purposes other than sporting.

Hence the proposal does not satisfy a legitimate need as claimed within the Modification. CONOS Inc. believes that the Modification's proposal to introduce small events is a non-issue and should be rejected outright.

RESPONSE

Small community events have been discussed in response to the introductory remarks under point 1 in this section.

In addition, regarding the suitability of existing venues in the shire, according to Jeff Robinson, Principal Ocean Shores Public School,

"There are about 360 kids enrolled at OSPS, including the kids in our support unit, who would benefit from cross-country being held at Parklands. The school cross-country course is currently run through the surrounding streets and involves kids crossing driveways and roads. The current course is not ideal and it also puts our kids at a disadvantage in terms of competition. When our kids make it through to District carnivals many are knocked out of the competition simply because they have not been exposed to true cross-country terrain. The ability to host cross-country at Parklands would create an even playing field for our kids competitively speaking and it would also make a great day out for the entire school community. The grounds are really fantastic." (Jeff Robinson as quoted on North Byron Parklands blog 15/6/15).

Other community groups that have approached Parklands include:

- An automotive enthusiast club (a one day event to showcase restored vehicles);
- A Byron runners group;
- A fresh food markets;
- A nature based play event for children;
- A fitness obstacle course event;
- A tree arborist event; and
- A Westpac surf rescue helicopter fund raising event (no helicopters involved).

These are all low impact, non-music focused community events that are a maximum of one day in duration.

11. Consent Documentation Refinements Problems with the proposed changes to PAC Consent Conditions include: • Some proposed changes are very significant and far-reaching rather than 'minor in nature'; • Some provide inadequate justifications; • Some mistakes have been made (eg

definitions of large & medium trials contain the wrong numbers of patrons); • The complexity of six categories of proposed changes combined the above issues make the refinements largely unintelligible. We suggest that such broad changes to the Consent Conditions should be detailed in a separate Modification rather than briefly outlined in this Modification. Therefore we oppose the proposed “refinements” as generally lacking detail; justification; and, accuracy. Below, we provide a review of the proposed refinements restricted due the issues identified above.

a) Part B – Trial of Outdoor Events -Parameters – CONOS Inc. Review of proposed changes B1 Definitions - small community event (a non-music focused event with up to 3,000 patrons.) The definition is poorly worded. It does not include 1 day events only nor does it prevent Parklands from staging “noisy emitting activities” such as BMX rallies. The PAC did not support these smaller events and therefore they should not be considered for the Trial. North Byron Parklands say that they have spoken with various community groups & Byron Shire Council, however, they do not mention that they have consulted with neighbours and those that are directly impacted. CONOS does not support the proposed inclusion of 5) and 6) into the Project Approval because it would permit (with the Secretary’s approval) unlimited small community events annually, unlimited small community event days, and could cater for all types of “noise emitting activities”, further impact on the sensitive ecology of the locality and neighbouring communities. Definitions of the large and medium trial events are WRONG. The number of patrons has been changed from the Project Approval B2(2) Table of patron number. B3 Noise Restrictions - Firstly, the proponent has incorrectly included clause b) and c) as part of B3, yet these clauses are NOT listed in the Project Approval under B3. Secondly, the proponent does not justify WHY they are deleting all the clauses in B3 from 1) to 6). Clearly the PAC included these clauses into the Approval to restrict noise levels, to protect affected sensitive receivers and to provide opportunity for the RWG to recommend any increases or decreases in noise levels where justified. The inclusion B3a) which refers to the NMP and unnecessarily deletes reference to sensitive receiver noise levels; operating time; the RWG; and, Director-General’s/ Secretary’s ability to amend noise limits. Although these aspects may be referred to elsewhere, there is no harm in continuing to have them up front. B4 Traffic Management and car parking - We do not support the modification in clause 5) from 20,000 patrons to 10,000 patrons. It is unclear if this proposed modification is contrary to the EPBC requirement that NO parking was permitted south of Jones Road and east of the old road corridor during the ‘Trial’ event in order to protect the adjacent SEPP 14 Wetlands. B5 Timing and duration of trial events We do not support the modification outlined in B5 1), however, we appreciate that the changes in B5 3) may be necessary.

RESPONSE

Regarding B1; definitions for small community events, the application seeks to include a new definition into the approval of 'small community trial events'. This event type is a 'non-music focused event with a maximum patron number of 3,000 persons'. The changes sought entail:

- inserting a definition in Condition B1 that provides for a small community event is a 'non-music focused event with up to 3,000 patrons';
- amending Condition B2(5) to provide that the Secretary of the Department of Planning and Environment may permit any number of small events and delegates to Parklands the authority to carry out up to five events each calendar year; and
- amending Condition C7 to ensure that all community events comply with general requirements in terms of complaint procedure, noise management planning, notification of Council, access for emergency vehicles, disabled access, dogs, bushfire management, effluent removal, rubbish removal and removal of temporary structures. (North Byron Parklands, Mod 3, Part 1, p30)

Regarding B3 Noise restrictions; Noise management is contained in Condition C16. The amendment at B3 refers the reader to this condition.

Regarding B4 the amendment reflects experience of operating trial events on the site. The condition was previously self-imposed by the proponent.

In situations where an event of 10,000 patrons occurs and all of the patrons are camping, then undue pressure can be placed upon the available event area. Given the Departments apparent reticence concerning this change, this proposed amendment has been withdrawn.

b) Part C- Conditions that apply to the trial – CONOS Inc review of proposed changes. C7 (1) We do not support small events.

RESPONSE

Regarding C7 1; Parklands has significant support from local community and school groups to allow small community trial events at the venue.

C16 Noise Management Plan - CONOS objects to the proposed changes to clause 3 and the inclusion of the 4 sub clauses a. b. c. & d. We support the retention of the current clause as seen in the project Approval and which does NOT include the following brackets(at the property boundary). Parklands have NOT justified nor identified this change. NBP have made a MISTAKE here in changing the

numbering in this clause from (a) (b) (c) to 1. 2. 3. etc. so they don't marry up with the original document, thereby creating confusion. CONOS Inc. supports PAC's original Noise Restrictions in consent condition B3 which protects identified sensitive receivers. We wish to point out that the PAC approved a 5 year 'Trial' so that NBP could demonstrate that they could comply with the conditions attached to the approval. Noise restrictions were given serious consideration by the PAC given the State significance of the Marshalls Ridge (Jones Road) wildlife corridor and the surrounding Billinudgel Nature Reserve. The PAC were also concerned regarding the potential impacts that festival noise could have on sensitive receivers and the quiet neighbouring communities. The PAC Noise Restrictions outlined in B3 are of the upmost importance and must be retained throughout the 'Trial' period. It is our understanding that Parklands have failed to carry out attenuation to several sensitive receivers despite being instructed by the DoPE to do so before the first festival was held on site. Clearly, we do not support the inclusions of 3(a-d) as outlined in our submission.

RESPONSE

Regarding C16; Parklands and the events have worked closely with their noise consultants (ANE) and used the learning's from previous festivals, to develop the proposed noise criteria, that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals. Rationale for noise criteria as set out in the Noise management Plan has been stated previously in point 1 in response to introductory remarks.

With regards to attenuation works for sensitive receivers; Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs are outlined in (North Byron Parklands, Mod 3, Part 1, p12) Parklands has reached a permanent agreement with one of the sensitive receivers mentioned and has repeatedly written to the other receiver requesting commencement of the attenuation works approved by the DP&E. To date, the receiver has not responded to these written requests (three in total).

Acoustic Monitoring Program - The proponent has not numbered the Acoustic Monitoring Program. It should be numbered C17 in line with the Project Approval. This MISTAKE has altered ALL the remaining clauses in this section from C17 to C58 i.e. they do not align with the clauses in the Project Approval. This is unprofessional. The modification should be withdrawn so that ALL MISTAKES can be

rectified. C17 (should read C18) Noise Mitigation - CONOS does not support the inclusion “over more than two consecutive events;” into the consent condition. Parklands have breached the noise levels at ALL 4 events seriously impacting sensitive receivers, neighbours and the larger community. Weather conditions are a natural occurring event and should not be used as an excuse by Parklands not to meet the noise requirements at each event. To expect neighbours to put up with intolerable noise levels is NOT reasonable.

RESPONSE

C17 error in numbering of Acoustic Monitoring Program C17 – C58 noted and now rectified, thank you.

Regarding C17 amendment Noise Mitigation; depending on meteorological conditions, a specific residence may experience noise generated by an event above specified noise criteria on a one-off basis. The intent of this condition should be to deal with noise emissions that repeatedly exceed specified noise criteria. This approach is a more reasonable noise mitigation measure.

C39 (should read C40) Noise Management - CONOS does not support the removal of “condition B3” which is in keeping with our earlier comments that consent condition B3 of the Project Approval must remain in tact. North Byron Parklands comment is that “B3 is no longer required as C16 contains all the operative noise controls.” It appears that Parklands are dictating their own consent conditions, yet we were of the understanding that the PAC is the determining authority. We strongly object to these changes.

RESPONSE

Regarding the content of C40, all of these requirements are already enshrined in both the approved Noise Management Plan and the event specific Acoustic Monitoring Programs which are consulted with the RWG prior to being submitted to the Secretary for approval.

c) STATEMENT OF COMMITMENTS - Schedule 3 (p 79)- CONOS Inc review of proposed changes. CONOS objects to ALL the proposed changes in the following Statement of Commitments. With the exception of small grammatical changes. We support that the PAC’s current Consent Conditions and SoC’s remain for the duration of the ‘Trial’ event as the Proponent has not had a good track record in upholding the PAC’s requirements and in particular the conditions surrounding NOISE. A2 Capped Event Usage A11 Ecological Impact review, C3 Managing Demand on emergency and local services,

C8 Transport and Traffic Management C9 Environmental Management - object to all deletions & changes in this clause, with the exception of 3 & 14 C 14 Noise Management

RESPONSE

The Statement of Commitments provided by the Proponent were specifically offered in relation to the original application seeking permanent approval and covering differing categories of events than what was eventually approved on a trial basis (e.g. small, minor, moderate and major events). As the PAC only provided a temporary approval and also altered both the size and names of event categories, most aspects of the Statement of commitments are irreconcilable to the trial approval. Consent Condition A5 – Inconsistency Between Documents clearly states, “in the event of any inconsistency between the conditions of this approval and the Statement of Commitments, the conditions of this approval shall prevail. The changes to the Statement of Commitments seek to remove all such inconsistencies”.

12. General Background Conservation of North Ocean Shores Inc. (CONOS Inc) is a long-term member of the umbrella groups Nature Conservation Council NSW and the North Coast Environment Council. CONOS Inc. was formed in the late 1980s in response to the need to protect the outstanding environmental and Aboriginal heritage values of the North Ocean Shores/ Yelgun NSW locality. Over the last 25 years our activities towards conserving this locality have involved court actions; participation in three government inquiries into the conservation of this locality; submissions on numerous development applications; lobbying state and local politicians; dissemination of information and direct action; . Our FaceBook page (CONOS Inc page) provides detailed information about the significance of the environment; history of 25 years of conservation efforts; quotes from numerous experts; submissions to various government inquiries etc. Further, we have commissioned (at our own expense) a number of professional studies including: A 50 page review of literature about the effects of excessive noise upon wildlife and in particular the likely effects upon the site in question; and, a number of sound monitoring studies. The outstanding environmental and Aboriginal heritage values of the site are beyond question. The trial festival site is part of the locality which is the one of NSW most biologically diverse natural environments. The site encompasses a state significant wildlife corridor which is the last major connection on the far north coast NSW between the hinterland forests, including the World Heritage Wollumbin (Mt Warning) rainforests, and the coastal lowland forests. Over 50 threatened species have been recorded in the locality, plus Ecologically Endangered Communities. The ridgelines that follow the wildlife corridor contain numerous Aboriginal artifacts, while the near locality contains sacred trees, and one of the last

double bora grounds in NSW. These values are documented and acknowledged by government agencies including the NPWS. Two NSW State government Commissions of Inquiry (Simpson and Clelland) have investigated the locality. The Clelland Inquiry found that much the Jones Road/ Marshalls Ridges wildlife corridor should be zoned for environmental protection regardless on the fact the land was privately owned and zoned for agricultural use. These Inquiries took evidence from a number of professional environmental scientists/ researchers. The state government has previously placed Interim Protection Orders (IPOs) over the site to protect the wildlife corridor from a particular rampant developer (some 15 years ago). Prior to these IPOs, CONOS Inc members prevented a different rampant developer (some 25 years ago) from bulldozing a very significant Aboriginal bora grounds. More recently, the state government spent over \$4 million realigning the upgrade/ construction of the Pacific highway; creating a wildlife overpass, and constructing numerous wildlife underpasses. Subsequently the government changed the planning law (the infamous part 3A) allowing the state government to take planning power and project assessment away from local government, and they then approved this current 5 years trial.

RESPONSE

Noted

Wooyung Action Group, Wooyung, NSW (118669)

Having read the current proposed myriad of changes to the existing conditions governing the 5-year trial of events at the Parklands site, we strongly support the aim, of the proponent, to "better manage sound emissions from events held at the venue". It is clear from the 139 complaints received regarding noise at the SITG 2014 event, this is very necessary but we do not believe the measures proposed in the current modification application will fulfill this aim.

The proposed modification may increase performance in terms of meeting criteria but will not improve community amenity and in fact, has the potential to seriously negatively impact the surrounding families and it is difficult to see how you, as Minister, could justify allowing this.

Comments to specific requested changes:

1. Please reject proposed increases in allowable dBA noise levels.

Page 17 of the application states that background plus noise limits are not appropriate for activities that operate 10 days or less per year and yet the PAC commissioners reasoned it was precisely because of the intermittent nature of the noise that the limits needed to be directly linked with

background noise. Because background noise is so low in winter, events need to be responsive to this in order to manage impacts on the amenity of neighbours in the surrounding community.

The constant claim in the current application that background plus 10dBA is not suitable for outdoor music events is undermined by consideration of the information provided by the proponent previously. Table 2.4 of the SITG 2014 Noise Impact Report and partially repeated in Table 2.2 of the current proposal provides a summary of legislated noise limits across Australia and some international venues. It shows the following limits:

NSW 65 dB(A) LAMax,15-minute for non-suburban areas recommended for control of concert noise impacts

ACT Outdoor music events Policy Minimum criteria LA10 50 dB(A) with an upper limit of LA10,15 minutes 65dB(A).

WA. Outdoor events Guideline suggests 100 dB(A) at FOH mixing desk is suitable, measured as LAeq,1 minute sample.

QLD. Noise policy. An occupier of premises must not use, or permit the use of, the premises for an open-air event EPA 1994.

On any day:

(a) before 7a.m, if the use causes audible noise; or

(b) from 7a.m. to 10p.m, if the use causes noise of more than 70dB(A); or

(c) from 10p.m. to midnight, if the use causes noise of more than the lesser of the following— (i)

50dB(A); (ii) 10dB(A) above the background level. Section 73 (2) of the Environmental Protection

Regulation 2008 notes that source noise for open air events may be measured as LAeq, Bath, Oxford

City, UK. Background plus 15 dBA UK rural 1-3 Concert days per year - 65 dBA 4-12 Concert days per

year - music levels NOT to exceed background by more than 15dBA Ref: Table 2.4: Summary of

Legislated Noise Limits Page 23 of 73North Byron Parklands Pty Ltd- Noise Impact Report: Splendour

in the Grass 2014 C:\Projects\3734\Reporting\3734 Impact Report 01.odt In the data provided here

it clearly shows that QLD, Bath and UK Rural all employ the background plus method for description

of event noise limits for outdoor music events. The most interesting thing that the data provides is

that NSW generally has a 65 dBA LAmix limit which limits the absolute maximum noise to be

emitted at any time to be 65dBA, which is much lower than the LAeq 70 dBA as is being requested

here. It is also noteworthy that QLD allows NO NOISE after midnight and before 7am which is much

stricter than the 2am provided for in the Parklands approval. WA sets their limit at 100 dBA front of

house, which is much lower than the 102 dBA currently approved for Parklands in their approved

Noise Management Plan. To understand what this small reduction at front of house means, in a letter dated 25th November 2013 from Benbow Environmental to North Byron Parklands General Manager, Mr Matt Morris, the Acoustic Consultant provided predictive modelled data to show that a reduction from 103dBA to 99 dBA at the source would result in noise criteria being effectively met at all sensitive receivers. Even the ACT criteria listed above has a much lower maximum criteria than that requested here by Parklands where their limit of LA10 65 dBA means that in a sampling period only 10 per cent of noise is allowed to be above 65dBA. The glaring omission in the comparative data presented would, of course, be the most comparable event noise limit applicable, which is the multi-day Bluesfest also in a rural area in the Byron Shire, some 12 kilometres from the Parklands site. The current application is curiously silent on this issue. The Bluesfest noise criteria applied for in their current application for a permanent event site is LAeq 55dBA before 10pm and 50 dBA until 12 midnight with no amplified music after 12 midnight. It is clear from the data provided by the proponent that the limits they are requesting are much more than that provided in other states and even for festivals such as Glastonbury in the UK. It is difficult to understand how the consultant for the proponent could provide this data and then ask for a level playing field, unless he assumed you would not be reading the data provided. The claim of inability to comply and inequity made by the consultant in the current application is in strong contrast to that of the proponents previous approved Acoustic Monitoring Program (AMP) which stated clearly that the event noise limits were both in accordance with standard requirements and achievable: "The noise criteria set was typical for large outdoor music concerts and the music noise limits are typical of what occurs at rock concerts. The music noise levels set a db(A) level that is achievable, enable Front of House music levels required for similar venues and will provide a reasonable balance for the residential receivers over the three evening and night time periods required for Splendour In The Grass." Ref:

131040_SITG 2013_NOISE MONITORING_FINAL Benbow Environmental

August 2013 Issue No: 1 Page: 17 The blatantly false statement made in the current application that it is the bass-weighted dBC levels that are the source of most noise complaints is directly contradicted by a cursory glance at the data provided in the Complaints Register and the 2014 Noise Impact Report page 17. Of the 139 2014 SITG noise complaints received, more than half of them complained that the noise was simply TOO LOUD as opposed to bass too loud, so a decrease of bass and increase of overall noise will not solve this impact on community. The provision of noise limits for various one-day annual events within NSW provided in Table 2.1 on page 22 of the proposal is not comparable and not relevant in consideration for limits for events of 3-5 days. A single day event once a year is a completely different prospect to that proposed here and events need to be considered in terms of their cumulative impact and necessarily be lower for events in this context,

just as is done in the UK. It is noted that the DA modification request was submitted without support from the Regulatory Working Group (RWG). This is noteworthy as Minutes of the September 2014 RWG meeting show that the first formal Recommendation as allowed for under condition B3(5) made by the RWG to the Department of Planning was for "Consideration to be given to lowering the allowable noise limits" after examining the large number of noise complaints received from the community for each event to that date. If you as Minister approve an increase in noise limits at this time it will be against a standing formal Recommendation of the regulatory body the PAC installed to give advice on these matters. Condition B3(2) allows for noise limits to be increased or decreased after consideration of their adverse impact. The impact referred to here, is presumably that of the amenity of the community surrounding the site, not the unwillingness of the proponent to comply. We therefore strongly request that you reject the unsubstantiated claims of wanting to create a "level playing field" by the proponent on this matter and retain the existing noise limits for the duration of the trial event period.

RESPONSE

The current noise limits derived from existing background levels are designed for permanent noise sources in order to control the audibility of the noise for nearby noise sensitive receptors (e.g. industry, permanent music venues such as pubs and clubs). Background plus noise limits are not appropriate for an activity that operates for 10 days or less per annum. The background data presented in the original Environmental Assessment was collected in the summer months when ambient noise levels are much higher than in winter. Accordingly, the approving authority could not have been aware that during winter, when there is very little extraneous noise (insects, wind, etc), the background noise levels can sometimes be below 30 dB(A) for locations away from roadways. This in turn can result in noise goals as low as 40 dB(A) during the daytime and evening. As a consequence, the current noise criteria means that while the same event noise level experienced in summer may be below the recommended limits, it will exceed the limits during winter.

Despite SITG14's non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing.

Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Parklands and the events therefore, have worked closely with their noise consultants (ANE) and used the learning's from previous festivals, to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

Since lodging this modification in May 2015, another large trial event, Splendour in the Grass 2015 (SITG15) has been held at Parklands. In consultation with both the venue and event management it was agreed to increase the number of acoustic engineers per event day/night shift from 3 to 5 engineers to capture a greater number of noise level samples.

Increasing the number of acoustic engineers allowed the event to not only capture data associated with calls to the community hotline, it also provided a significant number of additional noise samples to be collected during the event. In total there were 296 attended noise samples taken across the event period at varying locations and during varying meteorological conditions.

This data has since been analysed as part of the DP&E's request to review the proposed noise limits. In particular, the data has been assessed in terms of the establishment of varied noise 'zones' to increase community amenity. For the SITG15 event two categories of data sets were analysed being samples taken as a result of calls to the community hotline and additional samples taken by acoustic engineers surrounding the venue where music (event related sound) was audible. In both cases A and C weighted samples were collected.

This data has shown that implementing a varied noise criteria based on two zones (an inner and outer zone arrangement) would mean that the noise criteria proposed for the outer zone could be reduced from that proposed in this modification. The data sets show that the inner zone could be based on a distance of one kilometre from the boundary of the venue property, while the outer zone would cover all areas surrounding the venue (including those with higher housing densities such as South Golden Beach, Fern Beach and North Ocean Shores). All of receptors located in the inner zone have formal agreements in place with the venue and/or receive tickets to the event.

At a meeting with the DP&E on 3rd of September 2015 the following revised noise criteria was proposed by Parklands based on a zonal arrangement as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

2. Application to include bass level dBC limitations. The introduction of bass-weighted noise level limitations is strongly supported and allowed for in Condition B2(3), B2(4) and B7(6). The limits proposed in the current application are believed to be too high as the 2014 Noise Impact report shows that the previous SITG 2014 event recorded noise within these proposed dBC limits much of the time and yet there were still 139 complaints. This indicates the dBC levels were simply too high. An independent professional Brisbane-based Acoustic Consultant was engaged by the community to give professional advice regarding the proposed limits for dBC. He dismissed the proposed limits "The aspirational noise limits shown in Table 1.4 appear to have been selected with a view to 'fit' the noise levels measured during the SITG 2013 event, rather than determining a more appropriate noise limit and requiring the festival to take steps to reduce low frequency emissions. In simple terms, the aspirational noise levels appear to make it relatively easy for low frequency compliance."

Reference: 2014227 L01 Review of Splendour 2014 noise monitoring report.doc

The proposed dBC limits of up to 15 dB above dBA levels are also strongly contradictory to the proponents acoustic consultants own report attached to the application which stated that: For low frequency (C-weighted) source noise levels, a level 10 dB higher than the adopted weighted levels has been adopted. This has been identified as the optimal differential targeted by sound engineers in recognition of both the importance of low frequency content to the patron experience and the potential amenity impacts for nearby residences.

Ref: Page 25 of 47 North Byron Parklands Pty Ltd- Review of noise limits

If the acoustic consultant recognises that 10dB is the accepted delta between dBA and dBC levels for limiting bass component complaints while optimising patron experience why is this level not proposed to be implemented here? In summary, a review of the conclusions presented in the

professional Acoustic Consultants report attached to the current application reveal erroneous and unjustified statements as shown below:

A review of the suitability of the existing noise limits provided for outdoor music events held at Parklands has identified a number of areas where improvements are warranted.

Specifically the review has identified that:

❑ low frequency (C-weighted) noise rather than broadband (A-weighted) noise was a significant motivator for complainants during events held at Parklands;

This statement shown to be false by examination of the data presented in the SITG 2014 Noise Impact Report Table 2.1 on page 17 written by the same consultant which shows that of the 139 noise complaints received, less than half of these complained about the bass levels and most complained that noise was generally too loud.

❑ the frequency of noise complaints relating to low frequency noise emissions is exacerbated by the omission of specific controls in the PAC Approval to limit low frequency noise emissions;

Agreed and this can easily be rectified by the Implementation of B2(4) or B7(6)

❑ implementation of a low frequency C-weighted noise limit provides an opportunity to achieve reductions in low frequency music content (and therefore improved amenity for the community);

Agreed and this can easily be rectified by the Implementation of B2(4) or B7(6)

❑ non-compliances with the A-weighted background plus 10 noise limit were observed from 8 am (more than 3 hours prior to event entertainment commencing) due to local noise influences indicating the ineffectiveness of the existing noise limits; This indicates inappropriate background measurements, as normal background noise measurements will have accounted for this generally and specific breaches can be verified by the acoustic consultant.

❑ compliance of events with the existing background related A-weighted noise limits is expected to result in adverse impacts on patron experience and ultimately lead to the venue being unable to sustain its intended purpose of hosting outdoor music events; and Directly contradictory to previous acoustic consultants statements and to the experience of Falls festival 2014 where many more mitigation measures were employed and criteria were achieved while patron experience was not compromised.

❑ the existing background related A-weighted noise limits do not align with those applied for other similarly located venues nor do they align with the existing regulatory and guidance instruments provided by a number of States; and Blatantly false as per data provided in Table 2.2 of this application and discussion in section one of this submission.

the existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience. Directly contradictory to previous acoustic consultants statements and to the experience of Falls festival 2014 where many more mitigation measures were employed and criteria were achieved while patron experience was not compromised. Also directly challenged by the Acoustic Works consultants report which showed this claim is simply not true. Therefore please retain the existing dBA noise limits during the trial period. The implementation of the additional mitigation measures employed at the Falls Festival 2014 and the voluntary or enforced use of dBC limits at the upcoming 2015 Splendour in the Grass festival and correlation of noise complaints received will indicate if the predictive modelling provided is correct and will give a much stronger indication of the impact on community amenity the proposed changes to dBC levels may have prior to consideration of decreasing or increasing noise limits.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at the source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

At a meeting with the DP&E on 3rd of September 2015 the following revised noise criteria was proposed by Parklands based on a zonal arrangement as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

As a result of this new data from SITG15 and consultation with the DP&E, proposed dB(C) criteria have been reduced.

Specific condition amendments:

3. Introduction of small community events under the proposed B2(5) is not supported. Condition B2(1) specifically limited the number of events to three per year. This was done to allow for the monitoring of the impacts of holding events on the site. The monitoring for the 5- year trial period is not completed. The impact of up to 3000 people on the site is not negligible. An additional five small events effectively triples the frequency of use of the site and has the potential to compromise the ecological monitoring data being collected and make it impossible to ascertain if the impacts seen at the end of 5 years are due to this frequency of use or events in general. It also has the potential to seriously impact on the sites operation as an integral part of a significant wildlife corridor. The proposal to not require an Evacuation Plan or a Flood Risk management plan for small community events is difficult to understand as these events would likely involve children and safety issues need to be paramount. If additional small events are introduced after the trial period, the same regulatory requirements should be imposed on these events.

As the current approval stands, there is no reason why a small community event up to 3000 people cannot be held on the site under the small trial events already allowed for in the proposal. A more frequent usage of the site needs to be postponed until after the trial period once all monitoring data has been collected in order to make an informed decision.

RESPONSE

Parklands' application to host small community events is a reflection of the good relationship with community and local school groups that Parklands enjoys. Allowing small community events at Parklands such as local school cross-country runs, open-air cinema and minor sporting events will

provide a significant social asset to the community located in the north of Byron Shire, where such facilities are lacking. (North Byron Parklands Mod 3, Part 1, p10)

Operational parameters will limit the potential impacts of such events in that they are non-music focused; are small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands, Mod 3, Part 1, pii)

4. The removal of condition B3 or any of its clauses is not supported. This condition gives clear direction to Parklands of their responsibilities re noise and to remove any of these is to remove rights of the community to object and is strongly opposed. The intent of this Condition is very clear and to remove it in terms of consolidating it into C16, is a consideration for after the trial period, but would not appear to serve the original intent of B3.

RESPONSE

The modification proposes that event noise shall be managed to not exceed the noise criteria set out in the Noise Management Plan (NMP) prepared under Condition C16 and the noise criteria set out in the proponent's Environmental Health and Safety Management Manual – Standard 008. This amendment clearly refers the reader to this condition that 'Noise management is now contained in Condition C16.' (North Byron Parklands Mod 3, Part 2, Annexure A, B3)

5. We oppose change to condition B4(5) to allow use of the southern car park for small and medium size events. The current limitation was made partly due to flooding concerns in the carpark area and it is prudent to reduce potential for flood evacuation problems in the small to medium events when there is no need for the carpark to be used. The environmental impact on the wetland surrounding this carpark was the second ground for limiting its use to once per year. There has been significant investment in the rehabilitation of the wetland and this should not be unnecessarily compromised.

RESPONSE

In situations where an event of 10,000 patrons occurs and all of the patrons are camping, then undue pressure can be placed upon the available event area. Given the Department's apparent reticence concerning this change, this proposed amendment has been withdrawn.

6. We oppose the change to condition B6(2) to allow patron arrival 2 days prior to event start. This change would necessitate provision of entertainment and therefore another night of noise for the surrounding community. There is no justification for this now that the 2014 Parklands Performance Report shows that all traffic issues have been resolved.

RESPONSE

The amendment B6 reflects experience of operating trial events on the site and seeks to allow for better patron arrival management.

7. We oppose the change to condition C6 which replaces the word "outdoor" events with "trial" events and effectively removes the requirement for potential small community events to have to comply with many of the consent conditions. As stated above, bringing 3000 people on to the site up to 5 times a year is not a minor impact and would compromise existing ecological monitoring.

RESPONSE

The proposed small community events operational requirements demand that small community events must conform with applicable Parklands protocols and consent conditions. (North Byron Parklands, Mod 3, Part 1, pii) In addition to safeguard against potential adverse impacts, it is proposed that the Secretary may limit aspects of small community events following receipt of the annual performance report. (North Byron Parklands, Mod 3, Part 2, Annexure A p48)

8. We oppose the change to condition C7(1). As per above the removal of the need for small events to comply with conditions of consent is rejected, particularly in the areas of flora and fauna management plans, Evacuation Plans, Acoustic Monitoring program and Flood risk management plan as has been suggested in the current proposal.

RESPONSE

As Above

9. We vehemently oppose the change to condition C16. The suggested changes effectively remove the requirement for the active noise management step of monitoring until a breach is corrected as is currently required. This would have the potential effect of increasing the impact of noise on the community and as such could not be deemed appropriate under B2(3). PLEASE NOTE THAT FROM C16 IN THE CURRENT PROPOSAL THE CONDITION NUMBERING DOES NOT MATCH THE CONDITIONS

OF CONSENT AND ALL COMMENTS HEREIN WILL ADDRESS THE CONDITION NUMBERS OF THE APPLICATION BUT WILL THEREFORE NOT BE CONSISTENT WITH THE APPROVAL

RESPONSE

The change to C16 is reflective of best practice and noise limits applied for other venues throughout Australia, which confirm that fixed noise limits at the sensitive receivers (rather than noise limits derived from background noise levels) represent the preferred approach for outdoor music events. The changes support community amenity, patron experience and value to the broader community. Note the numbering error has been rectified, thank you.

10. We oppose the change to condition C17. The introduction of the words "over more than two consecutive events" allows the proponent to consistently breach noise limits at the large events while complying at small or medium events and they would never be required to complete the necessary attenuation. This is therefore considered a deliberate removal of existing rights of sensitive receivers and could be viewed as grounds for legal action against the department.

RESPONSE

Depending on meteorological conditions, a specific residence may experience noise generated by an event above specified noise criteria on a one-off basis. The intent of C17 should be to deal with noise emissions that repeatedly exceed specified noise criteria. This approach is a more reasonable noise mitigation measure.

11. C24 requires the words "prior to any event" to be included. The bushfire risk for this site is high and should not be underestimated. The intention to remove ambiguity from this condition would still be maintained by this change.

RESPONSE

The proposed amendment at C24 removes the ambiguity of the previous wording.

12. C37(g) does not define the term "major" and is therefore too ambiguous and needs to be specifically defined.

RESPONSE

The term *Major temporary structures* at C37 (g) clearly refers to erection work involving the establishment of the main tents and buildings (North Byron Parklands, Mod 3, Part 2, Annexure A, p61)

13. We oppose the change to condition C41. The existing condition (C42) gives detailed requirements of noise management and statutory requirement for the acoustic consultant to remain at a site where a breach has occurred and continue to monitor until management measures have reduced the noise to allowable limits. To remove this is to remove one of the strongest statutory conditions relating to the impact of noise on the community. The condition is currently unambiguous and allows the department to enforce specific requirements and should be retained in the public interest.

RESPONSE

The amendment C41 requires that during a trial event the Acoustic Monitoring Program (AMP) is implemented to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP must be prepared in consultation with the RWG and be consistent with the provisions and limits within the NMP required under Condition C16. The AMP shall include, but not be limited to:

- (a) locations (identified on a map) at which monitoring will be undertaken. As a minimum monitoring locations must include the most sensitive noise receivers (residential, where no noise agreement is in place between the proponent and the receiver and the adjoining nature reserve) as identified in the Noise Management Plan;
- (b) procedures and protocols in accordance with OEH's Noise Guide for Local Government 2010 and Australian Standard AS1055 Acoustics - Description of measurement of environmental noise (or any subsequent versions thereof);
- (c) a program for periodic attended and unattended monitoring of noise at each of the set monitoring locations, including:
 - (d) Unattended monitoring must be undertaken at a minimum of eight monitoring locations (to be determined in consultation with the RWG) before, during and after each event;
 - (e) Attended monitoring must occur on at least one (1) occasion prior to the commencement (including during sound check) and during the operation of each event; and,
 - (f) procedures for the reporting of monitoring results to enable an assessment of the noise performance of the event.

The AMP must be submitted for the approval of the Secretary at least 60 days prior to the commencement of the event, or as otherwise agreed by the Director-General. ((North Byron Parklands, Mod 3, Part 2, Annexure A, p57)

14. We oppose the change to condition C50. The removal of the requirement to have copies of the evacuation plan available at stage areas where patrons will be concentrated is not justified in the comments and difficult to understand.

RESPONSE

The amendment requires such plans to be provided to the event site manager and the emergency management centre (EMC). The EMC is the primary vehicle for responding to emergency incidents and has at its command approximately 300 security staff, 40 paid fire service police officers and 22 rural fire service personnel. The EMC also has approximately 200 site staff at its disposal. Ongoing emergency management training held at the venue for events continues to support this centralised incident management model which aligns with industry best practice. It is unclear what emergency management credentials the Wooyung Progress Association has in this matter that would seek to modify a system endorsed by multiple state government "lead agencies"?

15. We oppose the change to the Statement of Commitments which currently form part of the existing approval. Changes to C9 of removal of points, 4,7 and 8 reduce the environmental protection of the site and should be retained. Point 13 should have "where possible" removed as it weakens the existing approved commitment. The existing commitment regarding noise monitoring and management in C14 detail what is required in an NMP and AMP when they are being revised in the future and gives both RWG members and the department clear guidelines of what is required in these documents. It should therefore be retained. Please consider our comments and reject the attempts to blatantly increase the impact on the community. Considering the number of complaints received at the first three events at the site and the outstanding issues of attenuation for sensitive receivers which have not yet been resolved the request to increase allowable noise limits by four fold beggars belief. Please consider the wording of condition B2(3) which allows you to change conditions within this existing approval and recognise that most of the changes requested are not likely to reduce or even maintain "adverse impacts" and therefore are not in the public interest.

Regards

Chris Cherry

President Wooyung Action Group

RESPONSE

The Statement of Commitments provided by the Proponent were specifically offered in relation to the original application seeking permanent approval and covering differing categories of events than what was eventually approved on a trial basis (e.g. small, minor, moderate and major events). As the PAC only provided a temporary approval and also altered both the size and names of event categories, most aspects of the Statement of commitments are irreconcilable to the trial approval. Consent Condition A5 – Inconsistency Between Documents clearly states, “in the event of any inconsistency between the conditions of this approval and the Statement of Commitments, the conditions of this approval shall prevail. The changes to the Statement of Commitments seek to remove all such inconsistencies. The amendments C9 reflect knowledge and experience gained during the trial events. Regarding C14 the inserted requirements comply with the elements of the Noise Management Plan and the Acoustic Monitoring Program listed in C16 and C17 respectively of the consent. Deleted requirements are those contemplated both prior to operating any events and being granted approval for the NMP and the AMP by the Department.

With regards to attenuation works for sensitive receivers; Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs are outlined in (North Byron Parklands, Mod 3, Part 1, p12) Parklands has reached a permanent agreement with one of the sensitive receivers mentioned and has repeatedly written to the other receiver requesting commencement of the attenuation works approved by the DP&E. To date, the receiver has not responded to these written requests (three in total).

North Coast Environment Council, Coraki, NSW (118699)

The North Coast Environment Council (NCEC) is the peak environment group for the North Coast. The NCEC have previously made a number of submissions opposing the North Byron Parklands at Yelgun adjacent to the Billinudgel Nature Reserve and objects to the events proposal to increase noise and to increase activities throughout the year. The North Byron Parklands is currently under the five year trial phase. It is inappropriate to be changing conditions and increasing noise levels during the trial period without proper independent studies. In November 2014 the Splendour Festival was fined for breaching noise levels. The solution to this is not to increase allowable noise

levels further impacting on the surrounding community and the threatened species within the Billinudgel Nature Reserve. It's to determine if this location is totally inappropriate for such high impact activities as we have previously indicated. Nature Reserves are defined in the Billinudgel Final Plan of Management as, ' Nature reserves are considered to be valuable refuge areas where natural processes, phenomena and wildlife are protected and can be studied. Nature reserves differ from national parks as they do not include provision of recreation opportunities as a major objective of their management.' There should be no provision for recreation opportunities like this major music festival bringing over 27,500 people per day to intrude on the Billinudgel Nature Reserve. The Billinudgel Nature Reserve protects a remnant of coastal lowland vegetation which is significant at a regional and state level for its numerous rare and threatened species and restricted or poorly conserved plant communities (NPWS 1995a). There are approximately 450 plant species found within the Reserve (NPWS 1990; NPWS 1995a). Of these, five species are listed under the Threatened Species Conservation Act, 1995. These include the endangered species, fragrant acronychia (*Acronychia littoralis*) and Davidson's plum (*Davidsonia pruriens* var. *jerseyana*), and the vulnerable species, corokia (*Corokia whiteana*), rusty rose walnut (*Endiandra hayesii*) and coolamon tree, or durobby (*Syzygium moorei*) (Gilmore et al. 1986; NPWS 1995 a, b; Jago 1996; Balanced Systems Planning 1996; NPWS 1987). The basket fern (*Drynaria rigidula*), an endangered species presumed to have been extinct in New South Wales, has been recorded in the northern part of the Reserve and from only a small number of other sites in the State, including three sites in Byron Shire. The Reserve functions as a refuge for specialised wetland fauna, fauna dependent on old growth forest elements and rainforest. The diversity of habitat found in the Reserve, particularly those habitats associated with the swamp sclerophyll forest and woodland and other wetland communities, gives the Reserve a major refuge function for an assemblage of species which have suffered substantial habitat losses and are currently poorly conserved in the existing Regional and State reserve system. These are predominantly specialised wetland species which include: the vulnerable wallum tree frog (*Crinia tinnula*), black bittern (*Ixobrychus flavicollis*), Australasian bittern (*Botaurus poiciloptilus*), brolga (*Grus rubicunda*), bush-hen (*Gallinula olivaceus*) and comb-crested jacana (*Irediparra gallinacea*) the regionally significant laughing tree frog (*Litoria tyleri*), sandy gungan (*Uperoleia fusca*), great egret (*Ardea alba*), royal spoonbill (*Platalea regia*), Lewin's rail (*Rallus pectoralis*) and spotless crane (*Porzana tabuensis*) species closely associated with wetland communities such as the vulnerable grass owl (*Tyto capensis*) regionally significant brahminy kite (*Haliastur indus*), little bronze-cuckoo (*Chrysococcyx minutillus*), forest kingfisher (*Todiramphus macleayi*) and grassland melomys (*Melomys burtoni*) (NPWS 1995a). The Billinudgel Nature Reserve also includes the Koala which is federally listed as vulnerable. The NCEC is concerned that the State

and Federal governments are not considering cumulative impacts on the Koala population on the North Coast. Regional scientific experts are concerned about the future of the North Coast Koala populations from varying destructive activities impacting them. At Kings Forest the Koala is at serious risk from development, vegetation loss and deaths from dogs. In Ballina, the proposed route of Section 10 of the Woolgoolga to Ballina Pacific Highway Upgrade could destroy the local population. At Royal Camp State Forest, the Forestry Corporation of NSW logged Koala high use areas which sparked an inquiry into the EPA's handling of the findings. These cumulative impacts on the Koala need to be considered in any development application. The Billindugel Nature Reserve was established to protect the flora and fauna within the Reserve. It was not meant to be the home for a major music event that impacts on the primary functions of the reserve. Scientific research undertaken since 2010 at the Bluesfest site in nearby Tyagarah has demonstrated that major noise disturbance will cause Koalas to leave the area for several days. There is also a trend towards fewer animals being present on the site since the inaugural koala monitoring program associated with the 2010 festival. The relatively large number of Threatened bird species which inhabit the Billinudgel Nature Reserve will certainly be under increased stress should any elevation of noise levels be allowed. The NSW Threatened Species legislation makes it illegal to harm threatened species. Independent studies are needed to determine how much harm these major music events with excessive noise and over 27,000 people per day are having on the Billinudgel Nature Reserve and the threatened flora and fauna it is meant to protect. The NCEC supports community and environment. We support festivals for communities to enjoy. However, as we have previously indicated, the site at North Byron Parklands at Yelgun adjacent to a fundamentally important nature reserve and wildlife corridor is totally inappropriate for such a high impact activity due to it's likely negative impacts on threatened flora and fauna. We strongly object to allowing any increase of noise levels or increasing use and impact at this site. Regards, Jim Morrison President North Coast Environment Council

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...” To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified

that a number of modifications to the existing trial approval would further improve performance at the venue.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at the source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

The current consent conditions do not regulate bass frequency noise, only higher frequency – or ‘A-weighted’ emissions. The modification seeks to amend the over-regulation of less intrusive, high frequency noise and regulate the intrusive low end.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In regards to ecological impacts of the festivals on the venue and the adjacent Billnudge Nature Reserve, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

To date there have been zero breaches of the noise limits set by the Federal Environment Department with respect to noise limits in the Billinudgel Nature reserve. The proposed changes to the noise criteria will not result in volumes increasing particularly in this reserve.

The impact and control locations were determined in consultation with the Regulatory Working Group in line with the requirements of the approved Flora and Fauna Monitoring Program. These samples typically take place over three to five days in each month before, during and after each event, and involve timed, spatially constrained bird counts at ten transects over three consecutive days by three qualified observers, deployment of hair funnels at five transects, and deployment of Anabat bat call detectors at three locations.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Since the purchase of Parklands in late 2006, a significant change in land use has occurred. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. (Plan 1.1 shows details of the works program, North Byron Parklands, Mod 3, Part 1, Section 1.7).

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. Fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro-bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation.

Friends of the Koala, Inc, East Lismore, NSW (118689)

I write on behalf of Friends of the Koala, which is the lead koala conservation group in the Northern Rivers region of northern NSW. Our mission, which we have been pursuing since 1986, is conserving koalas in recognition of the contribution the species makes to Australia's biodiversity. This submission is directed primarily at the proposed amendment to noise levels. It appears that the proponent admits that the existing noise limits are difficult for them to comply with and are unworkable. They argue their noise limits should be as high as the limits at other venues in NSW. Along with many others in the Northern Rivers community our members sincerely believe that this event site is in the wrong location, adjacent as it is to the Billinudgel Nature Reserve. Benwell and Scotts (2010) identified the locality as part of a 'critical' climate change corridor linking the Nature Reserve to the World Heritage Rainforests of the Mt Warning caldera. In regard to effects on wildlife

they concluded “...essentially we do not know with any certainty what the exact effects of a massive increase in human disturbance (relative to the current situation) will be, but there is a significant risk that survival and fecundity of local populations will be adversely affected, resulting in population declines.” (p.5)

Despite scientific evidence of unacceptable environmental impacts, approval was eventually granted. Now as to be expected, the proponent is seeking to increase noise levels as well as allowing other, non-music events on the site even though a five-year trial period applies.

We are aware of the paucity of published information on the impact of noise on koalas, so we asked Dr. Steve Phillips, who has been monitoring the impact of noise at the Bluesfest site at nearby Tyagarah and has had a scientific paper recently accepted for publication in Australian Mammology. This paper amongst other things, ‘discusses the issue of the physiological costs to individual koalas and populations thereof resulting from ongoing but episodic disturbance events and offers a series of recommendations relating to the need to effectively buffer habitat areas known to contain resident koala populations and compensating for habitat’.

Dr Phillips said that he had ‘unequivocally documented aversive behaviour by koalas in response to episodic loud noise. The extent of the response depends on how close individual koalas are to the source of the noise. Those within 500m certainly vacated their home range areas, moving away in a direction perpendicular to the source of the noise for periods of up to several days before returning. Other koalas living further away (up to 725m) also exhibited aversive behaviour by moving to the extremes of their respective home range areas, again in a direction that was perpendicular to the source’. There is a well-documented trend towards fewer animals being present on the Bluesfest site since the inaugural koala monitoring program associated with the 2010 festival. In conclusion, it is inappropriate to increase noise limits and to change conditions during a trial period. There would need to be conclusive, independent studies carried out supporting lack of impact on wildlife.

Increased noise levels, if they were approved would very likely be a negative outcome for the more than 50 threatened species known to be associated with the Billinudgel Nature Reserve. We therefore strongly object to any increase in noise levels or increased use and impact at the North Byron Parkland site. Thank you for the opportunity to make these comments. Lorraine Vass
President

RESPONSE

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing, due to local noise influences such as highway traffic, ocean noise, lawnmowers, etc.

Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Parklands and the events therefore, have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In regards to ecological impacts of the festivals on the venue and the adjacent Billnudge Nature Reserve, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

In regards to Koalas in particular Dr Steve Phillips has undertaken three whole of property Koala searches over the past 5 years. In Dr Phillips latest assessment (April 2013) he concludes:

“The 2007 survey work on the Parklands site concluded that the area of Core Koala Habitat identified on the site was attributable to one or two animals, the localized nature of the activity further implying that the cell was possibly an outlier associated with a larger population cell to the southeast. However, results of the 2008 survey indicated that overall use of the Core Koala Habitat area had diminished significantly, so much so that the activity level did not reach the threshold values indicative of use by resident animals. This most recent assessment – unfortunately – confirms the trend otherwise alluded to by the 2008 data (i.e. ongoing decline in koala activity) such that this time around we have been unable to record any evidence of habitat use at all.

Moreover, evidence of the species presence elsewhere in the general area is also proving difficult to detect. These results serve to reinforce the broader conclusions reached by the Tweed and Byron Coast koala studies regarding the conservation status of koalas in the Billinudgel area generally. The absence of any evidence of koala activity on the site means that there is no Core Koala Habitat present on the Parklands site at this point in time. This finding thus precludes the need for either a management plan to be prepared or any koala-specific adaptive and/or ameliorative management measures to be enacted on the Parklands site.

Coalition for Festival Sanity, Binnaburra, NSW (118578)

Attachment from Acoustic Works addressed to Yelgun Progress association

As a group of concerned residents and associations in the north of Byron Shire and south of Tweed Shire, we object to the modifications to the PAC approval that are being proposed by North Byron Parklands. Here are our concerns.

Proposed dB(A) Noise Limits Too High. Noise has been an issue with this development from the beginning. The noise affects many people who ordinarily enjoy very quiet surroundings and want to keep it that way, not just the designated sensitive receivers. So we strongly object to allowing LAeq 65 dB(A) from 11AM to midnight and LAeq 55 dB(A) between midnight and 2AM. These levels are much higher than what's allowed now, which means residents will be disturbed that much more. In addition, because LAeq is a unit of measurement that represents an effective averaging of emissions, the perceived noise will be higher than that much of the time. LAeq can be contrasted with the LMax unit of measurement used as limits for many of the venues cited in Table 2.1 of the proposal—to which Parklands is comparing itself. LMax (maximum level) is notably different to LAeq, especially when considering the effects on residential amenity. Adding another 5 dB(A) to the LAeq limits when the weather is bad makes the situation even worse. Parklands admit that strong

winds make the noise even more noticeable to residents. Rather than asking for still higher limits when the wind blows, they should be managing the noise more effectively or reducing the noise during adverse weather conditions. Local residents hired AcousticWorks, a professional noise engineering firm, to do independent monitoring during Parklands festivals and to review the reports prepared by Parklands' noise engineers (Benbow and ANE). In November 2014, AcousticWorks offered this comment on ANE's contention that Parklands should have a 5dB "allowance" under adverse weather conditions: This proposed condition is the opposite of what should occur in practice. It is not the fault of the receivers that the wind is blowing towards their property. The responsibility should be on the event organiser to reduce the PA system volume under these conditions, not get a bonus 5dB allowance. (The complete review by AcousticWorks of ANE's report, provided to us by the people who commissioned it, is attached with this submission.) We also call your attention to this statement on page 18 in the modification proposal: "It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers." This statement is not consistent with the predicted noise levels shown in Tables 4.2 and 4.3 on pages 158-59. For example, the proposed limits up to midnight are 21dB or 22dB higher than the existing limits at R6 and R12 and 26dB or 27dB higher under a worst-case scenario. These are increases. Why Parklands/ANE characterise them otherwise is completely perplexing. It's obvious that the proposed increases in dB(A) emissions will make it easier for Parklands to stay within approved limits, but that will happen at the expense of residents and is contrary to the letter and the intention of the PAC approval.

RESPONSE

Parklands and the events have worked closely with noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

Parkland's A-weighting consent conditions are prohibitively low in winter and therefore very difficult to comply with, as well as being inconsistent with best practice standards. At SITG14 non-compliances with the A-weighted background plus 10 noise limit were observed from 8 am (more than 3 hours prior to event entertainment commencing) The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

For the SITG15 event two categories of data sets were analysed being samples taken as a result of calls to the community hotline and additional samples taken by acoustic engineers surrounding the venue where music (event related sound) was audible. In both cases A and C weighted samples were collected.

This data has shown that implementing a varied noise criteria based on two zones (an inner and outer zone arrangement) would mean that the noise criteria proposed for the outer zone could be reduced from that proposed in this modification. The data sets show that the inner zone could be based on a distance of one kilometre from the boundary of the venue property, while the outer zone would cover all areas surrounding the venue (including those with higher housing densities such as South Golden Beach, Fern Beach and North Ocean Shores). All of receptors located in the inner zone have formal agreements in place with the venue and/or receive tickets to the event.

At a meeting with the DP&E on 3rd of September 2015 the following revised noise criteria was proposed by Parklands based on a zonal arrangement as follows:

Inner Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 65dB(A) LAeq, 10- minutes or 75dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and
- Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 55dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band.

Outer Zone

- Between 11am and midnight amplified entertainment noise from the event at sensitive receivers must not exceed 60dB(A) LAeq, 10- minutes or 70dB (lin) measured as Leq, 10- minutes in the 63 hertz 1/1 octave band; and

Between midnight and 2am amplified entertainment noise from the event at sensitive receivers must not exceed 50dB(A) LAeq, 10- minutes or 65dB (lin) measured as Leq, 10-minutes in the 63 hertz 1/1 octave band.

Proposed dB(C) Noise Limits Too High. Parklands' proposal to set specific limits on the dB(C) (bass) noise makes sense, but they're asking for limits that are too high. Parklands used these same limits as target levels for Falls 2013 and Splendour 2014, but noise was a big problem both times and generated many complaints about the noise in general and the irritating bass in particular.

AcousticWorks reviewed the noise report issued by ANE after Splendour 2014 and stated: "The aspirational noise limits shown in Table 1.4 appear to have been selected with a view to 'fit' the noise levels measured during the SITG 2013 event, rather than determining a more appropriate noise limit and requiring the festival to take steps to reduce low frequency emissions. In simple terms, the aspirational noise levels appear to make it relatively easy for low frequency compliance. (AcousticWorks, November 2014) We urge the Minister to set lower bass limits than those being proposed and to consider them tentative, subject to comparison with "the subjective assessment of residents", as recommended by the Department in its "Review of the Noise Performance Update, Splendour in the Grass (30 October 2013), when the issue of setting bass limits first arose.

RESPONSE

At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at the source, greater community amenity will be provided.(North Byron Parklands, Mod 3, Part 1, p18)

The current consent conditions do not regulate bass frequency noise, only higher frequency – or 'A-weighted' emissions. The modification seeks to amend the over-regulation of less intrusive, high frequency noise and regulate the intrusive low end. Parklands asserts that the proposed noise

criteria are consistent with industry best practice and would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

Lower Noise Limits Already Requested. Community representatives and other members of the development's Regulatory Working Group have more than once recommended lower noise limits. The DirectorGeneral/Secretary has not acted on these recommendations, so we are urging you, the Minister, to now impose lower limits. This is the only change in noise levels that makes sense to those of us who live here. We note that ANE's noise report for Splendour 2014 states "...the background plus 10dB and background plus 5dB noise limits imposed on the venue by the conditions of approval can not be achieved by events". AcousticWorks (the engineers hired by local residents) comments on this statement in its review of the ANE report: This statement is incorrect. The PA systems all have volume controls and consequently the volume and frequency characteristics can easily be reduced in order for noise emissions to comply. The issue is that Parklands does not want to lower the volume and has resisted all suggestions to solve the disturbance in this way. Despite the resistance of Parklands, reducing the volume remains a solution.

RESPONSE

On occasion community representatives and one Councillor from Byron Shire Council have motioned to have noise levels reduced. There has never been a motion by the entire RWG to reduce noise levels.

"The PA systems all have volume controls and consequently the volume and frequency characteristics can easily be reduced in order for noise emissions to comply." (Acoustic Works)

Acoustic Works comments above regarding the events inability to comply with A-weighted background plus 10 noise limit during winter events is over simplistic and misses the point. At SITG14 non-compliances with the A-weighted background plus 10 noise limit were observed from 8 am (more than 3 hours prior to event entertainment commencing) The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience.

Parklands Is Not Like Other Venues. The comparisons Parklands makes between their events and other events around NSW are misleading. Most of the examples they cite in the proposal are one-day events, and all are in different locations with different operating hours and different kinds of

entertainment. But the most relevant point is that it doesn't matter what's going on at other venues because those other venues are not operating under conditions set by the PAC for a five-year trial.

RESPONSE

Please see Table 3.3 of ANE Noise Report for this modification for a summary of the noise limits applied to a range of music entertainment events in Australia. Of the events summarised in Table 3.3, the first four (A Day on the Green events) are held at winery estates in rural residential areas similar to that surrounding Parklands. (North Byron Parklands, Mod 3, Part 2, ANE report, Section 3.3.3)

It is noted that the unsuitability of the existing noise limits is not expected to be limited to the current Parklands venue. In fact, most venues in Australia able to accommodate events of the size supported by Parklands, are likely to be similarly restricted in their ability to operate within the existing noise limits. (North Byron Parklands, Mod 3, Part 2, ANE report, Section 3.3.2)

Noise Complaints at Other Venues vs Parklands. Parklands asserts that other named events in NSW generated few or no complaints but gives no citations so that the numbers can be checked independently. Assuming the complaint numbers are accurate, though, the complaints to Parklands have so far been much more numerous than any of the examples they give. Splendour 2013 generated 73 complaints. The numbers were 34 for Falls 2013, 139 for Splendour 2014, and 22 for Falls 2014. These numerous complaints indicate the need to keep the existing limits or lower them, not raise them. Of particular note is that recent complaint data (Parklands' 2014 Noise Impact Report and the Complaints Register) show that more than half the complaints related to the overall noise volume being too high. So Parklands is claiming erroneously in this proposal that bass noise has been the source of most of the complaints directed to them. Our own experience confirms Parklands' 2014 Noise Impact Report: although the bass noise is irritating, the overall volume of noise is equally disturbing, or possibly more so, to most complainants.

We remain concerned about Parklands' reported complaints because of the way they have handled complaints so far. We know that the reported complaints are lower than the number of people who tried to complain. We don't know how much lower, but we've talked to many people who have said they were unable to get through on the hotline when they tried to complain.

RESPONSE

At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at the source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18)

In addition, unattended noise monitoring data collected during the SITG14 event logged exceedances of the C- weighted aspirational targets for all receptors. These exceedances were more regularly observed during the period from 6:00pm to midnight, when headline acts were performing at the event. C- weighted noise exceedance recordings throughout the day (from both attended and unattended loggers) were also observed during times when the event was not operating amplified sounds.

For some receptors, these exceedances are expected to be related to other noise sources such as vehicle movements, highway traffic, ocean noise, etc. Observations made by ANE personnel during the event identified that in many cases, the overall LCmax recorded was the result of extraneous noise sources.

As a result, establishing limits based on the existing voluntary LCmax reporting levels is not considered a suitable means of assessing and limiting noise emissions from the event.

In order to determine an appropriate alternative low frequency noise limit, the following information has been reviewed:

- Legislated low frequency noise limits applied in jurisdictions in Australia;
- Low frequency noise limits adopted for other venues and events in Australia; and
- Noise monitoring data from SITG14.

The limits proposed are generally consistent with the experience gained at the site from monitoring the aspirational bass noise targets, and the regulatory limits applied in the UK and information gathered by the consultants (ANE) concerning acceptable C-weighted noise limits for other venues in NSW and other Australian States.

Parklands acknowledge the event hotline experienced difficulties for a number of hours during the first event. However, since then it has installed a PABX telephone system with multiple phone lines

and records all incoming and outgoing calls made to the hotline. This has been very effective in reviewing community calls and improving response protocols.

A More Reasonable Comparison. If Parklands wants to compare itself to other venues, they should look to the site of Bluesfest, a large music festival that has been operating for years in Byron Shire. Last year, Bluesfest applied to Byron Shire Council to establish a more permanent events site. The DA describes events similar to Parklands' events in size with these noise limits for the largest event: LAeq 55 dB(A) up to 10PM and LAeq 50 dB(A) from 10PM to closing time at midnight. These are notably lower than Parklands proposed limits of LAeq 65 dB(A) up to midnight and LAeq 55 dB(A) from midnight to 2AM. Bluesfest's noise emissions have also been lower than Parklands' reported emissions for Splendour, the larger and noisier of the two Parklands' events. Parklands' claim that they must have higher noise limits is weak in the face of Bluesfest being able to operate successfully and profitably with lower noise limits and shorter operating hours. Bluesfest's noise management also takes into account their use of multiple stages simultaneously, with the resulting exacerbation of noise, something not built into Parklands' noise management plans. (For details of the Bluesfest proposal, see DA 10.2014.753.1, submitted to Byron Shire Council in October 2014.)

RESPONSE

It is noted that the unsuitability of the existing noise limits is not expected to be limited to the current Parklands venue. In fact, most venues in Australia able to accommodate events of the size supported by Parklands, are likely to be similarly restricted in their ability to operate within the existing noise limits. (North Byron Parklands, Mod 3, Part 2, ANE report, Section 3.3.2).

Bluesfest is a five day music event plus camper bump in and bump out days. The venue is 50-100 metres from the Pacific Highway and the background noise level were recorded at 58 dB(A). By comparison background levels at Parklands have been recorded at 40 dB(A), a 6 fold reduction in sound. Sound levels at Bluesfest are also based on individual layout and design of the Bluesfest site which are significantly different to the layout and design of SITG and FFB.

Parklands Not A Good Place for Music Festivals. As we argued to the PAC in 2012, this site is the wrong location for outdoor festivals with amplified music coming from multiple stages, bars, etc. The PAC made a very reasonable decision to set background-plus noise limits because of the very quiet vicinity, especially in winter. This decision clearly took residential amenity into account and is not an unusual or unreasonable condition. See, for example, the background-plus conditions used at other

venues that are cited by Parklands in its Noise Impact Report of November 2014. 4 Parklands now complains that their background-plus limits are “prohibitively low in winter and therefore very difficult to comply with”, but the more important point is that the festivals held in winter (Splendour 2013 and 2014) were seriously disturbing to the surrounding residential areas and will be even more disturbing if the allowable noise limits are increased. The Falls festival is about half the size of Splendour, but it also was extremely disturbing in 2013. The noise was better controlled in 2014, but Falls’ long-term ability to control its noise can’t be assumed and is still undergoing a trial. Doing a better job in 2014 doesn’t necessarily mean that they’ll manage noise well in future, especially if the event grows in size.

RESPONSE

At SITG14 non-compliances with the A-weighted background plus 10 noise limit were observed from 8 am (more than 3 hours prior to event entertainment commencing) The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience.

According to acoustic experts event noise limits derived from background noise levels are uncommon and the existing noise limits are considered unable to support an acceptable level of entertainment noise at the venue. In order to support the value to the broader community provided by the Parklands venue and events held there, it is recommended that alternative noise limits are adopted. (North Byron Parklands, Mod 3, Part 2, ANE Report Sections 3.3.2 and 3.3.3).

Noise limits derived from existing background levels are designed for permanent noise sources in order to control the audibility of the noise for nearby noise sensitive receptors (e.g. industry, permanent music venues such as pubs and clubs). Outdoor music events as held at Parklands, on the other hand, are occasional events which are considered to add value to the broader community, and there is an expectation that the music will potentially be audible for the defined event period with the event defined in terms of the start and finish hours and number of days per year on which it may occur.

Overall, the noise limits currently approved for the venue are considered unworkable for outdoor entertainment events. It is therefore recommended that the noise limits for the venue be reviewed such that the venue can operate and comply with the noise limits for entertainment noise. (North Byron Parklands, Mod 3, Part 2, ANE Report Sections 3.2)

The respondents claim “Doing a better job in 2014 doesn’t necessarily mean that they’ll manage noise well in future” refers to the successfully trialled sound levels and acoustic controls at FFB14/15. The events have worked closely with noise consultants (ANE) to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in the more intrusive C-weighted emissions experienced by sensitive receivers during SITG14.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modelling, there is capacity for additional on-site acoustic controls that were successfully trialled at Falls Festival 2014 and account for the dramatic drop in noise complaints.

While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. Such additional mitigation measures will be trialled at SITG15 and are outlined in (North Byron Parklands Mod 3, Part 2, Section 4.6) and include:

- Silage Hay bales (500 kg each, one deep and two bales high) placed around the rear and sides of event stages;
- Truck bodies parked around stages to provide additional acoustic attenuation of noise radiating towards the nearest residences;
- Lining of the PA towers for the flown audio system with heavy drapes on the rear and sides to reduce noise spill in these directions;
- Incorporation of a roof sheet fixed to the scaffolding at the rear of the towers for the flown audio system to provide additional reduction of spill;
- The use of end fire sub-woofer array designs to reduce noise emissions to the rear of the stage; and
- Improved design of the audio system to provide event sound more tightly directed to the patron viewing areas thereby controlling noise spillage. This includes the use of delay towers and side fill arrays with sound directed downwards at levels nearer to ground level than was used for previous events.

Need for Better Noise Control. In 2012, Parklands talked about how experienced they were at putting on large festivals, and they expressed great confidence about meeting the PAC conditions. They must have assured the PAC and the Department of Planning that they could keep to these conditions and would manage the noise well, and their previous noise engineers said that the

existing noise limits were achievable (SITG 2013 Noise Monitoring Report prepared by Benbow Environmental). But Parklands have not done a good job so far and should be expected to do much more. For example, they could construct sound-reducing covers over the main stages like the cover used at the Sydney Myer Music Bowl in Melbourne. This idea was suggested by residents to Department staff some time ago and was noted by staff as a measure that could work well. Parklands should be more proactive about managing the noise instead of complaining about the limits and expecting them to be increased.

RESPONSE

Over the large events held to date, Parklands continues to meet and improve upon Key Performance Indicators and Consent Conditions. Regarding Parklands efforts towards continued improvement and compliance in noise management by carefully managing C-weighted levels, additional acoustic controls and successfully trialled attenuation methods see previous response.

No to Extended NYE Hours. We object to main stage hours being extended until 2AM on New Year's Eve. Falls is not a one-day event. The noise goes on for days before NYE and after NYE, too, for more than 12 hours straight each day. The PAC specified midnight closing time for the main stages, and that condition should be kept. Noise from the café-bar operations until 2AM is disturbing enough. Residents shouldn't have to put up with the main stages until that hour, too, on any night.

RESPONSE

Regarding extending times of operation for New Years Eve, Parklands is seeking noise criteria specific to New Year's Eve only, that would allow stages to operate until 2:00am (rather than midnight). This change is proposed to be achieved by modification of the consent to identify the New Year's Eve noise level flexibility at Condition C16(3)(e).

With the provision of a New Year's Eve event at the FFB, in conjunction with the Council's Summer Safety and Cultural Activities Committee, being able to operate stages till 2:00am would provide a more conducive New Year's Eve experience for local, regional and interstate patrons, rather than closing stages at midnight. Such arrangements take place at a number of other events which operate on New Year's Eve.

Regarding events at Parklands on NYE, for the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural

Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family- friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25).

Noise Monitoring at Parklands. We have been frustrated with Parklands' noise monitoring. We remind the Minister that the Department became aware of problems with festival noise only when a noise engineer hired by local residents reported breaches of the PAC limits during Splendour 2013—when Parklands had reported no breaches. The Department then reviewed Parklands' noise monitoring and found faults. Parklands' noise data collection during Falls 2013 was also deficient. Some of the required monitoring simply wasn't done. Things are slowly improving, but Parklands should continue monitoring at all sensitive receiver locations, whether or not property owners have agreed to withhold complaints. The PAC stated "In considering any future project applications, the Council must take into consideration the performance of events during the trial, the effectiveness of the management plans, the monitoring results of environmental conditions..." (PAC Final Determination Report, 2012). Since noise is such an issue, Council needs as much information as they can get about the noise so that they can understand the issue and make informed decisions when they become the consent authority. Stopping the monitoring now, with the very spotty history accumulated so far, will put Council at a real disadvantage.

RESPONSE

After the FFB14/15 the event operators spoke to this point at the RWG. Both event operators highlighted that there were problems with the first noise consultant, which was unfortunate because it has caused a number of inconsistencies in the data sets. Since SITG14 ANE have been engaged and in that time have completed a comprehensive winter background survey, which was not affected by adverse meteorological conditions. They have also expanded on the existing summer background surveys by capturing data in December 2014 for a number of key receptors including R12 and R13. ANE also rewrote both the Noise Management plan and the Acoustic Monitoring Program for events in plain English and have gone to great lengths to communicate results more clearly and consistently (RWG Minutes, 1 April 2015).

Parklands approach to acoustic monitoring and noise management is rigorous and highly detailed. Prior to the commencement of any event where amplified noise is a feature, a qualified acoustic consultant must prepare and implement an Acoustic Monitoring Program (AMP) to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP must be prepared in consultation with the RWG and be consistent with the provisions and limits within the NMP required under Condition C16.

A Noise Management Plan (NMP) outlining measures to manage and minimise potential noise impacts of events is prepared by qualified acoustic consultant. The NMP is prepared in consultation with the RWG, and submitted to the Secretary for approval at least 60 days prior to any event where amplified music is a feature. For more detail regarding Parklands detailed monitoring and noise management procedures please see (North Byron Parklands Mod 3, Part 2, Annexure A, Section C16).

In addition, Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs have been outlined for previous respondents and are outlined in (North Byron Parklands, Mod 3, Part 1, p12).

Amplified Music vs Other Sources of Noise. Parklands claims that other sources of noise in the area are as loud as their festival noise, implying that festival noise cannot be faulted because of this. They mention ocean sounds and vehicle movements specifically as causing as much noise as festival music. It's true that residents here experience ocean noise and vehicle noise, but those sounds are not disturbing in the way that amplified music is, especially when the music is cranked up to very high levels and goes on for hours, day after day and well into the night. That kind of noise is seriously intrusive in this quiet area. Also, when using the LAeq unit of measurement, numerous relatively quiet events can yield the same LAeq over a given period of time as a few very loud events. As with any average, LAeq has advantages but does not necessarily capture the experience of those who are subjected to the noise.

RESPONSE

Unattended noise monitoring data collected during the SITG 2014 event indicated exceedences of the C-weighted reporting limits were observed for all receptors. Further, these exceedences, while more regularly observed during the period from 6 pm to midnight where headline acts were performing at the event, were also common throughout the day including periods where the event was not in operation. For some receptors, these exceedences are expected to be related to other noise sources such as vehicle movements. Observations made by ANE personnel during the event identified that in many cases, the overall LCmax recorded was the result of extraneous noise sources. As a result, establishing limits based the existing voluntary LCmax reporting levels is not considered a suitable means of assessing and limiting noise emissions from the event.(North Byron Parklands, Mod 3, Part 2, Annexure A, ANE Report, Section 2.3

Consolidating Conditions into C16. In wanting to consolidate all noise conditions into C16, we see that Parklands has proposed eliminating most of what was in the former B3: restrictions on noise in the camping area, midnight closing times for main stages, and so on. These conditions should not be deleted from the approval. Of particular concern is the elimination of B3(5), which states that the RWG may recommend increases or decreases to noise limits after considering the noise impacts of festivals. It is very important to preserve the right of the RWG to recommend changes to the noise criteria so that the surrounding communities will continue to have a voice during this trial period.

RESPONSE

This amendment refers the reader to this condition that ‘Noise management is now contained in Condition C16.’ (North Byron Parklands Mod 3, Part 2, Annexure A, B3)

Required Noise Mitigation. Another concern for us is that Parklands has not completed noise mitigation works at designated sensitive receivers, something that was supposed to have been done before the first event took place in July 2013. The Department was very clear about the need to comply with this condition, and the residents involved have had engineers on their property several times to figure out how they can be protected from festival noise. There are no easy answers to this situation, especially since the required mitigation would place an extreme, unwanted burden on the residents, but these people are strongly affected by festival noise, and we are appalled at how Parklands and the Department have responded to their concerns and to the disturbance they have experienced. We are especially frustrated to see in this proposal the suggestion that the residents involved must put a mitigation request in writing (which some have already done!) and that

Parklands will have to act only if the disturbance occurs “over more than two consecutive events”. Parklands has not faced up to its responsibility to these people. The Minister should not support Parklands’ behaviour and should seek a clear understanding of what has been going on from the perspective of the residents.

RESPONSE

Parklands has reached a permanent agreement with one of the sensitive receivers mentioned and has repeatedly written to the other receiver requesting commencement of the attenuation works approved by the DP&E. To date, the receiver has not responded to these written requests (three in total).

Southern Car Park. The use of the southern car park was limited by the federal government (EPBC Act) because of the nearby wetlands. The federal government’s approval needs to be sought for this proposed 6 modification. We are against it because cars don’t belong so close to those wetlands. Other proposed modifications are also part of the federal government’s approval (as detailed in that approval), and they, too, should be the subject of federal government assessment under the EPBC.

RESPONSE

Noted. Any such approvals or modifications at the Federal level will be undertaken.

Changes in Part B. On page 47 annexure A, Part B, Parklands proposes to change the definitions of large and medium events by increasing the numbers allowed for the first events in the trial. For example, the PAC approval defines a large trial event as “an outdoor event the first trial event for which is proposed for between 15,000 and 25,000 patrons” and Parklands now wants this to read “an outdoor event the first trial event for which is proposed between 25,000 and 35,000 patrons”.

There are two reasons not to change these numbers. First, the first events have already occurred, so changing the numbers for these already held first events has no meaning. Second, since annual proposed increases in attendance are based on the original numbers, those original numbers should remain in place so that any further increases in attendance will be in line with the original approval and will be done in increments from those first event numbers.

We also note that the definition of “small trial event” here has been changed to “between 10,000 to 15,000 patrons” from the original “up to 10,000 patrons” although the editing is not shown here.

The original number should remain in place for the same reasons cited immediately above and because a small trial event has not yet been held at Parklands.

RESPONSE

The changes in Part B referring to event size definitions reflects exactly the original application made to the Department of Planning and Environment and which was also recommended by this Department.

Small Community Events. As to the approval of “small community events”, we think the proposed definition of this new category is too vague. Simply saying that an event is a non-music event doesn’t mean that it will be low-impact in terms of noise or the environment. A vehicle rally could generate as much, or more, noise than amplified music and be detrimental to the environment. A much more specific definition is needed, and specific community consultation should be sought on this part of the proposal before any approval is given for additional events of any kind on the site.

RESPONSE

Parklands is again seeking the ability to host small-scale community events onsite, such as local school cross-country runs, open-air cinema, minor sporting events and other community events. A key requirement for community events will be that such events are not music-focused events.

The community has demonstrated a strong desire to use the Parklands cultural event facility as evidenced by the number of unsolicited requests received from a wide range of community groups and educational institutions to date.

The modification proposes use of the site for small events. Operational parameters will limit the potential impacts of such events by setting the following requirements:

- Non-music focused;
- Small enough so as not to require external traffic management; and
- Conformity with the applicable Parklands general management protocols and consent conditions.

(North Byron Parklands, Mod 3, Part 1, pii).

A 'small community event' is a non-music focused event with up to 3,000 patrons. (North Byron Parklands, Mod 3, Part 1, Section 2.4.1).

The Proposal Process: Notifications to the Public. We call the Minister's attention to the misleading notification that the Department placed in local papers regarding this modification proposal, e.g., The Echo, 3 June 2015, page 14. Three points were mentioned in the description: lowfrequency noise limits, small community events, and "minor administrative issues". No mention was made of substantially increasing dB(A) levels of noise or making other substantive changes in the consent conditions. The Parklands GM also stated, in a letter to the Byron Shire News (18 June 2015) that the purpose of the modification is to "increase community amenity with respect to noise" but made no mention of raising the existing levels of dB(A) noise, which will have the opposite effect. This same letter sends readers to the Parklands website for more information, but the proposal is not posted on the website and no mention is made of the proposed noise increases. Given that Parklands noise has been such a persistent and contentious issue, at least notices from the Department should have been far more clear and transparent about Parklands proposing increases to their noise limits.

RESPONSE

Not applicable for Parklands to respond on behalf of the Department of Planning.

The Proposal Process: Submissions. Members of our coalition have spent many hours carefully going through the proposal, comparing it with the original approval, discussing the implications, and preparing this submission. As local residents, our own comfort and amenity is at stake, and we are very concerned about how the proposed changes will affect us personally. At the same time, the festival promoters are urging their fans to send in submissions to "pump up the volume" because the existing conditions are so "prohibitive". (See <http://www.fasterlouder.com.au/news/43093/Splendour-inthe-Grass-needs-your-help-to-pump-up-the-volume>). This plea for "help" from festival fans is likely to generate thousands of supportive submissions from people who have not read the proposal, do not understand the history of the development so far, and do not understand the implications to the people who live near Parklands. This same tactic was used when the PAC was accepting submissions in 2012. Of the people who sent in submissions at that time from the postcodes nearest to Parklands, over 80% objected to the proposed development, but many submissions from fans trying to "help" secure PAC approval swamped the local residents' concerns. In assessing this proposal, we sincerely hope that the

Minister will be more attentive to the issues raised by the submissions than to the quantity of submissions received.

RESPONSE

Parklands has no control regarding the manner in which some entertainment media interpreted the modification's intentions. This particular news article is unfortunate and does not reflect Parklands press release, communications with the community (10,000 letter drops in both Tweed and Byron Shire LGAs) or the event's messages to their patrons.

As the trial period continues, despite the objections presented by some members of the community, the response from much of the local community has been extremely positive. It's important to note that 293 of the 1394 supportive online submissions are residents of the Byron Shire and the Northern Rivers.

3.2.2 Individuals

Bob Freestone, 13 Konda Crt Ocean Shores, NSW (118253)

RE: PARKLANDS PROPOSAL TO MODIFY PAC APPROVAL I wish to register my strong objection to the proposed increase in sound levels at future Splendour in the Grass and Falls festivals to be held at the Yelgun site. I live approximately two kilometres from this site as the crow flies and have been adversely affected by sound emanating from the site during all of the events held thus far. I consider it outrageous that a further increase in sound levels is being requested. I understand that the events are conducted on a trial basis and I am unable to reconcile the fact that, despite numerous complaints from local residents regarding noise in excess of prescribed guidelines, and a fine for excesses following the Splendour Festival in July 2014, the size of the crowd has been increased as if everything was going according to guidelines. I might mention here that during Splendour in July 2014 the Parklands community liaison person actually visited my house following a complaint and agreed that the sound, especially bass levels, was very high indeed, at current levels. To my knowledge most of the venues hosting events of this size, especially those held near residential areas, are restricted to 12 midnight times of cessation. These are usually one day/night events, not events that run for up to four days, from eleven am to midnight. These events, i.e Splendour and Falls, are required to turn down the volume at 12am. This seldom happens and there have been occasions when the sound is actually increased. As far as the old chestnut about wind direction is concerned. No matter which way the wind blows someone will be adversely affected while the others may get some relief. Of course, on still, windless nights all surrounding areas are affected.

Finally it seems to me that it is all one way traffic with the promoters getting everything they want while the residents get nothing but an increase in noise and inconvenience. The inconvenience can be accepted but not the arrogance with which the promoters have inflicted their noise, which they want to increase. It seems to me that if the promoters consider that existing noise limits are too difficult to comply with they should have considered this when first applying for the original consent. I have no doubt that this request to increase noise levels is solely so that the promoters will not be fined in the future. Yours sincerely Bob Freestone

RESPONSE

The respondent rightly points out that noise exceedances occurred during SITG14 and in particular notes that bass levels especially were high. What has become evident through the experience gained from operating four events at Parklands and the extensive noise monitoring data collected is that the C-weighted emissions (or bass), which is currently unregulated, is impacting on some community member's amenity. The modification has proposed to regulate the C-weighted emissions in a manner that will significantly improve community amenity.

Parklands and the events have worked closely with their noise consultants (ANE) to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in the more intrusive C-weighted emissions experienced by sensitive receivers during SITG14. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron parklands, Mod 3, Part 1, Section 2.2).

The proposed modifications also sighted meteorological conditions during SITG14 festival and despite the respondent's opinion that wind direction does not impact on festival sound emissions, Parklands recognises that this further exacerbated the experience for some residents. Therefore, during periods of strong wind or temperature inversion the event is required to implement all reasonable and feasible acoustic controls to limit the potential impacts associated with event noise emissions (North Byron Parklands Mod 3, Part 2, Section 3.3.4).

In addition to the acoustic controls and detailed speaker design incorporated into predictive noise modelling, there is capacity for additional on-site acoustic controls that were successfully trialled at FFB14/15.

While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. Such additional mitigation measures including silage hay bales, truck bodies etc, have been outlined in detail in this document previously and can also be found in North Byron Parklands Mod 3, Part 2, Section 4.6.

In order to determine the impact of C-weighted emissions, SITG14 operated at elevated levels, from these learnings, FFB14/15 managed C-Weighted emissions at the source and through onsite attenuation initiatives. The dramatic reduction in noise complaints from SITG14 and FFB14/15 provides a compelling argument that better managing low end sound emissions is seeing an overall increase in community comfort.

Parklands and the event promoters are all members of the Byron Shire community so it's with regret that the respondent perceives the event promoters as arrogant and inactive to community complaints. Parklands take very seriously any inconvenience caused by events at Parklands and work tirelessly with the community in consultation and employ a series of measures to mitigate and compensate community discomfort, including and not limited to the community liaison manager and event hotline.

Indeed, the respondent admits that Parklands community manager sympathised with him about discomfort caused by bass emissions during SITG 2014. According to RWG minutes, April 1 2015 after FFB14/15 community representative "Russell Eldridge thanked Community Manager Neil Johnson for making such a big positive impact in community relations and communications". The event team can hardly be described as arrogant or non-responsive to complaints.

In regards to event times, the modification sets out clearly that entertainment noise extends until 12 midnight for main stages and until 2 am for bars and cafes only (North Byron Parklands Mod 3, Part 2, 3.3.4).

Regarding extending times of operation for New Years Eve, Parklands is seeking noise criteria specific to New Year's Eve only, that would allow stages to operate until 2:00am (rather than midnight). This change is proposed to be achieved by modification of the consent to identify the New Year's Eve noise level flexibility at Condition C16(3)(e).

With the provision of a New Year's Eve event at the FFB, in conjunction with the Council's Summer Safety and Cultural Activities Committee, being able to operate stages till 2:00am would provide a more conducive New Year's Eve experience for local, regional and interstate patrons, rather than closing stages at midnight. Such arrangements take place at a number of other events which operate on New Year's Eve.

Regarding events at Parklands on NYE, for the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family- friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25).

Danielle Levis, 27 Flinders Way, Ocean Shores, NSW (118249) PDF Letter

Parklands sympathise with the respondents experience and acknowledges that some members of the community have experienced disruption during the festivals because of sound emissions.

However, the modification clearly sets out to reduce and regulate the intrusive sound emissions that the respondent has experienced. The net result of which would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron Parklands Mod 3, Part 2, Section 2.2).

Regarding the respondents claim concerning the 'disastrous' impact the festivals have had on the environment, Parklands draw the respondents attention to the significant investment of 2,150 survey and assessment hours in establishing ecological baseline data both within the site and

external control points before, during and after the events. Ecological monitoring continues to be undertaken. (North Byron Parklands Mod 3, Part 1, Section 1.7).

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance, which is illustrated by ecological monitoring, with the permanent photo point record showing rapid recovery of grass areas following events and no noticeable disturbance of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Ecological restoration undertaken to date on the site is well beyond the requirements of the consent conditions and events include a variety of environmental education programs for patrons including mass tree planting programs.

Significant water cycle sustainability gains have been achieved by investing in composting toilets, water- efficient showers and greywater reuse. In addition Byron Council awarded Parklands an environmental award for its achievements and commitment in this regard. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

The respondents anecdotal evidence regarding the cause death of a patron attending FFB14/15 is disturbing, particularly in light of the family that is still grieving a significant loss and in the respondents professional capacity as a Barrister.

Gary Bargh, Ocean Shores, NSW (118257) Hand Written Letter

We sincerely regret the respondents experience during SITG14.

In order to determine the impact of C-weighted emissions, SITG14 operated at elevated levels, from these learnings, FFB14/15 managed C-Weighted emissions at the source and used onsite attenuation initiatives. Parklands points out the enormous reduction in noise complaints at FFB14/15. The figures provide a compelling argument that better managing low-end sound emissions is seeing an overall increase in community comfort.

Therefore, Parklands and the events have worked closely with their noise consultants (ANE) to develop a set of proposed noise criteria that, in addition to being consistent with industry best

practice, would result in a significant reduction in the more intrusive C-weighted emissions experienced by sensitive receivers during SITG14.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron parklands, Mod 3, Part 1, Section 2.2).

Laurie and Juliet Hart, Ocean Shores, NSW (118302)

We wish to register our strongest objection to the proposed increase in sound levels at upcoming Splendour in the Grass and Falls festival events presently held at Yelgun, within close proximity to multitudes of residential dwellings including our own. We purchased our home in North Ocean Shores many years prior to the approval by the State Government of the Parklands festival site in the Byron Shire (over and above the objection of our elected council, the NSW Environmental Court and multitudes of local residents). In the past we have made numerous formal complaints to the event organizers during the running of the two major festivals (both Splendour in the Grass and the Falls Festival) concerning the sheer volume of noise emitted from this inappropriately positioned festival site... (We have experienced times when our home has literally vibrated from the music generated during these festivals.)

We find the recent submission to the state government to increase noise levels during the running of the Splendour in the Grass and Falls festivals most offensive and an absolute insult to ones intelligence. In their submission the proponents claim among other things that insect, ocean and highway noise are a justification for increasing the volume levels generated from their audio equipment... this is laughable! When these concerts are in progress all that can be heard is the sound of bass guitars, amplified drums and other stage equipment drowning out every other sound that we have chosen to live with and some of which we receive so much enjoyment from... i.e. the sound of the ocean in the evenings. Furthermore what the promoters fail to consider is that when the breeze blows off the ocean the sound from their concerts carries to the nearby residential areas in an even greater capacity... Which was one of

the multitude of concerns raised in the original objections to the location of this site! However we don't expect the promoters to take this into account as they show complete disregard for the residents they have foisted themselves upon, caring only that their own selfish ambitions and agendas be fulfilled. The promoters make the claim that relatively few complaints have arisen from

residents during the running of these events! ... The fact is that there is no way they are able to receive complaints from multitudes of residents as the phone lines (including the hot lines) are on overload... We had to approach Optus to enable us to have priority access so that we could make and receive calls from our home the last time one of the festivals were in progress! When the owners of this site made their original submission to hold this event at this location they assured the local residents that all music would cease at 12 midnight...they then extended this from 12 midnight until 2am with recorded music, implying that the sound levels after midnight would decrease accordingly, this certainly has not been the case as there have been numerous times when the levels have greatly increased in this 2 hour period! Once again the promoters fail to take into consideration our community, a community made up of multitudes of families that attempt to live normal, well adjusted lives, who as a result of being subject to these events are often sleep deprived, anxious and placed under unwarranted stress. These promoters were offered a much more appropriate location within our shire at the Tyagarah Blues Festival site; however they declined the offer...May I suggest if they are finding it difficult to host their event in the present location for the reasons they have submitted, they obviously failed miserably to do their planning assessment prior to developing this site... (Note, the Blues Festival ceases all music at 12am and yet is located much further away from residential areas.) We thank you for your consideration of our objection, Yours Sincerely, Laurie and Juliet Hart

RESPONSE

In order to determine the impact of 'bass' or C-weighted emissions, SITG14 operated at elevated levels. Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted levels.

Despite SITG14's non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am, i.e. more than three hours prior to event entertainment commencing, due to local noise influences such as highway traffic, ocean noise, lawnmowers, etc. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Parklands' rejects any perception that the venue and events disregard for the community. Indeed all Parklands and event management and staff are local residents and are proud of the range of social, economic and cultural benefits that the events held at Parklands bring to the Byron Shire community.

Parklands appreciates that it's immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs have been outlined in detail in previous responses and are also provided in North Byron Parklands, Mod 3, Part 1, p12. It should be noted that Ocean Shores is some 5 kilometres from the event site.

The dramatic reduction in noise complaints between SITG14 and FFB14/15 reflects the success of better management of C-weighted frequencies at the source and increased acoustic attenuation measures throughout the venue during FFB14/15. The community's general feeling regarding sound emissions as reported to the RWG by the two community representatives after Falls Festival was positive (RWG Minutes, 1 April 2015).

In addition to criticisms about the event hotline, the hotline did experience difficulties during the first event however since then it receives and logs all calls. At SITG15 all calls will be recorded.

In regards to event times, our modification sets out that entertainment noise extends until 12 midnight for main stages and until 2 am for bars and cafes only (North Byron Parklands Mod 3, Part 2, 3.3.4) At FFB14/15 one small stage did run for a brief period without permission after 12am. The stage was shut down immediately when it was brought to the General Manager's attention via the event hotline.

After five large events during the trial period, the response from much of the local community has been extremely positive. Indeed Parklands' application to host small community events is a reflection of the good relationship with community and local school groups that Parklands enjoys. Allowing small community events at Parklands will provide a significant social asset to the community located in the north of Byron Shire, where such facilities are lacking. (North Byron Parklands Mod 3, Part 1, p10).

Paul Brecht, Byron Bay, NSW (118255) Handwritten Letter

Parklands are proud to say that over the last four events now held at Parklands, that we continue to meet and improve upon Key Performance Indicators and Consent Conditions.

The compliance rate from SITG13 to SITG14 covering the `KPIs listed in Parklands Environmental Health and Safety Management Manual went from 93% to 97%, while compliance with the project consent conditions increased from 92% to 96%.

Improvements with respect to local environmental impacts have been substantial. In significant part, the use of generally common key event staff has accelerated the learning and refinement process. Indeed, key stakeholders, including the Roads and Maritime Service, Byron Shire Council and NSW Police have provided positive feedback to both the Regulatory Working Group and event-specific debrief meetings regarding the continuous improvements demonstrated by events regarding traffic management.

In preparation for each event held to date, a Traffic Management Plan, incorporating Traffic Control Plans for the local road network and a Traffic Monitoring Program was prepared and forwarded to relevant regulatory agencies.

Significant improvements to traffic management have occurred progressively over the first four events held at Parklands. For example, the camper parking and processing, which had been problematic at SITG13, was significantly altered for SITG14 producing a greatly improved result. In addition, a number of opportunities have been identified and implemented for further car parking process improvements. With an increase in capacity from SITG13, the traffic and parking systems worked as planned and there were no traffic issues of concern onsite or offsite.

Another improvement involved the use of live traffic counters, which provided key traffic flow rates and were used to predict peak flow times more accurately. This information has become a valuable tool for on-ground traffic management.

Importantly, for the most recent events held at the venue (SITG14 and FFB 14/15) all traffic Key Performance Indicators (KPIs) were met during each day of the event (the only exception being KPI 3 for a 45-minute period of time on the Monday of SITG14 when patrons were departing). Data from this most recent event has been analysed and a modification to camper egress has been developed to address this aspect. (North Byron Parklands, Mod 3, Part 1, Section 1.7).

So too, ecological restoration undertaken to date on the site is well beyond the requirements of the consent conditions and events include a variety of environmental education programs for patrons.

Regarding the impact the festivals have had on flora and fauna at Parklands highlights the significant change in land use that has occurred since the purchase of Parklands in late 2006. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site. As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. Plan 1.1 in North Byron Parklands, Mod 3, Part 1, Section 1.7 shows details of the works program.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Indeed, some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological monitoring continues to be undertaken (North Byron Parklands Mod 3, Part 1, Section 1.7).

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance, which is illustrated by ecological monitoring, with the permanent photo point record showing rapid recovery of grass areas following events and no

noticeable disturbance of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Contrary to the respondent's descriptions of the venue as a 'barren wasteland' as a direct result from SITG and FFB, the reforestation and restoration of native forest vegetation at Parklands has seen significant improvement both in terms of area and quality of native forest in selected locations. Indeed, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas. (North Byron Parklands Mod 3, Part 1, Section 1.7).

With regards to meeting conditions around noise, Parklands have acknowledged the need for improvement in this area. To this end Parklands has consulted with the community and worked closely with noise consultants (ANE) to develop and present a set of proposed noise criteria that clearly sets out to reduce and regulate the intrusive sound emissions that some members of the community have experienced. The net result of which would be an overall reduction in noise emissions at sensitive receivers, thereby markedly improving the amenity of the surrounding community. (North Byron Parklands Mod 3, Part 2, Section 2.2).

Contrary to concerns that the application to host more events 'is stretching the limits of endurance of residents close by' Parklands have been inundated by requests from the local community to host small events at the venue. It is precisely because the community has demonstrated a strong desire to use the cultural event facility that Parklands has applied to host small community events.

The modification proposes therefore use of the site for small community events. Operational parameters will limit the potential impacts of such events on the community by setting the following requirements: that the events are non-music focused; are small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions (North Byron Parklands Mod 3, Part 1, pg iii, point 2). Rather than causing community duress, such events would increase community amenity.

Russell Eldridge, 6 Barkala Crt, Ocean Shores, NSW (118074)

I object to the proposal to increase higher frequency sound levels emanating from the North Byron Parklands site. I agree that bass levels need to be reduced but higher frequency levels were also a major concern at Splendour in the Grass 2014. There were 139 noise complaints about Splendour 2014. The noise levels were enormously disruptive to the social amenity of the community and many people felt physically disturbed by the intrusive sounds. At the subsequent Falls festival event over the summer of 2014/15, residents barely heard the sounds. Why can't Splendour keep sounds to that level? Much positive work has been done to make Parklands a good neighbour in the north of Byron Shire, and residents have appreciated efforts to minimise traffic and other disruptions. But noise always was and remains the main problem. At the moment it appears to residents that all decisions are going Parklands' way with little regard to the concerns and needs of residents. My submission is my own, but I can assure you that it is also based on the concerns of many residents, particularly the elderly, who do not find it easy to make these sort of submissions. I do hope you give consideration to residents, many of whom have observed the entire approval process with dismay, and some of whom have given up, believing that Parklands will get whatever it wants with the uncritical blessing of the Department of Planning & Environment. Please demonstrate this is not so.

RESPONSE

Thank you for this thoughtful and informative submission. It is pleasing to note the additional onsite noise attenuation measures at Falls 14/15 resulted in little or no noise impact for residents south of the venue. In order to determine the impact of C-weighted emissions, SITG14 operated at elevated levels and from these learnings, FFB14/15 managed C-Weighted emissions at the source and through onsite attenuation initiatives. The significant reduction in noise complaints from SITG14 and FFB14/15 provides a compelling argument that better managing low-end sound emissions in tandem with increased onsite attenuation is seeing an overall increase in community comfort.

To this end, Parklands and the events have worked closely with their noise consultants (ANE) to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during SITG14. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. Your point about A-weighted emissions also having the ability to be intrusive is

important and one that requires a continued effort on the part of the event to manage these levels in a manner that does not impact on the surrounding community.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

In addition to the acoustic controls and detailed speaker design incorporated into the predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014.

While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors and the respondents comments further attests to the success of these initiatives. Following the successful trial at FFB, such additional mitigation measures, for example silage hay bales, are to be implemented at SITG15 and have been outlined in previous responses. The noise mitigation measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

Parklands disagrees with the respondent's suggestion that Parklands has been given preferential treatment throughout the trial period. The regulatory requirements for this project are not matched by any other outdoor venue in NSW or Australia. Rather Parklands continues to report on and comply with stringent conditions as set down by The Department of Planning and Environment.

In regards to the respondents claim that residents feel their voices are not heard this is disappointing to hear. The DP&E initiated the mechanism of the Regulatory Working Group, which includes two community representatives (of which the respondent is one) to voice any concerns in the community. Parklands, the event promoters and all members of the RWG (NSW Police, RMS, OEH, NPWS, SES, BSC) listen and act on community concerns raised in that forum. In addition, Parklands Event Hotline staff, the Community Manager and Community Advocate all work together (and where required, liaise with the RWG community representatives and the wider community) to help deliver positive outcomes for the community.

Vivi Royston, 7 Pacific St, New Brighton, NSW (118304)

I am submitting this submission because at the present permitted sound levels my whole house throbs during Splendour especially with bass tones/ music. Although I live several kilometres from

the Yelgun site, I live right on Marshall Creek. The sound appears to be magnified/ intensified while travelling through water. I am unable to sleep till it stops.

Please don't consent to an increase in the sound levels. Sincerely, Vivi

RESPONSE

Parklands sympathies with the respondent's experience and acknowledge that some members of the community have experienced disruption during the festivals because of sound emissions. However, the modification clearly sets out to reduce and regulate the intrusive sound emissions that the respondent claims to have experienced at her home in New Brighton (approximately 3.8 kilometres in a direct line from the venue). The proposed sound criteria will see an overall reduction in noise emissions at sensitive receivers, thereby markedly improving the amenity of the surrounding community. (North Byron Parklands Mod 3, Part 2, Section 2.2)

In addition to the acoustic controls and detailed speaker design incorporated into predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014.

While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. Following the successful trial at FFB, such additional mitigation measures for example silage hay bales, truck bodies etc are to be implemented at SITG15 and have been outlined previously in this document and are also provided in North Byron Parklands Mod 3, Part 2, Section 4.6.

Sandra Armstrong, Ocean Shores, NSW (117954)

I object that the rules pertaining to noise levels could be changed during the " trial" period. We live in a RESIDENTIAL area approx 2 km from the site. Noise levels seriously affect us

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance... “. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned. The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii)

Parklands sympathises with disruption experienced by any residents caused by noise. The modification seeks to address this by reducing and regulating intrusive sound emissions. The proposed sound criteria will mean an overall reduction in noise emissions at sensitive receivers, thereby markedly improving the amenity of the surrounding community. (North Byron Parklands Mod 3, Part 2, Section 2.2).

Name withheld, South Golden Beach, NSW (118245)

We hear the festival even though we're miles away, the extra buses that don't usually come this way rumble by until midnight, and the party goers arrive home to the rented accommodation at all hours, happily rowdy with no concept of sleeping neighbours. To live in this beautiful area we accept next to no public transport, few employment opportunities, appalling roads to name but a few issues and now we are told we're to become "party central". NO THANK YOU. This is our home. We wish to live quietly and enjoy the naturally beauty surrounding us. The noise pollution is intrusive and distressing, not to mention the additional traffic, rubbish and general inconvenience. The current allowable noise levels need to be reduced not increased and the fact that the organisers have applied to increase the noise level shows their total disregard for the local inhabitants - both human and animal.

RESPONSE

Parklands sympathises with the respondents experience and Parklands is concerned about any anti-social behaviour that residents experience. Regarding anti-social behaviour occurring in suburbs when festival patrons return to their accommodation we urge residents to contact the Event Hotline, the Community Manager or the Police.

Feedback from NSW Police for the trial events indicates that caseloads in local villages and townships including Byron Bay are down on normal incident rates of anti-social behaviour. Local businesses advise also that patrons are generally well behaved with the exception of an incident of

patron noise issues in Brunswick village reported at the bus stop. Events have now placed security staff at this bus stop and patrons are reminded on the bus to respect local neighbours. Nor has Council raised antisocial behaviour from event patrons as an issue. The event hotline has not recorded any complaints about antisocial behaviour (other than the patron noise issue in Brunswick). (North Byron Parklands Mod 3, Part 1, 1.6)

Regarding noise; Parklands has acknowledged the need for improvement regarding sound levels and to this end Parklands have worked closely with noise consultants (ANE) to develop and present a set of proposed noise criteria that clearly sets out to reduce and regulate intrusive sound emissions that some members of the community have experienced. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

Regarding traffic; key stakeholders, including the Roads and Maritime Service, Byron Shire Council and NSW Police have all provided positive feedback to both the Regulatory Working Group and event-specific debrief meetings regarding the continuous improvements demonstrated by events regarding traffic management. Importantly, for the most recent events held at the venue (SITG14 and FFB 14/15) all traffic Key Performance Indicators (KPIs) were met during each day of the event (the only exception being KPI 3 for a 45-minute period of time on the Monday of SITG14 when patrons were departing). Data from this most recent event has been analysed and a modification to camper egress has been developed to address this aspect. (North Byron Parklands, Mod 3, Part 1, Section 1.7)

Regarding rubbish; each event is required to provide a Litter Response Team (LRT) for the duration of the event. The LRT is responsible for monitoring roadsides and bus stops associated with the event. The team is in regular contact with the event hotline and responds to any reported litter issues. To date, only six complaints about litter have been received and were responded to by the LRT. The event Community Manager takes before and after photos of key surrounding locations to verify the cleanliness (or otherwise) of these locations. Of the litter complaints made, a number of them were clearly not event patrons (e.g. Council bins located at beach entrances filled with picnic waste, etc) (North Byron Parklands, Mod 3, Part 1, Section 1.6)

It is with regret that the respondent has interpreted the modification to establish sound criteria that will effectively reduce noise emissions, as showing disregard for the members of the host community. Nothing could be further from the truth, it's worth mentioning that the event

promoters, venue managers, friends and family and the hundreds of people that Parklands employ are also residents of the Byron Shire who care about any adverse impact the festivals have. In addition, Parklands care about the animals too, and in regards to the well being of the fauna, Parklands has invested over 2,150 survey and assessment hours using qualified ecologists and botanists to establish baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. Ecological monitoring continues to be undertaken (North Byron Parklands Mod 3, Part 1, Section 1.7)

In regards to more general inconveniences experienced by this resident, Parklands Community Advocacy Officer is herself a resident of South Golden Beach and would be only too happy to discuss these issues further.

Name withheld, Ocean Shores, NSW (118227)

We OBJECT to the application by Parklands to have their project approval modified. Specifically there is absolutely no justification to increase the existing limits of noise levels. I would have thought there is plenty of factual evidence, through the level of complaints and noise monitored breaches, that would justify that the existing noise level limits ought be reduced. The Planning Assessment Commission approved a 5 year trial period to establish if the development could stay within PAC set boundaries. This application by Parklands only serves as further evidence, that in the context of noise, this location is not an appropriate place for major outdoor music festivals; as the large majority of locals emphasized to PAC in 2012. As a directly affected resident, during the course of the 'Splendour in the Grass' festivals of 2013 and 2014 our residential area within Ocean Shores and our counterparts in areas of Mooball were absolutely smashed by excessive disturbing noise and bass vibration.

RESPONSE

Parklands have openly acknowledged the need to address sound emissions and regret the disruption that this resident experienced during SITG13/14.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified

that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”.

To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned. The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii)

Consider the following: 1/ If the existing noise limits are adjusted upward, naturally the noise increases and we the existing resident is further compromised.

RESPONSE

In order to determine the impact of ‘bass’ or C-weighted emissions, SITG14 operated at elevated levels. Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modelling, there is capacity for additional on-site acoustic controls that were successfully trialled at FFB14/15.

While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby

sensitive receptors. These additional mitigation measures for example silage hay bales, truck bodies etc, will be implemented at SITG15 and have been outlined previously in this document and in North Byron Parklands Mod 3, Part 2, Section 4.6).

2/ PAC set strict noise limits to protect the residents and the sensitive ecology in the area. Parklands now want these limits must be raised for the good of their business. Parklands themselves are only underlining the unsuitable location of this site.

RESPONSE

The five-year trial period is a time that allows Parklands to refine operations that allow continued improvement. The proposed noise criteria are designed to better manage intrusive sound emissions that will improve community amenity and deliver a satisfactory patron experience. In no way is it a reflection on the suitability of the site.

3/ The complaints hotline results relating to Parklands music festivals thus far are as follows: Spindour 2013-73, Falls 2013-34, Splendour 2014-139, Falls 2014-22. Further the complaints hotline has not always functioned correctly, so the actual number of people who have tried to complain was more than likely higher.

RESPONSE

The dramatic reduction in noise complaints between SITG14 and FFB14/15 reflects the success of better management of C-weighted frequencies at the source and increased acoustic attenuation measures throughout the venue during FFB14/15. The community's general feeling regarding sound emissions as reported to the RWG by community representatives after FFB was positive. (RWG Minutes 1 April 2015).

In addition to criticisms about the event hotline; the hotline did experience difficulties during the first event however since teething problems at the first event, it receives and logs all calls. At SITG15 all calls will be recorded.

4/ Parklands noise monitoring and management have so far been inadequate. At Splendour 2013 monitoring was so poorly done that the Dept. couldn't tell if the noise limits had been breached or not. Professional monitoring commissioned by residents showed clear breaches. PAC fined Parklands \$3,000.00 in 2014 for breaching sound limits. The large majority of local residents all severely

affected, still maintain this trial approval granted in 2012 was unjustified. For Parklands to apply for a relaxation within the PAC set boundaries underlines their lack of respect and consideration for those that bear much of the burden for Parklands benefit. Critical conditions like noise limits should not be changed, particularly given the poor performance of Parklands 2 years into their trial period. No changes to the conditions of this TRIAL consent should be entertained by PAC. If Parklands can illustrate they can be responsible and considerate to the existing residential amenity, (which as at this stage they have failed to adequately apply); only then should this TRIAL deserve further consideration.

RESPONSE

Parklands approach to acoustic monitoring and noise management is rigorous and highly detailed. Prior to the commencement of any event where amplified noise is a feature, a qualified acoustic consultant must prepare and implement an Acoustic Monitoring Program (AMP) to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP must be prepared in consultation with the RWG and be consistent with the provisions and limits within the NMP required under Condition C16.

In addition, a Noise Management Plan (NMP) outlining measures to manage and minimise potential noise impacts of events is prepared by qualified acoustic consultant. The NMP is prepared in consultation with the RWG, and submitted to the Secretary for approval at least 60 days prior to any event where amplified music is a feature. For more detail regarding Parklands detailed monitoring and noise management procedures please see (North Byron Parklands Mod 3, Part 2, Annexure A, Section C16).

After the FFB14/15 the concern was raised by the community representatives at the RWG meeting. Both event operators spoke to the concern and highlighted that there were problems with the first noise consultant, which was unfortunate because it has caused a number of inconsistencies in the data sets. Since SITG14 ANE have been engaged and in that time have completed a comprehensive winter background survey, which was not affected by adverse meteorological conditions.

They have also expanded on the existing summer background surveys by capturing data in December 2014 for a number of key receptors including R12 and R13. ANE also rewrote both the Noise Management plan and the Acoustic Monitoring Program for events in plain English and have gone to great lengths to communicate results more clearly and consistently. To facilitate a greater

understanding of the noise-monitoring program now well established by ANE, the Chairperson recommended Parklands convene a meeting with interested RWG members to discuss the technical aspects of noise monitoring. Parklands agreed this to action (RWG Minutes, 1 April 2015).

Further to this point Mayor Simon Richardson said that it was an important the role of the community reps to disseminate accurate information provided by Parklands and the RWG to clarify misconceptions and respond to questions raised by members of the community. (RWG Minutes, 1 April 2015).

Parklands' Modification is not an application for a relaxing of the conditions, but proposes regulated and clear sound criteria that are reflective of industry best practice that will deliver increased amenity for the community and a better experience for festival patrons.

During the trial period Parklands have consulted with the community about the need to fine tune sound management. Parklands are committed to continuously improving the ability to meet key performance indicators and conditions of consent in key areas such as traffic, environmental management and noise (North Byron Parklands, Mod 3, Part 1, Section 1.7).

Name withheld, Ocean Shores, NSW (117956)

Byron Parklands cannot comply with current noise level targets and should not be able to increase them just so they can tick compliance boxes. These Festivals are very disruptive to the local communities surrounding the site. The last Splendour in the Grass could be heard over 20 kilometres away which is absolutely unacceptable. The site is in an ecologically sensitive area with many species of wildlife and the noise level criteria applied should reflect this. I live almost 10 kilometres from the site and my dog was very upset by the noise and we could hear the music from the last Splendour above the noise of the television. The Government needs to look after the community and the wildlife, not a giant moneymaking machine.

RESPONSE

Despite SITG14's non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated A-weighted emissions at sensitive receivers similar to those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

At SITG14 non-compliances with the LAeq background +10 dB and background +5 dB noise limits were observed from 8:00am i.e. more than three hours prior to event entertainment commencing, due to local noise influences such as highway traffic, ocean noise, lawnmowers, etc. Put simply SITG operating at the same music noise level as FFB, cannot comply with existing A-weighted background plus noise criteria due to significantly lower background levels in winter (up to 10 db(A) lower than in summer at many sensitive receivers).

Since SITG14, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2)

Parklands and the events team are all residents of the Byron Shire and are serious about protecting the ecologically diverse property they manage. To this end Parklands have invested 2,150 survey and assessment hours to establish baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. Ecological monitoring continues to be undertaken (North Byron Parklands Mod 3, Part 1, Section 1.7).

(Name withheld) of Mullumbimby, NSW (118199)

The local community is currently negatively impacted by the unnecessary noise levels of the existing festivals on this site. The event participants have no respect for the local residents, or the environment - the waste/rubbish left behind is obscene. Take a walk through local neighbourhoods during the music festival and listen to the dogs whimpering and barking in distress from the noise. You don't even insist on the event organisers finding a way to compensate the community for the massive traffic inconvenience. You are turning peaceful Yelgun into a disgrace each time you allow this activity to go unchecked. Stop listening to the mighty dollar and please listen to your local rate payers. Please care about your own community and put the limits on these events now.

RESPONSE

Parklands accepts that some residents have been impacted as a result of sound emissions. To mitigate inconvenience that some residents have experienced, Parklands and the events have worked closely with noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals.

Parklands and its event promoters are all local residents of the Byron Shire and treasure this unique part of the world for its natural beauty. In addition, Parklands and the events continue to acknowledge the importance of the local community they live and work in through the community grants program.

As part of the community grants and other programs, the events hosted by Parklands in 2014 provided over \$85,000 in direct cash contributions to organisations including the Shara Community Gardens in Ocean Shores, Brunswick Valley Landcare, Brunswick Valley Rescue, Summer Safe Program, Crabbes Creek Film Festival, Ocean Shores Primary School and to The Training Station partnership with Mullumbimby Music Festival. In addition, tens of thousands of dollars' worth of tickets were provided to charitable organisations and public schools to raise much needed funds through raffles and prizes.

To date, since its inception in 2001, SITG has donated over \$400,000 to community groups in the Northern Rivers region. Since its commencement in 2013, Falls Festival Byron has donated some \$55,000 to Council and community groups. (North Byron Parklands, Mod 3, Part 1, Section 1.5).

Furthermore, Parklands application to host small community events is a direct response to community groups and is a reflection of the good relationship with community and local school groups that Parklands enjoys. Allowing small community events to flourish at Parklands will mean a greater section of the community can benefit from the excellent facilities at the venue.

In regards to traffic, since the first event, improvements with respect to local environmental impacts have been substantial. Indeed, key stakeholders, including the Roads and Maritime Service, Byron Shire Council and NSW Police have provided positive feedback to both the Regulatory Working

Group and event-specific debrief meetings regarding the continuous improvements demonstrated by events regarding traffic management.

Importantly, for the most recent events held at the venue (SITG14 and FFB 14/15) all traffic Key Performance Indicators (KPIs) were met during each day of the event (the only exception being KPI 3 for a 45-minute period of time on the Monday of SITG14 when patrons were departing). Data from this most recent event has been analysed and a modification to camper egress has been developed to address this aspect. (North Byron Parklands, Mod 3, Part 1, Section 1.7).

Name withheld, Ocean Shores North, NSW (1182015)

I am very much against North Byron Parklands' proposed modifications to the existing noise limits. Changing the consent conditions in the middle of the five-year trial is wrong. The Department needs to see how Parklands manages the development to do a proper assessment of their effort at the end of the trial. Also, our local council must give its consent for any additional festivals at the end of the trial period, and they're supposed to base their decisions on what happened during the trial under the existing conditions. Because noise has been a particularly thorny issue, the noise criteria should not be changed now. Parklands should be expected to show how well they can keep the noise within the limits that were thoughtfully and purposely set by the PAC. I'm very concerned that the proposed new limits for dB(A) noise are much higher than the current limits, as reported in Tables 2.2 and 2.3. So the proposed fixed limits of 65 dB(A) up to midnight and 55 dB(A) from midnight to 2AM will result in the actual perceived noise being much louder—from four to eight times louder. Parklands has downplayed this part of the proposal to the local community, concentrating instead on the low-frequency noise, but much higher dB(A) noise will not be good for the community. Putting limits on the bass/dB(C) noise is a good idea, but I think the limits that Parklands proposes are too high (75 dB(C) until midnight and 70dB(C) until 2AM). The Department recommended very similar bass limits in 2013 and said that the effectiveness of those limits should be judged in terms of the subjective experience of nearby residents. Parklands then used those recommended levels as targets for Falls 2013 and Splendour 2014, but those festivals led to numerous complaints about the noise in general and the bass noise in particular. Taking those many complaints into account (that is, the subjective experience of those who were impacted) shows that the existing limits are actually too high. If protecting residential amenity in this very quiet area is important, the Minister should stipulate lower limits for the bass noise than what are being proposed. I also strongly object to adding 5 decibels onto Parklands' noise limits if the weather conditions are "adverse", such as the wind blowing. This region almost always has wind, and a lot more people are disturbed by festival noise if the wind blows. The answer is not to increase the limits still further but to turn the volume

down. Turning the volume down was a solution offered by the noise engineer hired by residents to measure festival noise independently. Members of the RWG have also recommended that the volume be lowered, reflecting the views of the community, but so far the Department of Planning has ignored that recommendation. Setting high limits for the bass, raising the dB(A) limits significantly, and adding 5 decibels during adverse weather conditions will accomplish only one thing: it will make it easier for Parklands to demonstrate compliance. But these proposed measures will not reduce the disturbance that festival noise causes to the community. The PAC imposed strict conditions of approval specifically to protect the community. The commissioners approved a strongly opposed development with the understanding that it would undergo a trial period and meet strict criteria during that trial. Those intentions should not be dismissed now. In fact, for Parklands to seek an increase in the limits now shows a surprising disregard for the PAC's noise conditions and the reasoning behind them. The core of the matter is that Parklands wants to satisfy their performers and their customers, both of whom want very loud music for days on end.

Residents do not want to be disturbed. These conflicting desires were made very clear when the PAC held public hearings in Byron Shire in 2012. Numerous members of the community said that the site was the wrong place for large amplified music festivals. Now that four events have been held at Parklands, we are even more sure that Parklands is the wrong place for these events. The solution is not to give them even more generous permission to disturb us. If they can't stay within the limits, then they should move their festivals to another location that will not have the same negative impacts. Parklands says that they want the same noise limits as other festival sites in NSW, arguing that these other locations have had very few complaints. They neglect to point out, though, that Parklands have actually received numerous complaints so far: 73 during Splendour 2013, 34 during Falls 2013, 139 during Splendour 2014, and 22 during Falls 2014. The number of complaints was higher because the complaint hotline has not been managed well. The hotline didn't function at all during periods of time at Splendour 2014 because the operators were using mobile phones and couldn't get a signal. Also, when residents called Council or the local police, they were told they had to call Parklands—even though they had been unable to get through on the hotline. And yet, even though the complaints process has been inadequate, many more noise complaints were lodged about Parklands than about the other venues they are comparing themselves to! The main point, though, is that the limits should not be raised just because other places have higher limits. The conditions of approval for this development include strict noise levels, and Parklands should be held to them or to even lower limits. As to allowing the main stages operate until 2AM on New Year's Eve, I would like to remind the Minister that the community and the local council didn't want any events on the site over the Christmas/NYE holiday, a time when the shire is already packed with

visitors, but the PAC gave approval for operation during that holiday period. The Falls festival operates from 11AM to midnight every day before, during, and after NYE. The prospect of extended operation until 2AM on NYE is really too much. Parklands maintains that the existing noise limits were exceeded during Splendour 2014 when performers were not on stage and said that the above limit noise came from the sound of the surf and vehicle movements. However, just because other occasional sources of noise are detectable in the area isn't a reason to raise the limits for festival noise! Noise from the ocean and from occasional vehicle movements is quite different to the noise of amplified music. It is the amplified music noise that I and others object to. The sounds from cars or the surf are a regular part of our environment and are not intrusive in the way that amplified music is intrusive. I ask you to consider all these points and strongly urge you to impose stricter dB(C) limits on Parklands and either keep the existing dB(A) limits as they are or lower them. I also think Parklands should concentrate on keeping the noise under control instead of increasing the events they hold on their site. So although giving permission for small community events might be good for a few organisations, it's not necessary to the community, and I would prefer that you focus Parklands' attention on keeping the noise under control and meeting the other conditions of consent. Parklands also complains that they don't like having different background-plus noise limits in winter than in summer (because the area is so much quieter in winter). That issue could be addressed by adopting the lower winter noise levels as year-round limits. That would bring consistency to the limits and would potentially protect residential amenity a great deal better than raising the limits to a consistently much higher level. Parklands wants to consolidate all the noise criteria into C16. If you agree with this, then I urge you to insist that all five clauses of B3 are moved into C16. This was not specified in the proposal, but it's important that this happen so that the RWG, which includes community representatives, is still able to recommend changes to the noise criteria. (That existing clause is not included the proposed changes, but no explanation is given for the omission.) As already noted, members of the RWG has recommended at least twice that the noise limits be lowered to protect residential amenity, and they are likely to do so again if noise continues to be an issue. The right to make these recommendations should not now be deleted from the conditions of approval as is indicated in the proposal! A final point: I strongly believe that Parklands should continue to monitor the sensitive receiver locations even if those property owners have agreed not to complain about the noise. At the end of the trial period, our local council will be the one to give any additional approvals for festivals at Parklands, and they're supposed to consider the history of the trial. (The PAC specifically stipulated this in their Final Determination Report.) Without ongoing noise monitoring at the same locations throughout the trial, Council will not have the most useful data as a base for assessing future applications

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”.

To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned. The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

In regards to the proposal to modify sound criteria, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modelling, there is capacity for additional on-site acoustic controls that were successfully trialled at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures for example silage hay bales, truck bodies, etc, will be implemented at SITG15 and have been outlined in detail in previous responses and are also included in North Byron Parklands Mod 3, Part 2, Section 4.6.

In regards to the event hotline; the significantly lower number of noise complaints at Falls Festival 2014/15 reflects the success of sound management and attenuation measures as outlined above. The author of this letter would prefer to make the claim that the significant reduction in noise complaints meant that the community hotline was not being managed properly, rather than acknowledging the improvements achieved in the management of C-weighted emissions and acoustic attenuation. These improvements were acknowledged at the RWG by the community representatives on behalf of the community and were also expressed in one community reps submission to the department in response to the Modification.

Regarding events at Parklands on NYE, for the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family- friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25).

With respect to consolidation of noise criteria under C16 it is important to note that the RWG is still able to provide any recommendation to the Director-General under C2 (e) of the project approval.

It is not considered appropriate to continue to monitor residents who have relinquished their status as a sensitive receiver as part of a legally binding agreement and compensation package. A significant amount of noise monitoring data is available to pass onto any future regulator of the venue.

Name withheld of Ocean Shores North, NSW, (118203)

I strongly object to North Byron Parklands' proposed modifications to their project approval. Parklands has approval for a five-year trial period. The Department of Planning, Byron Shire Council, and we in the community are watching to see how Parklands manages the site in line with the approval. For that reason, no consideration should be given to changing the noise criteria at this point. The trial period is not over. Keep the goal posts, boundaries, and rules in place until the game is over and we can see if they're able to comply with the current conditions. My greatest concern is

that the proposed new limits for dB(A) noise are much higher than the current limits. The current limits range from 43-55 dB(A) until midnight and 38-50 dB(A) from midnight until 2AM, as shown in Tables 2.2 and 2.3 in the proposal. Parklands proposes fixed limits of 65-70 dB(A) up to midnight and 55-60 dB(A) from midnight to 2AM. I'm sure you realise that 70 decibels is perceived as four times as loud as 50 dB and eight times as loud as 40 dB. So the actual noise perceived by residents will be much, much louder if you approve the proposed increase. For Parklands to claim, as they are now, that this will be good for the community is outrageous. I have a hearing loss, and yet I am still disturbed by the festival noise. I agree that dB(C), or bass, noise should have limits, but the limits proposed here are questionable (75 dB(C) until midnight; 70dB(C) until 2AM). After Splendour 2013, which was very disturbing, the Department recommended similar limits for bass levels and said that the effects on nearby residents should be assessed. Parklands specified these levels as aspirational targets for the next two events: Falls 2013 and Splendour 2014. Noise remained a problem at both events, and numerous complaints were lodged both with regard to bass noise and higher-frequency noise, especially during Splendour. Breaches in the noise limits at Splendour 2014 resulted in the Department imposing a \$3000 fine, but the most significant issue was that the noise was so disturbing to residents. To protect residential amenity in this very quiet area, lower limits should be set for the bass noise than what Parklands proposes. The less boom-boom we hear, the better. Preferably, none at all. Also, I object to allowing Parklands 5 decibels to be added to their limits if the wind blows or if there is some other "adverse" weather condition. The wind blows a lot of the time in this coastal region and carries festival noise with it, so even more people are disturbed if the wind is blowing during a festival. Parklands should adjust to the wind by turning the volume down or putting up more sound barriers (such as sound reducing covers over the main stages) instead of expecting to have the limits increased! If you approve the proposed, new dB(A) and dB(C) limits, Parklands will be able to say they are staying within government-approved limits regardless of how much disturbance they cause to those of us who live here. That would be very wrong, especially since the PAC expressed concern about how well the promoters could operate without disturbing the quiet surrounding area. By their own admission, Parklands can't keep the noise within the existing limits. Raising the limits is not the answer! If any change is to be made, the limits should be lowered. Remember: This whole exercise is a TRIAL. We understood the basic problem in 2012 when the PAC came to our community to listen to our concerns about this development: Performers and fans want loud music. We residents want the peace and quiet in our homes that we're used to when the festivals aren't here. Many people said in 2012 that the site was the wrong place for big festivals with amplified music. We weren't against the festivals. We were against having them in the middle of this quiet residential area. Now that we're living with the development, we feel even more

strongly that it's the wrong location for big festivals with amplified music. The promoters do not need to put on their festivals here. If they can't control the noise, they should move their operations elsewhere! I also strongly object to Parklands' claim that they want to have the same noise limits as other festival sites in NSW. They say these other locations had very few complaints when Parklands' preferred noise limits were used. However, all locations are not the same. Looking at their examples, I think they're comparing apples to lemons. Most of the examples are one-day events, with different hours of operation, different numbers of stages, and different numbers of performers and attendees. The multiple-day events at Parklands are very different, and the actual complaints to Parklands so far have been much more numerous: 73 during Splendour 2013, 34 during Falls 2013, 139 during Splendour 2014, and 22 during Falls 2014. (The actual number of people who tried to complain was higher because Parklands has had trouble with their complaint hotline. At one event, for example, the hotline didn't function at all for periods of time because the mobile phones the operators were using couldn't get a signal.) The large number of noise complaints that have been registered so far, under the current noise limits, strongly indicate that the limits should not be raised just because different events elsewhere have higher limits. The PAC purposely set lower levels for Parklands, and the limits should be kept as is or lowered. I also object to allowing the main stages to operate until 2AM on New Year's Eve. I and many others don't want to suffer loud music that late at night. If it were just one night, I could tolerate it, but the Falls festival goes on for days, from 11AM to midnight every day before, during, and after NYE. It's too much. I have been disgusted with the noise monitoring and management that Parklands has done so far. In 2013, the readings were so incomplete that the Department said they didn't know if the noise limits had been exceeded or not. I was disturbed during that event and don't even know if my complaints were registered by Parklands. In 2013, Parklands didn't do required monitoring at the Falls festival, so there were no readings even to look at, but Falls that year was much noisier than Splendour. In 2014, Parklands at last did the required monitoring, and the Department hit them with a \$3000 fine for exceeding the limits. No surprise there as they were louder than they had been the year before! In 2014, Falls managed the noise better, but Parklands still got complaints and one of the stages operated for an hour past midnight. Why didn't the manager of Parklands shut it down at once, as he had the authority to do? After the first four festivals, my conclusion is that Parklands has done an inexcusably poor job with noise management. They should be expected to improve their noise monitoring and management. You shouldn't be rewarding them with an increase in the noise limits and an increase in numbers of attendees. This is counterintuitive. What bothers me the most is the sense of entitlement that Parklands seems to feel, thanks to the Department giving them Part 3A status when the Land and Environment Court had ruled against them. Since getting their state approval, they haven't acted like

they're undertaking a trial and have to prove themselves. Instead, they're complaining that the conditions of approval are too onerous and must be changed. It's appalling. I urge you to put stricter dB(C) limits in place for Parklands and either keep the existing dB(A) limits as they are or lower them to protect our residential amenity. As to allowing them the right to have still more events on their site, I'd like to see them concentrate on managing festival noise instead of expanding their operations with still more events, even if those are only so-called small community events. I think they should adhere to the existing conditions regarding the number of events on site for the full five-year trial! One last point. Because the proposal document is quite long and detailed, the Department should have allowed a lot more than two weeks for interested parties to process the information and prepare submissions. The public is put at a real disadvantage by having such a short time to consider the numerous proposed modifications.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...". To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

In regards to Parklands proposal to modify sound criteria, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would

result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2). In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures for example silage hay bales, truck bodies, lining of PA towers etc, will be implemented at SITG15 and they have been previously outlined in this document in detail and are also provided in North Byron Parklands Mod 3, Part 2, Section 4.6.

In regards to conditions that are in line with other outdoor festivals, Parklands has applied for conditions that are consistent with industry best practice and align with noise criteria with more common statewide, national and international noise protocols for outdoor venues. With regulated and better managed C-weighted levels, in addition to attenuation measures successfully trialed at Falls Festival 2014/15, Parklands will deliver events that comply with conditions and increase community amenity.

In regards to the event hotline; the significantly lower number of noise complaints at Falls Festival 2014/15 reflects the success of sound management and attenuation measures as outlined above. It seems the respondent would prefer to claim that the significant reduction in noise complaints meant that the event hotline was not being managed properly, rather than acknowledging the improvements achieved in the management of C-weighted emissions and acoustic attenuation.

These improvements in sound management at FFB14/15 were welcomed by the community representatives (RWG Minutes, 1 April) on behalf of the community at the RWG and were also expressed by the RWG community rep Russell Eldridge in his submission to the department in response to the modification.

In regards to New Year's Eve, Parklands is seeking noise criteria specific to New Year's Eve to allow stages to operate until 2:00am (rather than midnight). This change is achieved by modification of the consent to identify the New Year's Eve noise level flexibility at Condition C16 (3)(e).

With the provision of a New Year's Eve event at the FFB, in conjunction with the Council's Summer Safety and Cultural Activities Committee, being able to operate stages till 2:00am would provide a more conducive New Year's Eve experience for local, regional and interstate patrons, rather than closing stages at midnight. Such arrangements take place at a number of other events that operate on New Year's Eve.

For the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family- friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25).

Parklands approach to acoustic monitoring and noise management is rigorous and highly detailed. Prior to the commencement of any event where amplified noise is a feature, a qualified acoustic consultant must prepare and implement an Acoustic Monitoring Program (AMP) to monitor and assess the impact of noise generated by the event on the amenity of the area. The AMP must be prepared in consultation with the RWG and be consistent with the provisions and limits within the NMP required under Condition C16.

In addition, a Noise Management Plan (NMP) outlining measures to manage and minimise potential noise impacts of events is prepared by qualified acoustic consultant. The NMP is prepared in consultation with the RWG, and submitted to the Secretary for approval at least 60 days prior to any event where amplified music is a feature. For more detail regarding Parklands detailed monitoring and noise management procedures please see (North Byron Parklands Mod 3, Part 2, Annexure A, Section C16).

In addition, after the FFB14/15, this point was raised by community representatives at the RWG. Both event operators spoke to the concern and highlighted that there were problems with the first noise consultant, which was unfortunate because it has caused a number of inconsistencies in the data sets. Since SITG14 ANE have been engaged and in that time have completed a comprehensive winter background survey, which was not affected by adverse meteorological conditions.

They have also expanded on the existing summer background surveys by capturing data in December 2014 for a number of key receptors including R12 and R13. ANE also rewrote both the Noise Management plan and the Acoustic Monitoring Program for events in plain English and have gone to great lengths to communicate results more clearly and consistently.

To facilitate a greater understanding of the noise-monitoring program now well established by ANE, the Chairperson recommended Parklands convene a meeting with interested RWG members to discuss the technical aspects of noise monitoring. Parklands agreed this to action. (RWG Minutes, 1 April 2015) Further to this point Mayor Simon Richardson said that it was an important the role of the community reps to disseminate accurate information provided by Parklands and the RWG to clarify misconceptions and respond to questions raised by members of the community. (RWG Minutes, 1 April 2015).

Parklands also accepts that at FFB14 one small stage did run for a brief period without permission after 12am. The stage was shut down immediately when it was brought to the attention of the General Manager via the event hotline. Again this was discussed with community reps at the RWG after FFB14/15.

With regard to community events; Parklands application to host small community events is a direct response to community groups strong desire to host small events at the venue and is a reflection of the good relationship with community and local school groups that Parklands enjoys. Allowing small community events to flourish at Parklands will mean a greater cross section of the community can benefit from the excellent facilities at the venue.

Adrianne Bowden of Crabbes Creek, NSW (118393)

To whom it may concern, I am writing this letter to object to proposed increased noise levels at the Splendour site situated on Jones Rd. I run a business breaking in and re training horses as well as running rider training clinics all from my property at Crabbes Creek Rd. My issues with the noise currently coming from the Splendour site for the past years concern me and the valuable animals in

my care. In 2013 I submitted a letter stating (among other concerns) that the noise level coming from the Splendour site to my house, (which is about 10km away as the crow flies) was totally unacceptable as I was unable to get to sleep until well after midnight for 2 out of the 4 nights. For me, my day starts at 5.30am and to try to work a tough physical job on less than 5 hours sleep over a number of nights is unacceptable. For 2 nights it is bad enough, but to increase the noise levels on what I already endure, will take it to the point where I won't be able to get adequate sleep for the duration of the event is just plain not fair. Since I can't catch up on sleep when the event finishes, because I am working 12 hours a day, then the impact of the increased noise and loss of sleep will have an ongoing effect for up to 2 weeks. Where shall I send the bill for loss of income?? In 2014 I again wrote another letter voicing my concerns over the noise levels coming from the Splendour site, this time just on the last night. However the noise levels were so extreme that day and had gone on for long enough to upset all the horses in my care. My horses are not soft sensitive little critters, they are exposed to motorbikes, trucks, tractors, quad bikes, excavators and general car traffic as well as loud music from my neighbours very regularly, so they are well trained and used to invasive noise. However, by the final day of Splendour last year, every horse on my property was agitated and out of sorts by the constant barrage of noise they were being subjected to. I had to lock all the horses in their stables 2 hours earlier than usual because they were running around like maniacs and they just wouldn't settle. One of the horses, a young thoroughbred filly in race preparation was so out of sorts, she actually tried to get out of her stable (somewhere she had been for the past 5 months with no incident) and injured herself to the point where she was unable to be worked for the following 2 weeks. Again, where do I send the bill for downtime on training and vet fees?? This filly was supposed to be presented for an exhibition gallop the week following Splendour, for potential purchasers, which of course didn't happen and as she was 2 weeks out of work, it took another 4 weeks to bring her back up to the same level. Again her owner would like to know where to send the bill for extra training and vet fees?? The other thing I noticed last year on the first and second night of Splendour last year was the number of birds and bats that were active and quite vocal around dusk from the intrusion of the lights and noise at the Splendour site. As I am working outside until after dark every night, the increased numbers of bats flying over my property was quite concerning. Generally on dusk I get about 6 – 10 bats flying over my property from west to east. However on the first and second night of Splendour that number increased to at least 30 (before I stopped counting and went back to finishing my work) flying in the opposite direction (away from the Splendour site). Tracking bat activity over my property is something I do to monitor the risk to my horses and horses in my care for Hendra virus. Generally this risk is very low, but with the increase in bat activity(at least 300%) over my property at Splendour time at the start of Hendra

peak season is very concerning to me, my health, the health of my family and the health and well being of my horses and those in my care. Again where is the acceptance for responsibility for this action?? If I did something that affected the normal behaviour of bird life and especially bats on my property, I would be heavily reprimanded and most probably fined for this action, why is this not the case for the organisers of Splendour??

In closing I would like to strongly reiterate my point on NOT increasing the noise levels at the Splendour site, since the current noise levels have already had a negative effect on my business and my income and animal in my care, not to mention the effect it has had on the native wild life. Plus the potential for more injuries to my animals and possible death from the increase in bat activity over my property during this time is a risk I don't think I should be forced to take. Yours sincerely
Adrianne Bowden

RESPONSE

Parklands regret the inconvenience that the festivals have had on the respondent and her animals. In order to determine the impact of 'bass' or C-weighted emissions, SITG14 operated at elevated levels and it is during this festival that the respondent states her horses were most agitated. In regards to our proposal to modify sound criteria, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at FFB14/15. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures will be implemented at SITG15 and are outlined in (North Byron Parklands Mod 3, Part 2, Section 4.6) The respondent does not mention concerns with regard to noise during either Falls Festivals, which aligns with the low number of noise complaints registered on the event hotline and provides compelling evidence that better management and regulated C-weighted levels with additional attenuating measures is delivering a better experience for the community.

In regards to an increase in fruit-bat and bird numbers at dusk over the respondents property; Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro-bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. (North Byron Parklands Mod 3, Part 1, Section 1.7).

However, it is usual for movements of these faunal groups at dawn and dusk, therefore it is difficult to suggest the movement is because of the festival, particularly in light of evidence showing large populations of micro-bats recorded during the last Falls Festival close to event activities. However, in regards to the respondents concern regarding Hendra virus, as for every responsible horse owner on the Far North Coast, the respondent should follow Australian Veterinary Association guidelines to reduce the risk of Hendra. The AVA firstly recommend that all horse owners vaccinate their horses against the virus and employ strategies to reduce the risk of transmission of the virus.

Aletha Zylstra, Yelgun, NSW 118507

I strongly object to the application to increase general noise and bass noise limits. My daughter and I were living at the far end of the valley and during each Splendour festival we have experienced, repeatedly, headaches and nausea as a result of the bass levels. We have also had sleep disturbance due to sudden increases in general noise between the hours of 10pm and 2am, usually during the last sets of the night, or the last sets of the festival. On each occasion I have registered my complaint with the North Byron/ Splendour community hotline. We have recently moved to the middle of the valley where, when visiting, we had noted that day-time noise levels were much higher than at our previous home. I would like to note that during each festival I have witnessed an increase in road-kills on the freeway closest to the site - either as a result of increased traffic, or due to the animals trying to/ needing to get away from the noise and disturbances. I do not object to the application for small non-music based local events, though it seems redundant given the imminent opening of sports-fields in Ocean Shores. I am concerned that approval for such events will pave the way for further intrusive events. I do not object to the application to amend the typographical errors.

RESPONSE

Parklands regret the discomfort the respondent experienced during SITG.

In order to determine the impact of 'bass' or C-weighted emissions, SITG14 operated at elevated levels. In regards to the proposal to modify sound criteria, Parklands and the events have worked closely with noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects before, during and after the staging of events at Parklands.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Indeed, some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. (North Byron Parklands Mod 3, Part 1, Section 1.7).

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

With regards to small events; Parklands application to host small community events is a direct response to requests from many community groups and schools to host small events at Parklands precisely because other venues do not meet their requirements.

While the respondent does not object to the application to host small events per se, she states that the application in this respect will pave the way for more intrusive events and is 'redundant' as Ocean Shores may soon have a sports field.

A small community event is a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1) Operational parameters for small-scale community events will limit the potential impacts of such events by setting the following requirements: that they are non-music focused; small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pii).

The community continues to wait for adequate playing fields in Ocean Shores and while it will serve particular needs, the venue will not be suitable for certain small events, for example, for cross country running. In addition, the sheer volume of requests that Parkland's has received from school and community groups points to a very real need in the community for superior venues.

Furthermore it is a reflection of the good relationship with the community and local school groups that Parklands enjoys. Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2).

Andrew Benwell, New Brighton, NSW (118323)

I would like to register my objection to the proposal to increase noise levels and allow more events at the Byron Parklands festival site at Yelgun in Byron Shire. It seems totally inappropriate to be changing the original limits imposed on activities half way through the trial period for the proposed permanent festival site. The objective of the trial is to assess the effects of festival activities on the local environment and social amenity during a trial period, within the limits of a certain number of events and level of noise. Very little information appears to be forthcoming from the proponent about the ecological impacts of the trial festival activities. To allow more events and higher levels of noise when assessment of ecological impacts during the trial have not been completed seems totally inappropriate. I and other community groups have serious misgivings as to the adequacy of the ecological monitoring program and if it is capable by means of its design of detecting potentially adverse impact on threatened species, and if such are occurring. Given this uncertainty, to permit the proponent to increase the number of events and thereby the frequency of disturbance of the site, as well as increasing the noise levels of events beyond what was set at the start of the trial seems totally inappropriate. The proponent should stick to the original trial program set out by the Dept of Planning and to the limits set on noise levels. The proponent should also be more transparent about the results of their ecological monitoring programme. I would also urge the Dept

to establish some kind of independent oversight of the ecological monitoring program. Regards, Dr
Andrew Benwell

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii)

Regarding a desire for transparent results on Parklands ecological monitoring, Parklands draws the respondent’s attention to (North Byron Parklands Mod 3, Part 1, Section 1.7) for its discussion on Ecology.

In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists. The impact and control locations were determined in consultation with the Regulatory Working Group in line with the requirements of the approved Flora and Fauna Monitoring Program.

These samples typically take place over three to five days in each month before, during and after each event, and involve timed, spatially constrained bird counts at ten transects over three consecutive days by three qualified observers, deployment of hair funnels at five transects, and deployment of Anabat bat call detectors at three locations.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Since the purchase of Parklands in late 2006, a significant change in land use has occurred. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. (Plan 1.1 shows details of the works program, North Byron Parklands, Mod 3, Part 1, Section 1.7).

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. Fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro-bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation.

The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

Parklands reject the respondent's claims concerning the adequacy of the ongoing survey and assessment hours of flora and fauna monitoring conducted by independent ecologists at Parklands. Further to this Parklands highlights North Byron Parklands Mod 3, Part 2, Annexure A, Section C18).

In addition, the Flora and Fauna Management Plan was prepared in Consultation with the Office of Environment and Heritage, Council and the Regulatory Working Group. The Plan includes, but is not limited to:

- a. Details of a monitoring and reporting framework required under Condition C20 to monitor any ecological impacts as a result of events being carried out at the site, particularly any impacts on fauna within the site and within the adjoining Billinudgel Nature Reserve;
- b. Measures to ensure there are no significant impacts from the carrying out of events upon the functioning of the Marshall's Ridge wildlife corridor, threatened species, or endangered ecological communities within the site;
- c. Measures to protect vegetation from human intrusion/ trampling;
- d. Measures to protect adjoining State Environmental Planning Policy No. 14 – Coastal Wetlands and Billinudgel Nature Reserve;
- e. Measures to minimise impacts of noise and lighting from events on surrounding bushland;
- f. Contingency measures to be implemented in the event of significant impacts occurring; and
- g. Measures to address and respond to the outcomes of a Performance Report required under Condition B7, including updating Plans for subsequent events.

Annie Hay, North Ocean Shores, NSW (118542)

* Duration of Noise.....there are 2 aspects to noise exposure that render it dangerous. The first is duration of exposure. It is generally considered that 85 dB is the safe upper limit over an 8 hr period. Exposure beyond this, at such a level, irretrievably damages the human ear. Yet it is planned to expose patrons and staff over a 15 hr period. How can Council even entertain such a proposal?

* The second aspect is Noise Level.....If 85 dB is the safe upper limit over an 8 hr period, how is it that the Splendour proposal far exceeds this? The noise level within 10 m of all performance tents is way over 85 dB. (98 dB in the case of the mix-up tent). The noise inside the tents, therefore, would have to be at a very dangerous level for both patrons and staff. The solution is not to provide patrons and staff with ear plugs, as proposed, but rather to limit the noise to a safe level.

* Damage to hearing depends on the energy force the ear is subjected to. Noise energy doubles for every 3 dB increase....it is not a plus/minus relation, but a logarithmic one. A 3dB increase is probably not even registered by the human ear as a volume change, yet it is highly significant. If you double the energy exposure, you must halve the exposure time to remain safe. Ie. 88 dB is only safe for 4 hr.

* Noise Damage is cumulative. Noise is like smoking. Because the cause and effect are remote in time, people think the damage is not happening. Hearing isn't lost overnight, but with on-going exposure at dangerous levels, the day will come when hearing loss totally destroys quality of life.

* I believe Council has a responsibility to be pro-active in discouraging unsafe activities within the Shire, activities that jeopardise the future well-being and quality of life of many young people. Council should take a leadership role here and model 'best practice, or no practice'.

* Hearing loss is the second most common chronic disabling condition in Australia and noise-induced hearing loss is entirely preventable.

* I am leaving noise-nuisance issues in the general North Ocean Shores community to other people to discuss. Remember, though, a noise can be 'legal', but, nevertheless, annoying and destructive...eg. snoring or a mosquito. Both are intolerable, and the 'durf, durf' of electronic music is in this category.

RESPONSE

The health and safety of staff and festival patrons is of prime importance to Parklands. Not only are sound engineers exposed to noise, but so too are construction staff involved during the bump-in and bump-out of the events.

Personal Protective Equipment (PPE) is to be used in the workplace, and with particular regard to sound protection staff use personal hearing protectors. The maximum length of time a person can be exposed to 85dB(A) continuously without personal hearing protectors is 8 hours, according to Safe Work Australia methods.

According to Safe Work Australia there is a big range in different people's susceptibility to hearing loss from noise. Research shows that 8-hour average daily noise exposure levels below 75 dB(A) or instantaneous peak noise levels below 130 dB(C) are unlikely to cause hearing loss. The proposed levels are safe for staff and patrons and are reflective of industry best practice.

According to Safe Work Australia, the most intrusive noise levels are C-Weighted emissions and those most harmful are greater than 140 dB(C) and usually occur with impact or explosive noise such as sledge-hammering or a gun shot.

For more detail around our safe work practices see Parklands Safety Management policy below:

In accordance with Clause 3 of the standard, event operators conform with the following applicable Standard Parameters:

- a. Develop a safety management plan covering both staff, contractors and volunteers, in addition to audience members attending the event including but not limited to:
 - hazard identification
 - risk assessment
 - controls
 - monitoring
 - reporting
 - incident management;
- b. Develop an Event Safety Policy that articulates the event's commitment to safe working practices and which specifies core safety goals;
- c. Undertake and document a hazards identification and risk assessment process resulting in a risk register, covering all aspects of the event including 'bump in' and 'bump out' activities;
- d. Develop and document appropriate controls to eliminate or minimise identified risks documented in the risk register;
- e. Provide OH&S induction training to all staff and contractors;
- f. Document and investigate all OH&S incidents including injury, property damage and near misses;

- g. Immediately report any serious incidents (i.e. involving emergency services) to the General Manager, Parklands;
- h. Ensure all machinery used onsite is in safe working order with appropriate safety devices fitted and complies with appropriate Workcover requirements;
- i. Ensure all staff, contractors and volunteers wear appropriate personal protective equipment for the activity being undertaken; and
- j. Ensure any direction from Parkland's staff to remove an event staff member, contractor, volunteer or patron is complied with.

Bruce Pringle, Byron Bay, NSW (118534)

i am strongly opposed to Any increase to noise levels on the Yelgin site ,particularly Bass levels.. I have several friends living in the Yelgin Valley and have witnessed their distress at the existing noise generated by this venue . This submission appears to be a stealthy push to deny these residents their rights to a peaceful life in their homes. Also of concern to me is the suffering of the wildlife of the area as indicated by the witnessed increase in roadkill deaths.. Quite possibly due to low frequency audio distress as well as increased traffic after dark.

RESPONSE

Parklands and event operators also are keen to regulate intrusive bass levels and set clear criteria around sound emissions to improve community amenity and the experience of festival patrons.

To this effect, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

With regards to concerns about wildlife; flora and fauna monitoring work has been undertaken by independent ecologists to scientifically measure whether the cultural event usage of the site has

adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Increases in road kill rates attributed to events held at Parklands of any species are not supported by any scientific evidence. Each event engages qualified wildlife rescue teams and these professional have not advised that such impacts are occurring on fauna both within or external to the venue.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation, and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Geraldine Lockyer, Ocean Shores, NSW (118313)

Hon. Prue Goward, Minister for Planning. I write this in objection to the increase in volume that North Byron Parkland are submitting for. The sound levels are high already, I can hear them at my place and I am a distance away from them. Unfortunately the sound bounces off Devines' Hill into the front of our house plus the back faces the festival so we have a double hit of the noise, there is nowhere to escape. I have a major objection to the fact that it is also situated adjacent to a nature reserve, Australia's most easterly, that have native species and endangered species in residence. These animals are unable to escape this diabolical circumstance. There has been (REDACTED), little is heard of that, what must their parent think... I know that that is irrelevant to the purpose of this but I think it is an horrific situation. My husband and I moved to Ocean Shores about 10 years ago after leaving Byron Bay for this exact reason, there was peace and quiet up here.. no more though. I am not sure what the festival goers can't hear that they need more volume, because I can certainly hear it from my place. Please Ms Goward, think this one through, 95% of Ocean Shores Residents did not want this site, but we got it, please think kindly upon us and don't allow the increase of volume. Question is "How many festival sites do we need in Byron Shire? I am not quite sure what the festival goers can't hear that they need increased volume? Quite confounding really.

RESPONSE

Parklands and the events have worked closely with noise consultants (ANE) and used the learning's from SITG14 to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

With regards to concerns about wildlife; flora and fauna monitoring work has been undertaken by independent ecologists to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation, and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

In regards to maintaining peace and quiet throughout the year, the total event days at Parklands (not including small, non-music focused community events) will not exceed ten days in a calendar year.

Laura Shore, New Brighton, NSW, (118554)

While lowering the low frequency noise is welcome raising the high frequency is a nuisance to neighbours and detrimental to wildlife. This is a trial event and the trial period is not over. Do not allow the sound levels to be increased. They had fireworks at one event late at night which woke us up two suburbs away. This is not an appropriate area for large festivals. Our streets and stores are mobbed. We don't have the infrastructure to handle that many people in the North of the shire.

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

With regards to concerns about wildlife; flora and fauna monitoring work has been undertaken by independent ecologists to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation, and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).
Fireworks are prohibited on the site.

In regards to social impacts and incidences of anti-social behaviour within surrounding communities, the four trials conducted to date allow some analysis of actual observed patron behaviour. Feedback from NSW Police for trial events indicates that caseloads in local villages and townships including Byron Bay are down on normal incident rates. Local businesses advise that patrons are generally well behaved. Neither Council has raised antisocial behaviour from event patrons as an issue. The community hotline has not recorded any complaints about antisocial behaviour (other

than a patron noise issue in Brunswick Heads bus stop) (North Byron Parklands, Mod 3, Part 1, Section 1.6).

Local business owners particularly throughout the region welcome the increased trade during the Winter trading season which is generally a slow time for most business owners on the far north coast. A recently commissioned economic impact assessment has concluded that for the two events held in 2014 (FFB13/14 and SITG14), economic output totaled \$93.4m, \$41.4m of which was derived from businesses and service providers in the Northern Rivers region of New South Wales, and some \$24.1m of the total economic output (25% of the total) generated in the Byron Shire.

With unemployment in the Byron region at 11.4% and youth unemployment at 13%, these two events at Parklands not only bring significant economic benefit to the region but also represent a substantial employer of local people. When the third approved trial event is established, the local economic impacts will be further enhanced. (North Byron Parklands, Mod 3, Part 1, pi).

Linda Parlett, Crabbes Creek, NSW (118487)

I object to the Amendments wanted by North Byron Parklands to increase their sound levels for festivals held on site. I live about 10 kilometres from the festival site (for that is what it is, NOT the cultural site they would have you believe). When festivals are being held on the site I can usually hear the music most days (and I live over quite a few hills and in a valley!) and ALWAYS AS CLEAR AS A BELL ON THE LAST DAY OF EVERY FESTIVAL HELD SO FAR!!! Not just background noise, but clear enough for me to hear the words of the songs!!! I consider this is ALREADY an unacceptable noise level. The noise also disturbs many animals both domestic and wild on my property. As I have horses the increase in the bat population flying over my property to escape the noise causes me great concern due to the increase in HENDRA VIRUS in our areas. Hendra KILLS horses, dogs and people. I do my best to avoid horse contact with bats, but when the number increases from around 2-3 in the late afternoons, flying TOWARD North Byron Parklands , to over 30 bats flying AWAY from the noise this makes it much harder to control the bat-horse contact! THIS IS A MAJOR HEALTH CONCERN.

When the majority of locals DO NOT AGREE with festivals being held on this site due to the many difficulties, disruptions and concerns created by this site (of which the Dept of Planning & ENVIRONMENT heard and chose to ignore) I OBJECT STRONGLY to any amendments being made. This includes the sound levels. Yours Sincerely Linda Parlett

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

We regret that the respondent's horses have been disturbed by festival noise. Parklands and the events are confident that regulating the more intrusive C-weighted levels will improve this issue.

In regards to an increase in fruit-bat numbers at dusk over the respondents property; Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. (North Byron Parklands Mod 3, Part 1, Section 1.7).

It is usual for movements of these faunal groups at dawn and dusk, therefore it is difficult to suggest the movement is because of the festival, particularly in light of evidence showing large populations of micro-bats recorded during the last Falls Festival close to event activities. However, in regards to the respondents concern regarding Hendra virus, as for every responsible horse owner on the Far North Coast, the respondent should follow Australian Veterinary Association guidelines to reduce

the risk of Hendra, firstly by vaccinating horses and by employing strategies to reduce the risk of transmission of the virus on the property.

Paul Arrowsmith, Yelgun, NSW (118544)

I strongly disagree with any increase in "noise" output from North Byron Parklands. The PAC granted noise output levels for the 5 year trial period up to 2017. These levels have been proven to have been exceeded during music festivals conducted at the site since commencement of the trial period to the detriment of local residents. Both high and low frequency sound have been disturbing, at times, during festival operation, in particular at night. I strongly request that the "noise" output from Parklands be set to appropriate levels that do not detrimentally affect residents right to enjoy their rural and residential amenity, which includes a right to normal repose. While Parklands have dealt with many of the difficulties that have arisen during the trial period, the noise output issue must be treated as a health priority for the surrounding neighbourhoods. Noise output should be set for this particular activity on a site specific way so that surrounding areas are not detrimentally affected. Any increase in bass sound allowances at Parklands will further affect Billinudgel Nature Reserve, the surrounding residents and their farm animals. Furthermore, to allow any increase due to inclement weather conditions compounds the impact of what can only be referred to as state sanctioned noise pollution to an untenable level for nearby residents.

It is noted that the PAC did not set low frequency noise output levels in their determination, for some reason. This level must be set specifically for the site and not given a "one size fits all" determination to equal other venues in the state that do not have the same ecological and residential impacts of our unique area, particularly with the inversion layer phenomenon that affects this particular geographic zone. My experience, on attending festivals on site, is that the sound is very loud and somewhat distorted at source and is proven to carry to many parts of the north of Byron Shire and southern parts of Tweed Shire at an already unacceptable level. The number of complaints registered with The Parklands Festival Hotline regarding noise intrusion, does not fully indicate the numbers of residents who are affected by noise emanating from North Byron Parklands. I have no issue with the site being utilised by smaller community and other user groups and applaud the employment of local workers by Parklands.

RESPONSE

In order to determine the impact of 'bass' or C-weighted emissions, SITG14 operated at elevated levels for this lower frequency (i.e. LCmax > 120 dBC). Since then, Parklands and the events have worked closely with noise consultants (ANE) and used the learnings from SITG14 to develop a set of

proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example, the use of silage hay bales, truck bodies, lining PA towers, etc, will be implemented at SITG15 and have been outlined in detail previously in this document, these additional measures can also be found in North Byron Parklands Mod 3, Part 2, Section 4.6.

The respondent refers to inaccurate numbers of complaints registered on the event hotline. During the first festival there were teething problems, however since then registered complaints are accurate. In addition, at SITG15 all calls to the hotline will be recorded.

Parklands review of the reasons for complaint recorded by the event hotline during SITG14 indicated that low frequency noise, rather than broadband noise, was the dominant source of complaints. This is also supported by subjective observations made by noise monitoring personnel at a number of complainant locations that identified broadband noise from the venue as being similar to that of the ambient environment. (North Byron Parklands Mod 3, Part 1, p21).

Most importantly the dramatic drop in noise complaints registered on the hotline at FFB14/15 provides compelling evidence that better management and regulated C-weighted levels and using additional attenuating measures have significantly reduced noise and therefore delivers a better experience for the community. Parklands reiterate to the respondent that the modification seeks to regulate C-Weighted levels not increase them.

Reinhard Freise, Crabbes Creek, NSW (118487)

Our residence is located at about three km distance from the festival site and we are already suffering substantial discomfort and loss of sleep from the noise levels generated by the annual Splendour festival. Both high and low pitched noise can pick up quite unpredictably due to shifting winds. We had already experienced noise levels of 65/70 dB (high frequency) in the past which Splendour generated in breach of approval conditions, and we can only say, it is a very disturbing

experience. If those levels together with increased levels for bass noise become the 'new normal', the impacts will become unbearable. We would call it unbridled cynicism if PAC concedes this increase of permitted noise to Parkland even during the current trial period. If granted, those new 'legal' levels will set a precedent for approval conditions for a permanent site in the future, with more festivals to come ad infinitum. It beggars belief that the current trial period should constitute a balance between commercial and residential interests. In fact, the rural amenity of our region would be wrecked forever.

RESPONSE

Parklands regret the respondent has experienced discomfort because sound emissions from SITG during the trial period. What has become evident through the experience gained from operating 4 events at Parklands and the extensive noise monitoring data collected, is that the C-weighted emissions (or bass), which is currently unregulated, is impacting on some community members.

The modification proposes to regulate the C-weighted emissions in a manner that will significantly improve community amenity.

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. $LC_{max} > 120$ dBC). The respondent experienced uncomfortable bass emissions rather than the less intrusive A-weighted levels. As a result of the learnings from SITG14 covering these lower frequency emissions, FFB 14/15 carefully managed C-weighted emissions, both at source and through a number of onsite attenuation initiatives.

As a result of the changes in C-weighted emissions from SITG14 to FFB 14/15, noise complaints received were significantly lower for FFB 14/15. Similarly, the respondent has no complaints about noise emissions from FFB. (North Byron Parklands, Mod 3, Part 1, p18)

What we conclude from analysing complaints from these two events is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided.

Tanya Walford, South Golden Beach, NSW, (118362)

Thank you for allowing me to voice my opinion. I also wish to confirm I do not want the Splendour management to contact me. First, I want to say that the community appreciates the donations it receives from the enormous profits generated by such large festivals. And, if the event was confined

to one a year I would fully support it. However, I object completely to the running of multiple festivals and events in its location. Please see my listed objections below: 1. The increased traffic at festival times is horrendous for such a small community. I have observed a marked increase in cars down my street, people walking in large groups at all hours, and throwing rubbish into yards, mine included. The volume of people affects even parking at the beach for a swim

RESPONSE

Regarding traffic; key stakeholders, including the Roads and Maritime Service, Byron Shire Council and NSW Police have all provided positive feedback to both the Regulatory Working Group and event-specific debrief meetings regarding the continuous improvements demonstrated by events regarding traffic management. Importantly, for the most recent events held at the venue (SITG14 and FFB 14/15) all traffic Key Performance Indicators (KPIs) were met during each day of the event (the only exception being KPI 3 for a 45-minute period of time on the Monday of SITG14 when patrons were departing). Data from this most recent event has been analysed and a modification to camper egress has been developed to address this aspect. (North Byron Parklands, Mod 3, Part 1, Section 1.7).

Parklands regret inconveniences caused during the festivals in the nearby towns and before each event Parklands and the events recommend residents to contact the event hotline about incidence of traffic, noise, littering, illegal camping, trespassing, beach destruction or anti-social behaviour.

Regarding anti-social behavior; feedback from NSW Police for trial events indicates that caseloads in local villages and townships including Byron Bay are down on normal incident rates during festival time. Local businesses advise that patrons are generally well behaved. However, some patron noise issues in Brunswick village at the bus stop were reported. Events have now placed security staff at this bus stop and patrons are reminded on the bus to respect local neighbours. Neither Council has raised antisocial behaviour from event patrons as an issue. The community hotline has not recorded any complaints about antisocial behaviour (other than the patron noise issue in Brunswick) (North Byron Parklands, Mod 3, Part 1, Section 1.6).

Regarding littering; each event is required to provide a Litter Response Team (LRT) for the duration of the event. The LRT is responsible for monitoring roadsides and bus stops associated with the event. They are in regular contact with the community hotline and respond to any reported litter issues. To date, six complaints about litter have been received and were responded to by the LRT.

The event Community Manager takes before and after photos of key surrounding locations to verify the cleanliness (or otherwise) of these locations. Of the litter complaints made, a number of them were clearly not event patrons (e.g. Council bins located at beach entrances filled with picnic waste, etc) (North Byron Parklands, Mod 3, Part 1, Section 1.6).

2. The lack of amenities. By this I mean that even though Splendour assert that the majority of people camp onsite this is not true. Our area is increasingly becoming prey to the Air bnb phenomenon, and this means that the area is being filled with more people that a standard three bedroom house can accomodate. In addition I have observed cars sleeping at the beach entry nearest to us (fern beach) and I am very certain they were also using the sand dunes as toilets. We don't have the infrastructure to handle more events.

RESPONSE

The entrepreneurialism of local residents providing Air B'n'B style accommodation occurs in desirable towns throughout the world and at all times of the year irrespective of festivals. That said, the majority of festival patrons do camp at the site. Average daily attendance rates at FFB is, 14,994 with 13,000 onsite campers. Average daily attendance rates at SITG is, 27, 475 with 17, 484 on-site campers.

The average daily off-site accommodation numbers for FFB patrons is 1,994 and for SITG 9,991. 75% of those patrons choose commercial accommodation throughout the Byron Shire, 20% in other parts of NSW and 5% on the Gold Coast. (North Byron Parklands, Mod 3, Part 2, Appendix 2, Assumptions and Data Inputs p125).

The events combined so far have generated 22,900 room night stays in Byron Shire accommodation and 6,125 room nights in other parts of Northern NSW. Local tourism operators welcome the increase in business especially in the regions' typically quieter winter season. (North Byron Parklands, Mod 3, Part 2, 2.0, Findings and Implications, p123).

Further to this, the RWG community representatives noted that, "pleasingly holiday letting issues associated with events had not occurred in his area."(RWG minutes, 1 April, 2015)

In addition, Parklands encourage the public to report any instances of illegal camping or destruction of the sand dunes. To date, there have been three reports of illegal camping. The first, which

occurred in the nature reserve, was dealt with by National Parks rangers after it was reported to National Parks by the event.

The second incident was reported to be a 'teepee' set up on the beach at South Golden Beach. An investigation by the Community Manager revealed no such structure on this beach. The third occurred at Wooyung Road and the campers appeared to be connected with the landowners. As per agreed procedures, the matter was referred to the relevant Council ranger. (North Byron Parklands, Mod 3, Part 1 Table 1.3, p8).

Original community feedback in relation to the application voiced concerns about beach ecology being destroyed, beaches being overrun with patrons and illegal camping on beaches. The Community Manager actively documents surrounding beaches by taking photos. From these records and Council Rangers feedback no such impacts or illegal camping on beaches has taken place. (North Byron Parklands, Mod 3, Part 1 Table 1.3, p8).

3. I also mean amenities when I refer to the shops. To get a park at my local shop is difficult at the best of times. Add in the influx of people and getting in the shops, then attempting to get milk or bread is ridiculous. I am certain that Splendour would claim this is not their fault, however it is a flow on effect on a small town that they didn't ask for.

RESPONSE

Parklands regret inconveniences that residents experience in their towns and acknowledges that festival patrons use the local shops to purchase food and beverages, however local business owners and local Chambers of Commerce welcome the additional patronage particularly in the slower trading times during winter. However, for the events combined, total expenditure on food and beverages bought by festival patrons in the Byron Shire accounts for only 13% of the total revenue spent on consumables. Food and beverages purchased in other northern NSW towns accounts for 12% of total expenditure for food and beverages and 74% of total expenditure on food and beverages by attendees is actually purchased outside of the region before patrons arrive and on their way home. (North Byron Parklands, Mod 3, Part 2, Appendix 2, Assumptions and Data Inputs p125).

4. The noise. Let's be honest. My children were so upset last year and the year before we called the police to complain. No, it was not just the bass (although at most of the day and night of two days it

actually got into your chest, even with all the windows shut). In amongst the bass was screaming, high pitched sounds and general reminders that there was a large scale concert going on down the road. Every one of the four concerts we have had issues with late night noise in general.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). Ms Walford experienced uncomfortable bass emissions rather than the less intrusive A-weighted levels. As a result of learnings from SITG14 covering these lower frequency emissions, FFB 14/15 carefully managed C-weighted emissions, both at source and through a number of onsite attenuation initiatives.

As a result of the changes in C-weighted emissions from SITG14 to FFB 14/15, noise complaints received were significantly lower for FFB 14/15. What Parklands and the events conclude from analysing complaints from these two events is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

5. The inconvenience. Our family is surrounded by partygoers currently twice a year. This is as much as we can take. It's late nights (people continuing on after the event), rubbish, traffic, having to tell the kids they cannot go out and ride their bikes as normal (because there is more people, more traffic, more drunk people... last year we woke up to a girl vomiting on our front lawn.) We can't handle more of this. Having an event at Christmas/new years is ridiculous. We can't get a cab in our local town to celebrate with family because every cabbie is at Falls festival. Again, if it was one event a year I would support the festival. I just can't accept that we should have to put up with unlimited events, no matter how large or small. It all has an impact that cannot be minimised no matter how many on site contingencies are put in place.

RESPONSE

Parklands encourage the public to call the event hotline regarding trespassing and anti-social behaviour. On reports of drunkenness and trespass regarding this particular incident, Parklands Community Manager reported that this party in an adjoining street occurred, but on investigation it was not connected with the festival. Regarding reported incidents of trespassing, there have been cases of non-patrons attempting to access the events.

Events are responding by liaising with police and the Council rangers as well as with neighbours further and providing increased static guards, regular security horseback and vehicular patrols and increasing signage including at the entrances to the publicly accessible Billinudgel Nature Reserve walking tracks. (North Byron Parklands, Mod 3, Part 1, p8).

In regards to the respondents fear concerning unlimited events; the total event days at Parklands (not including small, non-music focused community events) do not exceed ten days in a calendar year. A small community event is a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1).

Operational parameters for small-scale community events will limit the potential impacts of such events by setting the following requirements: that they are non-music focused; small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pii).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2).

Name withheld Ocean Shores, NSW (118546)

There needs to be a respectable limit on noise for any festivals that are held at Parklands. Limits should be no more than 50 decibels and would like to even lower this level.

RESPONSE

Generally speaking 60dB represents the sound level of a normal conversation. We appreciate feedback from the community, although, operating a music festival at the levels proposed by the respondent is unrealistic and not reflective of best practice.

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at FFB14. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community and delivering a satisfactory patron experience. (North Byron parklands, Mod 3, Part 1, Section 2.2).

Name withheld Yelgun, NSW (118538)

My objection is that the noise is already an issue and any further approval for the increase of the noise level would exacerbate the negative effects this has on the lawful enjoyment and peace that I am entitled to.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Name withheld Yelgun, NSW (118540)

I object to any increase in noise level for the above application as the noise is an issue and problem now and any increase would interfere with the enjoyment and peace I am entitled to in my life.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Name withheld Mullumbimby, NSW (118378)

Dear Minister, Please refuse the current application to increase the noise limits for Festivals at the Yelgun site. The impacts of the noise over a number of consecutive days is not comparable to noise limits for one day annual events. The events currently are loud for 4 and 5 days in a row and even the current noise levels allowed, greatly impacted on my children and partner, stopping us from sleeping properly at those times. To allow an increase in such a quiet rural residential area when so many people have complained and been effected by the noise seems to me to be an insult to our community. The proponent claims it is not possible to comply because the background noise is already so low, that's really the point isn't it? The noise is so intrusive because it is such a quiet area. Its not rocket science. How is increasing the limit going to be better for our community? Please don't believe the claims in the application that it is only the bass noise that is intrusive. From our house where we were living in Crabbes Creek at the time, we could hear the lyrics, the crowd cheering and the announcements between songs and certainly could not sleep. The proponent is asking for a level playing field, but please listen to the community asking for a level playing field also. If it was my neighbour making this level of noise I could ask him to turn it down, if he did not, I could call the police. We do not get that luxury here, we are relying on you to give the community a fair go.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of

the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). As a result of the learnings from SITG14 covering these lower frequency emissions, FFB 14/15 carefully managed C-weighted emissions, both at source and through a number of onsite attenuation initiatives.

As a result of the changes in C-weighted emissions from SITG14 to FFB 14/15, noise complaints received were significantly lower for FFB 14/15.

What we conclude from analysing complaints from these two events is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. These programs include:

- Offering impact mitigation agreements to sensitive receivers R12 and R13 and proposing attenuation works to homes;
- Arranging impact mitigation agreements with key adjacent land owners;
- The implementation of a four-week pre-event 'community manager scheme'. The community manager is the first point of contact for community enquiries and concerns. He listens and documents community issues and identifies any concerning activities within a 3 km radius of the event;
- The employment of a 'community advocate' to provide a clear and distinct voice at all planning team meetings for and on behalf of the community at large; and
- Provision of complimentary tickets to nearby residents pursuant to the Community Management Procedure 001. (North Byron Parklands, Mod 3, Part 1, p12. please see Illustrated in Plan 1.2 are examples of the arrangements already in place).

Parklands encourage the public to report disturbances during the festival to the event hotline and of course in case of emergency residents should contact the Police.

Name withheld, North Ocean Shores, NSW (118352)

I object to the application to increase noise level limits. Music events held previously have been far too loud and last year breached the current noise level limits. Increasing these limits just to avoid breaches helps only the event directors but does nothing for local residents, and will only compound some of the problems experienced in the past. This should be considered an important issue as part of the trial currently being conducted, and the solution proposed by Splendour will only make things worse.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. $LC_{max} > 120$ dBC). As a result of the learnings from SITG14 covering these lower frequency emissions, FFB 14/15 carefully managed C-weighted emissions, both at source and through a number of onsite attenuation initiatives.

As a result of the changes in C-weighted emissions from SITG14 to FFB 14/15, noise complaints received were significantly lower for FFB 14/15. What Parklands and the events conclude from analysing complaints from these two events is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Name withheld, Yelgun, NSW, (118307)

I live 2Km from the main stage and I would not want an increase in the volume levels from the splendour site IT'S LOUD ENOUGH ALLREADY. Don't be fooled this has nothing to do with cultural events it's purely a money making venture with little benefit to the public and I don't know how they get away with calling it Byron bay as it is 20 Km from byron.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of

the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In addition to the economic benefits enjoyed by the community and the local availability of world-class cultural performances, a range of community benefits has resulted in the four trial events to date. To date, the Community Grants program initiated via Parklands and the four events have resulted in over \$107,500 being distributed to local community groups. (North Byron Parklands, Mod 3, Part 1, Section 1, Table 1.2).

Many community organisations have requested use of Parklands for small community events. Consultation with key stakeholders to date supports such use. Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

North Byron Parklands is located in Byron Shire.

Name withheld Yelgun, NSW, (118429)

At the present level of the noise from Parklands events we are driven crazy most of the time & that includes 2 days before the events start, what is increasing the level to the extent they want going to do to our sanity, especially on the last day & night when they put the volume through the roof every event. Even the young people that go say it is far too loud at the event, imagine the increase & how far are you going to let them go over what you first allowed, seems the people who lived here before them just have to give up our way of life because you have allowed them to operate on one of NSW most environmentally sensitive places, please be fair in your decision. Thank You. PS We have lost most of our bird life since it started -except the Crows.

RESPONSE

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts.

This document has outlined some of these programs in previous responses and they are outlined in detail in the modification (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 are examples of the arrangements already in place).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures will be implemented at SITG15 and are outlined in (North Byron Parklands Mod 3, Part 2, Section 4.6).

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Name withheld Coraki, NSW, (118383)

While I think music festivals are great. I believe they should be held in the right place. The current site that is being trialed and proposed to have sound level increases is the WRONG place for numerous reasons. 50 threatened species; Aboriginal sacred sites; the last major wildlife corridor in far north NSW connecting the World Heritage Wollumbin forests with the coastal lowlands. Under the National Parks and Wildlife Act of 1974, it is illegal to harm threatened species.<http://www.environment.nsw.gov.au/resources/cultureheritage/npwact/10703npwfacts3.pdf>

I believe this festival does harm threatened species and can not understand why the government is turning a blind eye to this and allowing the festival to break the law. Financial gain should not be a

reason to break the law and sets a dangerous precedence. Increasing noise levels will stress out, causing harm to threatened species and a music festival should not be above the law!

RESPONSE

Now five large events undertaken during the trial period, the response from patrons, artists, and much of the local community has been extremely positive. So too the media describe the venue itself as the perfect site. (North Byron Parklands, Mod 3, Part 1, pi).

‘Its centrepiece is a splendid, vast natural amphitheatre surrounding the main stage...The amphitheatre and clean, green improvements made since last year, including hundreds of relocatable composting toilets and new low flow showers, have received the thumbs up from punters and campers in particular’ Gold Coast Bulletin.

In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

The impact and control locations were determined in consultation with the Regulatory Working Group in line with the requirements of the approved Flora and Fauna Monitoring Program. These samples typically take place over three to five days in each month before, during and after each event, and involve timed, spatially constrained bird counts at ten transects over three consecutive days by three qualified observers, deployment of hair funnels at five transects, and deployment of Anabat bat call detectors at three locations.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Since the purchase of Parklands in late 2006, a significant change in land use has occurred. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. (Plan 1.1 shows details of the works program, North Byron Parklands, Mod 3, Part 1, Section 1.7).

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation.

Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro-bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).

The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

With regard to Indigenous cultural heritage, Parklands' conditions of consent ensure that management of Aboriginal Cultural Heritage is undertaken in a manner consistent with the recommendations of the Aboriginal and European Heritage Assessment prepared by Jacqueline Collins (Consultant Archaeologist), dated September 2010 and ensures that the recommendations of this assessment are incorporated into the Construction Environmental Management Plan (CEMP) required under condition E9. (North Byron Parklands, Mod 3, Part 2, Annexure A, E9, E15).

All personnel involved in initial ground surface disturbance activities shall undergo a Cultural Heritage induction training session before commencing any construction activities. The induction should be presented by an appropriately qualified person and provide specific information in relation to the processes to be followed should any Indigenous items be uncovered as well as the types of and identification criteria for cultural heritage material that may be uncovered.

Notwithstanding the above, the induction shall be undertaken in accordance with the terms and requirements of the Aboriginal and European Heritage Assessment prepared by Jacqueline Collins (Consultant Archaeologist), dated September 2010. (North Byron Parklands, Mod 3, Part 2, Annexure A, E26).

If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological OEH must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the

location without the prior written consent of OEH. ((North Byron Parklands, Mod 3, Part 2, Annexure A, E37).

Parklands has adopted and implemented the five recommendations of Technical Paper H, developed in liaison with the Aboriginal stakeholders.

- Parklands will provide the DECCW with additional Aboriginal cultural heritage management measures for each known Aboriginal site. These measures shall include:
 - a. a program of ongoing monitoring by the local Aboriginal community, and assessment criteria for any previously unidentified Aboriginal cultural heritage values;
 - b. management during maintenance activities (e.g. weed spraying, pest control, etc). as a component of any Aboriginal cultural heritage induction program; and,
 - c. the specifics of any protection works (e.g., fencing, signage, located on maps, etc.).
- Any Aboriginal cultural heritage management measures developed in consultation with the registered local Aboriginal stakeholders and specific management during any proposed events shall be incorporated into the Management Manual.
- An Aboriginal Cultural Heritage Awareness component shall be included in the pre-start induction to be attended by all personnel, contractors and their employees involved in onsite disturbance/construction activities. The induction will be completed as part of any induction. The induction will highlight the overall high level of Aboriginal cultural sensitivity of the wider project area and the strict requirement for all onsite workers to confine their activities to the approved project area only. It must also include the legal obligations for Aboriginal sites, and reinforce the need to comply with these legal obligations (including penalties if breaches occur). The induction will also provide an overview of the types of Aboriginal cultural heritage materials that could occur within the project area, and of the procedures to be followed in the event of any possible finds during any stage of the development.
- The Aboriginal stakeholders shall be given the opportunity to review, amend, and confirm the content of the Aboriginal Cultural Heritage Awareness induction component prior to its implementation. Aboriginal stakeholder representatives shall be invited to attend and participate in all induction sessions.
- A register will be kept of all persons inducted for the duration of the project. The register will include dates, names and signatures of those inducted, the type of activity and location in which they will be working, name of the person who provided the induction, and whether any Aboriginal stakeholders were present during the induction. (North Byron Parklands, Mod 3, Part 2, Annexure A9)

Name withheld, Ocean Shores, NSW (118380)

I am deeply concerned with the proponents submission to increase the noise levels permitted for outdoor music festivals at the Yelgun site. I live within a couple of kilometres, as the crow flies, in the closest residential street to the site in Ocean Shores and am very concerned that the increase in noise limit will mean an increase in the overall noise, not just the base . With a young family loud music over a number of days, late into the night is just not reasonable and I object to the submitted request for a noise level increase. It is my understanding that the requested fixed noise limit of up to 70 decibels until midnight and up to 60 decibels until 2AM is actually perceived as four times as loud as 50 decibels and eight times as loud as 40 decibels, respectively. When over 130 complaints about noise levels were received for the last festival, how can it be possible that an increase in noise levels be allowed? Please listen to the community concerns and deny the applicant's request for a noise level increase.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example, the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Brenda Shero, Ocean Shores, NSW (118665)

I am concerned by Parklands request for the increase in noise levels at the Yelgun site. I am at a loss to understand why the consent conditions can be changed during the trial period. The idea of a trial is to assess the operation under a prescribed set of conditions. With added variables, it will be difficult to make a clear-cut assessment. The idea of the trial period was that Parklands had to demonstrate their willingness and ability to conform to guidelines set by the PAC. Clearly this application suggests they are neither willing nor able to do so. The existing noise levels have already been reported as intrusive by surrounding community, so if the allowed dB levels were to be changed, it would seem the only option would be to reduce, not increase the levels. The site is unsuitable for loud concerts. The only reason Parklands is operating is to make money. This is a poor reason to give them priority over the living amenity of a community. If the current site can't operate to suit the needs of Parklands they should find a more suitable site.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...". To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

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The range of community benefits that the cultural events held at Parklands cannot be underestimated. The Economic Impact and Benefits 2014 report alone has revealed that for the

eight days of the year that the two events operated at Parklands in 2014 (Falls Music & Arts Festival Byron-FFB and Splendour in the Grass- SITG), the total economic output measured was \$93.4m with \$41.4m derived from businesses and service providers in the Northern Rivers. Byron Shire accounted for \$24.1m of the total economic output or 25%.

Most important was the level of local employment created in the Byron Shire and the Northern Rivers by FFB and SITG. The current general unemployment rate in the region is 11.4% and the youth unemployment rate is 13.0%. Across the two events held at Parklands in 2014, the total employment created, taking into account direct employment, supply chain and household consumption, was 583 equivalent full-time (EFT) jobs. Of these positions created, Northern River's residents (including 166 EFT jobs filled by Byron Shire residents) filled 255 EFT jobs. This type of employment generation is important to the Region, given recent analysis showing the Richmond-Tweed area lost 12,000 jobs over the last 12 months. (North Byron Parklands Mod 3, Part 1, Section 1.5).

In addition to the economic benefits enjoyed by the community and the local availability of world-class cultural performances, a range of community benefits has resulted in the four trial events to date. To date, the Community Grants program initiated via Parklands and the four events have resulted in over \$107,500 being distributed to local community groups (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

North Byron Parklands is the perfect event site. Only 20 months (and four events) into a five-year/15-event trial, the response from patrons, artists, and much of the local community has been extremely positive. So too the media describe the venue itself as the perfect site. (North Byron Parklands, Mod 3, Part 1, pi).

'Its centrepiece is a splendid, vast natural amphitheatre surrounding the main stage...The amphitheatre and clean, green improvements made since last year, including hundreds of relocatable composting toilets and new low flow showers, have received the thumbs up from punters and campers in particular' Gold Coast Bulletin, '...and the brand new bowl of an Amphitheatre is the perfect size, allowing you to see the stage from all angles with great sound.'" The Vine (North Byron Parklands, Mod 3, Part 1, Section 1.4).

Janese Matthews, North Oceans, NSW (1185888)

I object to the changes that Parklands want to have approved ! They are on a five year trial, so is it right that they can try to increase the noise levels that were submitted at the beginning, half way through the trial ? The noise that we were subjected to on some of the event nights was very loud as it got later into the evening, making it very disturbing inside our home !

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

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Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

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Jodie Cordukes, Fernvale NSW (118671)

I object to the proposed modifications of the Parklands DA. The previous events have already been too loud, it is not okay to increase the noise limits while there are so many complaints lodged formally by the community during events. The situation is not that there are no complaints and the noise limits are being exceeded, there are many complaints and to consider increasing the noise limit while this is the case is not fair to the community.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held

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Kathy Cherry, Wooyung, NSW (118685)

I object to the increase in noise limits proposed for events at the Splendour in the Grass site. Blesfest has recently applied for a permanent approval for an outdoor music festival site and they have only applied for a limit of 55dBA. Why should Splendour be allowed to have 65dBA? The background noise in this area is very low. Splendour knew that when they decided to locate their festival site here, they need to minimise their noise emanating from the site, not maximise the noise. I am an older resident and I know many of my friends in the area found the noise very intrusive in their homes.

RESPONSE

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please see Illustrated in Plan 1.2 are examples of the

arrangements already in place).

Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site and they are significantly different to the layout and design of SITG and FFB. It is important to note that the Blues Fest is a five day event plus camper bump in and out days. They have been approved by the Byron Shire Council and operate 50-100 metres from the Pacific Highway. Background noise levels are in the order of 58dB(A).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Lutz Gaedt, Mooball, NSW (118679)

Dear Mr Stokes, I have been personally effected by three of the last four events at the Parklands site. The noise in my home with the windows and doors closed was at a level where I could hear the announcers making announcements, I could hear the crowd roar and the melody of the music. It is not just the bass that is disturbing. If my home is 7kms from the site and people can still be effected like this for 4 - 5 consecutive days, how can it be okay to then apply to INCREASE the noise. The increase of 20 dBA applied for is an increase of 2 to the power of 7, so 128 times more power used to project the sound. This will result in the experience of a four fold increase in noise. This is more than the Bluesfest is allowed. Most events at different locations get only one or two complaints, the last Splendour event had 139, the first had 73. Please do not allow this increase in noise limits.

RESPONSE

Parklands appreciates that it's immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 are examples of the arrangements already in place).

Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site and they are significantly different to the layout and design of SITG and FFB. Their limits are significantly higher than those imposed on Parklands.

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

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Tara Crittle, Crabbes Creek, NSW, (118586)

I strongly believe that an increase in noise levels at the North Byron Parklands site will adversely affect the local community and wildlife. Already the noise is evident at my home on occasions and particularly if the wind is favourable, I believe it will have a significant impact if these noise levels are increased.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors. These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

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In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

Yantra Whitling, South Golden Beach, NSW (118584)

I go to Splendour In The Grass every year and don't think it is necessary that the sound levels are increased. The Byron Bay Blues Festival sound levels are not this loud yet it is still easily loud enough to be enjoyable. I would still enjoy Splendour if it was held in a different/better location that doesn't harm the native wildlife.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

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Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site and they are significantly different to the layout and design of SITG and FFB.

Robert Crossley, New Brighton, NSW (118600)

My comments relate to the changed noise criteria only, I do not have an issue with additional, low key events to be held on the site. The application to change the trial guidelines half way through the trial is an admission that the trial is a failure. Already, residents are affected by noise during this event. I would assume that the noise thresholds were set to somehow defined noise levels that the community would be tolerably affected. That the proponent now wants to increase the trial noise guidelines so they can "comply" is simply further evidence that the trial has failed and the approval should be revoked. The location was never appropriate due to its proximity to communities, rural properties and a nature reserve, as well as the traffic issues. The approved festival types on this site should be defined in such a way that prevents inappropriate festival types at this location.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance... ". To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

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Name withheld, Yelgun, NSW (118596)

I object to the noise limit amendment in this application. I am a resident of Yelgun and already find the noise levels of events at North Byron Parklands to be disruptive and disturbing to myself and my neighbours and feel that an increase in noise levels would unfairly impact on the local residents and wildlife.

RESPONSE

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (For more detail regarding the programs in place as outlined previously, please see North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 examples of the arrangements already in place).

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The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

Name withheld, Ocean Shores, NSW (118574)

I don't support the submission to change noise levels. The sound travels to our house and can be a problem in the evening when trying to sleep. To increase the sound would be very unfair on those of us who live close by. This is not a one day day time event - this is over a few days in a residential area with families. It's hard enough to get kids to sleep without loud music playing; this would make it near impossible. Thank you for your consideration

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

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It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

In addition, Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (For more detail regarding the programs in place as outlined previously, please see North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 for examples of the arrangements already in place).

Name withheld, Yelgun, NSW (118570)

As a resident of Yelgun I object to any increase in noise outputs from the North Byron Parklands site. The noise levels on previous events has already proved disturbing. Our normally peaceful existence

is greatly impacted by these festivals, and although they have greatly improved their traffic management from the first horrendously managed event, the noise is an ongoing issue. Please do not allow any increase in noise levels to further impact on our sleep and well being. I do not object to smaller community events being held on the site as long as they do not create any traffic issues or more noise pollution. Thank you.

RESPONSE

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts (for more detail regarding the programs in place as outlined previously, please see North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 for examples of the arrangements already in place).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modeling, there is capacity for additional on-site acoustic controls that were successfully trialed at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as highly effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures, for example the use of silage hay bales etc, have been detailed previously in this document and they will be implemented at SITG15, the measures are also outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers

(not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

In regards to small community events; a small community event is a non-music focused event with up to 3,000 patrons only (North Byron Parklands Mod 3, Part 2, Annexure B1). Operational parameters for small-scale community events will limit the potential impacts of such events by setting the following requirements: that they are non-music focused; small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pii).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2).

Name withheld, Ocean Shores, NSW (118566)

The loud bass noise reverberates throughout my body and soul. I imagine the impact on native fauna must be devastating to say the least.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Name withheld, South Golden Beach, NSW (118562)

I am a home owner in the suburb beside this festival site. I am also a business owner in Byron Bay. I strongly object to Splendour in the Grass and Falls and any other festivals, being held on this site. They are only half way through their trial period. Between the two current festivals held here, there have already been a huge number of complaints made about noise levels (even as far as Main Arm, a village that is a 30minute drive away), not to mention other problems such as the threatening of a number of endangered species of wildlife, rubbish dumping, bad behaviour in neighbouring areas (such as festival patrons defecating on people's driveways!), major damage to our already poor roads with all the extra vehicles and trucks in the area, and the list goes on. I thought that a TRIAL period meant that if the festival organisers and patrons didnt abide by the rules set by our government, then that festival would no longer be able to operate. Then what is a TRIAL PERIOD??? Splendour in the Grass has already failed in this trial period. They have breached noise regulations (and to date just had to pay a measly \$3000 in sound pollution fines and then continued their "trial period"!)

In January after Falls festival i spoke to a number of patrons who gave some interesting information. There was inadequate shade for festival goers (concerns were expressed by one lady who has studied events management and she was surprised they were allowed to run a festival of that size) and plenty of alcohol served and security on the front gate was minimal so many people brought in their own alcohol (i believe this was to gain more "brownie points" from the patrons during their "trial period"). Everyone I've spoken to agreed there were more people in those festivals

than the legally allowed amount. The application to make this a "cultural events site" is just a way for them to get more "mini festivals" onto the land which means more money for them, and slowly slowly they'll get more and bigger events and then in turn, Peter Noble (from Byron Bay Blues Fest) will do the same. I strongly object to this application and to the festivals altogether. They are by no means environmentally aware and do not care for their patrons but rather are focused on monetary gains. NSW Government - shame on you for not instilling more strict rules and following through with subsequent punishment for these festival organisers breaching the agreement.

<https://www.facebook.com/CONOSInc?fref=nf> This is a good site to have a look at and see what is really going on.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that, "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...". To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please see Illustrated in Plan 1.2 examples of the arrangements already in place).

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

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Regarding anti-social behaviour in our investigations to date, feedback from NSW Police for trial events indicates that caseloads in local villages and townships including Byron Bay are down on normal incident rates during festival time. Local businesses advise that patrons are generally well behaved. However, some patron noise issues in Brunswick village at the bus stop were reported.

Events have now placed security staff at this bus stop and patrons are reminded on the bus to respect local neighbours. Neither Council has raised antisocial behaviour from event patrons as an issue. The community hotline has not recorded any complaints about antisocial behaviour (other than the patron noise issue in Brunswick) (North Byron Parklands, Mod 3, Part 1, Section 1.6).

Regarding littering, each event is required to provide a Litter Response Team (LRT) for the duration of the event. The LRT is responsible for monitoring roadsides and bus stops associated with the

event. They are in regular contact with the community hotline and respond to any reported litter issues.

To date, six complaints about litter have been received and were responded to by the LRT. The event Community Manager takes before and after photos of key surrounding locations to verify the cleanliness (or otherwise) of these locations. Of the litter complaints made, a number of them were clearly not event patrons (e.g. Council bins located at beach entrances filled with picnic waste, etc) (North Byron Parklands, Mod 3, Part 1, Section 1.6).

Regarding patron numbers, Parklands must report to The Secretary Department of Planning and the Environment within 28 days of the conclusion of an event with evidence to confirm that patron numbers within the event did not exceed the numbers specified within this approval. C52 (North Byron Parklands, Mod 3, Part 2, Annexure A).

Parklands total event days at Parklands (not including small, non-music focused community events) do not exceed ten days in a calendar year. A small community event is a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

Parklands and its events are proud of the range of community benefits that the cultural events held at Parklands bring to the Byron Shire.

The Economic Impact and Benefits 2014 report alone has revealed that for the eight days of the year that the two events operated at Parklands in 2014 (Falls Music & Arts Festival Byron-FFB and Splendour in the Grass- SITG), the total economic output measured was \$93.4m with \$41.4m derived from businesses and service providers in the Northern Rivers. Byron Shire accounted for \$24.1m of the total economic output or 25%.

Most important was the level of local employment created in the Byron Shire and the Northern Rivers by FFB and SITG. The current general unemployment rate in the region is 11.4% and the youth unemployment rate is 13.0%. Across the two events held at Parklands in 2014, the total employment

created, taking into account direct employment, supply chain and household consumption, was 583 equivalent full-time (EFT) jobs.

Of these positions created, Northern Rivers residents (including 166 EFT jobs filled by Byron Shire residents) filled 255 EFT jobs. This type of employment generation is important to the Region, given recent analysis showing the Richmond-Tweed area lost 12,000 jobs over the last 12 months. (North Byron Parklands Mod 3, Part 1, Section 1.5).

In addition to the economic benefits enjoyed by the community and the local availability of world class cultural performances, the Community Grants program initiated via Parklands and the four events have resulted in over \$107,500 being distributed to local community groups (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Parklands and its events continue to improve upon their performance and operate within the strict guidelines and conditions handed down by the Department of Planning and Environment.

Name withheld, New Brighton, NSW (118683)

I object to the new submission for Slendour in the Grass and other festivals to increase noise levels. A trial process is going on and no changes should be allowed during the trial that increase the levels set by the trial. By its own admission, the sound levels are a failure and Slendour want to increase them and make life even more unpleasant for we the residents who have already had to endure years of this trial. The environment is continually at risk as the many 1000's of people who flock to the event in our small community, overflow and to our beaches as it is too unpleasant at the site. Now the organizers want to increase sound levels and put more strain on our native animals. There are already plenty of sites available for festivals in the area..it is only the greed of the organizers that is stopping co operation to use one site rather than expose our small area to all the problems that this festival continues to bring. If the organizers are already saying they cannot keep noise levels at a safe level themselves, then it is a failed site. Fines will not deter these mega rich groups to do the right thing in our community. Imagine if this was happening in your area...would this be allowed if you lived here..?

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified

that a number of modifications to the existing trial approval would further improve performance at the venue.

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before,

during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Parklands and its events are proud of the range of community benefits that the cultural events held at Parklands bring to the Byron Shire. The Economic Impact and Benefits 2014 report alone has revealed that for the eight days of the year that the two events operated at Parklands in 2014 (Falls Music & Arts Festival Byron-FFB and Splendour in the Grass- SITG), the total economic output measured was \$93.4m with \$41.4m derived from businesses and service providers in the Northern Rivers. Byron Shire accounted for \$24.1m of the total economic output or 25%.

Most important was the level of local employment created in the Byron Shire and the Northern Rivers by FFB and SITG. The current general unemployment rate in the region is 11.4% and the youth unemployment rate is 13.0%. Across the two events held at Parklands in 2014, the total employment created, taking into account direct employment, supply chain and household consumption, was 583 equivalent full-time (EFT) jobs.

Of these positions created, Northern River's residents (including 166 EFT jobs filled by Byron Shire residents) filled 255 EFT jobs. This type of employment generation is important to the Region, given recent analysis showing the Richmond-Tweed area lost 12,000 jobs over the last 12 months. (North Byron Parklands Mod 3, Part 1, Section 1.5).

In addition to the economic benefits enjoyed by the community and the local availability of world-class cultural performances, the Community Grants program initiated via Parklands and the four events have resulted in over \$107,500 being distributed to local community groups (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Name withheld, South Golden Beach, NSW (118647)

I am making a submission opposing the above Modification proposed for the Cultural Events Site at Yelgun NSW. I have previously submitted objections (written and verbal) to the project when the Planning Assessment Commission (PAC) held public hearings in our locality. I am a local resident and have lived in the locality some years. In this submission I have applied my professional skills related to my tertiary qualifications being a sound engineer. I find the Modification and the Department's advertisement misleading in that the Modification involves increased sound levels and other significant changes to the Consent Conditions (the Proposed refinements).

These two facts were not clearly identified in the Department's advertisement. Similarly the Modification avoids describing the proposed noise level changes as increases in noise levels (both the bass and higher frequencies). I feel aggrieved that the Modification is far more wide ranging in scope than I had expected based upon the notification in the newspaper and from a reading of the Modification. While my professional experience assists me in understanding the Modification, I believe many laypersons in the community who may wish to make a submission on increases to the noise levels, are likely to be alienated by the issues above. This is compounded by a exhibition/ submission period that is short given the complexity and volume of the Modification. I am opposed to the proposed Modification on a number of grounds as follows:

- The existing noise levels are too loud in terms of both the bass and higher frequencies.
- Our household finds the noise levels, and repetitive bass noise, annoying and disturbing.
 - The event operators appear unable to control the sound levels in the face of numerous complaints by community members.
 - The PAC provided for sound level limits for sensitive locations such as ours and other residents at South Golden Beach. Our background noise levels are usually nature oriented and peaceful. Hence we were pleased that the PAC applied noise limits based upon the ambient background levels. However the noise during festivals has greatly exceeded background levels for us and is an annoying disturbance. I believe that the festivals exceed the background limits imposed by the PAC and that the organisers do not reduce the noise levels after complaints are made.
 - The Modification proposes to increase high frequency noise levels despite the current excessive imposition upon the local residents. I oppose any increase in noise levels.
 - I request that the existing sound levels for higher frequencies be reduced.

- I support the provision of noise limits on the bass frequencies as these frequencies have not been adequately dealt with by the PAC's Conditions. My proviso is that the bass levels are set at a level that is significantly less than those that have been demonstrated at the festivals so far.

RESPONSE

1. In addition to the Department of Planning and Environment's announcement of the exhibition period, Parklands also went to great lengths to communicate in layman's terms the details regarding the modification throughout the Byron Shire, including; 10,000 community letters to residential and business addresses in the Byron Shire alerting residents of the exhibition period. Parklands General Manager discussed details of the modification on ABC North Coast Radio, Bay FM and submitted an open letter to the Shire's two local papers, which was subsequently published in the Byron Shire News.

The General Manager also provided a response for the Byron Shire Echo's editorial regarding the modification. Local councillors, mayors and staff throughout the Northern Rivers were also notified in addition to State and Federal Members of Parliament by email. Notice of the modification was also posted on the North Byron Parklands website.

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. $LC_{max} > 120$ dBC). Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

A large portion of complaints received by the event hotline and Department of Planning & Environment (DP&E) to date have related to noise. When looking closely at those complaints it is

evident that most were concerned with the 'low end', or 'bass', frequencies. Current consent conditions do not regulate bass frequency noise, only higher frequency – or 'A-weighted' emissions. The modification seeks to amend the over-regulation of less intrusive, high frequency noise and regulate the intrusive low end.

Parkland's A-weighting consent conditions, on the other hand, are prohibitively low in winter and therefore very difficult to comply with, as well as being inconsistent with best practice standards. Non-compliances with the A-weighted background plus 10 noise limit were observed from 8 am (more than 3 hours prior to event entertainment commencing) The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience. A-weighted noise limits do not align with those in other similarly located venues nor do they align with the existing regulatory and guidance instruments provided by a number of States.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Based on the experience garnered at the site and best practice, Parklands submit that the key noise performance indicators should be the music noise levels experienced at the receptors' dwelling as that is where the impact, if any, will occur. (North Byron Parklands, Mod 3, Part 1, pii).

2 • I oppose the proposal that we can legitimately be subjected to higher sound levels in adverse weather conditions (the proposed 5dB tolerance). I submit that in adverse weather conditions the event operators should be compelled to reduce their sound levels to compensate us (receivers) rather than the operator being compensated for the weather conditions.

- On occasion, some of my children have attended a festival at the site and they have described the level of sound in front of the stages as 'too loud'. I am aware of the dangers of excessive noise upon hearing health and I am alarmed by potential health impacts upon them due to their exposure to these high levels at the stages. I believe the operators should demonstrate a level of care, for my children and the other attendees, beyond that which they presently do (or don't).

- I attended the 2014 Splendour in the Grass for one day and found the sound levels considerably louder (uncomfortably so) than the Blues Festival that I have attended previously. These Yelgun festivals should try to emulate the Blues Festival sound levels which are much more comfortable and undoubtedly safer in terms of hearing health impacts. I am disturbed by the potential for adverse impacts upon the ecology of the locality. I know that the locality is one of the most biologically rich in NSW (if not Australia), which contains numerous threatened species, and that the locality of the site is an important wildlife corridor. The Modification claims that impacts upon the ecology is negligible. However I have friends who live closer to the site than myself and their windows rattle. While I am a scientist, I apply common sense also, and it defies belief that wildlife do not depart from the locality during festivals perhaps leaving their young defenceless and hungry. In fact, other residents have told me of the unusual occurrence of various animals in their yards/ properties during festivals. These species are likely to have been forced from their territory into the territory of other fauna. I believe that monitoring this dispersal and its impacts is important and I am not aware of that aspect of monitoring being undertaken.
- In terms of the proposed refinements to the PAC Conditions, I am opposed to any changes that delete details of the noise limits from the main body of the approval document. These sound limits should not be hidden in another document such as a noise management plan. They should be up front for anyone to easily find.
- I oppose to the use of the site for unspecified categories of small events. Our household does not want to put up with other unlimited numbers of events that may well be quite noisy.
- I, like many others in this community, appreciate festivals, but the Yelgun location is not appropriate for major festivals due to the close vicinity of populated areas and the significance of the ecology. Yours sincerely,

RESPONSE

2. The key noise management controls proposed in the modification allow at the sensitive receiver a 5 dB tolerance above the noise criteria during extreme meteorological conditions, but must also be accompanied by reasonable and feasible measures to manage dB(C) in the 63 Hz 1/1 octave frequency band. (North Byron Parklands, Mod 3, Part 1, p18)

The health and safety of staff and festival patrons is of prime importance to Parklands and the events.

Not only are sound engineers exposed to noise, but so too are construction staff involved in the bump-in and bump-out of the events. Personal Protective Equipment (PPE) is to be used in the

workplace and with particular regard to sound protection they use personal hearing protectors. The maximum length of time a person without personal hearing protectors can be exposed to 85dB(A) continuously is 8 hours according to Safe Work Australia methods.

According to Safe Work Australia there is a big range in different people's susceptibility to hearing loss from noise. Research shows that 8-hour average daily noise exposure levels below 75 dB(A) or instantaneous peak noise levels below 130 dB(C) are unlikely to cause hearing loss. The proposed levels are safe for our staff and patrons and are reflective of industry best practice.

According to Safe Work Australia, the most intrusive noise levels are C-Weighted emissions and those most harmful are greater than 140 dB(C) and usually occur with impact or explosive noise such as sledge-hammering or a gun shot. Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site and they are significantly different to the layout and design of SITG and FFB.

In regards to ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. Fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation.

Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro-bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. (North Byron Parklands Mod 3, Part 1, Section 1.7).

The modification proposes that event noise shall be managed to not exceed the noise criteria set out in the Noise Management Plan (NMP) prepared under Condition C16 and the noise criteria set out in the proponent's Environmental Health and Safety Management Manual – Standard 008. This amendment refers the reader to this condition that 'Noise management is now contained in Condition C16.' (North Byron Parklands Mod 3, Part 2, Annexure A, B3)

In regards to small community events; a small community event is a non-music focused event with up to 3,000 patrons only (North Byron Parklands Mod 3, Part 2, Annexure B1).

Operational parameters for small-scale community events will limit the potential impacts of such events by setting the following requirements: that they are non-music focused; small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pii).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

Name withheld, North Ocean Shores, (118645)

I consider the DA application by the North Byron Parklands group inappropriate. It was not acceptable by the DoP to grant higher sound levels for the 5 year trial period - so I ask -what has changed to make an increase in sound acceptable? Against huge community opposition NBP was granted a 5 year trial. This NBP group have NOT been able to meet the terms of that 5 year DA contract in relation to noise. The sound from the festival site is TOO LOUD and I consider the trial to have FAILED In my opinion it would be a violation to the community if NBP group are granted an increase in the sound levels. My home is located 2 kilometres from the Parklands Festival site in North Ocean Shores and this is a residential area. I am a local resident and have lived here for over 20 years. Over the past festivals, my family [and my neighbours] have been highly disturbed by the noise coming from the festival site. This Parklands festival site is simply TOO LOUD for a residential area. The sound levels need to be LOWERED. I have experienced the windows of my house rattling with the noise and at times in the evening, being unable to hear my television. The sounds starts affecting the local residents here from the early afternoon, then increasing becomes louder throughout each festival day and becoming increasingly unbearable as each evening progresses. This continues each day of each festival. I cannot comprehend why the NBP group would ask to raise the

level of the music, as already the sound levels coming from the festival site is DISRUPTIVE and DISTRESSING for the many nearby local residents. The current sound level is a VIOLATION to the community that lives here. If the NBP group cannot lower the sound and the impact this makes on the many surrounding residents, then clearly the 5 year trial is a FAILURE and they need to re-locate to a more suitable location for them. The Blues Festival [also held in this area] successfully operates with lower sound levels. If the Parkland group feel they are not able to operate at a lower sound level, then they need to go somewhere more appropriate for them. Unlike the other festivals, the sound at the Falls Festival in 2014 was more contained on site, demonstrating that it is clearly possible that NBP group can operate successfully with a lower sound disturbance for the nearby residential community NBP group claim they cannot operate under current noise constraints and yet each and every festival they have run on this site sells out completely, in a matter of hours of being on sale. How can their claim that they cannot operate be true? NBP group have made an unreasonable request to raise sound levels - as the sound level is already UNBEARABLE and TOO LOUD for the local community who live here. It is critical that you REJECT the proposed increase in allowable dBA noise levels The Complaints Hotline The complaints hotline is frustrating as it is quite often not answering or is out of action. Also on several occasions when I have managed to get through it was usually an unsatisfactory experience with the operator being uninformative and disrespectful of the local community concerns. Therefore the number of registered complaints via the NBP complaints hotline are much lower than the actual complaints in the affected community This hotline would be more accurate and beneficial if it was operated by an independent group with fully informed staff. The complaints hotline is ineffectual and this needs to be corrected during this 5 year trial period Holding non-music events It is not clear what non music events NBP group are considering. The Parklands group have a bad track record. The sound levels are TOO LOUD. It needs to be noted, (REDACTED TEXT). I question the NBP group Duty of Care towards their patrons. NBP group have been unable to manage with what they have been granted, it would be irresponsible to grant them more events and give them an increase to what they are already holding. It is critical that you REJECT the proposed increase in non-music events on the Parklands site

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated, “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance...”. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. $LC_{max} > 120$ dBC). Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

A large portion of complaints received by the event hotline and Department of Planning & Environment (DP&E) to date have related to noise. When looking closely at those complaints it is evident that most were concerned with the 'low end', or 'bass', frequencies. Current consent conditions do not regulate bass frequency noise, only higher frequency – or 'A-weighted' emissions. The modification seeks to amend the over-regulation of less intrusive, high frequency noise and regulate the intrusive low end.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers

(not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

It is noted that the unsuitability of the existing noise limits is not expected to be limited to the current Parklands venue. In fact, most venues in Australia able to accommodate events of the size supported by Parklands, are likely to be similarly restricted in their ability to operate within the existing noise limits. (North Byron Parklands, Mod 3, Part 2, ANE Report Section 3.2) Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site and they are significantly different to the size, layout and design of SITG and FFB.

The existing A-weighted noise limits are unachievable for events where an acceptable level of event noise is generated to support the patron experience. A-weighted noise limits do not align with those in other similarly located venues nor do they align with the existing regulatory and guidance instruments provided by a number of States. Compliance of events with the existing noise limits is expected to result in adverse impacts on patron experience and ultimately lead to the venue being unable to sustain its intended purpose of hosting outdoor music events. (North Byron Parklands, Mod 3, Part 1, p21).

We reject the respondent's claim referring to the ineffectiveness of the event hotline. We agree that during the first festival there were minor teething problems, however since then registered complaints are accurate. At SITG15 all calls to the hotline will be recorded. The event hotline staff are well trained, respectful and are fully cognisant of the issues.

Our review of the reasons for complaint recorded by the event hotline during SITG14 indicated that low frequency noise, rather than broadband noise, was the dominant source of complaints. This is also supported by subjective observations made by noise monitoring personnel at a number of complainant locations that identified broadband noise from the venue as being similar to that of the ambient environment. (North Byron Parklands Mod 3, Part 1, p21).

Most importantly the dramatic drop in noise complaints registered on the hotline at FFB14/15 is not reflective of an ineffective complaint service rather it provides compelling evidence that better management and regulated C-weighted levels and using additional attenuating measures have significantly reduced noise and therefore delivers a better experience for the community.

Interestingly although the respondent concedes the management of sound at FFB/15 was 'more contained'.

Parkland's is again seeking the ability to host small-scale community events onsite, such as local school cross-country runs, open-air cinema, minor sporting events and other community events. The community has demonstrated a strong desire to use the Parklands cultural event facility as evidenced by the number of unsolicited requests received from a wide range of community groups and educational institutions to date. (North Byron Parklands Mod 3, Part 1, pii).

A small community event is described a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1) Operational parameters for small-scale community events will limit the potential impacts of such events by setting the following requirements: that they are non-music focused; small enough so as not to require external traffic management; and conform with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pii).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

Regarding Parklands duty of care, at all times the safety of our staff and patrons is of paramount importance.

The Parklands Environmental, Health and Safety Management Manual (Management Manual), is the primary mechanism for monitoring and measuring the environmental, health and safety performance of minor, small, moderate and major events held at Parklands. (North Byron Parklands, Mod 3, Part 2, Annexure A, Schedule 3).

Please see in addition (North Byron Parklands, Mod 3, Part 2, Annexure A, Part D, General Health and Safety Conditions for Events) (North Byron Parklands, Mod 3, Part 2, Annexure C7 Safety Management).

Name withheld, Fernvale, NSW (118673)

Dear Planning Department, I have a business that produces noise, if neighbours complain about it, I have to respond to those complaints and adjust the noise I am making so as not to impact on their lives, I am not allowed to simply get Council to increase the noise limit because I find it hard to

conduct my business without it. Please require Parklands to play on the same "level playing field" that the rest of us have to in our community. Please do NOT allow increase to the noise limits allowable for events.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Brett Bishop, Yelgun, NSW (118719)

The project was approved as a trial for 5 years. Noise leakage into nature reserve and residential areas was one of the significant issues associated with the contentious proposal. If the proponent is failing to keep it within the limits specified for this location, then the trial is a failure, and their approval for same should be revoked. Or very least, not renewed at the end of the trial period, if they fail to operate within approved guidelines. The site is an ecologically significant wildlife

corridor. That was taken into account in the approval process . Limiting offensive industrial noise and other disturbances were a major cause for concern to those living near the site and those who care for it's natural values. A noise limit appropriate for Sydney is not appropriate here. No further events should be allowed until the trial period of current approval is exhausted and studies presented about it's current impacts. The proposal should never have been approved and should not be allowed to continue. I am still a property owner in Yelgun though I moved 300 ks away to escape it. I feel for those not as fortunate. I fear the entire natural value and financial value of the area is being severely degraded by this greed machine.

RESPONSE

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 providing examples of the arrangements already in place).

Hayley Ward, Ocean Shores, NSW (118695)

Splendour is a great festival that would be equally as good no matter where it is held. There is no need for it to be held in a wildlife corridor where it can affect animals and their habitats. The noise level does not need to be increased as this is what can harm these animals. The festival will be awesome with the noise levels kept the same. It would be even better if it wasn't affecting the wildlife and was held in an area like where bluesfest is held.

RESPONSE

North Byron Parklands is the perfect festival site. Only 20 months (and four events) into a five-year/15-event trial, the response from patrons, artists, and much of the local community has been extremely positive. So too the media describe the venue itself as the perfect site. (North Byron Parklands, Mod 3, Part 1, pi).

‘Its centrepiece is a splendid, vast natural amphitheatre surrounding the main stage...The amphitheatre and clean, green improvements made since last year, including hundreds of relocatable composting toilets and new low flow showers, have received the thumbs up from punters and campers in particular’ Gold Coast Bulletin, ‘and the brand new bowl of an Amphitheatre is the perfect size, allowing you to see the stage from all angles with great sound.’ The Vine (North Byron Parklands, Mod 3, Part 1, Section 1.4).

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by

proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

In regards to the ecological impact of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

In addition the habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).

John Lazarus, Byron Bay, NSW, (118715)

Noise

1) There is no capacity in the existing consent for a five year Trial to increase decibel levels (there is capacity to reduce noise levels)

RESPONSE

In April 2012, the Planning & Assessment Commission (PAC) granted a five-year trial approval for the North Byron Parklands (Parklands) cultural event site. This approval permits a series of trial events that are to be monitored and reviewed. The PAC envisaged that event-related activities would be adjusted, where required, to fully trial the site. (North Byron Parklands, Mod 3, Part 1, i).

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance... “. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned. The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

2) Every event has breached its noise level consent

RESPONSE

Based on Summer background levels and careful management of unregulated C-weighted levels, Falls Festival 2014/15 complied with noise conditions. Despite SITG14’s non-compliance with A-weighted noise criteria (due to the difference in summer and winter background levels), the event generated similar A-weighted emissions at sensitive receivers as those emitted by FFB 14/15 (which were in full compliance with existing noise criteria based on summer background levels).

3) The up to 10 km noise pollution spill identifies that the Trial development has unequivocally demonstrated that a) the compliance with the Consent has completely failed at every event, and b)

that the development is incompatible with existing Consents for all neighbouring properties within 10 km of the Trial development site.

RESPONSE

a) see point 2

b) Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated Plan 1.2 for examples of the arrangements already in place).

4) Endemic failure of noise management within the Trial Consent by the developers, and endemic failure of Compliance action by the DoP (except when neighbours are forced to spend \$15,000 of their own money to prove breaches) gives no basis to increase decibel levels, but gives every basis to declare the Trial failed and the Trial consent invalid.

RESPONSE

In order to determine the impact of C-weighted emissions, SITG14 operated the event using elevated levels for this lower frequency (i.e. LCmax > 120 dBC). Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

At the last festival FFB 2014/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Current consent conditions do not regulate bass frequency noise, only higher frequency – or ‘A-weighted’ emissions. The modification seeks to amend the over-regulation of less intrusive, high frequency noise and regulate the intrusive low end.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Independent Certifiers

1) There are no Certification Reports identifying that all identified parameters of the Trial development Consent has been complied with.

RESPONSE

The primary compliance documentation which is forwarded to the Department of Planning and Environment as per the requirements of consent condition B7 "Performance Report" provides details of compliance with all project approval requirements. A draft Performance Report is provided to the Regulatory Working Group for comment and feedback prior to being submitted to the department each year. The Performance Report is then placed on the Parklands website for public access.

2) There have been no Certification Reports identifying the breaches in regard to Aboriginal Heritage and the Bora Ring.

RESPONSE

There are no Aboriginal Bora Ring sites on the Parklands site. All Indigenous and non-indigenous heritage requirements have been met and signed off by the Private Certifier as part of the construction phase.

3) There have been no certification Reports identifying the breaches of failure to fence off and prevent entry to "Protected Forest Blocks",

RESPONSE

The Performance Report covers details of fencing off and preventing entry to "Protected Forest Blocks". Furthermore Departmental compliance officers have attended three events and have been satisfied with all fencing requirements.

4) There have been no Reports on the damage to Aboriginal Heritage and damage and faecal contamination to Protected Forest Blocks.

RESPONSE

There has been no “damage to Aboriginal Heritage”. A recent archaeological assessment (dated August 2015) has confirmed this point.

5) DoP staff have completely breached their requirements of compliance by not even being aware of Certification requirements regarding a) the Health and Safety of staff and patrons in every 'bump in and bump out' periods, b) Aboriginal Heritage, and c) Environmental protection

RESPONSE

The allegation of “DoP staff have completely breached their requirements of compliance by not even being aware of Certification requirements regarding a) the Health and Safety of staff and patrons in every 'bump in and bump out' periods, b) Aboriginal Heritage, and c) Environmental protection” is a matter for the Department to respond to.

6) DoP staff have been unable to even identify the exact Certifiers, in a State system of Certification that states Certification Transparency at its core.

RESPONSE

The allegation of “DoP staff have been unable to even identify the exact Certifiers, in a State system of Certification that states Certification Transparency at its core” is a matter for the Department to respond to. To be fair, this point does not make any sense whatsoever.

7) DoP has corresponded with Byron Shire Council telling the Council Compliance Section that they cannot enter the site to get evidence of the endemic and ongoing breaches of Consent

RESPONSE

The allegation that “DoP has corresponded with Byron Shire Council telling the Council Compliance Section that they cannot enter the site to get evidence of the endemic and ongoing breaches of Consent” is a matter for the Department to respond to.

8) DoP staff have improperly identified Consent breaches such as Litter in waterways, gross site rubbish pollution, overflowing sewerage across the site, overflowing grey water, faecal contamination of forest blocks etc. as 'minor' breaches involving no compliance action, in a complete corruption of existing standards of development compliance

RESPONSE

The allegation that “DoP staff have improperly identified Consent breaches such as Litter in waterways, gross site rubbish pollution, overflowing sewerage across the site, overflowing grey water, faecal contamination of forest blocks etc. as 'minor' breaches involving no compliance action, in a complete corruption of existing standards of development compliance” is a matter for the Department to respond to.

Additional Events

1) A 5 year 'Trial' can only be viewed as a propaganda farce if further consents for additional events are added to the 5 year Trial Consent

RESPONSE

Due to community concerns mainly around noise, traffic and the unknown social impacts on the local surrounds, the PAC deleted the ability to hold small community events. Many key event aspects have already been improved as a result of data collection and analysis, as evidenced with traffic management. These improvements have predominantly been made through refinements to systems and procedures rather than any modifications to the trial approval. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at this venue and therefore Parklands is again seeking the ability to host small-scale community events onsite, such as local school cross-country runs, open-air cinema, minor sporting events and other community events. (North Byron Parklands, Mod 3, Part 1, i).

2)The developers have breached consent at every event and have not demonstrated that they have any capacity to manage the existing events and should not be given consent for any further events.

RESPONSE

Over the last four events held to date, Parklands continues to meet and improve upon Key Performance Indicators and Consent Conditions.

Improvements with respect to local environmental impacts have been substantial. In significant part, the use of generally common key event staff has accelerated the learning and refinement process.

Indeed, key stakeholders, including the Roads and Maritime Service, Byron Shire Council and NSW Police have provided positive feedback to both the Regulatory Working Group and event-specific debrief meetings regarding the continuous improvements demonstrated by events regarding traffic management.

Importantly, for the most recent events held at the venue (SITG14 and FFB 14/15) all traffic Key Performance Indicators (KPIs) were met during each day of the event (the only exception being KPI 3 for a 45-minute period of time on the Monday of SITG14 when patrons were departing). Data from this most recent event has been analysed and a modification to camper egress has been developed to address this aspect. (North Byron Parklands, Mod 3, Part 1, Section 1.7).

So too, ecological restoration undertaken to date on the site is well beyond the requirements of the consent conditions and events include a variety of environmental education programs for patrons.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Indeed, some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological monitoring continues to be undertaken (North Byron Parklands Mod 3, Part 1, Section 1.7).

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance that is illustrated by ecological monitoring, with the permanent photo point record showing rapid recovery of grass areas following events and no noticeable disturbance of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

As a direct result from SITG and FFB, the reforestation and restoration of native forest vegetation at Parklands has seen significant improvement both in terms of area and quality of native forest in selected locations. Indeed, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas. (North Byron Parklands Mod 3, Part 1, Section 1.7).

With regards to meeting conditions around noise, we have acknowledged the need for improvement in this area and we have consulted with the community and have worked closely with our noise consultants (ANE) to develop and present a set of proposed noise criteria that clearly sets out to reduce and regulate the intrusive sound emissions that some members of the community have experienced. The net result of which would be an overall reduction in noise emissions at sensitive receivers, thereby markedly improving the amenity of the surrounding community. (North Byron Parklands Mod 3, Part 2, Section 2.2).

3) The developers have failed to hold any small 10,000 person music events permissible and proposed under the existing Trial Consent. I allege that the reason is because they cant comply with the Trial parameters of Consent for even a small music event, and as such are now trying a Trojan Horse of 'small community events' to get some sort of consent that they can amend and expand to

their usual non compliance in Music events (and all sport days use PA's that are heard for Km's away)

RESPONSE

Parklands and event promoters continue to investigate suitable performances for its small events. However, with respect to small community events, the local community has demonstrated a strong desire to use the Parklands cultural event facility as evidenced by the number of unsolicited requests received from a wide range of community groups and educational institutions to date.

The modification proposes use of the site for small events. Operational parameters will limit the potential impacts of such events by setting the following requirements: non-music focused; small enough so as not to require external traffic management; and conformity with the applicable Parklands general management protocols and consent conditions.

The total event days at Parklands (not including small, non-music focused community events) do not exceed ten days in a calendar year. A small community event is a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1)

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

Ecology

The most recent accredited study on the ecology by Stamford University USA, has identified that we are now in the 6th Mass Extinction of the earths species, and the earths environmental collapse includes the probable extinction of the Human Species. As this site is in the area of NSW's highest biodiversity, containing more species and more densely packed species of plants and animals than anywhere else in this state, (REDACTED). The DoP has failed to even pursue compliance within the existing farce of development consent, or compliance within development law, (REDACTED).

RESPONSE

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Indeed, some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control

points before, during and after events. Ecological monitoring continues to be undertaken (North Byron Parklands Mod 3, Part 1, Section 1.7).

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation.

Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Laura Baker, Yelgun, NSW (118767)

I am very concerned about any increase in noise levels from any music festivals held in North Byron Parklands. I object to allowing any increase in noise limit levels. As it is now, when Splendour is on we have experienced sleep disturbance due to sudden increases in general noise between the hours of 10pm and 2am. We live at the end of the valley and I know that the others on Yelgun road are subjected to much worse excess noise.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

At the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Parklands appreciates that it's immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 examples of the arrangements already in place).

Theresa Hotby, Wooyung, NSW (118693)

As a resident of Wooyung I have found the noise levels from the site objectionable. Parklands describes the current limits as "unworkable." However, this does not mean the limits should be raised. In fact, to protect residents from disturbance, the noise limits should be lowered. An appropriate response to this problem would be to improve the monitoring and management of the noise, not to increase the noise limits.

RESPONSE

Overall, the noise limits currently approved for the venue are considered unworkable for outdoor entertainment events. It is therefore recommended that the noise limits for the venue be reviewed such that the venue can operate and comply with the noise limits for entertainment noise.

Noise limits derived from existing background levels are designed for permanent noise sources in order to control the audibility of the noise for nearby noise sensitive receptors (e.g. industry, permanent music venues such as pubs and clubs).

Outdoor music events as held at Parklands, on the other hand, are occasional events which are considered to add value to the broader community, and there is an expectation that the music will potentially be audible for the defined event period, with the event defined in terms of the start and finish hours and number of days per year on which it may occur. (North Byron Parklands, Mod 3, Part 1, p21).

Therefore, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from previous festivals, to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers. The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

Parklands concurs with the respondent regarding improved management and monitoring of noise, and indeed at the last festival FFB14/15, with careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Zoe Cansdale, South Golden Beach, NSW (118697)

After attending the festival for the first time last year I thought it was spectacular, the music was great, the vibes were brilliant and I enjoyed myself. However, once I was told of the full story behind where Splendour is now held, I felt bad for attending and contributing to the disturbance of such a precious wildlife corridor and a beloved indigenous land. I am in my twenties and feel it a responsibility of our generation to maintain the paradise of our natural environment. As a supporter of the beautiful nature and wildlife surrounding our area, I would hate to see it destroyed merely for something such as music, which can be enjoyed in many other areas which wouldn't have such detrimental effects. Please consider the opinions of festival goers, such as me, who would in fact enjoy a change of scenery for Splendour and not have to feel so bad whilst partying away for 3 days!

RESPONSE

Parklands can report that the respondent can continue to enjoy festivals at Parklands with a clear conscience.

With particular regard to the ecological impacts of the festivals, under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

The impact and control locations were determined in consultation with the Regulatory Working Group in line with the requirements of the approved Flora and Fauna Monitoring Program. These samples typically take place over three to five days in each month before, during and after each event, and involve timed, spatially constrained bird counts at ten transects over three consecutive days by three qualified observers, deployment of hair funnels at five transects, and deployment of Anabat bat call detectors at three locations.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Since the purchase of Parklands in late 2006, a significant change in land use has occurred. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. (Plan 1.1 shows details of the works program, North Byron Parklands, Mod 3, Part 1, Section 1.7).

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands. No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).

The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

With regard to the protection of Indigenous cultural heritage, Parklands' conditions of consent ensure that management of Aboriginal Cultural Heritage is undertaken in a manner consistent with the recommendations of the Aboriginal and European Heritage Assessment prepared by Jacqueline Collins (Consultant Archaeologist), dated September 2010 and ensures that the recommendations of this assessment are incorporated into the Construction Environmental Management Plan (CEMP) required under condition E9. (North Byron Parklands, Mod 3, Part 2, Annexure A, E9, E15).

All personnel involved in initial ground surface disturbance activities shall undergo a Cultural Heritage induction training session before commencing any construction activities. The induction should be presented by an appropriately qualified person and provide specific information in relation to the processes to be followed should any Indigenous items be uncovered as well as the types of and identification criteria for cultural heritage material that may be uncovered.

Notwithstanding the above, the induction shall be undertaken in accordance with the terms and requirements of the Aboriginal and European Heritage Assessment prepared by Jacqueline Collins (Consultant Archaeologist), dated September 2010. (North Byron Parklands, Mod 3, Part 2, Annexure A, E26).

If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological OEH must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of OEH. ((North Byron Parklands, Mod 3, Part 2, Annexure A, E37).

Parklands will adopt and implement the five recommendations of Technical Paper H, developed in liaison with the Aboriginal stakeholders.

- Parklands will provide the DECCW with additional Aboriginal cultural heritage management measures for each known Aboriginal site. These measures shall include:
 - a. a program of ongoing monitoring by the local Aboriginal community, and assessment criteria for any previously unidentified Aboriginal cultural heritage values;
 - b. management during maintenance activities (e.g. weed spraying, pest control, etc). as a component of any Aboriginal cultural heritage induction program; and,
 - c. the specifics of any protection works (e.g., fencing, signage, located on maps, etc.).
- Any Aboriginal cultural heritage management measures developed in consultation with the registered local Aboriginal stakeholders and specific management during any proposed events shall be incorporated into the Management Manual.
- An Aboriginal Cultural Heritage Awareness component shall be included in the pre-start induction to be attended by all personnel, contractors and their employees involved in onsite disturbance/construction activities. The induction will be completed as part of any induction. The induction will highlight the overall high level of Aboriginal cultural sensitivity of the wider project area and the strict requirement for all onsite workers to confine their activities to the approved project area only. It must also include the legal obligations for Aboriginal sites, and reinforce the need to comply with these legal obligations (including penalties if breaches occur). The induction will also provide an overview of the types of Aboriginal cultural heritage materials that could occur within the project area, and of the procedures to be followed in the event of any possible finds during any stage of the development.
- The Aboriginal stakeholders shall be given the opportunity to review, amend, and confirm the content of the Aboriginal Cultural Heritage Awareness induction component prior to its

implementation. Aboriginal stakeholder representatives shall be invited to attend and participate in all induction sessions.

- A register will be kept of all persons inducted for the duration of the project. The register will include dates, names and signatures of those inducted, the type of activity and location in which they will be working, name of the person who provided the induction, and whether any Aboriginal stakeholders were present during the induction. (North Byron Parklands, Mod 3, Part 2, Annexure A9).

Name withheld Gibberagee, NSW (118701)

I object to the application by North Byron Bay Parklands to increase noise and activities at the Yelgun site next to the Tyagarah Nature Reserve. (SIC) This event should not be held next to over 50 Threatened species let alone increasing negative impacts. The North Byron Bay Parklands site has already made statements geared towards painting a picture to favour the festival. There is no information that shows the negative impacts of this event on the community and the Tyagarah Nature Reserve. The North Byron Bay Parklands is currently under trial and they should not be allowed to change the conditions of the original approval until a proper independent assessment can be done. Any submissions done through the North Byron Bay Parklands website should be considered to be from concert goers and supporters that probably do not know the impact to the threatened species in the Tyagarah Nature Reserve or the community members that are opposed to this intrusive event. The event has breached the noise requirements every year and should not be allowed to increase the noise impacts and create more events that will have negative impacts on the Tyagarah Nature Reserve that is meant to protect Threatened Species. Regards,

RESPONSE

Firstly, Parklands is not located adjacent to the Tyagarah Nature reserve. Parklands would make the respondent aware of the considerable references throughout the modification regarding the extensive studies assessing the ecological impact of the festivals on the venue itself and the adjacent Billinudgel Nature Reserve.

Under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

The impact and control locations were determined in consultation with the Regulatory Working Group in line with the requirements of the approved Flora and Fauna Monitoring Program. These samples typically take place over three to five days in each month before, during and after each event, and involve timed, spatially constrained bird counts at ten transects over three consecutive days by three qualified observers, deployment of hair funnels at five transects, and deployment of Anabat bat call detectors at three locations.

Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Since the purchase of Parklands in late 2006, a significant change in land use has occurred. The past predominant activities of intensive sugarcane cultivation and cattle grazing have been replaced with a program of environmental revegetation works. For example, eight patron planting days have been undertaken by SITG and FFB.

The habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

As part of the Vegetation Management and Biodiversity Plan, a habitat restoration plan was prepared in consultation with the RWG. (Plan 1.1 shows details of the works program, North Byron Parklands, Mod 3, Part 1, Section 1.7).

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species.

With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and

Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands.

No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).

The respondent will also find that an overview of Parklands' environmental management policies, procedures and monitoring programs are also available on the Parklands website under 'Environment' at www.northbyronparklands.com

The modification clearly states Parklands' awareness of the potential negative impacts on the community. Indeed, Parklands appreciates that its immediate and nearby neighbours are potentially the most impacted by event acoustics. To that end, Parklands commenced consultation with adjoining owners even prior to purchase of the property and subsequently has worked actively with neighbours to establish agreements and institute a range of programs to offset both perceived and actual impacts. (North Byron Parklands, Mod 3, Part 1, p12. please also see Illustrated in Plan 1.2 examples of the arrangements already in place).

The proposed noise criteria is not only consistent with industry best practice, but in addition would result in a significant reduction in sound emissions experienced by some residents during previous festivals.

To date, event implementation improvements have been made through refinements to systems and procedures rather than by modification of the trial approval terms. However, it has been identified that a number of modifications to the existing trial approval would further improve performance at the venue.

Approximately 20% of the 1387 submissions in support of Parklands modification were residents of the Byron Shire and Northern Rivers. With careful management of C-weighted levels at the source and with increased on-site attenuation and acoustic controls, the last festival FFB14/15 was compliant with noise levels. Only 22 noise complaints were registered on the event hotline. What Parklands and the events conclude from analysing complaints from SITG14 and FFB14/15 is that unmanaged C-weighted emissions are significantly more intrusive, and by proactively managing these at source, greater community amenity will be provided. (North Byron Parklands, Mod 3, Part 1, p18).

Name withheld, North Ocean Shores, NSW (118771)

I wish to object to the proposed amendments to the North Byron Parklands.

As a resident of the local community, the existing requirements are more than adequate, specifically in regard to the noise emissions and timeframes already set, and it would be detrimental to the local amenity of the area to make any adjustments that extended these hours or levels. The bass levels were disruptive as it was - it would be disastrous to allow them to be maintained for longer, at higher levels. During the last festival, on particular days when the air was still, or the breeze was coming from the north, the sound was disruptive well past midnight - it was like having a doof party on the adjacent property. I am on the watercourse of the Billinudgel nature reserve, and the sound travels brilliantly and cleanly across the water, to my detriment and that of those around me.

Despite making a formal complaint, there was no change in the noise levels. Already dealing with increases to the local population and everything that brings with it, an increase in the threshold for future noise levels would be invasive. Especially in the hours up until 3am - that's really, potentially a big problem. The idea of having the venue open to host smaller, more local activities sounds inclusive, but really flies in the face of what the site is being primed for. We already have the Byron Writer's festival and then activities around the Blues festival at Tyagarah - the shire does not need

more sites. In fact, the Tyagarah site is already well serviced and is sited outside of a built up residential area - therefore much better suited to host music concerts. Byron shire does not need a second venue. A higher usage for the site also puts the local wildlife at further risk - more regular high noise emissions will demand that animals seek refuge elsewhere - and they are already under enormous pressure. If they can't successfully inhabit this site in an ongoing way, there is nowhere else for them to go. This is the only wildlife corridor between the Byron and Tweed shire areas and as such, is very sensitive. The animals need our protection - not increased pressure from higher impact. Please consider the broad impacts such changes would have in the local community. they are overwhelmingly negative ones that serve a small percentage of the population, and are not in the interests of the greater good. Whilst being a music lover, I have also chosen to live here for the lifestyle it offers me and my family - this kind of submission threatens this directly. With all sincerity,

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that “noise control levels are to be reviewed after the first year of trial to assess their suitability and performance... “. To facilitate the review required by the PAC and take into account the proponent’s observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

In order to determine the impact of ‘bass’ or C-weighted emissions, SITG 2014 operated at elevated levels. Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

In addition to the acoustic controls and detailed speaker design incorporated into our predictive noise modelling, there is capacity for additional on-site acoustic controls that were successfully trialled at Falls Festival 2014. While these controls are dependent on the individual event layout and design, they have been identified as effective in limiting the potential influence of events held at Parklands on nearby sensitive receptors.

These additional mitigation measures will be implemented at SITG15 and have been outlined previously in this document and are outlined in North Byron Parklands Mod 3, Part 2, Section 4.6.

Regarding extending times of operation, Parklands is seeking noise criteria specific to New Year's Eve only. The proposed operating times would allow stages to operate until 2:00am (rather than midnight). This change is proposed to be achieved by modification of the consent to identify the New Year's Eve noise level flexibility at Condition C16(3)(e).

With the provision of a New Year's Eve event at the FFB, in conjunction with the Council's Summer Safety and Cultural Activities Committee, being able to operate stages till 2:00am would provide a more conducive New Year's Eve experience for local, regional and interstate patrons, rather than closing stages at midnight. Such arrangements take place at a number of other events which operate on New Year's Eve.

Regarding events at Parklands on NYE, for the past two years, the FFB, which operates over the new year period, has been working closely with Byron Shire Council and its Summer Safety and Cultural Activities Committee to encourage people who wish to celebrate New Year's Eve around midnight to attend the Falls Festival and thereby reduce pressures traditionally experienced by the township at this time of year. A range of measures including provision of 'locals' tickets', public transport, and a donation of \$25,000 by the Falls Festival for family- friendly activities within Byron Bay township, has resulted in a more manageable New Year's Eve experience from both a Council and a NSW Police perspective. (North Byron Parklands, Mod 3, Part 1, p25).

With respect to small community events, the local community has demonstrated a strong desire to use the Parklands cultural event facility as evidenced by the number of unsolicited requests received from a wide range of community groups and educational institutions to date.

The modification proposes use of the site for small events. Operational parameters will limit the potential impacts of such events by setting the following requirements: non-music focused; small enough so as not to require external traffic management; and conformity with the applicable Parklands general management protocols and consent conditions. (North Byron Parklands Mod 3, Part 1, pg iii, point 2).

The total event days at Parklands (not including small, non-music focused community events) do not exceed ten days in a calendar year. A small community event is a non-music focused event with up to 3,000 patrons only. (North Byron Parklands Mod 3, Part 2, Annexure B1).

Allowing small community events to occur at Parklands will mean interest groups in our community who would not ordinarily attend music-related events, can also benefit from the excellent facilities at the venue. (See also North Byron Parklands, Mod 3, Part 1, Section 2.3.2)

With regards to the environment, ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists.

Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events.

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species.

With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands.

No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).

With regards to maintaining peaceful lifestyle, Parklands reiterate that the total event days at Parklands (not including small, non-music focused community events) does not exceed ten days in a calendar year. The cultural and economic benefits that the events bring to the immediate community and the region cannot be underestimated.

Name withheld, South Golden Beach, NSW (118721)

It is absolutely disgusting and unbelievable that after all the lengthy and continued proof of a festival site that self regulates and reports on its own festivals. that has conditions set down by the PAC and is meant to be watch dogged by the D.G. and the DoP ...absolutely NOTHING has been done.

NOTHING. The residents around the site are barraged with noise, and they are asking for both high an low noise to be made higher how dare they. The Blues Festival has a lower DCB s than NBP.

Telecommunications on site have been fixed but community's are still having problems which then become a life threatening situation. businesses cannot do there work as computers go down.Now they want to take the ambulance away from the site (REDACTED). We are not vexatious, we are not against Festivals but we are feed up with being treated as if we are a problem to be walked over by both Festival and Government departments. Its been laid out in other submissionswhat the

reality of the effects of this mega site is doing and has done to our community's. Hoping that someone in the DoP will finally wake up and not believe all the hype that is being thrown at them by promoters. I do not agree to my submission being shown to the proponent as we don't get to view some of their reports.

RESPONSE

When setting event noise criteria the Planning & Assessment Commission (PAC) stated that, "noise control levels are to be reviewed after the first year of trial to assess their suitability and performance... ". To facilitate the review required by the PAC and take into account the proponent's observations with respect to bass noise emissions, a number of expert Acoustic Reports have been commissioned.

The set of noise criteria recommended in the expert Acoustic Report equate to those previously recommended by the Department to the PAC following its assessment of the original application. (North Byron Parklands, Mod 3, Part 1, pii).

In order to determine the impact of 'bass' or C-weighted emissions, SITG14 operated at elevated levels. Since then, Parklands and the events have worked closely with their noise consultants (ANE) and used the learnings from SITG14 to develop and present a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in sound emissions experienced by sensitive receivers during previous festivals. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding community. (North Byron Parklands, Mod 3, Part 1, Section 2.2).

It is noted that the unsuitability of the existing noise limits is not expected to be limited to the current Parklands venue. In fact, most venues in Australia able to accommodate events of the size supported by Parklands are likely to be similarly restricted in their ability to operate within the existing noise limits. (North Byron Parklands, Mod 3, Part 2, ANE Report Section 3.2) Sound levels at Bluesfest are determined by the individual layout and design of the Bluesfest site, and as such they are significantly different to the layout and design of SITG and FFB.

Some members of the community have experienced less than optimal reception with their mobile carriers, particularly Optus and Vodafone during the festivals. However, residents admit to ongoing issues with these service providers throughout the year and Parklands continues to work with Telco's on this issue. It is not clear what the respondent is referring to in regards to this being a life-threatening situation.

However, if a resident was in a life-threatening situation and could not use their mobile service, as at any other time, they should access a landline or alternative modes of communication to contact emergency services.

Parklands sincerely regret any instance where local business has been unable to conduct normal trade due to festival impact on Internet speeds. Parklands continue to work with Telco's on this issue.

Regarding NSW Ambulance. Amendments to C3 reflect the parameters of the approved five-year trial, and that onsite medical services can replace ambulance services. C16 refers to First Aid Management and states that Parklands will adopt, implement, monitor and review NBP Standard 0010 - Safety Management.

In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:

- a. Develop a medical plan which details roles and responsibilities of all stakeholders should an incident occur. This plan must also include strategies to manage potential major incidents;
- b. The plan should detail the levels of care required to effectively manage situations which may arise from the different phases of the event, i.e. 'bump in', event, camping and 'bump out' and consider the recommended first aid posts and personnel (included in the Standard);
- c. The plan must ensure adequate equipment and stock is available and include strategies to access additional equipment should there be an extreme call on services;
- d. Access routes for ambulance vehicles are required, as is the ability to restrict all other traffic from the roadway should emergency ambulance movement be required;
- e. A dedicated helipad is required to ensure evacuation of critical patients;

- f. Appropriately advertise that event attendees should wear adequate footwear, drink sufficient water and be prepared for climatic conditions such as sun exposure and weather protection;
- g. Contract experienced health care providers to establish and run the medical facilities to reduce the impact on local health services;
- h. Consult with relevant hospitals, ambulance service and health department prior to the event;
- i. Designate medical service points and include these on all maps and plans; and
- j. Provision of on site ambulance services, where appropriate.

Parklands enjoys good relations with the majority of the community, its schools and special interest groups and continues to report on, and comply with stringent planning conditions as set down by The Department of Planning and Environment.

Name withheld, Yelgun, NSW (118799)

We are strongly concerned about and object to the request to align noise criteria with standard statewide noise protocols for outdoor venues. We have examined and studied in depth the amendments to noise limits, request for small community events and administrative amendments (Project Application). The request to align noise criteria with standard state wide noise protocols for outdoor venues does not comply with the Concept Plan Approval and consequently must not be granted. The Commission's general conclusion on outdoor events in the determination of the concept plan and stages 1 and 2 project application dated 24 April 2012 states; "The Commission has found the recommended noise limits to be inappropriate and has modified them to minimise impact on residents and the community" (PAC Determination, page 11, D100-11 Yelgun Festival Site). Consequently, the request to align noise criteria with standard state wide noise protocols for outdoor venues ignores the reasons that the Commission instigated these noise limits because of the extreme sensitivity of the site. The other outdoor venues that the standard state wide noise protocols apply to are not situated directly within a NSW State recognised Significant Wildlife Corridor containing 50 threatened species included in the NSW TSC Act & the EPBC Act nor are they situated directly within a very quiet rural locality adjacent very quiet small town settlements. The NSW Office of Environment and Heritage raised concern that the proposed event frequency with associated noise, lighting and general disturbance would impact on fauna behaviour (PAC Determination, page 7, D100-11 Yelgun Festival Site). The Commission stated; "It is very clear to the Commission that it is very hard to forecast cumulative impacts of events of this kind on the ecology

of the area" (PAC Determination, page 7, D100-11 Yelgun Festival Site). "The Commission agrees with the OEH's recommendation....The concern about noise impact is not only about residential amenity but also the impacts on fauna....Of particular concern is the recommendation to allow loud music... given the frequency of these outdoor events in a rural area where the background noise is generally lower than in an urban area" (PAC Determination, page 8, D100-11 Yelgun Festival Site). The Commission agreed with the State Government departments that a precautionary approach was warranted to lessen the impacts on a quiet rural and residential locality and to lessen the impacts on the ecology and biodiversity of the NSW State recognised Significant Wildlife Corridor. This determination was decided upon after rigorous examination by the Commission on the submitted study 'A Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun, NSW' by ecologists Dr. A. Benwell and D. Scotts April 2010. This determination was also decided upon after rigorous examination by the Commission on the submissions, representations and studies presented to the Commission by individual community members, residents, community groups, State Government agencies, Byron Shire Council and the proponents. Consequently, the Concept Plan Approval and the determination of the concept plan and stages 1 and 2 of the project are best served by not introducing new pressures such as the request to align noise criteria with standard state wide noise protocols for outdoor venues as this will add to the cumulative effects on a recognised sensitive area. Thus we are strongly concerned that an agreement for this request would result in additional cumulative effects and pressures on the wildlife corridor of regional conservation significance. Beyond this matter we support the request to better manage and include limits for lower frequency sound emissions from events held at the venue. We also support small community, non-music focussed events such as school cross country runs, open air cinema, and charity days to be held at the site and to adjusting consent condition wording to remove ambiguity, regulatory duplication and correct wording errors.

RESPONSE

Parklands and the events have worked closely with their noise consultants (ANE) to develop a set of proposed noise criteria that, in addition to being consistent with industry best practice, would result in a significant reduction in the more intrusive C-weighted emissions experienced by sensitive receivers during SITG14. It is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers.

The net result of the proposed noise criteria would be an overall reduction in noise emissions at sensitive receivers (not an increase), thereby markedly improving the amenity of the surrounding

community and delivering a satisfactory patron experience. (North Byron parklands, Mod 3, Part 1, Section 2.2).

ANE's report contained in (North Byron Parklands, Mod 3, Part 2, Table 3.3) provides a summary of the noise limits applied to a range of music entertainment events in Australia. Of the events summarised in Table 3.3, the first four (A Day on the Green events) are held at winery estates in rural residential areas similar to that surrounding Parklands. The remainder of the events summarised are held in urban areas where the existing noise climate is characterised by higher background noise levels.

Review of the information provided in Table 3.3 indicates that noise limits for other venues similar to Parklands include L_{Amax} of 65 dB(A) (Cessnock), L_{Aeq} of 65 dB(A) (Bowral and Waurn Ponds) and L_{Aeq} of 70 dB(A) (Mt Cotton). Based on monitoring at these and other venues, the L_{Aeq} 65 – 70 dB(A) noise limits applied to venues in Cessnock, Bowral and Waurn Ponds would equate to music levels of approximately L_{Amax} 75 – 85 dB(A) at the receptor. Each of these venues hold a number of events per year and typically do not receive any complaints associated with noise emissions from the venue.

Hence, it can be concluded that L_{Aeq} noise levels of 65 – 70 dB(A) are generally considered acceptable for communities affected by outdoor music events. The primary difference between events held at the other venues considered in Table 3.3 and Parklands relates to the duration of the event. For Parklands, events typically run over multiple days with up to three events per year permitted under the current approval.

By comparison, the other venues considered above typically hold a larger number of single day events each year. From the information presented in ANE's report contained in (North Byron Parklands, Mod 3, Part 2, Sections 3.3.2 and 3.3.3), event noise limits derived from background noise levels are uncommon. Further, as noted previously, the existing noise limits are considered unable to support an acceptable level of entertainment noise at the venue. In order to support the value to the broader community provided by the Parklands venue and events held there, it is recommended that alternative noise limits are adopted.

A review of noise limits applied for other venues throughout Australia and those provided in legislative instruments in other states confirms that, for outdoor music events, fixed noise limits represent the preferred approach.

Regarding the ecological sensitivity of the site; under the Parklands Management Program, Event Impact Monitoring (EIM) is undertaken. This work is based upon the systematic sampling of faunal groups at ten transects (four impact and six control transects) before, during and after the staging of events at Parklands by independent ecologists. Flora and fauna monitoring work has been undertaken to scientifically measure whether the cultural event usage of the site has adverse ecological impacts. Some 2,150 survey and assessment hours have been assigned to establishing baseline data both within the site and at external control points before, during and after events. Ecological findings to date indicate no evidence of significant adverse impacts from the conducting of events with respect to any of the fauna groups monitored or for native vegetation and monitoring continues to date. (North Byron Parklands Mod 3, Part 1, Section 1.4, Table 1.2).

Combined results of fauna monitoring include 13,000 records of 106 bird species and 5,700 records of approximately 20 microchiropteran bat species. With regard to threatened species in particular; fauna species recorded include four threatened birds and nine threatened bats (eight micro-bats and the Grey-headed Flying-fox). The Osprey and Rose-crowned Fruit-dove were recorded in Parklands, and all of the nine threatened bat species were also recorded in Parklands.

No evidence of significant adverse impacts from the conduct of events was evident for any of the fauna groups monitored or for native vegetation. Instead, clear patterns are evident of resource abundance influencing the number of birds, particularly large-scale blossom events, but also fruiting of Camphor Laurel. The greatest recorded abundance of micro- bats during the first Falls Festival close to event activities suggests that event processes did not adversely affect this faunal group. The predicted very short term adverse effects from events have been as anticipated.

In addition the habitat creation and preservation aspect of the project commenced six years ago and has involved the planting of 20,000 endemic species in a manner that helps connect currently fragmented forest copses across the site.

With respect to vegetation, across the period of time monitored to date (2013-2015), there have been no discernible or measurable impacts on, or decline in, native forest habitats. The exclusion by fencing and removal of cattle from remnant native vegetation areas have seen substantial easing of grazing pressure and damage to native vegetation, and the removal of the key source of trampling and soil compaction within forest areas.

Reforestation and restoration of native forest vegetation has seen significant improvement both in terms of area and quality of native forest in selected locations. Overall, the permanent photo point record shows rapid recovery of grassed areas following events, no measurable disturbance of native forest vegetation to date, and improvement of native vegetation. (North Byron Parklands Mod 3, Part 1, Section 1.7).