

Honourable Mr Rob Stokes MP
Minister for Planning
GPO Box 39 NSW 2001

Wooyung Action Group
515 Wooyung Rd
Wooyung NSW 2483

June 22, 2015

Dear Minister,

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) LA_{Max} , 15-minute for non-suburban areas recommended for control of concert noise impacts
ACT Outdoor music events Policy	Minimum criteria LA_{10} 50 dB(A) with an upper limit of LA_{10} , 15 minutes 65dB(A).
WA. Outdoor events	Guideline suggests 100 dB(A) at FOH mixing desk is suitable, measured as LA_{eq} , 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 73 North 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 LA_{max} limit which limits the absolute maximum noise to be emitted at any time to be 65dBA, which is much lower than the LA_{eq} 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 LA_{eq} 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.

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 as:

"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 A-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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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

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.

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.

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