

To: The NSW Minister for Planning
RE: S.75W Modification Application for MP 09_0028
Date: 17 June 2015

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 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 to operate.