

Planning Services
Department of Planning and Environment

Attention: Director - Industry Assessments

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North Byron Parklands Cultural Events Site, Yelgun
Re: Application No. SSD 8169 and MP 09_0028 MOD 3 (Concept Plan)

Introduction

The DPE provided a 2 week extension until 2 March 2018, with relevant Points being submitted by 16 February.

We object to both the proposed SSD development and the changes proposed for the MOD 3 Concept Plan for reasons outlined in this submission.

We are the owners of a small 2.2 ha property on Jones Road, Yelgun, and identified in the North Byron Parklands (NBP) Project Approval as Sensitive Receiver (SR) R12.

We have lived here for 40 years and adjoin the festival site at the eastern end of Jones Road. Our property is located approx. 600m from the Parklands campground.

In 2012 the Planning and Assessment Commission (PAC) approved a 5 year Trial to North Byron Parklands (NBP) for a major festival site accommodating up to 35,000 patrons. A 5 year Trial was granted to provide enough time for Parklands to demonstrate to the Department of Planning & Environment (DPE) that they could comply with consent conditions, KPI's and undertake their Commitments (SOC) in accordance with the Project Approval and Concept Plan.

Parklands have failed to comply with numerous consent conditions during the Trial. Non-compliance has been reported to the Department, however, for SR R12 nothing has changed. For example, the noise in the campground continues long after the shutdown time of 2.00a.m., noting that any compliance officers on site, have already retired at this time of a morning. Furthermore, the use of illegal fireworks in Parklands campground continues.

NBP - 5 Year 'Trial'

1. Attenuation Process – SR R12

Parklands did **not** provide us with the benefit of attenuation, consequently our family suffered with various 'health and safety' issues from their exposure to festival impacts.

In the 2012 PAC approval, 3 residences (R05, R12 & R13) on Jones Road were identified where the noise criteria would be exceeded. Our home is one of the 3 properties that NBP made a commitment to mitigate against festival noise in accordance with consent C16(2)(e) & SoC C14,16B.

In July 2013, DPE Director H. Warton instructed the General Manager of Parklands to,

- * 'commence mitigation to our residence prior to the commencement of events at the site &
- * the NMP is required to be updated to reflect the commitments made in relation to physical attenuation measures to the homes of sensitive receivers R05, R12 & R13'

Despite the requirements of the Project Approval and a directive from DPE, NBP did **not** attenuate our residence before the commencement of events on site, and to this day have still not considered, nor resolved, the various impacts on our family's 'health and safety' from exposure to festival noise.

As Parklands had not initiated mitigation, and following advice from the DPE, we activated consent **C18** in October 2013 for Parklands to mitigate against festival noise.

Noise Mitigation

Over the past 5 years, we have followed due process with both the Department and Parklands, opening our home on numerous occasions to accommodate Parklands engineers, noise consultants, architects & builders to assess what mitigation measures would be required. This was an inconvenience and meant a loss of privacy.

In June 2014, the DPE also engaged an independent acoustic engineer, Wilkinson Murray, to assess our home for attenuation. In Dec 2014 Chris Wilson (DPE) signed-off on what the Department thought was reasonable and feasible.

We wish to emphasize to the Department, that all engineers, acoustic consultants, architects and builders informed us that they could attenuate our home, however, due to the intrusive nature of the noise and considering the age and style of our home (built in 1948), they could not assure us that the mitigation would provide the benefit needed.

In relation to noise mitigation, the Industrial Noise Policy outlines, '**Receiver controls** - the least -preferred option, as it protects only the internal environment of specific receivers and not the external noise environment.' (sec. 3.4.4 Noise Mitigation Strategies)

We repeatedly asked Parklands for a scope of works (SoW) and costings for the *Alderson* (July 2013) and *Environmental Results* (March 2014) Reviews. Although DPE directed Parklands to attenuate in July 2013, it took **Parklands 3 years to provide a Scope of Works and Architectural Drawings.**

Parklands have repeatedly delayed and confused the attenuation process. The 5 year delay has been extremely stressful, frustrating and has virtually curtailed any home improvements we were keen to undertake on our home due to the uncertainty.

When the PAC approved the change to the noise criteria in MOD 3 (April 2016), it virtually undermined the 3 year process that had been underway with ourselves, Parklands and DPE in attempting to negotiate a satisfactory agreement.

This is because all of the attenuation assessments undertaken on our home were carried out in accordance with the original noise criteria in consent B3 *Noise restrictions* in the (2012 PAC) approval and not in accordance with the new criteria approved in MOD3.

Not only did the approval of MOD 3 undermine the whole mitigation process, but it also meant that Parklands could increase the allowable noise at our residence, an identified sensitive receiver, by 15-20 dBs (ANE 2016) which equates to an increase of 3 to 4 times louder than what was originally approved by the 2012 PAC.

The *Noise Guide for Local Government* provides some rules of thumb in measuring noise. A 10 decibels (dB) increase in noise is perceived as twice as loud (PAC Determination 2012). The increase in allowable noise at our home (MOD 3) was not addressed by Parklands, the DPE or the PAC.

As we experienced more festivals with varying impacts, it became evident that attenuation would only partly resolve the intrusive noise, however it would not resolve other impacts such as dust pollution, threat of fire etc., during events. Furthermore, it would not resolve the intrusive noise over our 2.2 ha property.

It took Parklands 3 years to provide us with architectural drawings and costings. Parklands provided the costings in May 2016, **2 weeks after the PAC approved the new noise criteria**, rendering the entire attenuation process futile.

It is evident, that if the consultants and builders could not guarantee the effectiveness of the mitigation works based on the original noise restrictions outlined in consent condition B3 background+, then it was futile to proceed with any mitigation works given the substantial increase in noise of 15-20dB(A) at our home.
(ANE 2016)

Coincidentally, and not long after the approval of the new noise criteria, Parklands sent us correspondence stating they no longer had a requirement to mitigate our home.

Parklands simply did not attenuate our home when required by the Department. The 3 year delay combined with Parkland terms in relation to attenuation were unreasonable. For example, Parklands would not enter into a legal agreement before mitigation works commenced, nor would they give a guarantee that our home would be restored to its original condition.

Parklands repeatedly suggested that an agreement with NBP would be preferable to attenuation. Given the impasse with the mitigation process, we considered Parklands option of entering into a permanent agreement that would relocate us, away from the festival events which are having an insidious impact on our health and safety.

Parklands would not consider an agreement unless we were prepared to provide them with an **easement (noise) over our Property Titles in perpetuity**. We declined, as these terms were **unreasonable**.

The mitigation process has been a farce. The goalposts are constantly changing. We have been cooperative and have attempted to resolve this issue the best way we know how. However, Parklands have been difficult and have blocked each proposed resolution with unreasonable demands.

Parklands development is impacting on our family's health and safety. We have lived here for forty years and have existing use. Parklands have had 5 years to resolve this issue, and to our detriment, they have not.

Parklands performance over the past 5 years has been unsatisfactory as evidenced by the list of non-compliance. Parklands did not mitigate in a timely manner, nor have they resolved the impacts their festivals events are having on us. Alternative solutions need to be looked at and resolved by Parklands ASAP.

We have been co-operative, responsive and patient throughout this whole ordeal. Parklands have had ample time to resolve this and to date, they have not done so.

2. NOISE – SR R12

Parklands have relocated us during 4 of the 10 festival events. festivals events. Whilst this was a massive inconvenience, it did alleviate some of the impacts in relation to our ‘health and safety’ and in particular the sleep deprivation we suffer during festival events.

Throughout the 5 year Trial we have been exposed to excessive noise levels. As an immediate neighbour to the festival site this has been extremely difficult especially when one considers that we are **exposed** to 18+ hours per day of combined amplified music, DJ music, including illegal fireworks, campground noise, generators and associated noise for up to 5 consecutive days during events.

AcousticWorks recorded noise coming from the campground as late as 7.30 a.m. during SITG 2014. This information was provided to DPE and NBP.¹

Because Parklands have not complied nor resolved our exposure to festival noise, we consequently suffer with stress, headaches, sinus difficulties and extreme sleep deprivation during festival events. This has a profound effect on our day to day living, and more importantly, affects our ability to carry out work duties as required.

To make matters worse, at times we have had our baby grandchildren and our elderly parents staying with us which, considering the circumstances, proved extremely difficult.

The DPE issued 2 penalty infringements to Splendour in the Grass for their 2014 and 2015 events. Parklands then proposed a change to the noise criteria (MOD 3) which appeared tailored to fit the existing noise emissions. The change in noise criteria, unfortunately meant an increase in noise of 20dB(A) at our home (ANE). This increase is unacceptable and was not addressed by Parklands, the DPE or the PAC.

AcousticWorks

AcousticWorks – Comments on EIS (sec.6.4) & Air Noise & Environment (App. L)

AcousticWorks has provided comments in **RED** in the 2 Appendices below which form part of this submission.

Appendix 1 - ‘Noise section from North Byron Parklands EIS Dec17 Part 3 EDITED WITH NOTES’ (attached) and

Appendix 2 - ‘ANE. Report Template-2.2’ (attached)

¹ AcousticWorks is an independent noise consultant engaged by Yelgun residents to monitor noise levels

Industrial Noise Policy (INP)

In the Acoustic Assessment (App L) ANE outline the Industrial Noise Policy (INP) 2000 which provides the overall noise framework for the assessment and management of the potential effects of noise on communities throughout NSW.

We note that the overall objective of the policy is: *‘to allow the need for industrial activity to be balanced with the desire for quiet in the community.’*

In Table 2.3, ANE outlines the **Derived Amenity Criteria** for a rural residential area and also points out that *‘As required by the NSW INP, the **lower** of the intrusiveness and amenity criteria is to be adopted for an assessment.’* (ANE AA, App L)

Table 2.4 Assessment Noise Criteria - dB(A) outlines *‘The relevant criteria for the assessment based on the intrusive criteria which is the **most stringent for Parklands due to the low existing background noise levels.**’* (sec 2.2.1.2 & 2.2.1.3 ANE, AA, App L)

The INP outlines the Assessment Noise Criteria – 35 Laeq,period for Day, Evening and Night. The above criteria outlined in the INP must be endorsed by the Department as the principle guidelines for this type of development in NSW.

The Assessment Noise Criteria applies because of the low existing background noise levels at nearby neighbours, the adjoining nature reserve and the community at large.

Environmental Impact Statement (EIS)

Parklands SSD application is a completely new development and separate application to the previously approved 5 year ‘Trial’ and subsequent Modifications 2, 3 & 4.

During the 5 year Trial Parklands have had numerous non-compliance issues and in particular where noise is concerned.

Parklands want to utilize the noise criteria based on what was adopted for MOD3. We strongly object to this proposal because the noise criteria adopted for MOD 3 means a substantial increase in noise of (15-20 decibels) at our home (ANE 2016). We ask the Department to assess our situation and in particular our exposure to festival noise.

We would have expected a resolution to Parklands noise impacts by now especially considering the original 5 year trial is over. Parklands have had 5 years to mitigate festival impacts on us, as required by the Project Approval, and have not done so.

noise & vibration - SEARS

AcousticWorks noted audible rattling of windows at SR R12.

*“Noise measurements have shown that low frequency (bass) noise levels for SITG 2014 are significantly higher at Jones Road residential receivers than for SITG 2013. This is was also subjectively observed **by audible rattling of windows** on the dwellings at 237 and 251 Jones Road, which was not observed for SITG 2013.’*(AW SITG 2014)

AcousticWorks observed the rattling of our windows in July 2014 well before MOD3 was approved 2016.

The Secretary requests ‘assessment of all noise and vibration sources and impacts, including impacts on all sensitive receivers, utilizing data obtained from the trial events to date.’

Parklands have not utilised the following data from the Trial in their **EIS** application, they...

(1) did not identify that our property SR R12 was **one of 3 sensitive receivers**, identified in the original approval (PAC 2012) where noise exceedance would occur. This was proven throughout the Trial. Our home was one of 3 properties Parklands committed to mitigate. (SOC C14, 16B)

(2) did not identify that SR R12 was **not provided** with the benefit of mitigation in accordance with consent conditions and a directive from DPE before the commencement of events on site. (C16 & SOC C14,16B)

(3) did not identify that Parklands have not reached an alternate mutually acceptable agreement with SR R12 to mitigate against intrusive noise.

(4) did not identify, nor address the 20 decibel increase (ANE, 2016) in allowable noise at our home as a result of the MOD 3 approval.

(5) did not identify that Parklands have not mitigate for the various ‘health & safety’ issues we continue to suffer because of our exposure to noise. (EH&S)

In the EIS, ANE have identified SR R05 (identified SR in original approval) and SR R43 (**not** identified SR in original approval) where noise limits will be exceeded. Parklands have not included our residence (SR R12), which was one of 3 sensitive receivers identified in the original project approval where noise would exceed. (SOC C14,16B)

Both R05 and R43 have a noise agreement in place with Parklands, as has R13, the other resident besides R12 that was earmarked for attenuation in the original Project Approval.

Unlike receptor R05 whose property is located close to Tweed Valley Way and is impacted by highway noise, our property (2.2km to the east) has consistently recorded one of the **lowest background noise levels** of all the sensitive receivers that underwent monitoring.

3. Non - compliance

In relation to our own personal experience, we have compiled numerous consent conditions and commitments made by Parklands which were not complied with, nor resolved during their 5 year trial period. (see chronology below)

Not only do we have to contend with the disturbance of festival and associated noise for up to 18+ hours per day for up to 5 consecutive event days including camper arrival day (CAD), but we also suffer with various health and safety issues during events because Parklands have not complied with requirements set out in the Project Approval.

In short, Parklands development is still impacting on us. We have not had the benefit of attenuation nor have we had the benefit of a mutually acceptable agreement in lieu of attenuation. The offer Parklands made was unreasonable, i.e. an easement (noise) over our Property Titles in perpetuity.

Non-Compliance during Trial Chronology (SR R12)

SITG 2013

Parklands did not provide us with the benefit of attenuation, consequently our family has suffered with 'health and safety' issues from exposure to festival impacts.

Non-Compliance

Noise

- Exceeds noise criteria (Acoustic Works SITG 2013)
- NBP did not install a noise logger at SR R12 as required in consent C17(c)
- NMR sec.4.2.3 did not include attended noise monitoring for SR R12 on Sat. 27 July 2013
- R12 was omitted from the Summary of **Noise Logger Data**
- Summary of **Noise Logger Data** - our house is identified in the list as Attachment 6 Noise Logger Location R12, yet unlike all other locations there is NO table on p. 28 identifying the 'unattended' noise monitoring undertaken at SR R12. (Sec. 4.3 p.27)
- Our noise complaints to hotline were not included in complaints tables on p.23 & p.24

NBP Security - No security provided for eastern end of Jones Road. Dozens of patrons entered Jones Road from the Billinudgel Nature Reserve (BNR), refer SOC C13(4)&(5)

Telecommunications Failure - Mobile phone services seriously interrupted - Urgent phone messages took 7 hours to deliver.

Failure to remove Road Barriers - Road bollards left out on Tweed Valley Way post event - hazardous to motorists - near accident

Falls 2013/2014

Parklands did NOT provide us with the benefit of attenuation, consequently my family suffered with 'health and safety' issues from exposure to festival impacts.

Noise

- NBP advises it would **not** be providing a noise logger for SR R12 for the upcoming Falls festival; DPE directed Parklands to comply.
- Amplified **noise** from Falls festival much louder than SITG 2013 – Intrusive for neighbours
- Neighbours kept awake from **campground noise** until 7.30 a.m. refer C40(b)

Dust pollution – the dust from NBP's security, noise consultants & staff vehicles was a major health issue for SR R12. Fine dust particles settle on our roof, solar panels and contaminates our drinking water, which we are dependent on.

Fireworks - Illegal fireworks ignited in campground posing a nuisance and fire threat to adjoining neighbours - refer SOC C9(11)

SITG 2014

Parklands did not provide us with the benefit of attenuation, consequently my family suffered with 'health and safety' issues from exposure to festival impacts.

Noise – Noise travelled as far as Mooball (north), Mullumbimby (south-west) and Main Arm (west), approx. 10 km away from the event site.

- exceeded the noise criteria at SR R12 from 11 am to midnight - consent B3(2)
- exceeded the noise criteria at SR R12 from midnight to 2 a.m. - consent B3(4)
- Campground Noise – did not cease at 2 a.m. - consent C40(a)(b)

Noise Report - Acoustic Works SITG 2014

Acoustic Works was commissioned by residents to undertake independent noise monitoring during the SITG

2014 event. *AcousticWorks* noted ..

“Noise measurements have shown that low frequency (bass) noise levels for SITG 2014 are significantly higher at Jones Road residential receivers than for SITG 2013. This is was also subjectively observed by audible rattling of windows on the dwellings at 237 and 251 Jones Road, which was not observed for SITG 2013.”

AcousticWorks also states that ‘the difference in dB(A) and dB(C) at the receiver locations was measured and found to be **significant** ..’ [AcousticWorks, Sept '14]

Fireworks - illegal fireworks ignited in campground posing a nuisance and fire threat to adjoining neighbours – refer SOC C9(11)

Falls 2014/2015

Parklands did not provide us with the benefit of attenuation, consequently my family has suffered with various health and safety problems from festival impacts.

Security Ineffective - several groups of patrons found roaming Jones Road. - Refer SOC C13(4)&(5)

Trespass - Patrons trespassed on our property – refer consent C8(i) & SOC C13(4)&(5)

Fireworks - Illegal fireworks ignited in campground posing a nuisance and fire threat to adjoining neighbours – refer SOC C9(11)

Search & Laser Lights - Lights were projected throughout our property on several nights during Falls festival

SITG 2015

NBP relocated us during SITG 2015.

Falls 2015/2016

NBP relocated us during Falls 2015

Security Ineffective - large group of intoxicated males entered Jones Rd from the Reserve and threatened NBP's guard located at the Quarry Trail, who fled for his safety. The mobile phone provided had no coverage for him to seek backup. refer SOC C13(4)&(5)

SITG 2016

Parklands did not provide us with the benefit of attenuation, consequently my family suffered with ‘health and safety’ issues from exposure to festival impacts.

Fireworks - Illegal fireworks were ignited in the campground posing a nuisance and fire threat to adjoining neighbours. refer SOC C9(11)

Falls 2016/2017

Parklands did not provide us with the benefit of attenuation, consequently my family suffered with ‘health and safety’ issues from exposure to festival impacts.

The summer of 2016/2017 was hottest on record

Fireworks - Illegal fireworks were ignited in the campground posing a nuisance and fire threat to adjoining neighbours. refer SOC C9(11)

SITG 2017

NBP relocated us during SITG 2017

Falls 2017/2018

NBP relocated us during Falls 2017

4. Environmental Health and Safety - NBP

Parklands EH&SM Manual outlines Parklands commitment in '*minimising impacts on neighbours and nearby residents.*' (EH&S Manual)

Also, in sec. 4.4, NBP's request for SEARS, Parklands state '*the EHSMM establishes a range of environmental, health and safety objectives under its EH&S Policy which Parklands is committed to achieving as part of its delivery of a sustainable cultural arts and music events venue.*'

Parklands also state '*each event is subject to a pre, during and post event audit by Parklands staff that evaluates continuing compliance with over 315 applicable approval conditions and standards.*' (sec. 4.4 NBP's request for SEARS Nov 2016)

The above statements cannot be taken seriously given the list of non-compliance at our residence alone. During events we are exposed to intrusive amplified music, campground noise and other accumulative noise, illegal fireworks, dust pollution, trespass etc.

In sec.7 Conclusion, of NBP's request for SEARS, it also states that '*Parklands has demonstrated that large outdoor events can be held in a manner that avoids unacceptable impacts on flora and fauna, residents, event goers and on the general community.*' (sec.7 NBP's request for SEARS Nov 2016)

Clearly Parklands have **not demonstrated** that large outdoor events can be held in a manner that avoids unacceptable impacts on **residents**, as evidenced by the list of non-compliance at SR R12 over the 5 year Trial.

Dust and Associated Health Issues

Since the approval of the Trial in April 2012 there has been a considerable increase in the amount of vehicles utilising Jones Road for sightseeing purposes and to view the festival site. Jones Road is a dirt road and all residents are reliant on tank water for drinking and household purposes.

During the early events we suffered from extreme dust pollution generated from Parklands security, noise consultants & staff vehicles patrolling Jones Road. During events, we had little choice, other than to close our southern windows because of dust, whilst our northern and western windows had to remain closed because of the festival noise.

The Director of Splendour in the Grass acknowledged the dust problems and consequently sealed 500m of the road. This was effective in minimising dust from passing vehicles.

In dry seasons however, the dust from the Event Site (during events, bump in & bump out) still poses a nuisance, covering our solar panels and polluting our water supply. Parklands could quite easily resolve this impact. For example, the NPWS after upgrading trail works near our property hosed down the dust from our roof and gutters. This was a simple solution in mitigating impacts on neighbours whilst implementing best practice management.

5. SEARS - EIS

- Key Issues

Parklands have not included in the EIS how they intend to avoid mitigate, manage and/or offset the potential impacts of the proposal (including cumulative impacts) on us.

With the exception of 4 festivals, when we were relocated, Parklands did not develop appropriate measures to avoid, mitigate, manage and/or off-set impacts in relation to us during the 5 year Trial.

- **traffic and access**

Jones Road & Tweed Valley Way Intersection

The right hand turn into Jones Road from Tweed Valley Way (TVW) is from an overtaking lane (90kph) and presents a danger to vehicles having to negotiate this turn.

Parklands constructed a tunnel under Jones Road when the site was originally being prepared for the events development. The tunnel was built to provide safe access for patrons and heavy duty vehicles e.g. trucks, earth moving machinery and coaches which utilize this tunnel access year round.

In recent events, however, coaches have been utilizing the Jones Road entrance from TVW in order to access Gate A for entry to the site. The coaches have to take a wide berth when entering Jones Road and on at least 2 occasions we have been forced off Jones Road onto the road verges.

The traffic controllers do not appear to have control of this dangerous situation. The mix of TVW traffic, combined with traffic controllers running onto TVW when a coach approaches, security guards positioned at the entrance of Jones Road placed at risk as well as resident traffic, all competing for space and safety, presents a chaotic and dangerous situation.

WSP states, *‘A bus and coach terminus was built on the NBP site to provide a high-quality facility and ensure a smooth operation.’ ...and.. ‘To date, this loop has been working successfully for the trial events, and was designed with spare capacity to accommodate the bus patron demands of the 50,000 patron event.’* (sec. 6.1.3 On-Site Terminus Capacity)

It is clearly evident by the above statement that buses and coaches should not be utilizing the overtaking lane in order to turn right into Jones Road. Gate B was provided for bus entry and bus exit only. Therefore, buses and coaches are meant to access the site at Gate B and not Jones Road which is for service vehicles only during events.

We ask this matter be resolved. Jones Road is a minor road and is not suitable to receive large coaches which place residents safety at risk.

Please note school buses travelling along TVW will not enter Jones Road from the south due to the dangerous intersection. School buses will only pull onto the edge of Jones Road if travelling from the north.

Proposed realignment Gate A (Gate S in 2012 approval)

In sec. 8.4 *Traffic controllers*, (EA 2010) it states ‘that one of the tasks of the Traffic Controllers would include, * coordinate vehicle movements into and out of Jones Road and Yelgun Road, and **minimize the disruption** to these residents.’ (NBP EA 2010, Tech Paper C1)

Also, in sec. 4.4 *Internal circulation*, it states ... ‘□ *Spine Road – It would either pass under Jones Road via a underpass or intersect at an at-grade intersection (with the **Spine Road giving way to Jones Road** under normal traffic conditions) to be constructed as part of the site works.*’ (NBP EA 2010 Tech Paper C1)

In sec. 4.3 App. P, of the **EIS**, however, WSP state ‘*Under this arrangement, the traffic controller would be responsible for ensuring that traffic on **Jones Road is stopped** to allow a vehicle exiting the site to leave Gate A.*’

Parklands have clearly outlined in the Trial that vehicles exiting Gate A need to give way to Jones Road residents, yet in the EIS Parklands have changed this, proposing the vehicles leaving the site be given right of way.

Jones Road is a **public road** and therefore all traffic leaving the NBP site is required to give way to Jones Road vehicles. For residents, this is particularly relevant in an emergency situation. As there are only 3 properties at the eastern end of Jones Road, this should not present a problem.

It is disappointing that Parklands has not discussed this protocol with Jones Road residents. To avoid confusion we ask the Department to clarify this matter for the remaining Trial, and that it be communicated to residents, traffic controllers and to Parklands staff.

As long term residents of Jones Road, we strongly recommend that all vehicles leaving the Parklands site, via Gate A, give way to vehicles on Jones Road for the remaining of the Trial and for any future use of the site.

- **bushfire impacts**

Jones Road traverses the middle of the North Byron Parklands property.

Jones Road is a ‘no through road’ and provides the only legal egress for residents to evacuate to safety in a fire event. It is a 2.7 km narrow, winding, gravel road, flanked by huge eucalypt trees.

Far North Coast Bush Fire Risk Management Plan - RFS

The Far North Coast Bush Fire Risk Management Plan (FNCBFRMP) identifies Jones Road as an **Extreme Fire Risk**, with the Likelihood being ‘**Almost Certain**’ and Consequence being ‘**Catastrophic**’.

In sec. 6 of the EIS, 6.11.3 ***Bushfire Hazard***, the proponent identifies

- (a) Jones Road as having ‘**extreme bushfire risk**’ (FNCBFRMP) and
- (b) an area within the campground (north-east) that has the potential for **fires** associated with **peat** deposits (approx. 500m from our property)

Both (a) & (b) present a very real fire threat for the residents of Jones Road, yet Parklands have not addressed this serious impact and have not included Jones Road residents in their BMP & BEEP. (refer RWG notes pg. 15 below)

Festival events – increase fire risk to Jones Road residents

Over the past 40 years there have been 11 fires in the immediate area. Three of these fires have been peat fires on the Parklands site (pre ownership) and neighbouring properties which have burnt underground for months at a time. The last fire in 2004 was declared a State of Emergency, Sec 44.

The fire risk for Jones Road residents is increased dramatically during festival events due to the influx of 35,000 patrons (plus staff, emergency services, volunteers) discarding cigarettes, smoking, camping and igniting illegal fireworks. Our property adjoins Parklands boundary at the eastern end and is located 600m from the campground.

In a fire event, our safe evacuation is put at serious risk due to the forest situated between us and the Parklands site, unlike the patrons who can be evacuated safely across manicured grasslands.

Fireworks

Illegal Fire works are ignited in the campground during most festival events. The Falls festival held over the summer of 2016/2017 was the hottest on record. During the festival we were extremely fearful as conditions were tinder dry.

Because Jones Road traverses the North Byron Parklands site, residents would like to be included in Parklands Bushfire Management Plan, Bushfire Emergency Evacuation Plan and their Environmental Health and Safety Manual.

In consideration for residents safety, community representatives on the RWG made several suggested amendments to the Parklands BMP. (see below)

Hazard Fuel Reductions - Safe Evacuation

Parklands EH&S Manual states *‘minimizing impacts on neighbours and nearby residents would be a suitable examples of objectives that relate directly to our EH&S Policy’*.

Jones Road is a narrow, winding, no-through road. The buildup of hazardous fuel load along Jones Road is a concern particularly for residents at the eastern end as it is their only legal egress for evacuation in a fire event.

Residents are concerned with the build up of understory i.e. lantana, molasses grass (highly combustible) and other exotics along either side of Jones Road. Bushfire hazard reduction has not been carried out along Parklands fence line (2km) along Jones road for decades.

The NSW **RFS** has measured the fuel load along Jones Road verges at **22 tonnes per ha**, well over the acceptable level of **7 tonnes per ha**.

Alan Bawden, Development Assessment & Planning, NSW RFS, stated at a recent meeting that residents concerns are **‘genuine’**.

Last year residents of Jones Road followed due process and raised their concerns with the community representatives on NBP RWG. All 3 representatives expressed their concern after inspecting the area. Laurel Cohn, (RWG) proposed additions to the Parklands BMP to include Jones Road residents.

These proposed additions were not considered by Parklands as we understand the BMP was signed off pre-Falls festival 2017/2018. We have included the suggested amendments below for your consideration.

RWG & RFS Meeting Notes (Laurel Cohn – RWG)

Suggested amendments to BMP

1.3 Aims and Objectives.

The third the second dot point be amended as follows:

“Establish pre-planned procedures and protocols for the communication and coordination between event operators, emergency service agencies *and immediate neighbours* in the event of a potential or actual bushfire threat of the event site if affected by a bushfire;”

3.6 Potential for Peat Fires.

Figure 5 map to be extended to include the full extent of peat areas to the west of the current map. Previous peat fire has been in area not shown on map.

Table of targeted treatments. Amend section on hazard reduction during non-event periods – last dot point to include reference to Jones Road fence line:

“Ongoing fuel reduction activities including removal of fallen trees and vegetation and other combustible materials from site *and along Jones Road fence line*”

Other concerns raised at the meeting

Jones Road is meant to be a firebreak but the integrity of this is compromised by the build up of weed and other understory combustibles along the road. The problem areas were recognized in Oct 2016 by Zofie Lahodny-Gesco (RFS) as leading to a rating of catastrophic, with fuel loads exceeding recommendations. In the areas concerned, Council is responsible for the road verges, National Parks are responsible for the Billinudgel Nature Reserve on the south of the road and NBP is responsible for the property on the north. *What plans are in place for NBP to reduce the fuel load (lantana, weeds, grasses etc) along NBP fence line which runs along Jones Rd?*

Desired Outcomes

- For the evacuation of Jones Road residents to be included in Parklands BMP & BEEP for all future events held on site.
- Residents at the eastern end of Jones Road, would like a meeting with RFS to have a clearer understanding of the *protocols in place if there is a fire on site or a fire on a neighbouring property*, including the Billinudgel Nature Reserve.

We ask DPE to seriously consider the dangerous situation our family is placed in during festival events and particularly those events held during hot, dry and windy conditions.

- **flooding and incident management**

One of the SEARS requirements is to include ‘*details of how the development would ensure the safety of all persons on-site and ensure negligible impacts upon persons off site;*’

Refer above section on Fire Impacts.

- **waste**

North Byron Parkland’s proposal to store the solid waste from composting toilets into holding tanks to break down before been sprayed over the NBP site, raises many questions.

As neighbours we are concerned about the contaminants and chemicals that do not break down as well as the impact these contaminants could have on the surrounding ecology.

This process has the potential to impact on air quality (odours) of surrounding neighbours and properties. A thorough assessment is needed.

- **amenity**

With the exception of the 4 events where Parklands relocated us, **Parklands have still not resolved the impact noise on our amenity**. Not only do we have to contend with intrusive levels of noise and vibration in our home, but we also have to contend with intrusive noise throughout our **amenity** i.e. our 2.2 ha property.

- **hazards and risks**

The use of illegal fires works in Parklands campground during events has not been controlled despite some perpetrators being asked to leave the site.

Fireworks have been used during most festivals and continues to pose a fire threat and nuisance to neighbours. The Jones Road ridgeline is identified as an Extreme Risk in the FNCBFRMP and any use of illegal fireworks in the immediate vicinity should not be tolerated and must be controlled and prevented under all circumstances.

What visible measures has Parklands taken to deter this illegal activity? Are there any signs in the campground warning patrons that the use of illegal fireworks will attract a penalty infringement of \$??? and immediate expulsion from the venue?

4.2 Statutory Context

4.2.1. Concept Plan and Permissibility

We object to the proposed changes to the 2012 Concept Plan.

Parklands want to increase the number of event days annually and increase the number of patrons from 35,000 to 50,000 based on their satisfactory performance during the Trial. Parklands are also proposing a doubling of accommodation guests for the Conference Center from 60 to 120.

Different layouts of the event area are proposed and particularly the set of the event area for a 50,000 patron event. We object to the proposed change for the 50,000 patron configuration as it has not be trialed or tested and would bring the event area closer to our home.

Unless Parklands sort out their non compliance issues and in particular the impacts experienced by sensitive receivers exposed to festival noise, the Department should not recommend approval of the SSD or changes to the Concept Plan.

Parklands have not mitigated us against festival impacts therefore any increase in patron numbers based on Parklands 'satisfactory performance' cannot be justified.

6. Compensation

In the EIS, ANE state, *'Parklands have advised that an agreement has been entered into with the owner of each property relating to management of impacts from the event, and in some cases **compensation** has been agreed. On the basis of these agreements, the property owner has formally agreed not to lodge complaints relating to future events at Parklands. In some instances the potential for noise impacts have been part of the decision to enter into an agreement with certain properties,...'* (sec. 4.2.5)

In sec. 4.3.6.2. EIS Parklands state that, *'It is noted that an 8 dB exceedance is predicted at Receptor 5. This is a significant exceedance and is not feasibly treated through management of volumes or stage mitigation. This has been identified and an agreement was entered with Receptor 5 which will extend to the permanent approval.'*

The noise at our residence also cannot be treated through management of volumes or stage mitigation.

We wish to advise the Department that Parklands have **not** carried out physical mitigation measures to our home. Parklands have **not** advanced a mutually acceptable agreement due to unreasonable terms. And, with the exception of the 4 events when we were relocated, Parklands have not compensated us for exposure to festival noise. We have made every effort to resolve this with Parklands.

The Department also needs to consider that Parklands intend to locate their 50,000 patron event even closer to our property. This scenario, plus additional impacts on us without the benefit of mitigation, is exposing us to more of the same and is simply unacceptable. The current stalemate regarding mitigation or an agreement has been through no fault of our own.

In April 2017, we advised Parklands their offer was unreasonable because they wanted an easement over our property titles in perpetuity. Parklands have not replied to matters raised in this correspondence.

Summary

Throughout the 5 year Trial, Parklands have not complied in regards to mitigating the impacts from festival events on us, SR R12. Please note, that SR R12 was one of 3 residences that were identified in the 2012 Project Approval where noise levels would be exceeded.

To reiterate.....

(a) Parklands did not mitigate our home/or reach a mutually acceptable agreement against noise, a requirement of the Approval.

(b) Parklands have not mitigated against campground noise that continues hours past shutdown time creating a nuisance to neighbours.

(c) Parklands have not resolved the impact of dust pollution on immediate neighbours during dry events.

(d) Parklands have not resolved trespass.

(e) Parklands have not resolved the danger and nuisance to neighbours that illegal fireworks create. Records show that illegal fireworks have been recorded from the campground during most events held on site to date.

In the EIS, ANE state, *'Acoustic modelling has determined that there is potential for increased community impacts for the larger proposed events if the same operating volumes are maintained for each venue.'* (sec. 6 Conclusion and Recommendations App L)

The GM and Director of Parklands also acknowledged at a recent meeting with residents that impacts on neighbours will increase if they get permanent approval.

Based on Parklands non-compliance and unsatisfactory performance during the Trial, we ask the Department to **refuse** the SSD and proposed changes to the existing Concept Plan.

However, if the DPE were to recommend any future approval, a balanced approach to noise is required, similar to that taken by PAC in 2012. The PAC applied background+ noise criteria in their consideration of both the industrial use of the festival site AND surrounding neighbours low background+ noise levels.

If the Department were to recommend any future approval, then measures need to be taken to protect sensitive receivers, and in our case SR R12.

The Department needs to include conditions that will ...*'avoid, mitigate, manage and/or offset these impacts.'* ...on sensitive receivers to

- (i) protect sensitive receiver status (SR R12) and
- (ii) protect rights to mitigation and compensation against the accumulative impacts of the Trial and any future events
- (iii) mitigate neighbours against dust pollution during events (bump in & bump out)
- (iv) mitigate neighbours against trespass during events
- (v) restrict patron numbers to 35,000
- (vi) restrict events closing time from the current closing time of 2.00 a.m. to 12.00 p.m. (midnight) in line with other events e.g. the East Coast Blues Festival (Byron Bay) in consideration of neighbours and the surrounding rural community

Parklands have had 5 years to negotiate a mutually acceptable agreement to resolve the impacts festival events are having on us (SR R12). They have **not** done so.

Meanwhile, it would be in the interest of all parties to resolve this matter ASAP and before any determination is made concerning future approvals. We believe this matter can easily be resolved between Parklands and ourselves, provided Parklands stop making unreasonable demands.

The DPE needs to seriously consider the **accumulative impacts** the festival events are having on our health and safety and in particular, the intrusive noise throughout the 5 year Trial.