

LOUISE B DORAN

[REDACTED] Ocean Shores NSW 2483  
[REDACTED]

15th February 2018

Director Industry Assessments  
Department of Planning and Environment  
GPO BOX 39  
Sydney NSW 2001

Dear Sir/Madam,

RE: APPLICATION FOR PERMANENT APPROVAL FOR NORTH BYRON PARKLANDS/SPENDOUR IN THE GRASS DEVELOPMENT Application No SSD 8169 and MP 09 0028 MOD 3 (Concept Plan)

Please find below my concerns about the proposed permanent approval for the development above.

**ISSUES:**

**THE ENVIRONMENT IS THE TRUE STATE- SIGNIFICANT-ASSET IN THIS PART OF THE STATE**

Billinudgel Nature Reserve and Marshalls Ridge Wildlife Corridor, into which New South Wales government have invested over \$4m of taxpayers' dollars to protect, are the most significant assets in the North of Byron Shire. After many years of hard work and lobbying by the local community, the ecological importance of the area was also recognised by the Land and Environment Court ruling in 2009 which found that the Splendour in the Grass development is properly characterised as a temporary place of assembly, which is prohibited use in Byron Shire Council's Local Habitat Protection Zone. Koalas have been sighted as recently as 2016 close to where the proposed conference center will be built. The State Government and the Department of Planning should respect the Land and Environment Court Ruling. Permanent approval of this industrial scale development will irreparably damage this ecological significant site. Local residents value and care for this beautiful place where we are fortunate to live and do not want to see it destroyed.

**Climate change and global warming**

With temperatures reaching new highs each year there can be no denying global warming is occurring and much faster than scientists had originally predicted. Over 50,000 people traveling to these festivals by air and road is increasing our carbon emissions and global warming when we need to be doing all we can to reduce them. The large amount of equipment and infrastructure trucked on to and off the site before and after festivals also creates more emissions.

**Control of this development needs to revert to Council after the trial period as originally planned.**

Having the state of NSW control the festival site is not consistent with the existing PAC-approved Concept Plan. After the trial period is over, Byron Council is supposed to grant any further approvals for holding festivals at the site. Rather than prepare for this, Parklands got the state to extend their trial period and applied to become a State Significant Development. These moves have allowed them to avoid Council control. The proponents understand that there is little community support for this development, which is why they want the state government to have control rather than the local council and community. The festival site at Tyagarah, in Byron Shire, which is controlled by council, does not have permission to hold festivals during the Christmas holiday season as the area is extremely busy with holiday makers during this time.

**Residents should be deciding what happens in our shire.**

If this proposal is approved, the local community and its elected officials will again have been pushed aside, as they were by the Part 3A approval in 2012. The state will be in charge but will not be accountable to local residents. Byron

and Tweed Councils will have no say. The DOP will continue “overseeing” the development from Sydney but will simply trust Parklands to manage everything. This is not right and not fair. Byron Council, in consultation with local residents and business owners, should be determining the shire’s destiny—not the state government.

### **Byron Shire is overloaded with tourists.**

Permanent approval of this development is not in the best interests of the shire as it will bring increasing numbers of tourists to the area. Byron’s tourism industry needs to be balanced with enterprises that are not dependent on tourism. The recent study “Voices on the Margins: Youth Identity and Belonging in a Tourist Destination” by Southern Cross University researcher Dr Antonia Canosa, exploring the experience of 2,800 local youth growing up in Byron Shire found many have a love-hate relationship with their towns. Many of the participants singled out the issue of safety as a source of anxiety and concern. A fourteen year old said “there was lots of littering everywhere mostly because of so many tourists and they have changed how Brunswick Heads is as a community.” Mature age residents feel much the same impact on the community and are overwhelmed by too many people and traffic descending on our small towns crowding locals out.

### **Impact on local small businesses**

There are numerous cafes and shops in Brunswick Heads catering for tourists, but the butcher and newsagent, which catered for locals, have closed. Some local businesses have complained that as food and drinks are supplied on-site at the festivals, business in town is very quiet during festivals, and locals stay away too.

### **Lack of Public Transport**

The state government assesses the infrastructure needs of the shire based on the local population of just over thirty thousand, the needs of two million visitors annually are not considered. There’s a lack of infrastructure generally in Byron Shire, especially public transport, which means visitors must arrive by road as there’s no alternative. The Casino to Murwillumbah train line, which is close to both festival sites in Byron Shire, could transport locals and two million tourists in a more sustainable, less disruptive way while reducing traffic. But the state government is about to destroy this valuable public infrastructure and turn it into a bike track, much to the dismay of residents. Meanwhile we suffer world famous traffic congestion. The shire cannot cope with any further increase in visitor numbers or traffic. The new **zero emissions solar train service** in Byron Bay, had almost 16,000 passengers in a month. This train demonstrates what is possible and how effective and viable a modern, regular train services from Coolangatta Airport to the intercity line at Casino would be.

### **Cost to taxpayers of 150 special police to keep patrons safe**

The community would like to know the travel, accommodation and other costs to taxpayers, to supply 150 special police to ensure the safety of patrons at these festivals in the event of a terrorist attack? This cost could well negate any implied economic benefits to the community of these mega events.

### **Parklands want permanent approval, but they don’t need it.**

The festivals have been operating very profitably under a conditional trial approval for five years and operated for many years before that with year-to-year approvals from Council. If Parklands receives any further approval from the state, it should be conditional on annual reviews, and it should have to meet specific, rigorous conditions that Byron and Tweed Councils have set in consultation with local residents.

### **DOP oversight of the trial has been lax.**

Parklands claims their compliance with consent conditions has been close to 100%, but locals have documented close to 100 breaches and other irregularities since trial approval was granted. The DOP has issued only a few Penalty Infringement Notices (fines) and Official Cautions (no fines) and does not even appear to have an accurate record of breaches and irregularities. (The DOP has not yet provided clear and complete information about breaches.) If the state remains in charge, oversight and enforcement will continue to be lax and inadequate.

### **Much unpredictability remains.**

Recurring issues include impacts on the environment and wild life, noise, traffic, impacts on local infrastructure (roads, water, sewer systems) and impacts on residential amenity and health. Fire risks continue to be great, especially since the festivals have numerous bonfires and are located in a fire-prone area. Problems have arisen repeatedly throughout the trial, many unpredictable, e.g., the on-site traffic nightmares at Splendour 2016, recurring outbreaks of “festival flu”, unpredictable noise disturbance throughout the area, and repeated illegal use of fireworks on the site. Parklands may claim that all the problems have been identified and will easily be mitigated, but that’s pie-in-the-sky thinking. Much unpredictability remains. We can’t be sure what mess or disaster might develop because of the festivals.

#### **The proposed sewage management raises many concerns.**

Sewage is to be buried or sprayed on the Parklands site, which straddles two water catchments. Both tactics carry risks of contamination of ground water and surface water that will affect nearby residential areas and the Nature Reserve. On-site land formations and frequent site flooding both present major challenges to the planned disposal of effluent on site. Also, no provision is made for dealing with inorganic matter in the waste stream, e.g., sanitary products, plastics, etc., or for treating chemicals that become part of the waste stream, e.g., prescription drugs, over-the-counter drugs, and other unmetabolised chemicals. And it’s not clear if UV light or chlorine will be used to disinfect the waste and if the process will be fully effective. Parklands say they will implement their sewage treatment plans “progressively as budget allows” although a complete sewage treatment system was supposed to be in place by the end of 2017. So they’re not yet prepared to handle the sewage they generate. What they can’t treat on site will have to be trucked to overloaded sewage treatment plants in Byron Shire or elsewhere. This is not responsible management.

#### **Independent monitoring of key variables has not been done.**

To demonstrate their performance on key variables, Parklands hires consultants to monitor things and prepare reports. Parklands then sends the reports to the DOP for review. No independent monitoring has been done at any time during the trial. Parklands’ self-monitoring and self-reporting remains a major issue and will continue to be a major issue if this proposal is approved.

#### **NO independent cost-benefit analysis has been done.**

No independent analysis has been done that objectively weighs the purported benefits of the festivals against the costs to the community. The Economic Benefits Report, Appendix W in the proposal, was generated by a Parklands-paid consultant. The report is presented “without the assumption of a duty of care to any other person other than the client [Parklands]” and the report further cautions any third party from “using or relying on the facts, content, opinions or subject matter” in the report. Experts in assessing economic costs and benefits have described the report as incomplete, inaccurate, and misleading.

#### **The proposed increases of site usage are significant.**

The community has been misled and the proposed increase in festival use of the site is far from the “few days a year” that Parklands originally argued was their aim. Parklands proposes two large, five-day events and three medium-sized, one-day events every year. Each of these will require 35 days of preparation and dismantling, bringing the total site usage time to 188 working days or 52% of the year’s 365 days. And that does not include either the weekend (non-working) days associated with event set-up and dismantling and does not include the days devoted to “small” and “minor” events. If this proposal is approved, they will be able to get ongoing modifications to increase the numbers of days and the daily attendance still further. Their stated aim of 50,000 attendees per day has to be seen as only the beginning.

#### **The proposed conference centre is questionable.**

The originally-envisioned centre called for accommodation for 60 people. That has now doubled to a proposed total capacity of 180 with accommodation for 120. These facilities are to be used by staff during festivals and by paying guests at other times. This hotel/event centre is to be located in a forested area of the site where koalas have been sighted, most recently in 2016.

**Live Nation will not be accountable to Council and the local community.**

The two major festivals staged on the site are 51% owned by Live Nation, an American entertainment conglomerate. Permanent approval of this proposal will put profits generated at Parklands into the hands of that conglomerate, an entity that is not answerable to elected officials or local residents.

**Minimal funds for local Council; minimal benefits for the shire's north.**

If this proposal is approved, Parklands will pay \$420,000 in Section 94 contributions. They suggest this can be used for improving the Byron Tourist Information Centre, redeveloping public toilets (presumably in Byron), additional beach showers and beach access improvement (presumably in Byron), public art, and "civic improvements" such as benches, footpaths, landscaping, and signage. That will be their contribution to bringing this massive development to the north of the shire—a tiny fraction of the profits that each festival takes in and not nearly enough to counteract the wear and tear on the north of the shire.

**Parklands' investment is dwarfed by local homeowners' investments.**

Parklands claims that their intention to invest \$30 million in the site makes them a state-significant development. But a conservative estimate of the combined value of just the residential property in Ocean Shores North, South Golden Beach, New Brighton, Ocean Shores, and Brunswick Heads is \$3 billion, as a local realtor has said. That \$3 billion is surely more state significant than the \$30 million Parklands plans to invest in festival-site infrastructure such as concrete platforms and wider roads.

Hopefully the department will give serious consideration to the above concerns of myself and those of other long-term residents about major consequences of this industrial scale development to the environment, wildlife and the local community, and not approve this development.

Yours Sincerely,

Louise Doran.

