

16 February 2018

Submission on the Cultural Events Site - State Significant Development Application (SSD 8169)

Introduction

This submission is made in response to two concurrent applications for North Byron Parklands. Firstly, the Modification to Concept Approval MP 09_0028 to allow for changes to patron size and to harmonise conditions to reflect a permanent cultural events site. Secondly the application for consent under Part 4 of the Act for the permanent use of the North Byron Parklands as a cultural events site for up to 50,000 patrons. This submission therefore needs to be taken into consideration in respect of both applications.

It is noted that the trial period consent allows for up to 35,000 patrons for the major events. Increasing the capacity to 50,000 patrons constitutes a 43% increase over current levels.

This submission is made by two joint owners and residents of North Ocean Shores, located some 2.5km from the festival site. North Ocean Shores and adjacent South Golden Beach are well established residential communities with a very strong community culture. The Parklands site is located in close proximity to North Ocean Shores, and also, to one of the largest remaining coastal nature reserves on the NSW north coast, the Billinudgel Nature Reserve.

Plans for the North Byron Parklands (Parklands) need to consider the limitations of this site due to its proximity to the Nature Reserve and to a well-established residential community.

It needs to be acknowledged that this is NOT “close to the ideal festival site” as has been claimed by the proponents. It is a highly constrained site, with sensitive neighbours and accordingly a high degree of development control and ongoing management is essential if the Parklands are to operate in a sustainable manner in harmony with its residential neighbours and the nature reserve.

History

The North Byron Parklands site was identified as a solution to the problem of the size of the Splendour In the Grass festival that was outgrowing the previous site in Ewingsdale Road. A similar situation had arising when Bluesfest outgrew its original site in South Byron as was relocated to Tyagarah – a precedent for major festival sites in Byron Shire. Consent was granted on a trial basis for North Byron Parklands to operate as a temporary festival site, providing that the trial conditions were met.

The key question to be asked about the current application is.... has the North Byron Parklands earned a “licence to operate” at this site, under current approval conditions?. In our view, the applicant is assuming that the “licence to operate” is a given, and is requesting growth in the intensity of the use of the site, and requesting an increase in capacity by 43% for the large events. The Department of Planning & Planning needs to consider first whether the social licence to operate under the trial period conditions has been “earned”, prior to considering any increase in any intensity of the site. The trial period simply tests how the site operates under those conditions, but does not give any right to increasing the intensity of the use, as the applicant has assumed.

Observations

The trial period for the Parklands has not been an easy one for local people. We have suffered through periods when the “doomf, doomf, doomf” noise from the festival has interrupted the quiet

enjoyment of our residence, particularly during the evenings. When you do go to bed, using one ear plug to try to keep out the noise, the “doomf, doomf, doomf” comes up through the pillow. It has not been acceptable for a new land use, on a trial period, to have such an impact on existing residential areas. The noise issues have improved, but not to the extent to justify a 43% increase in patronage to 50,000 people. Noise will need to be continually managed on a minute by minute basis, considering weather conditions, simply to keep noise levels from the current level of development at sustainable levels.

What the Department of Planning & Environment may not appreciate, and the proponents do not acknowledge, is the impact in North Ocean Shores and other areas from the festival patrons occupying holiday rental properties and impacting our residential amenity. During the recent 2018 Falls Festival, the 3 bedroom house next to our property was occupied by at least 10 people, and more at times. There were 5 vehicles parked there, one being a van which people were sleeping in. We had to put up with “doomf, doomf, doomf,” from the sound system and the parties when they weren’t at the festival and then after the festival, the bins were overflowing on to the street and it was left up to us to contact the agent to clean up the mess. So do we support a 43% increase in patronage at Parklands? The site and surrounding area barely manages at the current level of patronage.

What the Department of Planning & Environment may also not appreciate, and again the proponents do not acknowledge, is the impact on local shopping centres and towns before, during and after the festivals and the significant additional numbers of people that put pressure on beaches, streets, public areas and of course the already degraded Byron Shire Infrastructure. Should these impacts be allowed to increase by 43%?

The Festival deliberately directs traffic away from the Yelgun Interchange, presumably under a Traffic Management Plan, however this then places additional traffic on Brunswick Valley Way. This is particularly noticeable at the intersection of Brunswick Valley Way and Shara Boulevard where there is already poor sight distance to the north for traffic turning into and out of Shara Boulevard. Increasing the volume of traffic on this already dangerous intersection is unthinkable, particularly given that the increase under consideration is 43%. It needs to be fixed just to deal with current conditions when the Parklands site is operating.

The Department of Planning & Environment needs to take a broader view of this application in a global/national context in relation to the appropriate siting of a major festival sites. It has been stated by the proponents that North Byron Parklands is “close to the ideal festival site”. This claim is misleading and fails to recognise the very sensitive setting of this site, sharing a boundary with one of northern NSWs largest remnant coastal nature reserves and the proximity to the North Ocean Shores and South Golden Beach communities. This statement is irritating for locals who have to put up with the disruption.

In our view, “close to an ideal festival site” in terms of sustainability (although still not without its impacts) would be the Burning Man festival in the western United States at Black Rock City – a temporary festival city erected in the Black Rock Desert of northwest Nevada, approximately 100 miles north-northeast of Reno. Everything is taken in for the festival, then everything is taken out, and it has no neighbours. In Australia, the Woodford Folk Festival site north west of Brisbane is a good example of a well-located festival site – it has some permanent facilities, virtually no residential neighbours and is in a location with no high value conservation areas adjoining the site. The Department of Planning & Environment staff assessing the current applications are urged to visit the

Woodford festival site to appreciate the real differences between a well-located festival site (Woodford) and a highly constrained festival site (Parklands).

Parklands IS NOT an ideal festival site. It is severely constrained by its location and has sensitive residential neighbours and a sensitive ecosystem next door. This is the reality of the Parklands site, and this would have been clearly known about when the site was first purchased and proposed as a festival site. And management during the trial period doesn't take away this reality. We all need to recognise that for this site to be used sustainably as a festival site into the future, it will ALWAYS need strict environmental controls including dynamic noise control (managed in real time) as well as a fixed cap on the number of patrons and the number of events. That is simply the reality of having chosen this site as a potential major festival site.

Should the (American majority) owners wish to have a festival site without a cap on patrons and without restrictions on the use of the site, then an alternative site needs to be found which doesn't have the pre-existing constraints that this site has always had.

Key Issues

- 1. Capacity:** Given the experience we have of living through the various festivals at the site during the trial period and taking into account the constraints of the site, the number of patrons should not exceed the current 35,000. For the current number of large events, the direct and indirect impacts of the festival are barely sustainable, and there would be reasonable grounds for the Department to reduce this cap by 10-20% to address local concerns made in these public submissions. The site is not an ideal festival site, it is constrained by its residential neighbours and its setting adjacent to a significant coastal nature reserve warrants caution in allowing any further growth in intensity. It is also unreasonable for the proponent to complete a trial period and then expect a 43% increase in capacity (and their revenue) without, in our view, sufficiently demonstrating the sustainable achievement of the development controls placed on the festival during the trial period.
- 2. Additional Uses:** The history of this site and reasons for seeking a permanent site for the two main festivals are at odds with the plans to establish a permanent conference centre and hotel facilities (bar) on the site. What will be next...an application for a Woolworths? A resort? It is this foot-in-the door approach by the applicant that does not sit well with the objective being "to give the well-known music festivals Splendour in the Grass and the Falls Festival a long-term home at the North Byron Parklands". If this really is the intention, why is the applicant seeking to add other facilities on the site?
- 3. Permanence:** Living near a facility that has temporary events like Splendour is one scenario. Being asked to accept a facility with temporary festival events plus permanent commercial facilities operating all year round is a completely different scenario and is at odds with the history of why the site was established and opens the door for the owners to continue to add on to this site with other development. We do not support any development on the site other than temporary events, as this is what the site was established for. This is also consistent with the approach taken with the Bluesfest site which sets a precedent in Byron Shire for major festival sites.
- 4. Management:** There should be no weakening of the trial period development conditions, particularly with regard to noise management and traffic management. With regard to noise, dynamic (real time) management of noise is essential, and a well-publicised noise hotline is needed so that nearby residents can make complaints to a real person, in real time (ie at the time of the noise event) and have festival staff manage the noise issues at that time. With regard to traffic management, upgrades to Brunswick Valley Way are needed to

manage the additional traffic volumes on that road as a result of festival traffic. In particular the site distance (to the north) at the intersection of Shara Boulevard needs improvement to reduce the risk of accidents at this intersection.

Submission Summary

The intention of establishing the North Byron Parklands festival site was (in the Departments own words) “to give the well-known music festivals Splendour in the Grass and the Falls Festival a long-term home”. In our view, the trial period has demonstrated what we all know....that the site is in a highly constrained location and that if this is to be the long-term home for the two temporary festivals, then it will require a high level of ongoing management to minimise impacts on the local community and the adjacent Billinudgel Nature Reserve. **There should be no reduction in the approval conditions from the trial period, with new conditions imposed that respond to public submissions to better manage impacts.**

Approval conditions should include strong and effective noise controls with real time monitoring and response provisions, a well-advertised complaints line staffed 24 hours during events and an ability for the festival to respond to noise complaints immediately.

Approval conditions should also include a requirement to upgrade Brunswick Valley Way on the northern approach to the Shara Boulevard intersection to improve the sight distance for turning vehicles and the safety for locals and festival patrons.

Beyond being a long-term home for the two festivals, **we do not support any permanent facilities, uses or activities on the site such as conference centres, bars and the like.** The intention of the site being established was to provide a base for temporary events, and the establishment of permanent facilities is not in keeping with this intent, and can only be seen as the “foot-in-the-door” for other permanent facilities on the site, which is not supported, nor justified in this location.

The capacity of the large festivals should not be permitted to increase. There is no justification for a 43% increase (35,000 patrons to 50,000 patrons) in the capacity of the large festivals (other than for the American majority owners to make more revenue) and this constrained site does not have the capacity for this growth, given the proximity to residential areas and the Billinudgel Nature Reserve.

Finally, it is accepted that there is a need to find a long-term home for the two festivals. The trial period has demonstrated that there are still sensitive issues with this site, but that with careful management, a limited number of events, with limited capacity, can probably just be sustained. However, the social licence to operate beyond the original intention of the Parklands as a home for temporary events is not justified, and as such the Parklands capacity should not be increased, no other permanent facilities should be permitted, and no additional uses allowed, consistent with the approach taken with the Bluesfest site at Tyagarah.