

**A Submission to the Hon. Rob Stokes MP,
NSW Minister for Planning
re**

S.75W Modification Application

**North Byron Parklands
Modification Application in relation to Concept
& Project Approval MP 09_0028 MOD 3**

June 2015

re : Objection to Modification - [REDACTED]

Introduction

This submission includes a Review undertaken in 29 November 2014, by AcousticWorks for the Yelgun Progress Association Inc. Titled re: Splendour in the Grass SITG 2014, — Review of noise monitoring acoustic report.

[REDACTED] [REDACTED]. We have lived here for [REDACTED] years and have raised our family here. Our rural setting is notable for its peaceful and serene amenity.

This has now all changed with the enormous influx of 30,000+ patrons and staff at festival times. Our road is closed to traffic and visitors can only access our home if they have a pass. The amplified music and accumulative noise that we experience is extremely invasive and is so loud it rattles our windows. Our health suffers due to stress, headaches and extreme sleep deprivation. As a result, our normal day to day work suffers.

Our property, [REDACTED] [REDACTED]

The preparation for SITG 2015 is underway. This will be the 5th festival we have had to endure without noise mitigation. We have to face up to a minimum of 15 hours (day and night) of continuous festival music and other accumulative noise for 5 days straight. Our health will suffer.

Objection to Proposed Modifications to PAC's Consent Conditions

We strongly object to Parklands proposed modification to alter the Planning and Assessment Commission's (PAC) Consent Conditions and Parklands Statement of Commitments in the Project Approval for the following reasons.

The modification is proposing higher noise levels, increased patron numbers and an increase for more events on site. All proposed changes will severely impact on the community, sensitive receivers and amenity.

After receiving hundreds of submissions and attending 2-day hearing where hundreds of people from the local community voiced opposition to the festival and its location, the PAC consented to a

5 year “Trial” period to allow Parklands the opportunity to demonstrate to the PAC that they could comply with the necessary requirements and restrictions.

So far, four festivals have been held on the North Byron Parklands site. Each festival has breached numerous and varied consent conditions. In particular and most concerning to us is the non-compliance with noise levels. After examining the modification closely, most of the major changes proposed are to either alter, or delete, the consent conditions that Parklands have failed to comply with.

The North Byron Parklands site is located in one of the most environmentally sensitive areas in NSW. The Jones Road (Marshall’s Ridge) wildlife corridor runs through the middle of the site and forms part of the Billinudgel Range (FNCRCP, 2010) The festival site is surrounded on three sides by the Billinudgel Nature Reserve with over 50 Threatened fauna species recorded from the locality.

The PAC considered the impact the festival noise would have on identified sensitive receivers and surrounding communities, the sites ecological sensitivity and the impact fauna species. These considerations warranted a cautious approach, hence a ‘Trial’ period was approved. The proposal to delete and/or change any of the major consent conditions during the ‘Trial’ period is not warranted nor supported.

pg. i para 6 *“However, continuous improvement measures implemented since have culminated in Splendour in the Grass 2014 and Falls Festival 14/15, which have been hailed as huge successes, garnering glowing accolades from media and patrons alike.”*

The above statement is biased and presents a one sided picture only. It does not mention the immediate neighbours and local communities who were shocked and stressed by the extremely high levels of noise coming from the festival site for days at a time. Records show that the SITG 2014 festival could be heard up to 10 km. away impacting the peaceful villages of Burringbar, Brunswick Heads, Main Arm and Middle Pocket.

pg. ii. para 1 *“Based on the experience garnered at the site and best practice, we 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”.*

This statement is contrary to the intent of the modification proposal which is to delete the PAC conditions aimed at protecting identified ‘sensitive receivers’ like ourselves and others effected from the excessive levels of amplified music and accumulative noise generated from the site. For example, the modification proposes to **DELETE ALL** of Consent Condition **B3 Noise Restrictions** as well as numerous clauses in Parklands Statement of Commitments C14 Noise Management.

pg. ii para 2 *“When looking closely at those complaints it is evident that most were concerned with the ‘low end’, or ‘bass’, frequencies.”*

We strongly disagree with the above statement. As [REDACTED] our experience is that **ALL** the music is too loud, NOT just the bass. This is also reflected in the complaints register from SITG 2014 and the Noise Impact Report (2014). *AcousticWorks* reported that all of the A B & C - weighted noise breached the noise criteria during the SITG 2014 festival. (AcousticWorks Report SITG 2014)

pg. ii para 2 *“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.”*

This statement cannot be justified. Other festivals in Australia and overseas, including Glastonbury, comply with lower noise criteria and still remain popular venues with patrons.

pg. ii para 8 *“This assessment has examined the impacts of the proposed amendments. We submit that the refinements proposed are capable of implementation in a manner which better mitigates against potential adverse impacts and is consistent with the trial nature of the approval granted by the PAC.”*

This statement is clearly contrary to the intent of the modification which aims at increasing noise levels, thereby adversely impacting hundreds of families in the surrounding communities and fauna species dependent on the surrounding landscape.

1.4 THE 4 EVENTS CONDUCTED TO DATE

Table 1.2 - Demand for community events states *“A range of community organisations has requested use of Parklands for small community events¹¹. Consultation with key stakeholders to date supports such use.”*

We object to the introduction of small events because Parklands has not complied with existing conditions and the full extent of monitoring over the 5 year ‘Trial’ period is not complete.

1.6 SOCIAL IMPACTS - The PAC concluded that the *“Large outdoor events should be able to be carried out without significant impacts on the community, if effective environmental management plans are implemented and performance is consistently monitored.”*

The serious impact of noise levels has **NOT** been successfully managed by Parklands. We can assure the Minister that all of the festivals (large and medium) have had significant impacts on our health and safety. The accumulative effects we suffer from **15 hours** of noise daily for **5 continuous days** is concerning. Parklands proposal to increase noise levels even more is unconscionable.

The noise at our home during festivals, and particularly late evening and early morning is intolerable, yet we cannot leave our homes because of the fear that our home could be trashed due to the lack of security provided during the festivals.

Table 1.3 Social Impact Assessment

Trespassing - *“There have been a number of reported incidents of non-patrons attempting to access events via private property⁴⁸.”*

This may be the case in some instances, however, the modification does not outline the numerous times we have discovered festival patrons trespassing on our private property. These patrons have expressed how easy it is to exit the festival site via the eastern boundary, which many do in hope of tracking through the Nature reserve to the beach. These incidents have been reported to Parklands and the DoPE and still remain unresolved. In fact the level of security for the eastern end of Jones Road continues to deteriorate at each consecutive festival. The only time the security horseback

were sited on Jones Road for the *Falls 2014* festival was when we were approached by the riders to provide water.

Demand for small events

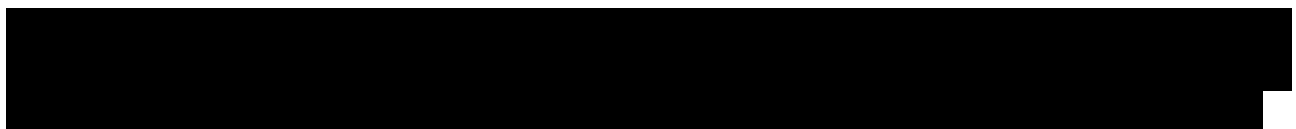
Comment: As immediate neighbours we support the PAC's decision NOT to include small events during the 5 year "Trial" period. Whilst the noise impacts to sensitive receivers remain unresolved we cannot support any extra events that would exacerbate an already unpleasant and unacceptable situation.

1.7 ENVIRONMENTAL IMPACTS

Noise

To date, all 4 festivals have failed to comply with the noise criteria set by the PAC. Instead of proposing to increase noise limits onsite Parklands could be trialling new methods of mitigating the sound at the source, e.g. structures over the main stages similar to the one at the Sydney Myer Music Bowl in Melbourne.

We strongly object to increasing the A-weighted and C-weighted noise levels which would clearly increase the unacceptable noise levels already experienced at our home.



The changes to the noise criteria simply cannot be justified and would clearly exacerbate an already difficult situation.

The PAC states "These noise control levels are to be reviewed after the first year of trial to assess their suitability and performance." Clearly, an independent noise consultant needs to undertake this review would have been the most appropriate choice to undertake this review.

In the ANE review it states that "*Review of the data indicates that for a large number of the complaints noise from the event was either characterised as low frequency noise or barely audible to inaudible. This further supports the hypothesis that low frequency noise was influencing the surrounding region and contributing to the occurrence of complaints to the hotline.*"

We refute this statement. Several Yelgun residents including ourselves engaged an independent noise consultant, *Acoustic Works* to undertake noise logging at our homes for the SITG 2014. These findings clearly show that the high, medium and low weighted noise ALL exceeded the noise levels set out in the PAC conditions. (AcousticWorks report SITG 2014)

2.1 GENERAL DESCRIPTION OF MODIFICATION

The proponent states "*However, it has been identified that a number of modifications to the existing trial approval would further improve performance at this venue.*"

The modification implies that it will improve performance at the venue, however, little consideration has been given to the **added** increase in noise levels at nearby sensitive receivers which will clearly exacerbate an already intolerable environment.

2.2 NOISE MANAGEMENT

We cannot agree with the proponent's statement '*Background plus noise limits are not appropriate for an activity that operates for 10 days or less per annum.*'

The Commission took in to account 10 event days, plus the added 'bump in' and 'bump out' time of 4 weeks per festival. The Commission included Background plus noise limits in consent condition B3 of the Project Approval after considering the 'existing use' i.e. quiet and rural amenity of immediate neighbours.

The proposed increase in noise levels is aimed at suiting the patrons and NOT the neighbours. The health impacts on residents is a serious matter.

We wish to make it abundantly clear to the Minister, that the intrusive noise levels we experience are from BOTH the A-weighted and C-weighted noise, not just the bass as the modification implies.

pg. 17 para 3. "*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.*"

This argument is nonsense. We are located approximately [REDACTED] km from the Pacific Highway, and therefore very rarely hear highway traffic at our residence. Most of the vehicle movements that occur at festival times is Parklands security, consultants and staff moving up and down Jones Road. Also amplified noise from festival music cannot be compared with ocean noise, a naturally occurring background sound and unlike the festival noise, actually has a calming effect on the human senses. A lawn mower is a POOR comparison given that it would have been operating in close proximity to the noise logger and for a brief amount of time. It cannot be compared to the amplified noise generated from the festival site some distance away and which continues for 15 hours a day for 5 consecutive days.

pg. 18 para 4. "*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 entirely **FALSE**. The ANE Review in Annexure D of the modification clearly demonstrates in Table 4.2 that the **noise limits will increase** [REDACTED] [REDACTED]. Table 4.3 also shows an increase of 15 Laeq- 20 Laeq from 12.00am - 2.00am [REDACTED]. This is totally unacceptable.

Even the Planning and Assessment Commission in their Determination of the Application (MP09_0028) 24th April 2012 identifies that "*A 10 decibels (dB) increase in noise is perceived as twice as loud.*"

ANE have identified an increase in excess of 20 Laeq [REDACTED]. As this measurement is an effective average only, the actual figure could be much higher.

3.3.3 Noise Limits at Other Venues

It is not reasonable to compare the Parklands festival event to the other festival events listed in Table 3.3. Firstly, most of the events are ONE day events only and have earlier closing times of 11.00 pm-12.00 pm. Yelgun residents are affected from up to **5 days** of continuous noise for up to

15-17 hours daily. Secondly, the locations cannot be compared with the Parklands site which is located in a state significant wildlife corridor and is surrounded by Nature Reserve. One simply cannot make comparisons with urban areas or with a one day events rural wineries. Different locations, different zonings.

ANNEXURE A

B1 Definitions

We object to the changes proposed in “definitions” to increase patron numbers for large, medium and small trial events. The PAC have already made provisions for an annual increase in patron numbers for small, medium and large events. The existing consent conditions should be retained for the remainder of the ‘Trial’ period.

B2 Trial period for outdoor events

The PAC did not approve small events for the “trial” period. The proposed subclauses 5) & 6) in B2 is open to interpretation. The modification proposes to define a small community events as a non-music event with up to 3,000 people. The definition in **B1** does not indicate if these small community events are a **one day event only** or whether they can be multiple days. This poor definition does not provide confidence that the small events will not generate other types of “noise-emitting activities” such as motor cross rallies.

We do not support small events during the ‘Trial’ period.

B3 Noise restrictions

The deletion of sub clause (b) & (c) from B3 of the Project Approval is a **mistake**. These clauses do not belong in **B3 NoiseRestrictions**.

We strongly object to the deletion of all sub-clauses in B3 1) 2) 3) 4) 5) & 6) that are struck through. The PAC included these noise restrictions after reviewing and hearing submissions from affected residents and sensitive receivers to protect their amenity. **The PAC specifically outlines** consent condition B3 and of its sub-clauses 1-5 in its DETERMINATION OF THE CONCEPT PLAN AND STAGES 1 AND 2 PROJECT APPLICATION FOR A PROPOSED CULTURAL EVENTS SITE AT TWEED VALLEY WAY AND JONES ROAD, YELGUN- BYRON LOCAL GOVERNMENT AREA(MP 09_0028) dated 24 April 2012.

We urge the Minister NOT to delete these clauses from the Project Approval. Parklands are yet to resolve the problem of noise mitigation with sensitive receivers as required under the consent conditions. Our health suffers during festivals following exposure to loud music. Symptoms include stress, anxiety, headaches and sleep deprivation from continuous days of extremely loud noise vibration through our home and amenity.

We are shocked and dismayed at Parklands proposal to increase noise levels which will directly impact on sensitive receivers. We are shocked and dismayed at the ramifications this proposal could have on sensitive receivers. We are dismayed that after 2 years Parklands have not resolved mitigation issues required for sensitive receivers.

It appears that the proponent's solution to noise non-compliance, is to delete any clauses that restrict noise levels and including any advice or recommendations made by the RWG regarding such, e.g. consent condition B3. This would effectively remove any concern of non-compliance.

Parklands comment is that noise management is now contained in C16. The clauses in B3 are clearly **Noise Restrictions** that have not been managed by Parklands. It is imperative that these clauses remain in the Project Approval for the remainder of the 'Trial' so that the local community is protected from excessive noise.

B3 c) Noise within the camping area between midnight and 8:00 am of each event day shall support peaceful rest for overnight patrons during events.

This clause has been placed in the **wrong** section. It should be under C40 (b) Noise Management (Modification refers to it as C39) and not B3.

We strongly object to the deletion of this clause. [REDACTED] We are regularly kept awake until 4.00 am in the morning from loud voices, illegal fireworks and partying emanating from the campground. Despite non-compliance and despite raising this problem with Parklands and the Department on numerous occasions, there has been no resolve.

B4 Traffic management and car parking

We object to this proposed change to alter Condition B4(5). This was a requirement of the EPBC for the entire 5 year 'Trial' period in order to protect the adjoining SEPP 14 wetlands..

C16 Noise Management Plan

We object to the proposed deletions in C16 (1) and C16 (2) of....

As previously mentioned in section B3 Noise Restrictions we strongly object to the removal of the crossed out section of C16(2). *We urge the Minister NOT to delete these clauses until such time Parklands resolve the noise issues currently impacting us and other sensitive receivers. Each festival the noise levels are breached while our health suffers from enduring continuous days of extremely loud noise emanating from the festival site. This cannot continue.*

3. We strongly object to the deletion of the word 'limits' and also object to the inclusion of the brackets (at the boundary of their property) which is NOT part of the original clause C16(2)(d) and has not been highlighted by the proponent in green font, as a change or inclusion to the original consent condition. *It is unreasonable to include the brackets "at the boundary of the property" when in rural areas like Yelgun, the property boundary can be a considerable distance from the occupied residence.*

We strongly object to the proposed inclusion of....

C16(2) 3.a. 3b. 3c. & 3d

As affected neighbours we strongly object to the inclusion of increased noise criteria into the Project Approval. The PAC has set out the Noise Restrictions in consent condition B3 for the nearby sensitive receivers. These restrictions have been breached at all festivals held on the site. Because of this we have suffered serious health problems, including stress, headaches, sleep deprivation and

anxiety which has an impact on our ability to function during our normal working hours. Any modifications to B3 cannot be justified.

We cannot support the increased hours for New Years Eve given that the current noise problems and impacts are yet to be resolved.

Acoustic Monitoring Program should read C17. Parklands modification has got this **wrong** and thereby C17-C57 are incorrectly numbered and do not align with the consent conditions outlined in the Project Approval.

We strongly object to the addition of the words “over more than two consecutive events” into this consent condition.. Again we are shocked by the disrespect shown to sensitive receivers and immediate neighbours.

ANNEXURE D

Air Noise Environment - Review of Noise limits - Final

Sec 3.2 (pg.146) *“Further, the review identified that the existing approved background plus 10 dB and background plus 5 dB noise limits imposed on the venue by the conditions of approval do not provide a reasonable level of entertainment noise for the event. Throughout the event, front of house noise levels were maintained at 102 dB(A) which has been identified as the lowest noise level able to be used for an event of this size without impacting on crowd enjoyment. Thus, 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.”*

We cannot agree with this statement. Firstly, the Falls 2014 festival demonstrated that with additional mitigation measures around the stages, noise levels could be controlled with lesser impacts on surrounding areas and fewer complaints received via the complaints hotline. Secondly, the Blues festival located nearby at Tyagarah, has similar patron numbers and a comparable venue to North Byron Parklands. The Blues stringently adheres to closing time at 12.00 midnight and is compliant with noise restrictions.

3.3.3 Noise Limits at Other Venues

ANE compares noise levels with other other venues throughout Australia. ANE do not identify whether these events are a one-day event only, nor do they identify whether the event finishes at 11.00p.m. or 12.00p.m. The one festival that would be a fair comparison (and located less than 15 km south of Yelgun), is the Blues Festival. The Blues festival is a five day event and strictly shuts down at midnight. 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.

3.3.4. Alternative Recommend Noise Limits

We strongly object to ALL three of the revised noise limits on pg. 151 in the ANE review. As an [REDACTED] we urge the Minister to retain the PAC’s current background + noise criteria outlined in B3.

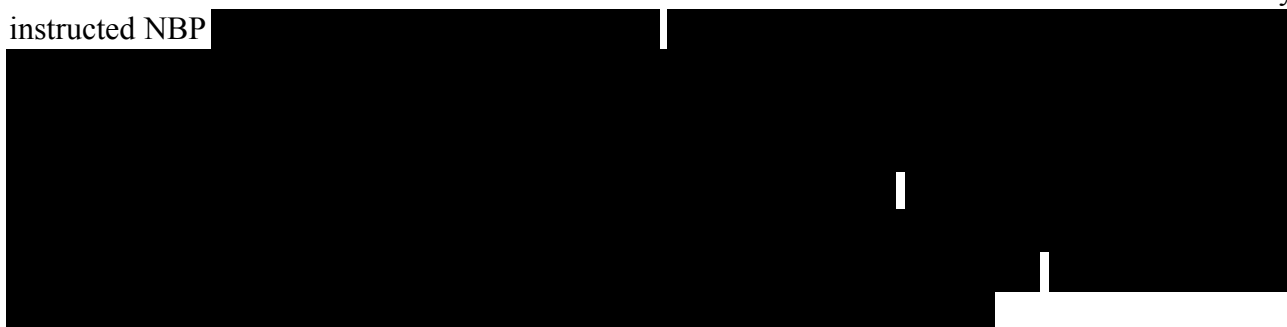
AcousticWorks was engaged by the Yelgun community to undertake noise readings throughout the SITG festivals at several sensitive receivers. His comments on the revised noise levels are as follows...

“The proposed noise limits are not clearly defined.Of greater concern, **the proposed noise limits would allow a significant increase in noise at the receiver locations compared to SITG 2013 and 2014 events.** This is unacceptable for this locality, particularly given the number of complaints already received based on the current noise limits.

The proposed low frequency limits may not (depending on the descriptor chosen) provide any reduction in low frequency impacts at the receiver locations compared to SITG 2013 and 2014.

The proposed additional allowance of 5dB under conditions favourable for sound propagation is ridiculous. It may be arguable by the event acoustic consultants that at some time, for some direction, some form of these conditions may be satisfied and therefore an extra 5dB increase would be justified. 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.” (AcousticWorks re: SITG 2014 - Review of noise monitoring acoustic report. Nov 2014)

PAC applied CC B3 to protect existing rural neighbours against the intrusion of event noise. The PAC also included CC to attenuate if noise breached the set limits. Heather Warton clearly instructed NBP



The DoP issued a fine to Parklands for breaching the noise levels @ SITG 2014. Any proposed increase in noise levels cannot be justified for the ‘Trial’.

Conclusion:

“The commission considers a noise level of background plus 10dBA before midnight is appropriate as it has regard to the existing background noise level of true sensitive receivers and balances this with the economic and social benefits to the community as a result of these events.” (PAC April 2012)

The PAC Determination also states *“that the levels could be varied if for example, the affected landowner(s) agree to a higher level, or the RWG recommends stricter or different levels that are approved by the Director General.”*

We have not agreed to a higher level and have written to the Department after each event informing them that the noise criteria has been breached. The RWG, on no less than 2 occasions, has

recommended that noise levels be reduced. Despite this, the noise from the festivals and the impact on the surrounding communities remains unresolved.

[REDACTED]

The Department, however, permitted an increase in the number of patrons for all of the festivals whilst neighbours suffered days of loud intolerable noise well into the early hours of the morning. We adjoin the campground and are often kept awake until 4 am by partying, loud voices and fireworks coming from the campground. Despite notifying Parklands and the Department of this serious problem, the matter is unresolved.

[REDACTED]

Finally, 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.” (Acoustic Works 2014a).

We ask the Minister to refuse this Modification.

NB. See AcousticWorks Review of SITG 2014, 29 November 2014 attached.