

To The Planning Department,

Once again I am driven to respond to yet another completely inappropriate development proposal by North Byron Parklands, I have attached a series of points that have been prepared by a group of local residents listed 1-15 which I have examined in detail and agree with in all respects. I would also like to submit to you some of my personal experiences and view points about this proposal, I am a local resident of South Golden Beach, a home owner and rate payer for the last 15 years. As such I have been directly affected by the impacts and the diminished community amenity caused by these developers.

[a] Over the 5 year trial period and the 20 month extension I have had cause the ring the festival hotline to make excessive noise complaints, in the first few years there was a very proactive response, where I was assured that someone would be sent straight around with monitoring equipment to assess the levels, whether this happened or even if my complaints were logged I will never know [again highlighting the issue of no oversight by your department and the reliance on the developer to self monitor and report complaints] Again in 2016 when I called with a noise complaint there was a very different response, I was met with a complete lack of concern or interest and was told that they were too busy to deal with it. This illustrates the arrogance that has developed in the way the developer deals with the legitimate concerns of the surrounding community, with the knowledge that there would be little or no ramification from any monitoring authority to their actions.

[b] As much as the developer attests that they have solved the outstanding issues with their traffic management plan, this is clearly not the case, I have witnessed [whilst driving south on Brunswick Valley Way on dusk] a continuous stream of pedestrian traffic, including couples with young children walking into the oncoming traffic and out of the setting sun, making them very difficult to see. These would be some of the people who park at the Yelgen Reststop and at the new Ocean Shores Soccer Grounds intersection, along Shara Boulevard and north of the festival site on Brunswick Valley Way, this practise continues and on one occasion I stopped to talk to the traffic controllers to express my concerns for the pedestrians safety, their response was that they didn't have the authority to stop them, which begs the question then who does.

[c] The management of Splendor in the Grass and The Falls Festival have recently sold 51% of the festivals to US conglomerate One Nation, having received this multi million dollar windfall they are now looking to double the number of ticket sales from the barely sustainable 25,000 at present to 50,000 which will allow them to double the profit, maintaining their own income at a present level, plus pocketing the profit from the sale, "having your cake and eating it too", meanwhile completely devastating the amenity of the local community, placing unsustainable demands on local services and infrastructure, if the developers business model is only sustainable with 50,000 patrons perhaps it is time to move it to Suncorp Stadium, or some other capital city venue that is purpose built to hold crowds of this size and is surrounded with accommodation, communication, health, security and transport infrastructure to cope with it, which the north of the Byron Shire in a cane paddock clearly does not have.

[c] We are a small vulnerable community, trying to counter some very powerful individuals and interests, I would hope that in this weight would be given to the concerns of the local community, the very people most impacted by this proposal [again this is why Byron Shire Council is the appropriate consent authority], the developer through their data base collected through their ticket sales and mailing lists can at any time flood a consent authority with thousands of positive responses, these come from fans of the festival, if it were to be held at Woodford in Queensland [as it once was] or anywhere else, their response would be the same, affirming the festival and their positive experience of it. Whether this implies that they have any understanding of the issues and impacts that their festival experience creates on the local host community through this development, I would

doubt, if you look at the residential address of most of these robo generated submissions they will be from Sydney or South East Queensland and they would happily attend these festivals wherever they were held, with little interest in the merits or not of this current proposal.

[d] I was present at a community meeting to discuss the original trail development application, in attendance were volunteer fire brigade members who have lived their entire lives in the district and were very familiar with the block of land owned by North Byron Parklands, their assessment was that the property, in the low lying areas had a soil structure not dissimilar to that of peat and from their experience once this ignited it would be extremely difficult to put out, I have never seen anything produced by Parklands that addresses this assessment, it just highlights the serious problems that the organisers would face trying to evacuate 25,000 people out of the site on a single exit road to the car park, at 50,000 it is even more ridiculous, this is a tragedy just waiting to happen. The same issues arises when considering flooding of the site and the surrounding areas, similarly the proposed evacuation plans are grossly inadequate.

## Issues with Parklands' State Significant Development Proposal

### **1. Control is supposed to revert to Council after the trial period.**

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.

### **2. We 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.

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

Permanent approval of this development is not in the best interests of the shire because 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.

### **4. Parklands wants permanent approval, but they don't need it.**

The festivals have been operating 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.

### **5. 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.

#### **6. Much unpredictability remains.**

Recurring issues include noise, traffic, impacts on the environment, 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.

#### **7. 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 says 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.

#### **8. 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.

#### **9. An independent cost-benefit analysis has not 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.

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

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.

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

The originally-envisioned centre called for accommodations for 60 people. That has now doubled to a proposed total capacity of 180 with accommodations 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.

**12. 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.

**13. 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.

**14. Parklands' investment is dwarfed by area 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.

**15. The environment is the true state-significant asset in this part of the state.**

Billinudgel Nature Reserve and Marshalls Ridge Wildlife Corridor, into which NSW has invested millions of dollars over decades, are the most state significant assets in the north of Byron Shire. Approval of this proposal will permanently change the nature of this ecologically-significant area—for the worse. The state should not have been approved festivals at Parklands to begin with. They now have a chance to correct that earlier mistake.