

South Golden Beach Community Association Inc.
PO Box 11
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NSW 2483

To: NSW Department of Planning & Environment

12th February 2018

RE: North Byron Parklands SSD Application 8169 and MP09_0028 (MOD5)

Our community is one of the closest to North Byron Parklands. Although some of the residents of our village don't mind the Parklands festivals, others have experienced seriously negative impacts. Our association is not against festivals, but after living with the Parklands trial for five years, we have major concerns about this proposal.

1. Tourists.

Our village already gets many tourists every year because we have good weather, pleasant surroundings, and are close to many attractions. Until a few years ago, the resident-visitor balance has been good. Owners have occupied most of dwellings; the rest have been established for many years as legal holiday rentals, well managed by local realtors. We have had a range of people living here permanently: young families, people in their prime working years, and retirees. Visitors on holiday were in a similar range. But since the festivals came to Parklands, more and more of the dwellings in our village have been bought by people who live outside the shire and have turned the dwellings into festival rentals. Young families have been evicted to make way for party houses. These are bringing in profits to the owners, who are cashing in on festival traffic but are changing the tenor of our village. Housing prices have risen dramatically, long-term rentals are extremely scarce, and young families cannot afford to live here. The festivals are contributing directly to these negative changes. When the balance between residents and tourists is skewed to tourists, the sense of community erodes and the people who want a real community are forced to move away to find it. We are not against tourists, but we are against how the balance is being skewed by Parklands and will be skewed even more if this proposal is approved to allow more festivals and bigger festivals on a permanent basis.

2. Festival scale.

When the developers first talked about using the site for festivals, they assured the community they wanted only one festival a year—just a handful of days. They declared that “for most of the time the property will continue to operate as a farm” (Parklands Environmental Assessment, September 2010). That one festival then was transformed into approval for three events and events of increasing size. And now we are looking at even more. If they have two large, 5-day events and three medium-sized, 1-day events every year, each event will require 35 working days of preparation and dismantling, bringing the total site usage time to 188 working days or 52% of the year. And that doesn't include the small/minor events. This increase in usage and the proposed increase to 50,000 attendees per day will put additional strains on our village and on shire

infrastructure. And we have to assume that they will seek to increase the numbers of days and daily attendance still further. This is an industrial-strength festival site, with additional plans for a large, year-round conference centre, hotel, and bar, not what led so many of the people in our area to say “we can cope with just one festival”.

3. Noise.

Regarding noise, we note that the NSW Industrial Noise Policy of 2000 must be the guiding policy for this assessment, according to the SEARs, and that the INP’s Intrusiveness Criteria are the applicable ones. Adhering to that required policy would set the allowable noise at 35 dB(A) over a 24-hour period. Parklands dismisses these criteria as unsuitable, but we point out that the noise limits established for the trial were just that: *trial limits*. They cannot be assumed to be suitable outside the trial, especially given the proposed changes to event layouts, numbers of stages, and attendance numbers. Most importantly, though, the SEARs specifically call for the INP to be used for this assessment, and that’s what we expect to see used.

We also note that the proposal’s Appendix L states that inaudibility cannot be considered a priority but then cites these examples of noise criteria:

- > The NSW Liquor and Gaming Authority requires that “noise from licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00AM” (p 21).
- > The UK Noise Code for outdoor concerts and festivals calls for noise to be “inaudible inside dwelling” from 11PM to 9AM every day (page 22).
- > Queensland specifies that noise from an open-air event on any day cannot exceed 10dB(A) above background from 10PM to midnight and cannot be audible at all between midnight and 7AM (page 28).
- > In the ACT, all concerts must finish by 11PM (page 28).

Not hearing festival noise is a perfectly reasonable expectation from the people who live in this very quiet area. Parklands rejects that expectation as impossible, not accepting that they are in this predicament because of the land they chose to purchase. They should not be allowed to force high noise limits on the area so that they can counter any complaints with claims that they are staying within the limits. That has happened repeatedly during the trial, and we now expect to see a significant change in that.

It is important for the Department to focus on the residents who are regularly disturbed by festival noise and on the right of the local council to set noise limits in consultation with the people who are most affected. Inaudibility after midnight at all surrounding dwellings should be considered one appropriate criterion for festivals and for any other activity on site, such as the hotel and bar that, presumably, would expect to have music for their customers.

4. Negative Impacts.

The onslaught of visitors during festivals has negative impacts on our village. With each festival, we see more illegal beach camping and street camping as festival goers seek cheap alternatives to camping on the Parklands site and become more familiar with the villages close to the site. Festival-goers sleep in their vehicles on our streets, help themselves to household water, and use front yards as toilets. They leave their vehicles parked on our streets while they take buses to the festivals, then return in the early hours, drunk and disorderly, to disturb residents who are trying to sleep. During festival times, we also find the remains of fires that have been lighted in our dunes

and the destruction of precious vegetation that has been used as fuel for the fires, with discarded alcohol containers and other refuse nearby. These fires are a major risk factor for bush fires within the adjoining Nature Reserves and nearby dwellings. These are all significant impacts that our council cannot manage, given its limited resources. Residents of Byron Bay are familiar with these problems because so many partying visitors flock to that town and show little respect for the permanent residents. Many long-time residents left Byron Bay and came to our part of the shire to get away from all that. And now they're seeing the same thing happening in South Golden Beach. It's very disturbing, and so is the prospect of even more of it if the festivals are allowed to increase in size and number. We are adamantly opposed to Parklands' proposal to grow their festivals to 50,000 ticket-holders per day, which would mean close to 60,000 people on the site every day. If any approval is given, the numbers should be capped at well below 30,000—for the safety and security of the people on site and for our own safety and security. We call your attention to the NSW Police report on Splendour 2016, which enumerates concerns that we share, especially in regard to evacuation issues during potential flood and fire events.

Neighbouring villages like Brunswick Heads are seriously overcrowded during festivals, making it difficult and unpleasant for local residents to conduct their usual business. We end up leaving the area altogether or staying holed up in our houses to avoid the mess. Those of us who must go to work every day have to cope with a lot of extra traffic and people in an area that can't handle either. Telecommunications are also seriously affected. When festivals are in full swing, we often can't get signals to make and receive calls and EFTPOS machines at our local businesses don't work. And when the festival goes leave at last, great numbers of us come down with what local doctors call "festival flu".

5. Alcohol and Drugs.

We are also very concerned with the amount of alcohol and drugs that arrive in our area with the festivals. The police are well aware of the problem and admit they do not have the resources to control it (see NSW Police report on Splendour 2016). The police are simply unable to stop the flow of alcohol and drugs at festivals, even with concerted efforts. When drunk or drugged festival goers make their way into our village to continue partying, we get antisocial behaviour, disrespect for residents, and damage to property. As recent media accounts have stated, Byron Shire has a worsening alcohol and drug problem, with increasing related violence. We do not need events that intensify the destructive party culture that we are already trying to contain.

6. Significance.

When Parklands became a Part 3A project, with the full support of the Department of Planning, they were able to bulldoze past local zoning regulations, the strong objections of our council, and objections from 81% of the people in postcode 2483 who put in submissions. The 2012 PAC at least tried to build some local control into their approval by specifying a trial period and by stating that at the end of the trial Byron Council would have to give further approvals under Part 4. Instead of Parklands adhering to this consent condition, they turned to the state government to impose a permanent version of this development on our area.

We don't accept the argument that this development **MUST** be considered state significant and **MUST** be determined by the state because of the amount of money the developers say they will spend on it. A careful study of the itemised "investment" in the preliminary EIS shows that they intend to pour a lot of concrete and bitumen on the site, do significant earthworks, and make other improvements that are not essential to operations (because they've been operating without

them for years) but that contribute to the required SSD trigger amount. This development may technically qualify as “state significant” but it’s not actually significant in the way that hospitals, educational institutions, manufacturing facilities, and other SSD projects are and is certainly not as significant as the Nature Reserve and Wildlife Corridor that are adjacent to the site.

Also, Parklands’ claim that they will invest over \$30 million in their property and thus should be classified as a SSD sounds important until you compare that amount to the investment value of the residential property in the area: Ocean Shores North, South Golden Beach, New Brighton, Ocean Shores, and Brunswick Heads, not counting the rural properties in and around those towns. A local realtor has conservatively estimated that the roughly 4,000 residential properties in those towns are worth \$3 billion collectively—much more significant than what Parklands says they will spend on their property.

7. Oversight and compliance.

Nearly 100 breaches of consent conditions at Parklands have been noted so far by members of our community, yet only a handful have been recorded and acted upon by the DPE. This gives us little faith in the Sydney-based overseers who are in charge of the approval and would continue to be in charge if permanent approval is given. That would simply allow Parklands self-monitoring and self-assessment to continue as it has for five years.

If any further approval is given, Byron Shire Council should be setting the consent conditions and should be in charge of oversight and compliance. It’s also imperative that an independent Environmental Representative be put in charge of overseeing events—an individual who is not at all connected to Parklands and who is accountable to Byron Shire Council. The Regulatory Working Group should also be chaired by an individual who is accountable to Byron Shire Council and who is able to maintain independence from Parklands. Our reason for urging this is that the current “independent” Environmental Representative has been an employee of Parklands from the beginning, is regularly described as an important member of their team, and has led community members to think that he has a stake in the development, whereas the RWG chairperson has been under the direction of Parklands rather than the other way around. Most recently, Community Representatives on the RWG asked for near neighbours to be included in the Bushfire Emergency Evacuation Plan for Parklands, which was a very reasonable request that they had discussed with the authorities, yet that change in the BEEP was not made. They remain at serious risk in the event of a fire. This, and many other issues, would not have arisen if independent oversight had been in place during the trial.

If any further approval is granted, people who are accountable to Byron Council and the community need to be in charge of oversight, not people who are associated with Parklands and who are accountable to Parklands.

8. “Enhanced Social Capital”.

We also note that in Parklands’ Economic Report (Appendix W), the writers state that permanent approval will be ideal for the shire because “over time the value of the social capital will be enhanced as networks of local individuals and businesses can be fostered to service the events” (Table 3) and “a larger calendar of events will encourage local people to start businesses that can cater to the events” (Table 4). The vision of our shire, especially our villages in the north, as a network of service providers for Parklands is patronising at best and completely ignores the fact that if any such decision is to be made about the future growth of the shire, it should be made by

Byron Shire Council, in consultation with the ratepayers. We are especially leery of a festival precinct so dominating the area that people would have little choice but to work at servicing festivals in some way. The state should not be imposing this on us. Residents should not face becoming a “network of service providers” by default because of a state-government decision. It should be up to us to decide what direction our shire goes in, and it would be very much to our advantage to *not* be dominated by festivals so that our young people have a wide array of choices as they enter the local workplace and so that residents can live in an area with a wide variety of enterprises to support and to benefit from.

9. Numbers of people on site.

Parklands is now identifying “patron” as a person who has purchased a ticket, and their proposed attendance numbers are based on numbers of patrons, e.g., 10,000 patrons = 10,000 people who have paid for tickets. Additional “people on site” will include staff, performers, security personnel, vendors, and others. So for an event with 35,000 patrons, an additional 5,000 “people on site” will be in attendance each day. However, the proposal says nothing about the number of tickets that will be given away, suggesting that unlimited numbers of free tickets would be allowed. We strongly believe that people with free tickets should be counted, along with paying customers, in the total numbers of allowable patrons. Bringing even more people on site with free tickets, in potentially unlimited numbers, has implications for operations and for emergency evacuations. In fact, we think that if approval is given, the total number of people on site should be capped, and that total should include people who paid for their tickets, holders of free tickets, and all other people on site.

10. Incompatibility with Far North Coast Regional Conservation Plan.

We also note that this development is not aligned with the FNCRCP, which identifies the Billinudgel Range between Mount Jerusalem and Billinudgel Nature Reserve as a critical habitat corridor in the region—one of eight such “conservation priority areas” that is also of considerable Aboriginal significance. The FNCRCP specifically calls for Local Environmental Plans to protect land from inappropriate development and to zone land to protect environmental priorities. Approval of this proposal would undermine that conservation plan. We noted before that this site is incompatible with sensitive ecological values of the nearby Nature Reserve and Wildlife Corridor. The site would be more suitable as a year-round farm or for low-key development that would not put such pressures on the ecology of the area. We do not believe that the ecological monitoring has been thorough enough to warrant Parklands’ conclusions that the festivals have had “no adverse impacts” on the flora and fauna. We think the more suitable conclusion should be that the monitoring has not been designed or implemented well enough to draw any conclusions about impacts and that “no impacts” should not be the default conclusion.

11. Incompatibility with the North Coast Regional Plan 2036.

Goal 1/Direction 1 of that plan is to enhance biodiversity, habitats, and water catchments in the coastal area, especially east of the highway. Locating a major festival site right in the middle of a wildlife corridor, next to a prime Nature Reserve, on a major floodplain, affecting two water catchments is not good planning if the environment is a priority. Besides, Byron Shire has a great number of festivals already, including the large Bluesfest event just a few kilometres away at Tyagarah. The Mullumbimby Music Festival is far better example of a desirable festival. It’s on a reasonable scale, does not inundate the area with visitors, is not controlled by an overseas

conglomerate, and is strongly supported in the town and in the shire. The many other festivals in Byron Shire are similar, e.g., Surf Festival, Writer's Festival, Spirit Festival, International Film Festival, and more. Byron Shire does not need mega music festivals to maintain its vibrancy and enhance its reputation as a focal point for creative arts. It already has a very strong creative arts reputation.

We also note that one of NCRP's priorities for Byron Shire is to "support a strong and diversified economy" based on the "unique character, landscapes and important farmland" of the shire. Approving this proposal is not in line with that priority, nor with the priority for Byron Shire to "encourage new opportunities for agribusiness" as stated in the NCRP. Most important, the NCRP acknowledges in its Precinct Plan Guidelines that *local community consultations and engagement* are needed in planning land use for the future and in managing the environment in a local area. The Department should not be supporting a development that seeks to avoid this vital local control, especially when other areas in the north coast region are more suitable for mega festivals.

12. No Permanent Approval.

We are strongly opposed to giving Parklands permanent approval for their site. Too many things have gone wrong over the trial period to justify permanent approval, and too many uncertainties remain. Splendour and Falls have been operating profitably for many years without permanent approval, and a great many festivals operate throughout the state and the country without permanent approval. If the Department recommends anything, we urge a recommendation for year-to-year approval, under conditions set by our local council, monitored by our local council, and enforced by our local council. It is time for us to gain back control of this development, as the 2012 PAC directed.

Yours sincerely
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South Golden Beach Community Association Inc.