

## Section

# 11

## Public Submissions

### 11.1 Conservation of North Ocean Shores Inc

Conservation of North Ocean Shores Inc, (CONOS) wishes to formally submit an objection to the Project Application and Concept Plan for a "Cultural Events Site" @ Yelgun Wooyung. The document titled "A Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun, NSW" by Dr. Andrew Benwell & David Scotts forms part of this submission and is attached as Appendix 1.

Given the brief time allocated to the public exhibition period and taking into account the massive size of the Environmental Assessment (EA) (2,000+ pg) it has been extremely difficult to thoroughly dissect the information and obtain professional opinion required to address matters of significance. We trust that the department will take this matter into account, particularly in view of the fact that the proponents have had over 21 months to compile their response to the Director General's Requirements.

The information provided in the EA is inconsistent and contradictory, and the applicants have merely skimmed the surface for some important issues and in other cases have omitted them entirely.

We have attached our previous submissions regarding an earlier 'trial' festival event (DA 10.2007.462.1) as Appendix 2. Objections raised in these earlier submissions are still relevant. Given that they now propose numerous festivals year round, the likely impacts on Threatened Species and the Reserve system will be even greater.

Sincerely  
Secretary for CONOS

*I do not wish to have my name included when you post this submission on the Department of Planning website. Thank you.*

### Executive Summary

The Byron Shire is a relatively small shire with a population of approximately 30,000 residents. There are currently 2 permanent festival sites in the shire that have been purposely built to cater for both educational and cultural events. One, located in Tyagarah, is privately owned and is home to the iconic Blues & Roots festival, which originated in Byron Bay 21 years ago. The other, located at Ewingsdale, is the council owned Sports and Cultural Events site (nearing completion)" which will cater for the smaller, integrated, more family-orientated events such as the Writers Festival and Fatherhood Festival.

#### Comment 11.1.1

The population context for this regional asset is that the Northern Rivers of NSW region has a population of more than 228,000 residents and a visitor population made up of 225,000 international visitors, 1.8 million domestic overnight visitors and 2.7 million day trip visitors. The adjoining south-east Queensland region has a population of 2.8 million people.

The status of the suggested 'permanent festival sites' is understood to be as follows:

- The site at Tyagarah is only approved and available for the annual Blues Fest festival with the promoter publicly committing to not having any other events at this venue.
- The 'council owned Sports and Cultural Events site' at Ewingsdale is not approved for any festival use. The Writers festival has made no commitment to use this site.

The Yelgun site, the proposed current development, has a colorful history. Over the years numerous consortiums have attempted to develop the land, some of which include Wendell West Corporation, Princess Properties, the Bond Corporation, and in more recent times Dr. John Walmsley (Earth Sanctuaries) and Greenfields Mountain.

#### Comment 11.1.2

The Parklands site, comprises two former separate landholdings. The 'history' only applies to the southern farm. The majority of the proposed event usage occurs on the northern part of the site.

At least two Commissions of Inquiry have been held into rezoning proposals for the land: the Simpson Inquiry in 1990 and the Cleland Inquiry in 1997. Furthermore, State Government agencies have issued numerous Interim Protection Orders, Interim Conservation Orders, and Stop-work Orders to stop unauthorised clearing.

#### Comment 11.1.3

The quoted Inquiries relate to only the southern part of the Parklands site. The proposed event usage in this part of the site is within a zone, recommended by the Cleland inquiry, where event uses are a permissible use. The Parklands proposal is consistent with the Cleland inquiry recommendations.

Both Inquiries recognised the environmental values of the area and the natural and cultural significance of the Marshall's Ridge (Jones Road) Wildlife Corridor. Commissioner Simpson ruled out rural/residential development due to land constraints, and Commissioner Cleland zoned much of the land 7(k) Habitat.

#### Comment 11.1.4

The Parklands proposal seeks consent for uses permissible within the Zone 7(k) (Habitat) recommended by the Cleland inquiry. Additionally, the Parklands proposal reserves a large amount of additional land for habitat purposes, beyond that proposed by the Cleland inquiry. Cleland zoned land in the hope that it would be developed for the purposes of a corridor. This has not happened. The Parklands project provides a positive opportunity to implement the corridor. This may be a once in a lifetime opportunity.

The EA reports on the consultation undertaken with Aboriginal stakeholders who have not objected to the proposal as detailed within Technical Paper H – Aboriginal and European Heritage Assessment.

Based on the findings of the Cleland Inquiry, the R T A moved the southern section of the proposed Yelgun to Chinderah Highway Upgrade further west to avoid impact with the Billinudgel Nature Reserve and the Marshall's Wildlife Corridor.

*Marshall's Ridge was a major consideration during environmental planning for the Yelgun to Chinderah highway upgrade, which adjoins the study area on the western side. The NSW RTA has purchased compensatory habitat, incorporated fauna movement devices in the highway*

*design (under and overpasses) and carried out extensive habitat rehabilitation in an effort to enhance the function of the wildlife corridor. (Benwell 2002)*

#### **Comment 11.1.5**

The proposal will see the further enhancement of the wildlife corridor function with significant improvements to habitat. The Parklands proposal includes underpass arrangements for wildlife.

The proposed site footprint at Yelgun and the adjacent area has been repeatedly and consistently identified as high significance habitat, critical to the fecundity of a range of priority species and threatened fauna species in northern NSW. Moreover, this area has been identified as one of the last remaining key wildlife and climate change corridors connecting the coastal plains with the world heritage Border Ranges region.

#### **Comment 11.1.6**

Council and others have "mapped" wildlife corridors over part of the subject site. The Parkland's proposal will see those corridors actually put in place. Such environmental enhancement will not occur if the land were to remain solely in agricultural use. If the subject application was not approved, it is likely that environmental degradation at the perimeter of the wildlife corridor would continue in the fashion seen under the previous ownership.

A review of several NSW State strategies, plans, and court decisions independently and persistently identify and highlight this development site and its surrounds as significant for a range of environmental reasons. The proposed development has the potential to have a highly negative impact on these corridors and on the Billinudgel Range Corridor and the BNR, including the cultural heritage precinct.

#### **Comment 11.1.7**

The specialist investigations undertaken as part of the EA identified the ecological and cultural heritage values of the Parklands site and its locality. The proposed site usage has carefully been designed to avoid and manage any potential impacts.

In respect of cultural heritage, the registered indigenous stakeholders have been consulted and their views are reported in Technical Paper H states as follows:

"The Aboriginal stakeholders hold Marshalls Ridge to represent a traditional pathway used to access ceremonial sites on the coastal plain at Wooyung. Due to their perceived connection with this traditional transit, artefact occurrences recorded on Marshalls Ridge, its fringing spurs, and elsewhere within the study locality, are assessed to be of high social/cultural significance. However, the stakeholders advised that, to their knowledge, the proposal would not affect any unmodified sites or places of ceremonial, mythological or otherwise sacred/spiritual significance, attachment or concern, and that (owing to its high level of disturbance and apparent absence of cultural materials) the proposed spine road cut and overfill tunnel across Marshalls Ridge would not compromise the values attributed to the wider ridgeline."

Substantial research undertaken by expert ecologists Benwell and Scotts (2010) unequivocally demonstrates the permanent and severe negative impacts ongoing festivals have on the fecundity of local and regional fauna and flora through the major decline of ecosystem functions and processes. As the proponent proposes essentially an unlimited number of festivals, this will indisputably devastate biodiversity function and habitation of this vital and unique precinct.

**Comment 11.1.8**

The Benwell and Scotts report canvasses a wide range of references to elicit information on the effects of humans, anthropogenic noise and artificial lighting on fauna. The report predates the EA and it includes repeated conclusions of significant adverse effect on fauna by the proposal which do not appear to derive from or be clearly justified by the references quoted. The EA develops clear conclusions as to the nature and extent of impacts on fauna from the proposal. These were not reviewed by Benwell and Scotts. While well-intentioned, we submit that Benwell and Scotts predictions are premature and unreliable.

Equally important is the Occupational Health & Safety issues associated with the site's incapacity to safely accommodate large crowds of people. The footprint of the proposed festival site incorporates two floodplains, which historically flood during heavy rain events. It is very likely that evacuation from the site will not be possible.

**Comment 11.1.9**

The proponent has no intention of undertaking a cultural event during a flood! The proposal provides for sophisticated meteorological monitoring including the monitoring of flows in creeks and the like. Based on this rigorous approach, and the refinement of the scheme to flood proof the whole of the spine evacuation site, in the very unlikely event that that is necessary, will be both manageable and orderly.

North Byron Parklands is situated on lands comprising two separate catchments, each with unique effective warning times and rate of rise of floodwaters. Such floodwaters are invariably generated from one of four meteorological weather patterns being:

1. An East Coast Low situated in South East Queensland (i.e. Hervey Bay) and moving South;
2. Tropical cyclones;
3. Isolated and extremely localised storm events (usually occurring between Spring and April);  
and
4. Large troughs carrying moist air from the Pacific Ocean.

In each of the above cases different effective warning times occur. For weather patterns 1, 2 and 4 effective warning times range from between 24 and 72 hours. For weather pattern 3 effective warning times can be as little as 6 hours. However, the probability of a very severe event of the Type 3 kind is low.

To respond to these various meteorological weather patterns and to provide the longest effective warning times possible North Byron Parklands has developed a Significant Rainfall Event Forecasting System (SREFS) based on the Australian Water Resources Council's "Floodplain Management in Australia" and Emergency Management Australia's "Flood Warning" and "Flood Response" Manuals.

The SREFS represents a best practice approach to maximising the ability to forecast any flood events before or during an event. This approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

As part of the Environmental, Health and Safety Management Manual the Evacuation and Flooding Management Standards (NBP Standard 009 and NBP Standard 012 respectively) has been developed to manage the issue of flooding evacuation.

In assessing this application, we ask that the department not lose sight of the biodiversity values that the site itself contains, and that in turn contribute to the biodiversity of the most easterly intact wildlife corridor in Australia which plays a significant role in the biodiversity and ecosystem function of the region, being the most diverse region in New South Wales. The proposal for a large festival site is contrary to the intent of long-term conservation land use, as was stressed some time ago:

*Of significant relevance in balancing wildlife corridor values and other land use considerations are the precautionary principle and the conservation of biological diversity. These principles reinforce the importance at this point in time of protecting the existing and potential wildlife corridor values in the Jones Road area.*

*Action' needs to be taken to protect the environment before there is conclusive scientific evidence that harm will occur from a new or continuing activity - the precautionary principle requires convincing argument that proposed activities will not cause serious or irreversible environmental impacts. (Cleland 1997)*

A regional events site would be far more suitable in one of the inland shires that do not experience the influx of interstate and overseas tourists that flock to coastal towns such as Byron Bay. For example, Casino and Grafton are towns well suited to such development. They have infrastructure in place and are serviced by the Country Rail link. It is likely that they would welcome the economic stimulus that festivals bring to country towns.

#### **Comment 11.1.10**

The Cleland inquiry set up a rezoning regime for the subject site. That regime is being fully respected by the proponent. No event usage is intended on any land zoned 7(k). Roads were made a permissible use in the 7(k) zone by Cleland.

#### **Introduction**

CONOS has worked diligently for 18 years, along with other environment groups and associations, assisting state and local government governments where possible, in the protection of the BNR and the state significant Marshalls Ridge (Jones Road) Wildlife Corridor. This corridor, which occupies the majority of the proposed development area, provides a vital link between the Billinudgel Nature Reserve and the inland World Heritage rainforests of the Mt Warning caldera.

#### **Comment 11.1.11**

The Parklands proposal, with its limited event usage and its Management Standards regime of monitoring and action responses as detailed in the EA, together with the increased habitat creation and wildlife corridor improved functionality is considered complementary to the CONOS goals relating to the wildlife corridor and the BNR.

The application for a permanent festival site, with associated infrastructure, places all this at risk.

The area's high natural and cultural values combined with site constraints such as topography, hydrology, soil types, impact on coastal and rural amenity and the drain on local services such as Police, Rural Fire Service, Ambulance and State Emergency Services, clearly indicates that this development proposal is simply the wrong development for this place.

#### **Comment 11.1.12**

The EA and accompany specialist Technical Papers demonstrate the capability of the site for the proposed usage. The potential demand on emergency services by larger events is addressed within the EA and draft Statement of Commitments.

The use of on-site private medical services, initiated and trialled previously by SITG resulted in a significant decrease on the demand of medical services such as the local hospital. The provision of on-

site private medical services was reported as successfully avoiding heavy demands on the local hospital services. This approach is to be adopted for large events at Parklands.

The provision of medical services for the Parklands site is detailed in the application and for larger events includes an on-site private medical service together with an on-site ambulance.

Larger festivals in Byron Shire have had a long established practice of working closely with NSW Police and participate in a system whereby the event organisers pay for the provision of police. This approach is to be continued with large events at Parklands.

### **Visual Impact Assessment -Technical Paper A**

The development proposal is not in keeping with the surrounding coastal villages and rural amenity. The villages of North Ocean Shores, South Golden Beach and New Brighton are located to the south, Yelgun and Crabbes Creek to the west, and Wooyung to the north. Immediately east lies BNR and the Pacific Ocean. The development will have a massive and permanent effect on the existing rural amenity, the passive recreation of the BNR, and nearby coastal villages.

The accumulative intrusion of noise associated with construction works, bump-in and bump-out periods, 50,000 festival goers, and high volumes of amplified music throughout much of the year will severely alter and impact on the visual, ecological, and cultural characteristics of the landscape.

For the residents of Jones Road the impact associated with this massive development will be a permanent and constant visual nightmare. For example, several of the event structures exceed the permissible height requirement and will sorely affect the visual amenity of the area.

Jones Road is a very narrow, winding, gravel road and is flanked by large eucalypt trees, many of which are old growth. (See Photo I)

Photo I: Jones Road

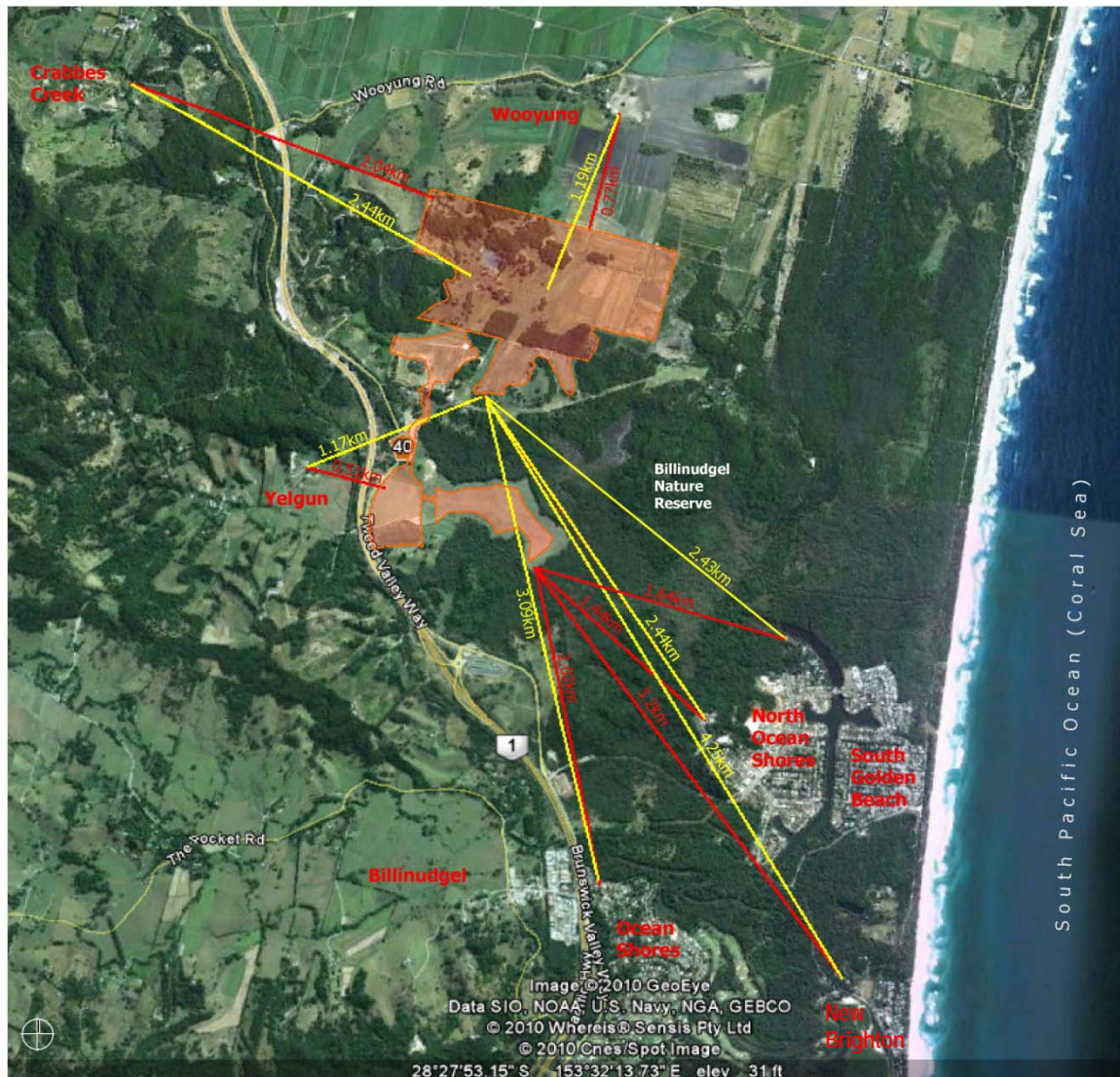
Overall, the development proposal is incompatible with surrounding land uses and is not visually compatible with the immediate area. This fact alone demonstrates the lack of forethought and planning that has gone into the choice of the site.

### **Comment 11.1.13**

#### ***Issue: Visual Character and rural amenity***

The villages of North Ocean Shores, South Golden Beach, New Brighton, Yelgun, Crabbes Creek and Wooyung to which the submission refers, are located the following distances (refer to illustration) from the closest part of the application area or performance area.





North Ocean Shores, South Golden Beach and New Brighton are all located with Billinudgel Nature Reserve as a buffer to the site. No direct line of sight is possible from these villages. Yelgun and Crabbles Creek are located on the western side of the highway. The highway, topography and vegetation are substantial buffers between these villages and the site. Some residents at Wooyung can see part of the application area at present. Proposed boundary screen planting will minimise views to the application and performance areas from these locations.

Upon establishment of vegetation there will be few direct visual connections between the proposed event areas and these locations, therefore not compromising the visual character of the locality. The Northern Rivers Arts and Creative Industries Strategy, 2008 - 2012 (2009), which is supported by the seven local government authorities of the Northern Rivers region, The NSW Government (through the Developing Regional Resources Program), Arts NSW and The NSW Department of Premier and Cabinet, states that *"the region's lifestyle, including its natural and cultural assets, are a key reason why people choose to live here."* This strategy also identifies the arts as contributing significantly to the distinctiveness of that lifestyle – through nationally and internationally renowned festivals and other creative industries, markets and events (NRACIS, 2009). Therefore, cultural events generally

(markets, music festivals, jamborees, farming display events) are integral to the character of the region.

The low-key nature of any proposed permanent infrastructure at the site (e.g. mulch pathways, gravel internal accessways, low-set buildings) and the location of the performance areas within a generally visually enclosed catchment will contribute to the retention of the bushland/rural amenity of the locality. The annotated site plan Plan 1.2 shows a visual impression of the minimalistic visual impact of the permanent infrastructure at the site and the substantial amount of additional managed parklands proposed.

***Issue: Visual impacts to residents of Jones Road***

The Visual Impact Assessment (Technical Paper 1) shows that there are 3 dwelling locations (excluding those owned by the proponent) on Jones Road from where the performance area of site may be seen (other than the glow of night lighting during the actual event). Many small to medium size events, which are the events proposed to occur most at the site (e.g. professional conference, trade display, scout camp, environmental information day, gymkhana etc.) may not be seen at all from these locations (depending upon their individual configurations) due to the site topography and surrounding vegetation.

Resident's of dwellings 3, 4 and 5 on Jones Road are not likely to be impacted by significant additional vehicular traffic using Jones Road as any event vehicles will either use the southern access to the site at Gate A (off Tweed Valley Way) or Jones Road between Tweed Valley Way and Gate S off to the northern side of Jones Road (length of approximately 450 m).

A typical large tent structure has a height of approximately 11-15m. The existing vegetation amongst and bounding the mapped performance areas in which they are proposed, is of variable height but typically between 15-20m. This will provide a backdrop to the tents and prevent them from being seen on the skyline from external locations.

***Issue: Vegetation and Visual compatibility***

Existing vegetation along Jones Road (as shown in the Photographic Plates – Views from Jones Road, Visual Impact Assessment: Technical Paper A) provide a substantial visual screen to the site. In addition to this, revegetation and planting proposals (upon establishment) generally throughout the site, along the Tweed Valley Way frontage and along the northern boundary will prevent many of the performance areas from being directly viewed (depending upon their individual configurations).

As previously mentioned, cultural events of all scales have been a part of the northern rivers lifestyle for many years (e.g. Primex (2009 had almost 60,000 visitors), Bluesfest (17,500 festival visitors per day and 6,500 campers), Farm-a-rama, Bangalow arts and craft markets, Byron Bay Writers Festival (9990 tickets sold in 2009), Tyalgum Classical Music Festival etc.). Historically, many of these events have occurred within rural, vegetated or village settings and have contributed positively to the visual amenity and vitality of the locality.



***Photo plates 1 and 2: Channon Market (Channon) and Bangalow Market (Bangalow showgrounds) - Held monthly***





*Photo Plate 3 and 4: Bluesfest (Tyagarah Teatree farm) – Held annually. The festival utilises grasslands for performance areas with surrounding vegetation as a backdrop and visual screen.*



*Photo Plates 5 and 6: Banana Festival (Tweed Valley) – Held annually for 2 weeks*

The sleep disturbance criteria for all events whether minor, moderate or major would be the same – 15 dB(A) above background.

This Technical Paper states that music with live bands will operate between the hours of noon to midnight and recorded amplified music from midnight to 3am.

According to Byron Shire Council, the recommended criteria for sleep noise disturbance for "minor" and "small" events is 15dB(A) over the background noise levels. An increase of 6dB(A) is a doubling of sound pressure and is noticeable to the human ear; an increase of 8dB(A) is significant. The recommended criteria for "moderate" and "major" could not be located.

#### **Comment 11.1.14**

The type of small events are envisaged to include an array of different type of community and small commercial events such as movies under the stars, weddings, family and group celebrations, most small events would involve amplified music. All activities, including amplified music, would need to comply with the Parklands Standards listed in the Management Manual and Statement of Commitments and consent conditions.

The development site is located in a quiet rural area. The villages of Yelgun (west), Wooyung (north), Crabbes Creek (north-west) North Ocean Shores, South Golden Beach and New Brighton (south east) are located within 1-3 km from the site and will be affected by the noise from the site.

Benbow also reports that "the music levels will alter the lifestyle of the nearest affected residents in Jones Road and the conflict with their lifestyle is unable to be completely resolved" (pg iii). Since the noise impact on local residents and surrounding communities cannot be mitigated, the applicants should not be allowed to proceed.

#### **Comment 11.1.15**

The studies of ecological noise Benbow Environmental has undertaken do not support this comment.

CONOS also has major concerns with the impacts that elevated noise levels will have on the native fauna species dependent on this important coastal reserve. The accumulative impact from noise generated from construction, traffic, bump-in and bump-out periods, human intrusion of 50,000 revellers, combined with high volumes of music for most of the calendar year is likely to have an insidious impact on the very survival of the high number of Threatened Species on and off-site.

#### Comment 11.1.16

The presence of a major highway has caused a significant change to the ecological noise character of this area.

Below is a reference comment from Bernie Krause, a field recording scientist who spends time in the wilderness documenting noises made by native fauna. The word Krause uses for the pristine acoustics of nature is biophony. Krause states:

*the contamination of biophony may soon become a serious environmental issue and that man-made sounds are already wreaking havoc with animal communication.*  
([www.wired.com/print/science/planetearth/magazine/16-06st\\_thompson](http://www.wired.com/print/science/planetearth/magazine/16-06st_thompson))

#### Comment 11.1.17

Pristine conditions do not prevail on this property. The Parklands site currently experiences fluctuating levels of noise from the adjacent and busy Yelgun to Chinderah freeway, from the Pacific ocean and from the regular use of overhead air space for aviation training. The proposal involves episodic noise disturbance only.

### Ecological Assessment -Technical paper E

#### *Flora & Fauna*

The site (Lower Yelgun Valley) is listed on the Register of the National Estate Database as an 'Indicative Place' on the Australian Heritage Commission. (Refer Appendix 7)

*The Jones Road ridge forms a major wildlife corridor allowing movement of wildlife between the Billinudgel Swamp area and the Upper Brunswick Inner Pocket and Burringbar area.* (AHC1996)

Over 50 Threatened Fauna Species are recorded for the overall area including the BNR. Approximately 26 of these species are recorded from the Marshalls Ridge Wildlife Corridor. Four species have been identified under the EPBC legislation. Several Threatened Flora species and 4 Ecological Endangered Communities (EEC's) are located on the site. (See Photo 2)

Photo 2: EEC, Parklands Site

The Marshalls Ridge (Jones Road) Wildlife Corridor provides a vital link between the Billinudgel Nature Reserve and the inland World Heritage rainforests of the Mt Warning caldera. This is supported by DECCW, Department of Planning, Byron Council, and other government agencies. Numerous ecological and scientific reports, undertaken over many years support the area's conservation value and the natural and cultural significance on a local, regional, and state level. Key points are:

- All forest blocks within and adjacent to the event footprint are mapped as High Conservation Value vegetation under the Byron Shire Council Biodiversity Conservation Strategy, 2004.
- Byron Shire Council wildlife corridor mapping incorporates all forested areas of the site as well as intervening pasture areas (2004).
- Byron Shire Council Threatened Fauna Habitat modelling covers almost all forest vegetation within

the event footprint (BSC 2004).

- All forest types within and adjacent to the event footprint are mapped as Koala Habitat (BSC 2004) with the drier floodplain forest and Forest Red gum dominated forests of the central and eastern portions of Property 2A mapped at the highest quality habitat for Koalas.

A comprehensive Review, outlining the likely impacts that a permanent event site would have on native fauna species and the reserve system, was undertaken on behalf of CONOS by Andrew Benwell and David Scotts. The findings form part of this submission and are reported in Appendix 1. This well-received review has been distributed to relevant government agencies and ecologists throughout NSW.

#### **Comment 11.1.18**

All of the key ecological elements described above have been kept, protected and proposed to be environmentally enhanced by this project. It is erroneous to suggest that the review by Benwell and Scotts is a review of the subject project. The Benwell and Scotts report was prepared well before the publication of the EA and whilst it was distributed to Government Departments prior to the completion of the EA all of those Departments were requested not to supply a copy of the document to the proponent.

#### *Biodiversity, Habitat, Ecosystem Functions and Processes*

The development and ongoing usage of a permanent festival site will unequivocally result in a fundamental decline or loss of fauna and flora species and habitats of northern NSW. A festival site would severely negatively impact upon local and landscape-scale ecosystem processes and functions. These claims are supported through current research and recent assessments undertaken by the NSW Government. The festival site footprint and adjacent habitat has been repeatedly identified as possessing high priority habitat significance by the following detailed research and assessments:

- DECCW Northern Rivers Biodiversity Management Plan (2010)
- DECCW Border Ranges Biodiversity Management Plan (2009)
- DECCW Key Habitats and Corridor research (2003)
- DECCW draft Far North Coast Conservation Plan (2009)
- Byron Shire Biodiversity Strategy (2004)

The Bureau of Meteorology data demonstrates that Australia's temperatures are progressively becoming hotter and that Climate Change is acknowledged as a key priority for all levels of government. It is therefore imperative that these few remaining climate change corridors are treasured and conserved to act as ecological conduits. This position is further substantiated in that the area's significance occupies a key coastal corridor as identified within the NSW Great Eastern Ranges (GER) initiative. As evidence of the corridor's rarity, the next southern linkage does not occur until some 300km further south.

#### **Comment 11.1.19**

We respectfully submit that the documentation lodged by CONOS does not support the wild holocaust like descriptions used by CONOS to characterise the use of the site as a permanent festival venue. If the land continues as an agricultural land use then flora and fauna habitat loss may occur. However, the use of the site as a festival precinct provides a once in a lifetime opportunity to reverse the degradation in this locality and provide a comprehensive example of sustainability win win – ecological win in terms of the comprehensive improvements to the flora and fauna and landscape; a economic win in terms of providing significant financial advantages to the Region and a social win by broadening the cultural facilities available in Northern NSW and building upon the creative industries that are burgeoning in this area.

A significant loss of fauna habitat space and resources will be lost to infrastructure such as roads, clearing of vegetation, introduction of fill, conference and cultural centre, gatehouse and resource centre. The author of the Ecological Assessment identifies many adverse impacts on threatened species and on ecological communities or their habitats from the proposed development. For example:

*... activities considered likely to produce impacts on fauna include the presence of large numbers of people, vehicle traffic, noise and artificial lighting associated with the staging of events. Interactions between disturbance phenomena are also likely and to a large extent unpredictable. (p 886)*

#### **Comment 11.1.20**

The significance of fauna habitat impacts have been comprehensively addressed. The incremental approach proposed adopts a precautionary and sustainability minded model of the development of the subject site.

Rather than suggest true solutions for these adverse effects, however, the author simply indicates that compensatory plantings will do the trick and that fauna species will remain in forested areas and/or move into adjoining areas of the Billinudgel Nature Reserve during times of disturbance.

*.....birds displaced by event-related disturbance can find suitable habitat within short distances of the event footprint. (pg 902)*

#### **Comment 11.1.21**

The Ecological Assessment explicitly recognises that when monitoring identifies adverse effects for fauna, that management responses are required to minimise or eliminate such adverse effects.

This is absurd. Risks to species include habitat destruction and overall disruption to foraging areas and to breeding cycles. Their very survival will be placed at risk by this development.

#### **Comment 11.1.22**

Habitat "destruction" is limited to the small area requiring to be cleared to construct the underpass, or at grade crossing of Jones Road. Already 7400 native trees have been planted, increasing native vegetation in the area. A net increase of ~ 50 ha of native vegetation is proposed as part of the Parklands development, thus a net increase in habitat will result, strengthening the connectivity of habitat for native fauna in this location.

Likely adverse effects of fauna from the proposal are acknowledged but the nature and extent and severity of this is not able to be closely predicted.

The author of the Ecological Assessment has undertaken a cursory analysis in relation to the impact on Threatened fauna species throughout the 7 -point test. Threatened species such as the Wallum froglet, Wallum Tree frog and Barking Owl, all recorded in the locality, have not been included.

#### **Comment 11.1.23**

Appendix I of the Technical Paper E includes seven part tests for 21 threatened fauna species, selected on the basis of records, recent survey results, and close examination of habitats present on and around the site.

The wallum froglet and wallum sedge frog do not occur on the Parklands site, due to the absence of suitable habitat, and the barking owl has not yet been recorded. Our ecologist has been undertaking regular targeted surveys for both wallum frog species in Byron Shire since 2004.



The NSW National Parks and Wildlife Atlas records for Billinudgel Nature Reserve (post 1980 records; interrogated 29/11/10) reports 15 records of 11 threatened fauna species, which do not include either of the wallum frog species or the barking owl.

Assessment of impacts for federally listed threatened species are addressed in Appendix C of the Technical paper E.

The Assessment undertaken is inadequate and contradictory. For example on pg 10 of the Assessment the author states that grazed pastoral lands to the south of Jones Road have not been surveyed due to low habitat values; yet in Sec. 2.2 of the report he states that exotic pasture also provide habitat for species such as grass owl, bush hen and grassland melomenys etc.

#### **Comment 11.1.24**

The latter comment refers to overall pasture habitats of the property: those south of Jones were closely surveyed for threatened flora (hairy Joint Grass *Arthraxon hispidus*) but have generally been so closely grazed as to be of low habitat value for native vertebrates, other than magpies, ibis, masked plovers and pied butcherbirds.

#### **Koala**

CONOS has compiled extensive records of Koala from this location since 1980, clearly outlining the importance of the area in providing suitable habitat and foraging areas for dispersing koala. Several of these Koalas were taken into care by 'Friends of the Koala', and were later released back into their home environment. The mapped Koala Habitat (BSC 2004) is worthy of consideration in this context.

The Australian Museum undertaking a Koala survey for RTA states the following

*One capture and four sightings of Koalas along with regular finds of scats indicate that a stable group of koalas are living along the Marshalls Ridges. (AM,1999)*

A Koala habitat assessment in 2007 recorded a small area of core Koala habitat in the central-east of the Parklands site, outside the current Application Area (Biolink 2007, see Appendix H)

A Koala Plan of Management was accordingly prepared, based on staging in 2008. A subsequent koala habitat assessment in 2008 (See Appendix H) recorded significantly lower levels of koala activity and the disappearance of core Koala habitat from the Parklands site (Biolink 2008)

The above statement that Core Koala Habitat has disappeared from the Parklands is misleading. The criteria for Core Koala Habitat is determined either by presence or evidence of Koala activity or by assessment criteria for specific vegetation types i.e. Forest Red gum. The vegetation in the Core Koala Habitat has not changed and therefore must still be given consideration and thorough assessment.

The author of Koala Assessment states ..

*Given the demonstrated dynamic nature of core Koala habitat at the Parklands site, it is proposed to defer the completion of a further KPOM until a contemporary assessment of Koala habitat is undertaken in late 2010 or early 2011. Given observed fluctuations in Koala presence over this time period, it is considered that it is important to use the most up to date information to develop optimal strategies for managing Koalas at the site. (Biolink 2008)*

The proponent has not provided convincing argument that the proposal will not cause serious or irreversible impact to Koala.

It is encouraging to learn that in recent days, a Federal Senate Inquiry has been called to investigate the status, health and sustainability of Australia's koala population. This iconic species is in serious decline and needs urgent protection against threats to its environment and survival of the species.

**Comment 11.1.25**

The author of the koala assessment report Biolink is a highly regarded expert with many decades of experience in koala management. To suggest that the proposals by Biolink are unconvincing is quite outlandish and illustrate a lack of objective balance in the subject submission.

*Removal of Vegetation - Tunnel Construction & Upgrade of Jones Road*

Jones Road is one of the few roads in Byron Shire that is afforded 7(k) Habitat zoning. It has important historical linkages with the indigenous tribes of the area dating back thousands of years and from a planning perspective is recognised on a regional and state level for its natural and cultural significance.

**Comment 11.1.26**

It is quite wrong to say the Jones Road is one of the few roads in Byron Shire that is zoned 7(k). Seven Mile Beach Road, Blackbutt Road, Caniaba Crescent; Hakea Crescent, New Brighton Road, Skyline Road, and even Shara Boulevard are in part zoned 7(k).

The proposed construction of the "Spine Road" combined with either option of an "at grade" or tunnel crossing of Jones Road will have an irreversible impact on the existing environment and cause a barrier effect to certain fauna species. The upgrade of Jones road will require the removal of high conservation value habitat including several "old growth" trees and an important hollow stag which is critical habitat for a wide range of hollow dependent species.

**Comment 11.1.27**

A small area of vegetation would be removed to allow construction for the underpass or at grade crossing of Jones Road ~80% of trees to be removed are camphor laurel, and the hollow stag requiring to be removed to allow widening of Jones Rod is a small roadside stump.

This development proposal is contrary to the very purpose and functionality of a wildlife corridor. It will place vulnerable fauna species at risk, during and after the construction phase, with the destruction of habitat and the potential to increase wildlife fatalities.

**Comment 11.1.28**

It is ludicrous to suggest that the proposal is contrary to the purpose and functionality of wildlife corridor. It is because of this development that the wildlife corridor will in fact be implemented! The only material efforts that have been made to implement the wildlife corridor in the subject locality have been by the proponent. Future plantings will increase the area of native forest by about 50 ha. Thus, connectivity of habitat for terrestrial and other fauna in the locality will be significantly and appreciably improved.

If allowed to proceed, this clearing of vegetation would contradict the findings of Commissioner Cleland who states:

*To ensure proper consideration is given to wildlife corridor values all existing vegetation should be retained. This is particularly evident for the western end of Jones Road ... (Cleland, 1997)*

The overall impact of the removal of native vegetation and habitat, the proposed upgrading the western end of Jones Rd, the construction of the Spine Road, and the construction of the tunnel will be cumulatively significant. The wildlife corridor at this location is very narrow and simply cannot sustain such drastic impacts.

**Comment 11.1.29**

To suggest that the cumulative impacts of construction of the Spine Road and the sealing of Jones Road will have adverse impacts on the wildlife corridor is quite wrong. Existing plantings (7400 trees) have already enlarged the amount of native vegetation in the 'wildlife corridor'. Future plantings will further increase the area of native forest by ~ 50ha and thus improve connectivity of habitat for terrestrial and other fauna in the locality. The cumulative impacts will, by any measure, lead to a significant improvement in habitat co-activity.

Threat activities that could result from the proposed development are, clearing and fragmentation, habitat modification, wildlife fatalities, degradation and disturbance of nests and roosts, introduced weeds, alteration to existing environment, alteration to flow regimes of floodplains and wetlands, activation of acid sulfate soils, pollution of Yelgun Creek, siltation/sedimentation, fire and peat fires, degradation, vandalism and impacts to the BNR.

**Comment 11.1.30**

All potential impacts of the proposal are recognised and addressed in the Ecological Assessment. Mitigation measures are also provided.

The DA fails to demonstrate any monitoring evaluation, reporting and implementation (MERI) framework which is a fundamental requirement for demonstrating management activities. The DA fails to offer any strategic assessment process and reporting structure to track, monitor and address impacts on the biodiversity of the proposed site across the ongoing long term. There is no clear linkage back to state government authorities on management and ongoing activities within or surrounding the proposed festival grounds.

**Comment 11.1.31**

Detailed monitoring proposals are provided in the EA (Technical paper E; Appendix F). Please also note that the proponent concurs to the DECCW suggestion for an ecological assessment committee/regulatory working group (see Commitment B6).

***Impacts on Nature Reserve***

The Billinudgel Nature Reserve lies to the south, east, north-east and west of the development site. There is no reference or mapping in the EA that outlines the area of the BNR (compensatory habitat) that adjoins the events site in the south-western corner immediately to the north of Jones Road. Potential impacts have not been addressed.

**Comment 11.1.32**

Potential impacts on Billinudgel Nature Reserve and means of management are addressed in Technical Paper E: e.g. p61, p 64.

It is inevitable that a high number people will enter the BNR in order to set up camp and listen to the music without having to pay exorbitant entrance fees. The proponents have not demonstrated how they intend to protect the Reserve System from this intrusion. It will surely be impossible to secure due to the extensive and convoluted nature of the Reserve boundary.

**Comment 11.1.33**

Liaison with DECCW took place to develop practical management strategies to minimise or eliminate human impacts on Billinudgel Nature Reserve, as part of the proposal.

Extensive peat deposits exist throughout the development site and adjoining properties. The combination of thick vegetated areas, peat soils and lack of access indicates that fire presents a major threat to adjoining properties including the BNR. A detailed history of fire for this locality is provided in the section on Bushfire Hazard Assessment on page 20.

### ***Precautionary Principle***

In 2.0 Impacts from the Proposal-Seven Part Test, the author states that

*Given multiple potential influences and the species-specific variability of fauna, the nature and extent of impacts and interactions is at least in part, unpredictable.*

This statement clearly indicates the need to exercise the Precautionary Principle, one of the main guiding principles with regard to Ecological Sustainable Development.

In relation to the Yelgun site Commission Cleland states:

*The precautionary principle, which encapsulates current environmental values, specifically does not require scientific proof before appropriate conservation processes are activated. As well the conservation of biological diversity necessitates the maintenance of wildlife corridors to promote genetic exchange between populations of native species and to enhance species survival in the long term. (Cleland 1997)*

The proponent has not provided a convincing argument that the development will not cause serious or irreversible environmental impact.

#### **Comment 11.1.34**

Existing plantings (7400 trees) have already enlarged the amount of native vegetation in the 'wildlife corridor'. Future plantings will further increase the area of native forest by over 50ha and thus improve connectivity of habitat for terrestrial and other fauna in the locality.

#### ***SEPP 14 Wetlands (No. 57)***

The Yelgun Catchment is classified as a High Hazard-Flood Storage area and all floodwaters flow east into the wetlands.

This raises the following concerns:

- the effluent irrigation area (comprising 3 ha) is located in the western section of the Yelgun Catchment, in close proximity to Yelgun Creek with the potential to pollute both the creek and wetlands and alter the existing environment.
- all fuels, oils, and other pollutants will be washed into the SEPP 14 wetlands and BNR
- in 6 Conclusions of the Flooding Impact Assessment it states.

*The modelling methodology is conservative with regards to impacts upstream of the Spine Road, as culverts under the spine road have not been considered in the analysis.*

Results show that the car parking area and event area are on flood prone land, and two locations along the spine road are overtopped in all modelled events. (Con. pg. 1372)

This serious problem has not been addressed and merely highlights the proponent's lack of attention to the likely impact the proposal could have on the surrounding Reserve System and state significant wetlands.

#### **Comment 11.1.35**

The 1997 Marshalls Creek Floodplain Management describe parts of the Yelgun catchment in the way termed within the objection.



DECCW, within Section 4 of this report, have required an appropriately planted buffer on the Parklands site between the car park and the wetlands and also require the spine road to be elevated to be flood free.

With respect to any hydrocarbon leakage from vehicles into the parking area would be unlikely to cause any detectable increase in the presence of hydrocarbon contaminants in the Billinudgel Nature Reserve. Hydrocarbons break down in the environment rapidly, particularly near the surface of the soil profile where oxygen, organic carbon and bacteria are abundant. Even if a flood event occurred immediately after a cultural event on site, the likelihood of detectable hydrocarbon contamination being transferred to the BNR is considered very low as the level of dilution would be enormous and the background water quality of the flood water entering the site would already be poor.

Monitoring commitments for effluent quality, groundwater and surface water receptors are detailed in the Water Management Plan appended to the Integrated Water Cycle Assessment and Management report. Specific monitoring and maintenance requirements for the STP would be included in the SBMP discussed above and this would include provisions to prevent surface runoff of effluent from the irrigation areas.

### ***Buffer Zone***

The author repeatedly indicates that a 30 metre buffer in the I(a) Rural cross-hatched zone, will serve to protect the wetlands from any impact from the adjoining car park area. (p 657) However, Byron Council outlined in an earlier consent condition that a 50 metre buffer was necessary in order to protect the State Significant wetlands. A court appeal by Greenfields Mountain Pty Limited v Byron Shire Council [2002] NSWLEC229 was unsuccessful.

#### **Comment 11.1.36**

Byron Shire Council's Consent Condition No. 68 for the 2008 DA nominates a 30m buffer in this area. A minimum 30 metre buffer is proposed. In some places the buffer is in the order of 80 m. NSW Industry and Investment (see Section 11 of this report) have accepted the 30 metre buffer and have recommended that the buffer be planted with native endemic wetland and riparian vegetation and actively managed to suppress weed growth. Further, the proponent has accepted recommendations by DECCW to convert the 30 m buffer into constructed wetlands (see Commitment B12, 1).

### ***Yelgun Creek***

As the current landowners have made no attempt to conform with the Court Order imposed several years ago to restore Yelgun Creek, their current proposal to rehabilitate Yelgun Creek must be questioned. Work should have begun on this a long ago as top priority. (The Court Order stemmed from the NSW Fisheries.)

#### **Comment 11.1.37**

The Court Order referred to applied to the previous owner of the land. The new owners, (the proponents), have committed, to implementing the approved rehabilitation plan. The commitment is within A7 listed in the Statement of Commitments. NSW Industry and Investment (see Section 11 of this report) require this rehabilitation to be undertaken.

### ***Agricultural Land***

As climate change and global warming has become more pronounced, the coastal strip of NSW, and particularly the North Coast with its high rainfall, has become vitally important to retain for agriculture.

"Landline" (ABC TV, 23 Sept 2007) stated that lands along the NSW coastline will be the only viable lands available for food crops in the future as a result of climate change. As more and more farmers

west of the Great Dividing Range are abandoning their traditional lifestyles, due to lack of rain and failing food crops, these arable coastal lands are being highly sought after.

If this proposal is approved, valuable land zoned for agriculture by Cleland (1997) will be lost to the construction of roads, conference and cultural centre, gatehouse, carparking, and resource centre. If it is considered vital to protect all existing agricultural lands, this proposal should be rejected.

The effluent irrigation area, gatehouse, and shuttle turnaround are located on Regionally Significant Farmland (FNCAG. Lands, 2005). The proponents have not mentioned this fact in their proposal.

#### **Comment 11.1.38**

The overall Parklands site contains 258 ha. of land of which some 105 ha. will remain not vegetated. The building footprints take up a very minor percentage of the site. With event usage limited to the capped number of days per year, the majority of the non-vegetated parts of the site will remain operating as a farm for the vast majority of each year. The Gatehouse is not located within the area of land identified as regionally significant farmland, while accommodating the effluent irrigation area within this area is considered to assist agricultural production.

The NSW Industry and Investment, refer Chapter 11, support the proposal to continue using the land for agriculture between events.

#### **Flooding Impact Assessment -Technical Paper G**

Yelgun Creek -Marshall's Creek Floodplain is classified as High Hazard -Flood Storage.

The Floodplain Development Manual defines "High Hazard" as ...

*where floodwaters present a danger to life and limb, could cause structural damage to buildings, and where the resultant social disruption and financial losses could be high.*

Construction of the gatehouse, carpark, bus turnaround and effluent irrigation area are all proposed for the Yelgun Catchment.

#### **Comment 11.1.39**

Figure 5-11 of Technical Paper G – Flooding Impact Assessment identifies that the majority of the property, including, that part within the Yelgun Creek- Marshalls Creek Floodplain is low hazard for the 100 year ARI event with a few localised areas of 'high hazard'.

Eastern sections of the Yelgun Catchment, where the carpark is to be located are below 3-3.5 AHD. Based on modelling in flood events we can expect approximately 2 metres of water over the majority of this area.

In an earlier DA for a trial festival event (10.2007.462.1), the proponent's hydrologist, H. Fiander, 2007, gave a 20 minute warning time in a flash flood event. This important information has not been included in the current application.

#### **Comment 11.1.40**

The southern car park area is expected to be inundated by up to 1m of water during a 100 year ARI event, with the northern camping area expected to be inundated by up to 2m of water.

The Flood Impact Assessment Report modelled flood results using the critical storm durations of 12 hours and 24 hours. Design storms of these durations generated the greatest flood levels on-site. However, shorter duration storms can be more intense and cause flood levels to rise more quickly (but with a lower

peak flood level). These storms are referred to as 'flash floods'. These events are generally difficult to predict and can cause flooding soon after the rain burst begins. Flooding also tends to recede more quickly.

The flood report prepared by Fiander for an earlier DA (2007) noted that there may be 20-30 minutes warning time from the beginning of a rainfall burst. The Flood Impact Assessment report noted that *insufficient* warning could be given in a flash flood event. These observations amount to the same thing: *if* a flash flood could be predicted immediately upon commencement of rain, 20 minutes would not be enough time for site staff to disseminate warnings and coordinate an evacuation.

However, the author of the Flood Assessment states that cars will not be able to be evacuated in a flood event and recommends that "patrons be advised that the car park is located on flood-prone land". (See Photo 3)

Photo 3: Car Park Area, July 2005

The above recommendation leads to the following questions.

In the event that the vehicles (11,000+) cannot be evacuated due to floodwaters, who is legally responsible for the damage incurred to thousands of vehicles?' and

'Who will be legally responsible for the damage incurred to the State Significant wetlands from pollutants, contaminants and damaged vehicles washed into this environmentally sensitive area by floodwaters?'

#### **Comment 11.1.41**

Damage to vehicles in a private car park will ordinarily be the responsibility of the owner (depending upon the conditions of entry to the car park). Even in an unpredicted extreme event where vehicles are located in the car park, the velocity of water is not predicted to "wash vehicles into the sensitive area". Any pollutants and contaminants will of course be significantly diluted. However, at the end of the day it will be the legal responsibility of the proponent if any damage occurs to the Crown estate.

Mooball Catchment -Crabbes Creek

The section in the North-eastern part of the events site lies below 3 metres AHD and the remaining section below 2 metres AHD.

The events area, which includes the conference, cultural and resource centres, camping, market stalls VIP and car parking are all proposed for the Crabbes Creek Catchment.

With climate change now a reality, the existing flood regime will be intensified. Flooding is becoming more frequent and at times of the year that would not ordinarily experience heavy rainfall. For example, on the 3 October (normally a dry month) this year, the Wooyung and Yelgun area received 215 ml of rain overnight and on the 10 October received another 110ml.

#### **Comment 11.1.42**

The historical record from the Billinudgel stream gauge (the closest to the proposed development site) was analysed for the available period of 24 years. This record was used to develop the annual constraints calendar in *Section 2* of the Evacuation Assessment report. The calendar indicates that during the 24 years of record, October had the *fewest* number of rainfall events capable of causing flooding on site.

However, it is recognised that the climate is changing and that weather is unpredictable. Also, there may be medium and long term weather cycles that could distort this relatively short record period. It is noted in *Section 4.1* of the Evacuation Assessment report that flooding may occur at any time of the year. The report recommends that major events on site be registered with the SES and that the

Bureau of Meteorology be consulted immediately before and during events (*Section 4.2*). This will ensure that the event organisers are fully aware of inclement weather and are able to cancel events when flooding is predicted.

Given that the current proposal is for numerous small, minor, to moderate and major events throughout the calendar year, this proposal is frightening. The health and safety of patrons, staff, artists and emergency services should be paramount.

*The Marshalls Creek Floodplain Management Plan, 2007*

The proposal is contrary to this Plan which prohibits "fill" in the floodplain. All internal roads are to be raised to a height of 300ml, however, details of the type of "fill" or where it will be sourced from could not be found.

#### **Comment 11.1.43**

There is no 2007 Marshalls Creek Floodplain Management Plan. The Marshalls Creek Floodplain Management Plan 1997 as addressed within Section 6.6 of the plan, does not prohibit fill for this part of the floodplain. The plan recommends that prior to the preparation of an effective floodplain management plan, in conjunction with Tweed Shire Council, that widespread filling of the floodplain should be avoided.

#### **Commissions of Inquiry**

The areas ecological significance was not disputed and recognised at a local, regional and state level with the NSW Government investing millions of dollars into its conservation.

In 1990 a Commission of Inquiry was held into the rezoning of lands at North Ocean Shores, which at that time was owned by the Bond Corporation. Commissioner Simpson concluded that most of the land, if not all, should be protected. (Simpson Inquiry, 1990)

Again in 1997, the NSW Planning Minister called a Commission of Inquiry into the rezoning of the Jones Rd wildlife corridor. Commissioner Cleland stated that the areas ecological significance is acknowledged by all parties present at the Inquiry and recommended the majority of the wildlife corridor be zoned for environmental protection and the remainder zoned for agricultural protection. (Cleland Inquiry, 1997)

*'Of significant relevance in balancing wildlife corridor values and other land use considerations are the precautionary principle and the conservation of biological diversity. These principles reinforce the importance at this point in time of protecting the existing and potential wildlife corridor values in the Jones Road area.*

*Action needs to be taken to protect the environment before there is conclusive scientific evidence that harm will occur from a new or continuing activity - the precautionary principle requires convincing argument that proposed activities will not cause serious or irreversible environmental impacts.'* (Cleland 1997)

#### **Comment 11.1.44**

The area's importance is explicitly acknowledged in the Ecological Assessment (Technical Paper E).

If this project is approved, future additional plantings will further improve habitat connectivity. Weed removal and exclusion of cattle will further improve habitat value in the location.

During non-event times, habitat quality and increased areas will enhance 'wildlife corridor' function in the locality.



## Aboriginal & European Heritage Assessment -Technical Paper H

The Australian Heritage Commission has listed the area (Lower Ye1gun Valley) on the Register of the National Estate Database "as Places of Significance to Aboriginals" with the legal status described as an "Indicative Place". (Refer Appendix 7)

*The site contains the Byron and Tweed Shires' most unique and valuable portion of our living heritage and culture. (AHC 1996)*

Marshall's Ridge is highly significant to Aboriginal people and records indicate that it was utilised for thousands of years as an important tracking route from the Mt. Warning caldera through to the coast. It provided a safe, flood free access to their ceremonial grounds, important tool making sites and food gathering areas.

This is evidenced by the high number of cultural sites recorded for the overall area. Of the 32 archaeological sites recorded on the AHIMS, 22 of these are protected within the BNR. However, 9 of these sites are scattered along the ridge line and fall within the footprint of the Project Application.

Archaeologist Jackie Collins, in an earlier DA (10.2007.462) describes the overall area ..

*"the study area's sites, form part of a complex that is unique in the local and regional archaeological record" ..... and "are assessed to have a moderate to high level of scientific | archaeological significance." (sec. 9.2 p. 37)*

### **Ridge of High Archaeological Sensitivity**

Of particular concern to CONOS, is the proposal to excavate a tunnel through the Jones Road ridgeline, in order to provide access for semi-trailers, construction and delivery vehicles, buses and cars to access the events area. We strongly object to this proposal as it will not only impact on a ridgeline of high archaeological sensitivity but it will also impact on the cultural values and the overall integrity of the area which has existed in its present form for thousands of years. (Navin 1990, map Appendix 8)

#### **Comment 11.1.45**

As outlined in Technical Paper H, the southern part of the project area (including Marshalls Ridge south from Jones Road) is listed as both an Indigenous and Natural 'Indicative Place' on the Register of the National Estate. Indicative listing means that whilst the place is identified as important, it is not included on the statutory heritage register. Although still currently a statutory register, the Register of the National Estate has been superseded by a new national heritage system established by the *Environment Protection and Biodiversity Conservation Act 1999*. The Yelgun area is not included on the National Heritage List or the Commonwealth Heritage List established under the auspices of the *Environment Protection and Biodiversity Conservation Act 1999*.

It is acknowledged that Marshalls Ridge as a whole is of high Aboriginal cultural heritage significance and sensitivity and that the archaeological sites form an integral and important part of the cultural landscape. However, the Aboriginal stakeholders advised that, to their knowledge, the project would not affect any unmodified sites or places of ceremonial, mythological or otherwise sacred/spiritual significance, attachment or concern, and that (owing to its high level of disturbance and apparent absence of cultural materials) the proposed spine road crossing of Marshalls Ridge would not compromise the values attributed to the wider ridgeline.

None of the DECCW registered archaeological sites on Marshalls Ridge or its fringing spurs fall within the project footprint (whether a cut and overfill tunnel or at-grade crossing is approved). The only known archaeological site to be affected by the project is the disturbed low-density 'Yelgun Flat 1 extension' (#4-2-181) stone artefact scatter detected during test excavations reported in Section 7 of Technical Paper H. This site is assessed to have little further research potential or scientific/archaeological significance in its own right. The Aboriginal stakeholders advised that the socio-cultural value of the 'Yelgun Flat 1 extension' would be acceptably mitigated by construction of the spine road on over-ground fill, and confinement of all heavy machinery activities to the road corridor itself. Impact mitigation strategies to be applied to the 'Yelgun Flat 1 extension', nearby archaeological sites, and any unexpected finds are detailed in Comments 4.30 to 4.33.

The archaeological significance of Marshall's Ridge and associated Aboriginal cultural sites, including the Bora-ring site complex located further to the east cannot be underestimated. These sites cannot be looked at in isolation, and collectively form a heritage 'precinct' as defined under the Heritage Act, 1977.

**Comment 11.1.46**

Agreed that the archaeological and other Aboriginal cultural heritage sites/places and values cannot be looked at in isolation, and that all form part of a cultural landscape of high and enduring socio-cultural significance.

The project has been designed to avoid all previously registered archaeological sites, and impact on the 'Yelgun Flat 1 extension' detected during EA studies will be mitigated in line with the management strategies devised in liaison with the Aboriginal stakeholders to preserve its cultural heritage values. The Aboriginal stakeholders (including the Tweed Byron Local Aboriginal Land Council) have advised that the proposed spine road cut and overfill tunnel (or at-grade crossing) across Marshalls Ridge would not compromise the values attributed to the wider ridgeline.

Under the NSW Heritage Act 1977 Environmental Heritage is defined as 'those places, buildings, works, relics, moveable objects and precincts of State or local heritage significance'. A 'precinct' means an area or part of an area, or any other part of the State. Searches of statutory heritage registers conducted for the EA and reported in Technical Paper H revealed no registered sites/places on the project footprint (but the disturbed low-density 'Yelgun Flat 1 extension' Aboriginal stone artefact occurrence was detected on the spine road corridor during archaeological test excavations; now registered on the DECCW AHIMS database as #4-2-181). Other current information with respect to items, places and precincts of reported possible unregistered Environmental Heritage significance is detailed in the 2007 Byron Shire Community-Based Heritage Study, which entailed extensive community consultation. None of the items or conservation areas recommended for either statutory listing or further research are located within the project area.

Advice from Tweed-Byron LALC and other informants consulted in conjunction with this assessment indicates that the study area's sites, as group, are of high social significance due to "consistency of artifact density in a small area". (cf Piper 2002)

**Comment 11.1.47**

Advice from the Tweed Byron Local Aboriginal Land Council and other registered Aboriginal stakeholder groups/individuals has been incorporated into the project design and management strategies to mitigate or avoid any adverse impacts of the project on Aboriginal cultural heritage sites and values.

### ***Regionally Significant Archaeological site***

Another major concern that CONOS has, is the impact the development will have on the regionally significant archaeological sites, #4-2-114 and #4-2-115 located south of the ridgeline. These sites are located on the eastern foot slopes of a prominent knoll that were surveyed by A. Piper in 2002. The landform indicates, however, that this site may be far more extensive than what was surveyed and may encompass the entire knoll. Please note the spine dissects this knoll .

Archaeologist, Adrian Piper, considers the archaeological significance of Open Campsite # 4-2-115 as moderate high in a local and regional context.

*I consider this area to be the most archaeologically sensitive when considering the study area south of Jones Road. The site though disturbed, is locally (Tweed Brunswick River) and regionally unique.*

- The presence of beveled pounders extends their previously known range from Moreton Bay and the Tweed River, south to the Brunswick River System.
- The site represents a contrast to shell midden sites typical of the dunal areas to the east and the low-density single function open campsites identified on Marshall's Ridges.
- The site also contains material with potential for further research through use wear analysis. (Piper 2002)

The Tweed/Byron Aboriginal Lands Council have also outlined in correspondence (Oct. 2006) to Jackie Collins, the proponents archaeologist, that a major concern is the proposed road on the southern end of the survey behind the old service station as there are artifacts in this area.

Sec 7.3 outlines that a recent archaeological dig undertaken at the location where the Spine road dissects the knoll, uncovered a further 24 artifacts (p.1427). This confirms the overall archaeological significance of the area and further supports a refusal of the development application.

The draft Far North Coast Regional Development Plan (2010) describes the Billinudgel Range - corridor between Mount Jerusalem and Billinudgel Nature Reserve as

*One of the few remaining coast to ranges habitat corridors in the Far North Coast Region and is home to a number of threatened species, EEC's and large areas of old-growth forest, which is a relatively rare occurrence in the Far North coast Region. The corridor will be critical in terms of adaption to climate change and linkages with the Great Eastern Ranges corridor.*

*The Billinudgel range corridor provides significant Aboriginal cultural heritage linkages that are part of the natural landscape. ' (DECC, 2007)*

The overall impact from either option of an at-grade crossing or tunnel through Marshalls Ridge (Jones Road) combined with the impact the Spine road will have on Regionally Significant archaeological sites in order to provide access to events area, simply cannot be justified.

### **Comment 11.1.48**

The method, procedure, results and conclusions of archaeological test excavations conducted on the spine road corridor inland of Aboriginal open campsite Yelgun Flat 1 (#4-2-114/115) are presented in Section 7 of Technical Paper H. The test excavations revealed a low-density distribution of stone artefacts within the highly disturbed topsoil ('Yelgun Flat 1 extension'). Considering the low density, types and disturbance context of artefacts recovered during the test

excavations, the Aboriginal stakeholders advised that impacts would be acceptably mitigated by construction of the spine road on over-ground fill, and confinement of all heavy machinery activities to the road corridor itself.

The stakeholders further advised that the proposed spine road cut and overfill tunnel (or otherwise at-grade crossing) across Marshalls Ridge would not compromise the socio-cultural values attributed to the wider ridgeline. The results of at least four archaeological surveys (by at least three different archaeologists) undertaken along this section of the ridge have failed to detect any archaeological evidence. In light of the available information, and given that management strategies detailed in response 4.90 above will be implemented, it is concluded that the project will have no appreciable detrimental effect on Aboriginal cultural heritage sites and values.

The proposal to tunnel through the ridge line is clearly at odds with the zonings implemented by Commissioner Cleland and further illustrates that the site is not suited to accommodate festival events, and has no suitable access roads leading in or out of the site. The proposal to bulldoze and tunnel through a ridgeline of high natural and historical significance is unethical and unwarranted.

In 1996, one of the current landowners was employed by Council to undertake an Environmental Study as part of the rezoning process that led to the Cleland Inquiry, and was aware of the areas significance at the time of purchase.

**Comment 11.1.49**

Parts of the site, which were subject to the Cleland inquiry, are proposed in the Parklands proposal for uses permissible within the zones recommended by the Cleland inquiry.

The Aboriginal stakeholders advised that, to their knowledge, the project would not affect any unmodified sites or places of ceremonial, mythological or otherwise sacred/spiritual significance, attachment or concern, and that (owing to its high level of disturbance and apparent absence of cultural materials) the proposed spine road crossing of Marshalls Ridge (whether cut and overfill tunnel or at-grade crossing) would not compromise the values attributed to the wider ridgeline.

**Bushfire Hazard Assessment - Technical Paper L**

There is no reference in this assessment to the highly inflammable peat soils that are widespread across the site & throughout the Billinudgel Nature Reserve.

**Comment 11.1.50**

This statement is erroneous. Technical Paper M1 identified the extent of peat soils on the site.

Given the fire history of the area and the presence of peat soils, the proposal to locate 4 bonfires on the event site is irresponsible. The area in general has a history of fire, including peat fires which have burnt for months at a time. In 2004 peat fires burnt throughout the winter months. (RFS, 2001 & 2004)

Toxic smoke from peat fires was detected up to eight kilometres away. Serious health problems such as asthma, breathing difficulties and headaches were reported from nearby residents and those in surrounding villages. (refer Northern Rivers Public Health, 2004 & DOCS, 2004)

The second fire in October 2004 enacted a Declaration of Emergency (Section 44). Over 50 fire units attended from over regional NSW and 3 helicopters were brought in as areas within the Reserve were inaccessible by road. The operation continued for 3 days and cost the State \$million. If it was not for heavy rain extinguishing the fires, the cost to the environment and the State would have been far greater.

It is important to note that the October fire started on northern side of Jones Road (where the event site is proposed) and quickly jumped the road and into the Billinudgel Nature Reserve.

**Comment 11.1.51**

Any proposed bonfire at an event will be assessed by the NSW Rural Fire Service. All bonfires will be located on a suitable base and manned at all times by a fire warden.

The following recommendations of DECCW, in relation to bonfires, have been included within the Commitments:

- 1 that any proposed bonfires be the subject of an approved bonfire management plan to be received and reviewed by the Rural Fire Service at least 3 months before any event;
- 2 the prohibition of bonfires during local total fire ban restriction periods to minimise bushfire risk and associated Imposts on rural fire brigades; and,
- 3 that all bonfires be located at a minimum of 100 m from any of the mapped forest blocks and other forest "vegetation upon the site to minimise bushfire risk and to avoid adverse effects from bonfire smoke and heat upon sensitive fauna species (particularly bats) that might disrupt normal behavioural activities.

***Brief Fire History of BNR and surrounding properties.***

**1981** Fire ignited on Central Trail in BNR and burned for 7 days. Residents were evacuated, hundreds of hectares were burnt out and native "wildlife perished.

**1986** Fire ignited on Optus Trail in BNR and quickly escaped north towards Wooyung and west along the Jones Road ridge. The fire was extinguished after several days by the local bushfire brigade.

*The RFS almost lost one of their Strikers when it came close to disappearing in the deep peat deposits. Residents warned of the danger and to keep children away.*

**1992** Fire ignited on the Central Trail in BNR. Hundreds of hectares were burnt and native wildlife perished.

**1995** A lightning strike ignited a fire in BNR south of Jones Road residences. Due to inaccessibility and strong southerly winds, NPWS advised residents to evacuate.

**1999/00** Fire escapes into peat deposits north of Jones Road. The fire burnt underground for months, emitting toxic smoke and causing much distress, Cases of respiratory problems, headaches, and asthma were reported.

**2004 (May)** Fire escapes into peat during clearing operations north of Jones Road. Fire burnt underground for 3 months (RFS, 2004). Toxic smoke was reported kilometres away, and cases of respiratory problems, headaches, and asthma were reported to the NSW Health Department NRPH & DOCS, 2004). Due to health issues, a number of residents had to find alternative accommodation.

**2004 (Aug)** The 'above' peat fire was ignited by strong westerly winds and engulfed properties at the eastern end of Jones Road. Extensive damage is caused to one home and cottage whilst the occupants, including children, escaped with their lives. All three properties were damaged, fire fighting equipment was burnt, and the lives of rural fire fighters were put at risk. Residents were evacuated.

*During the clearing operations, a large excavator sank and disappeared into deep peat deposits. Large earthmoving equipment had to be brought in from Queensland to retrieve the excavator.*

**2004 (Oct)** Prolonged drought and unfavourable conditions sparked the peat fire which jumped Jones



Road and spread south to the BNR. Fifty fire units, five helibombers and 120 fire-fighters, including crews from the mid-north coast, battled the fire for three days. Hundreds of hectares were burned out and native wildlife perished. Consecutive days of heavy rain finally extinguished the main blaze.

NSW Police requested nearby residents, a primary school, and a housing estate to evacuate. A Declaration of Emergency [Section 44] was issued by the Minister of Emergency Services, the cost to the State was in excess of \$1 million.

#### **Acid Sulfate Soil Assessment -Technical Paper M**

Both Actual Acid Sulfate and Potential Acid Sulfate soils are widespread throughout the property.

##### **4.1 Coffey Geotechnics-Geotechnical Investigation (March 07)**

*'A review of the laboratory certificates (E7052; Coffey 2007) indicates that the soils collected were highly acidic with levels of oxidisable sulphur recorded as above limits of detection. '*

##### **4.1 Proposed Excavation Works / Acid Sulfate Soil Management Plan**

The following construction works have the potential to disturb and expose acid sulfate soils. Excavation of new dam and new open drain in Forest Block C (refer Stormwater Management Plan, Ardill Payne & Partners, June 2010). In addition the construction of drainage works, open drains, collection wells, roadworks, erection of temporary and permanent structures and service trenching must be considered a potential risk.

In this Assessment, EAL Consulting Service also outline the risks associated with acid sulfate soils, i.e. acid runoff, contamination and associated fire risk and recommended that soil should remain in-situ.

##### **6.4.1 Potential Peat Fire Hazard**

Peat soils under drought conditions, or having been significantly drained may represent a considerable fire risk.

##### **6.5 Potential for Disturbance of ASM**

The mobilisation of dissolved metals such as aluminium, iron, manganese and cadmium may have serious toxilogical impacts upon aquatic and terrestrial biota exposed to suitably high concentrations of such substances.

##### **6.5.1. Potential Acid Sulfate Material**

The excavation proposed for the Parklands development would result in the intersection and excavation of large quantities of potential ASM. Such works would require intensive acid sulfate soil management actions in order to prevent the generation of chronically acidic groundwater's and acidification by-products.

#### **Comment 11.1.52**

Technical Paper M2 provides the Acid Sulfate Soil Management Plan which details the measures to effectively manage acid sulphate soil in accordance with best practice and applicable guidelines.

No aspect of the proposal has the potential to produce 'chronic' acidic groundwater condition that will accentuate already the endemic acidic groundwaters on site. The management measures to be complied with reflect best practice.

## Construction Management Plan -Technical Paper 0

### *Internal roads*

As there are no adequate access roads into the property, the spine road has been proposed to provide a link between land to the north and south of Jones Road. A tunnel will be excavated through the ridgeline to provide access for construction machinery, heavy transport, service vehicles, buses and cars through to the events area, located on the northern side of the ridge.

#### **Comment 11.1.53**

The objector is correct. Currently the property does not have satisfactory access. The Spine Road will provide access to the property, most of the time for farm related purposes but however it will supply access for events.

The spine road traverses 7(k) Habitat CH zoning both north and south of Jones Road, and is one of the few roads in Byron Shire that is afforded a 7(k) zone. This proposal disregards the L&E Court findings of *Conservation of North Ocean Shores Inc v Byron Shire Council & Ors NSWLEC* (6 May 2009).

#### **Comment 11.1.54**

Jones Road is only one of many roads in the Shire that is zoned 7(k). Even Shara Boulevard, the major link into Ocean Shires is zoned 7(k) in part. Other roads zoned 7(k) include: Seven Mile Beach Road, Blackbutt Road, Caniaba Crescent; Hakea Crescent, New Brighton Road and Skyline Road. Roads are of course permissible in the 7(k) zone.

In the very northern section of the events site, the spine road will connect to a narrow, floodprone access track (tenure unsure) which runs through private properties before connecting to Wooyung Road. The Tweed Coast Road is located approximately 3 km. to the east. Please note that the Wooyung Road cannot be considered for emergency evacuation as historically, it is one the first low lying roads to be cut off in a flood event.

#### **Comment 11.1.55**

There is no intention to use Wooyung Road for flood associated evacuation.

### *Tunnel*

The EA does not include a Section on the construction and design details for the proposed tunnel through the Jones Road ridge line.

Given the amount of major earthworks involved in the construction works, this is a major oversight particularly because close detail was given to it in the DA for the trial festival event. It is important to note that Jones Rd is afforded a 7(k) Habitat zoning under the Byron LEP and that the proposed Spine Road that services the tunnel also runs through 7(k) Habitat zone. Commissioner Cleland applied cross hatching (cl. 38A BLEP) to all zones along the wildlife corridor to give added protection against inappropriate development.

#### **Comment 11.1.56**

Several design options were considered for the grade separated Jones Road crossing.

The tunnel can be erected with a small construction footprint, therefore minimizing impacts on the surrounding environment. With rock filled gabion headwalls and wingwalls, and the Jones Road verges and batters re-planted, the finished tunnel will blend well with the natural environment.

The construction of the Spine Road through the tunnel can take place after the completion of the tunnel construction thereby minimising the duration of disruption to Jones Road traffic.

Prior to commencement of construction, a temporary bypass road will be constructed around the proposed tunnel site which will provide a bypass route for Jones Road traffic. The bypass road will be constructed to a standard similar to the existing Jones Road construction and will not involve the removal of any vegetation additional to that identified in the EA.

Trees and vegetation to be removed for the construction of the tunnel are described on Plans 4.7.2 and 4.7.3 of the Plan Set included with the EA, and are predominantly Camphor Laurel and Bana Grass.

The site for the tunnel will be excavated to a width of approximately 20m, with the sides of the excavation near vertical. The soil excavated for the tunnel construction will be reused as backfill material where suitable, or will be reused in an approved location elsewhere on site.

Reinforced concrete footings will be constructed to support the precast arch segments. Tunnel unit will then be lifted into place using a crane. With all tunnel segments grouted in place, backfilling can be completed, followed by the reconstruction of Jones Road.

Rock filled gabion headwalls and wingwalls will be constructed simultaneously with backfilling works.

The Jones Road verges and batters will be replanted with native species.

Also of interest, and following the Commissioner's recognition of the importance of the Jones Road ridgeline, the RTA decided to relocate the southern section of the Yelgun to Chinderah Pacific Highway Upgrade further west. The RTA also invested over \$5 million in fauna mitigation measures (underpasses and overpass) and compensatory habitat north-west of Jones Road and now part of the BNR.

#### **Comment 11.1.57**

The creation of wildlife corridor linkages within the Parklands proposal have been designed to align with the RTA fauna underpasses and overpass so as to maximise effectiveness of the wildlife corridor and attain maximum positive ecological outcomes.

The Jones Road wildlife corridor meets the criteria of a Heritage 'precinct' as defined under the Heritage Act, 1977. The proposal to sever this historic and unique ridge line is unacceptable and outrageous. It is apparent that the owners of the land did not do their homework before purchasing the property as the property has not suitable access.

The proponent is required under Roads Act to get Council consent for the lease of airspace under Jones Road, prior to the construction of the tunnel. Approval cannot be assumed as Council does not support this development.

#### **Comment 11.1.58**

It is acknowledged that the Jones Road wildlife corridor is of natural and Aboriginal cultural heritage value. As such, this corridor would be maintained and enhanced by NBP. The narrow section of the wildlife corridor to be affected by the spine road crossing does not contain any identified cultural heritage sites, and Aboriginal stakeholders have advised that construction of the crossing would not compromise the cultural heritage values attributed to the Jones Road ridgeline in general.

Under the NSW Heritage Act 1977 Environmental Heritage is defined as 'those places, buildings, works, relics, moveable objects and precincts of State or local heritage significance'. A 'precinct' means an area or part of an area, or any other part of the State. Searches of statutory heritage registers conducted for the EA revealed no registered sites/places in the proposal area (but one low-density Aboriginal stone artefact occurrence was detected within the area during archaeological test

excavations; now registered on the DECCW AHIMS database). Other current information with respect to items, places and precincts of reported possible unregistered Environmental Heritage significance is detailed in the 2007 Byron Shire Community-Based Heritage Study, which entailed extensive community consultation. None of the items or conservation areas recommended for either statutory listing or further research are located within the project area.

The Minister can issue the proponent a Roads Act approval. The approval sought will simply allow for the construction of the access tunnel and thereafter access will be gained without the need for any "air space" lease or otherwise.

### **Camping Prescriptions -Technical Paper R**

Camping is located to the north east of the site in I(a) *General Rural* hatched zone under the B,LEP. Caravan Parks are prohibited in al(a) zone with festivals planed for most of the year, it is difficult to comprehend how the proponents can justify placing hundreds of patrons, staff and artists in floodplain. (See Photo 4)

#### **Comment 11.1.59**

Camping, an ancillary use with events, is proposed within the event area as depicted in Plan 1.2.

Photo 4: Camping Area at Parklands Site, October 2010

### **Statutory Assessment Technical Paper T**

The principles which underlie the concept of ecologically sustainable development include

- (i) the precautionary principle;
- (ii) intergenerational equity;
- (iii) biodiversity conservation; and
- (iv) improved valuation pricing and incentive mechanisms.

#### **Comment 11.1.60**

Section 6.1.6 of the EA demonstrates the consistency of the proposal with ESD principles.

### **SEPP Rural Lands**

#### **SEPP 55 -Remediation of Land**

#### **SEPP 44 -Koala Habitat Protection NSW Coastal Policy and NSW Coastal Design Guidelines**

*Although the Parklands site does not fall within 1 km of the coastline, the development proposal has the potential to impact on coastal public land within the BNR.*

North Coast Regional Environment Plan now a SEPP

Northern Rivers Catchment Action Plan 2005.

Contrary to target categories B i.e.

*Ensure amenity is maintained on public land and on-site;*

#### **Comment 11.1.61**

The EA and Technical Paper T – Statutory Assessment demonstrates the consistency of the application with these State and Regional planning policies and plans.

#### ***Byron Local Environment Plan***

The proponent states that "existing uses" across the site comprise of agriculture and roads, however does not mention environmental protection.

#### **Comment 11.1.62**

The term "existing use" relates to the statutory definition set out at Section 106 of the Environmental Planning and Assessment Act. Existing use rights have no relevance in relation to "environmental protection".

The EA has not addressed the requirements of Clause 38A of the B,LEP. Many of the zones along the Jones Road wildlife corridor are cross-hatched. Although map 4.1 illustrates the cross hatching, it has not been adequately addressed in the EA. Table 4.1 makes reference only to the I (a) cross-hatched lands pertaining to Lot 30 DP .880376 & Lot 102 DP 1001878 adjoining the BNR in the southern section of the site.

#### **Comment 11.1.63**

Table 5.1 of Technical Paper T – Statutory Assessment addresses Clause 38A provisions. The reference referred to in Table 4.1 relates to zone objectives.

This is a serious omission given that clause 38A applies to most of the zones where the main footprint of the events site and associated infrastructure such roads, tunnel & dam construction, event areas, administration and cultural centres are proposed.

#### **Comment 11.1.64**

Table 5.1 of Technical Paper T – Statutory Assessment addresses Clause 38A provisions.

Areas of 1(a) Rural hatched zones (cl 38 B,LEP) apply to the north of the events area.

#### **Comment 11.1.65**

Table 5.1 of Technical Paper T – Statutory Assessment addresses Clause 38 provisions. The constraints of the 1(a) General Rural Zone land (shown hatched on the map) have been identified, assessed and considered as part of the application.

The proponent has ignored the findings of the Land & Environment Court Ruling in this application. Judge Preston found that a Place of Assembly was prohibited in a 7(k) Habitat zone under the Byron LEP and ruled that an approval for a Trial event was 'invalid and of no effect.'

#### **Comment 11.1.66**

The proponent has not ignored the earlier decision of the Land and Environment Court. Roads are a permissible use in the 7(k) zone. No "event lanes" traverse any 7(k) zone and accordingly the place of assembly is wholly located within land in which it is permissible use.

The development is contrary to the objectives of the 1(a) *General Rural* zone, the 1(b) *Agricultural Protection* zone and the 7(k) *Habitat* zone of the Byron LEP.

#### **Comment 11.1.67**

Table 4.1 of the EA, together with the Technical Paper T – Statutory Assessment, demonstrates the consistency of the proposal with applicable zone objectives.

Also, it is important to note that the cross hatching clause (Am. 51) was applied to all the zonings by



Commissioner Cleland (1997) in order to provide additional protection against inappropriate development. This has NOT been considered.

#### **Comment 11.1.68**

The Byron LEP Amendment No 51 reference relates again to Clause 38A provisions. Table 5.1 of Technical Paper T – Statutory Assessment addresses Clause 38A provisions.

The development is contrary to the following clauses of B,LEP

Clause 24 -Development of flood liable land

Clause 36 -Development adjoining Wetland

Clause 38 -Development within the lea) General Rural zone shown hatched

Clause 38 -A development of land shown cross hatched within zones I(a), I(b)1 and 7(k) adjacent to Environmental Protection Zones.

#### **Comment 11.1.69**

The EA and Table 5.1 of Technical Paper T – Statutory Assessment demonstrates the proposal is consistent with these Byron LEP 1988 provisions.

The development proposal is contrary to many of the following **Local, Regional and State Planning Strategies**, many of which have outlined the significance of the wildlife corridor along Marshalls ridge.

Northern Rivers Biodiversity Management Plan (DECCW, 2010)

Far North Coast Regional Planning Strategy (DoP)

draft Far North Coast Regional Conservation Plan (DECCW, 2009)

Climate Change Corridors (DECCW, 2009)

Border Ranges Biodiversity Management Plan (DECCW, 2008)

Billinudgel Nature Reserve Plan of Management (NPWS, 2000)

The Great Eastern Ranges (GER) Initiative (DECCW, 2007)

Key habitats and corridors for forest fauna (NPWS, 2003)

Byron Events Policy (BSC, 2010)

Byron Shire Tourism Policy (BSC)

Marshalls Creek Flood Plain Management Plan (BSC, 2007 )

Byron Shire Biodiversity Conservation Strategy (BSC, 2004)

Byron Flora & Fauna Study (BSC,1999)

Far North Coast Bush Fire Risk Management Plan (NSWRFS,2010)

SEPP -The Far North Coast Regional Environment Plan (DoP)

SEPP 44 -Koala Habitat Protection SEPP 21 -Caravan parks Pg 91

SEPP 14 -Wetlands NSW Farm Dams Policy-DECC

Local Government Act -Primitive camping.

#### **Comment 11.1.70**

The EA and especially Technical Paper T – Statutory Assessment demonstrates the proposal is consistent with all relevant of local, state and regional planning policies, strategies and plans, many of which are listed above. Some of the listed documents do not exist or are simply not applicable. The objection does not provide any specific reference to where the proposal may be 'contrary' to these listed plans, policies, studies and strategies.

### **Summary of Court Ruling**

*Conservation of North Ocean Shores Inc. v Byron Shire Council & Ors NSWLEC, 2009*

Conservation of North Ocean Shores Inc. (CONOS) challenged the development consent granted by Byron Shire Council (Council) to *Splendour in the Grass* to develop land for holding the Splendour in

the Grass music festival, as a trial and one-off event. CONOS challenged the consent on the following two main grounds:

- 1 Council acted outside its power and consented to impermissible use of the land, namely a place of assembly, which was in part zoned under local planning law for habitat protection; and
- 2 Council failed to form a positive opinion that the development was consistent with the objectives of the habitat zone under the Byron Shire Local Environmental Plan and it ought to have.

Council lodged a submitting appearance to the challenge and therefore the proponent (as the 2nd respondent) defended the development consent.

On the first ground, the proponent argued that the development was permissible in the habitat zone. It argued that although places of assembly are prohibited in the habitat zone, the part of the development for the place of assembly that fell within that zoning was roads, that roads are permissible with consent in that zone and further that the roads could be supported by an ancillary permissible (with consent) use, namely agriculture.

On the second ground, the proponent contested that there was evidence that Council had reached the requisite positive opinion.

However, CONOS prevailed on both challenges, so the development consent was declared invalid and of no effect by the Chief Judge of the Land and Environment Court.

CONOS argued on the first challenge that Council exceeded its powers when it consented to the development for the festival (in other words, their consent was *ultra vires*). The Environmental Planning and Assessment Act, 1979 provides that development can be classified one of three ways: prohibited, permitted with consent, and permitted without consent. Environmental Planning Instruments and zoning regulations determine how a type of development is classified. Part of the land at issue was zoned for Habitat under 7(k) of the Byron Shire Local Environmental Plan 1988, which prohibits most development, but permits certain types of development (with consent of Council), most notably roads and agriculture. Therefore, consent of an application is *ultra vires* if it is not for a permissible use of the land.

The Court determined that the proper characterisation of the use of the land as a festival site was for an assembly, which is not one of the permissible uses in the 7(k) Habitat zone. The Court rejected the proponent's argument that the development components of the festival within the habitat zone, namely roads could be separated from the development and could be supported in their own use as roads or failing that for agriculture. In other words the proponent claimed that the proposed development was for the purpose of creating a festival, but that the infrastructure accompanying it was a permissible use or could support a permissible use. The court was not persuaded because the argument neglected the purpose of the permanent infrastructure to be developed. If the development included some roads that would be used for agriculture after the festival the Court found that such purposes were ancillary to the assembly. The Court emphasised that Council's Planning Report itself stated that another development application would need to be submitted for the construction of roads not used in the festival, which was a strong enough indication that Council had no authority to consent to the development.

The Court sustained the second challenge as it found that Council did not consider whether development of all the proposed structures was consistent with the objectives of the habitat zone. Certain parts of the Planning Report prepared by Council staff made it evident that certain aspects of the development would threaten efforts to conserve wildlife in the area. The logical conclusion, therefore, was that the Council did not form the requisite positive satisfaction, that the development was consistent with the objectives of the habitat zone, which are, amongst other things, 'to identify and protect significant vegetation and wildlife habitats for conservation purposes,' and 'to protect

development within the zone that is likely to have a detrimental effect on the wildlife habitats which exist.'

The proponents' only argument to the second challenge was that the development appeared to be for a permissible purpose. However, the Court had already ruled that it was not. Furthermore, it is noted that this alone, is not sufficient to demonstrate that Council properly formed a positive opinion about the effect on conservation as required.

Therefore the Court found that the development consent was 'invalid and of no effect'. See Appendix 3 for the complete court ruling.

#### **Comment 11.1.71**

'Roads' are a permissible "purpose" within the 7(K) Habitat zone. If the purpose of the proposed development is 'road' (as distinct from solely for a "place of assembly"), then construction of the Spine Road will be permissible on the land zoned 7(K).

Development that can be broken up into component parts rather than being characterised as a single use. In *Argyropoulos v Canterbury Municipal Council* there was a battleaxe block with the 'axe-handle' zoned residential, while the 'axe-head' was zoned light industrial. Mr Argyropoulos applied to use the axe-head for a light industrial purpose and the axe-handle as a road. The light industrial use was prohibited in the residential zone. The question was whether the access (deemed to be a road) was prohibited or permissible. The Court found that it was permissible as a 'road' and merely because it gave access to a light industrial site did not mean that the purpose of the use was prohibited. Justice Cripps said:

*"In my opinion a 'road' use is contemplated by the scheme as a separate use. The function of a road is to permit the passing and re-passing of vehicles. The use of the handle for a 'road' which is an innominate, permissive use under the relevant residential zone does not become an innominate prohibited use because the start and / or destination of vehicles passing over the road is light industrial land."*

His Honour made particular reference to the distinction between a 'purpose', which is what is permissible under the LEP, and a 'use' which is not the character that determines permissibility. *Argyropoulos* is similar to the present circumstances and has been applied in a number of other cases most recently in *Goldberg v Waverley Council* (2008) NSWLEC 49. In the present case, the proposed road is for more uses than merely as a place of assembly. It is a matter for the Department of Planning to determine the characterisation of the Spine Road but, on the evidence in the Environmental Assessment, it falls within the *Argyropoulos* principle and is properly characterised as a 'road' and not a use for the purpose of a 'place of assembly'.

There is still a requirement for an opinion to be formed about whether the proposed road is consistent with the objectives of the 7(K) Habitat zone (see cl.9(3) of the Byron LEP). The Environmental Assessment has demonstrated that the proposed Spine Road is consistent with these zone objectives. On that basis the proposed road within the 7(K) Habitat zone is a permissible purpose of development capable of being lawfully approved.

#### **Evacuation Management Guide -Technical Paper W**

The Crabbes Creek Catchment, where the events area, food stalls, VIP, camping, conference and cultural centres are proposed is a floodplain. On pg. 2196 of the Flood Evacuation Assessment it states that "it may not be possible to evacuate patrons and their property from the site". (See Photo 5)

#### **Comment 11.1.72**

The Evacuation Assessment needs to address all potential scenarios, even those with a very low likelihood of occurring. In the instance referred to, a very low probability occurrence, an option is to retain people on site but on higher land.

Their response to this serious problem is to escort patrons to higher ground. This approach is bordering on insanity. It is not difficult to imagine the chaos and danger associated with herding 50,000 patrons onto the Jones Road ridgeline in flood conditions, with no services and the likely possibility of rain continuing for days at a time.

#### **Comment 11.1.73**

The site contains large areas of higher ground in areas other than the Jones Road ridge. Areas of higher ground on the site connect via flood free land to the local road system allowing for evacuation.

This is another example of the proponent's lack of knowledge or blatant disregard for the numerous constraints associated with this site. They have had 4 years to study the site in various weather conditions and have had 4 years to correlate the numerous studies, reports and reviews carried out in relation to the site. The majority of findings point to the fact that this site is seriously constrained and not suitable, nor safe for the type of development they envisage.

#### **Comment 11.1.74**

The findings of the comprehensive range of assessments in the EA identify the high suitability of the site as a regional cultural events site. By definition of the requirements for a regional cultural events site located on the east coast, i.e. a large flat area of land, seasonal inundation is likely to be an issue to manage. Consistent with the DECCW requirement for this issue, which is specifically included within the Draft Statement of Commitments (refer C15 – Evacuation Management), a well formulated and documented evacuation plan will be provided.

### **Evacuation in Flood & Fire Events**

Safety and evacuation of patrons is a serious issue and must be given full consideration. The proponents have a duty of care to all patrons and personnel on and off-site whose health & safety is paramount.

#### **Comment 11.1.75**

The Parklands proposal has given overriding prominence to the importance of health & safety of all involved by the preparation, and commitment to implement, the Environmental, Health and Safety Management Manual which forms an integral component of the application.

The Management Manual, compliant with AS/NZS ISO 14001 - Environmental Management Systems and AS4808 – Occupational Health & Safety Management Systems, establishes the principles of action for protecting the environment, human health and safety. The Management Manual sets forth clearly articulated objectives and targets along with specific environmental management standards to manage the environmental, health and safety aspects associated with Parklands activities and services.

Importantly, the Management Manual provides a framework of monitoring, measurement, auditing and review to accurately determine the ongoing effectiveness of the proponent's policies, procedures, work instructions, training, emergency response and non-conformance and corrective action processes. The Management Manual will be the primary vehicle for keeping Parklands on a path of continuous improvement.

In a report undertaken for the earlier Splendour in the Grass 'trial' festival event, the proponent's hydrologist, Toby Fiander gives a 20 minute warning time in a flash flood event. Historical information and local knowledge supports this scenario. Statements in the EA have acknowledged that evacuation of patron and workers (50,000+) is simply not possible. The consultant has therefore recommended

that patrons be evacuated to higher ground i.e. the Jones Road ridgeline. This is totally unacceptable and negligent.

**Comment 11.1.76**

The reference to a flash flood is referring to a different catchment than where the event patrons are located.

The Evacuation Assessment needs to address all potential scenarios, even those with a very low likelihood of occurring. In the instance referred to, a very low probability occurrence, the option is to retain people on site but on higher land.

The site contains large areas of higher ground in areas other than the Jones Road ridge.

The Far North Coast Bushfire Risk Management Plan 2009, has categorised the Jones Road area as *catastrophic* and *most likely to happen*. In a fire scenario, however, evacuation to Jones Road ridge would not be possible due to the heavy vegetation along the road. On numerous occasions the residents of Jones Road and North Ocean Shores (including the Ocean Shores Primary School) have had to evacuate their homes with fires from adjoining Reserve and bushland out of control, threatening homes and people's safety.

**Comment 11.1.77**

In accordance with Parklands Standard 009 - Evacuation Management, the evacuation plan to be prepared in consultation with emergency management agencies, will cover a wide range of potential emergency scenarios which include flood, fire, human health and others. The designation of assembly and evacuation points would respond to the circumstances of each emergency.

There would be no intention to evacuate people to Jones Road in the instance of a bushfire within the Jones Road area. The major portion of the event area is located well north of the Jones Road area and is not within the Jones Road area referred to in the Far North Coast Bushfire Risk Management Plan 2009.

The proponent's attention to this problem is totally inadequate and merely highlights their lack of knowledge regarding the fire constraints associated with the property. Given the inflammable nature of peat soils, which are widespread throughout the property and adjoining reserve, their proposal to have several water tankers located in strategic positions is naive to say the least. Combine the scenario of bonfires at night with thousands of patrons, musicians and staff enjoying cigarette smoking and an inevitable disaster is likely. These matters must deserve the upmost consideration otherwise peoples lives and property will be at risk.

**Comment 11.1.78**

The proposal to locate water tankers in strategic positions is a standard RFS requirement relating to potential fires on performance stages and the like. Management of the potential for peat fires is addressed via a wide range of measures as addressed within the Bushfire Management Plan, a listed commitment.

The report outlines that the northern and central carparks can be evacuated through Cudgera Creek Road to the north. This road is a narrow, dirt road, fairly steep in parts with very sharp bends and although, may not be flood prone, is totally unsuitable for evacuation purposes.

**Comment 11.1.79**

The report identifies various options for evacuation, with Cudgera Creek Road being one option. Other options are available such as stated in the report in Section 3-2 including travelling west to Murwillumbah.



## Land Swap with DECC

The proponents have consistently and repeatedly advertised their intention to give certain lands to the NPWS for additions to the Reserve System. Whilst this is beneficial to long term conservation, it must be noted that Parklands will also gain from this exchange, by receiving an area of DECC owned land [zoned I(a)] that runs through the middle of the Parklands site, south of Jones Road.

### Comment 11.1.80

Parklands seeks to consolidate the corridor by dedication of lands to NPWS. This is in response to an approach by NPWS by the proponent. The proponent's attempts to subdivide the land to create the lots intended to be dedicate to the nature reserve have been frustrated at every level by CONOS.

Separate to this application, following approaches by DECCW upon the proponents purchasing the site, Parklands has reached agreement with DECCW to swap and dedicate land to the NSW NPWS reserve system for wildlife corridors, creation of habitat areas and protection of Aboriginal heritage sites. Some 35 ha. is proposed to be added to the Nature reserve while Parklands will receive some 7 ha. The land referred to south of Jones road will largely be restored as wetlands.

Chronology of NSW Government's Protection of the North Ocean Shores Yelgun Site See Appendix 4 for a complete chronology of government actions relating to this site.

### Comment 11.1.81

The submission by CONOS appended a report by Benwell and Scotts.

A paragraph by paragraph response to this 50 page document is considered inappropriate and unnecessary. The Benwell and Scotts report has been in existence for some time. The version annexed to this submission is dated April 2010. The EA was not prepared until September 2010. Prior to preparation to the EA CONOS were requested to provide a copy of the report, but CONOS refused to release the document.

The Benwell and Scotts report canvasses a wide range of references to elicit information on the effects of humans, anthropogenic noise and artificial lighting on fauna. It includes repeated conclusions of significant adverse effect on fauna by the proposal. However, it was prepared before the EA was prepared and thus cannot have had knowledge of the comprehensive proposals for environmental repair, corridor enhancement, environmental management, watercourse repair and detailed provisions in relation to the management of light and noise.

Some conclusions do not appear to derive from or be clearly justified by the references quoted. While uncertainty and unpredictability are repeatedly admitted by Messrs Benwell and Scotts this does not inhibit them from the development of clear conclusions in the report as to the nature and extent of impacts on fauna from the proposal. While well-intentioned, it is likely that such predictions are premature and unreliable.

The episodic nature of artificial lighting and noise from the proposal, and extensive periods of downtime is generally ignored in considerations of adverse impact. Given that the maximum large event days are proposed to be limited to 12, then it is necessary to give weight to the influences of conditions prevalent at the site during non-event time, when no event related noise or artificial lighting, or large scale human presence operate.

If such disturbance factors are considered to be so important in their operation, clearly their non-operation deserves some consideration also.

The report contains inconsistencies and draws robust inferences about the breadth and severity of effects which do not appear to be supported by the literature quoted.

Some brief comments are provided below in tabular form.

Reference	Comment
Benwell and Scotts page 96	
Arguments could be made either way, but essentially we do not know with any certainty what the exact effects of a massive increase in human disturbance (relative to the current situation) will be, but there is a significant risk that survival and fecundity of local populations will be adversely affected, resulting in population declines.	<p>If we do not know with any certainty.... conclusion that there a significant risk of population declines appears illogical.</p> <p>Logically, if uncertainty prevails the risk may or may not be significant.</p>
page 98	
As there is a lack of information concerning how local fauna, and threatened species in particular, respond to types of festival per se, or the complex of activities associated with carrying out large cultural events, we have reviewed the likely impacts of elevated human disturbance through other surrogate studies of human disturbance and wildlife responses	<p>This extrapolation indicates the need for caution in drawing conclusions.</p> <p>Epacris Consultants report (2006) on the impacts of a music festival on a bat colony and bat activity at Sydney Olympic Park, showed no distinct adverse effects on microchiropteran bats.</p>
page 99	
A "soft" matrix (where some level of ecological integrity is maintained) will facilitate on-going functioning of natural systems while a "hard" matrix (where ecological processes are alienated by other land-uses) is likely to compromise ecological viability at local, landscape and regional spatial scales	Ecological function at the Parklands site is likely to be enhanced by rehabilitation and other measures proposed. Therefore, outside event times Parklands is likely to contribute significantly to local ecological viability.
Page 105	
Increases in human recreational activity or group size do not always result in declines in bird density, but generally the positively affected species will be exotic, a native species adapted to human modified habitats, or a species with the same general habitat preference as people. As an example of the latter situation, Bright et al. (2004) found that human-made structures and recreational activity had no significant affect on numbers and distribution of New Zealand dabchicks (a grebe). The number of man-made structures was actually positively correlated with the number of grebe, however, this indicated that they prefer the same habitat as humans (e.g. sites protected from prevailing winds and specific shoreline topography). Similarly, Price (2008) makes the point that tolerance of humans appears to be a major factor contributing to the success of some species such as the Common Mynah and Noisy Miner in disturbed landscapes of south-east Australia	Fauna responses are consistently reported to vary considerably , therefore conclusions about effect need to incorporate reasonable consideration of this variation.
page109	
Response to noise disturbance cannot be generalized across species or even within	Duration and number of events are recognised as important factors influencing

<p>species. An animal's response to noise can depend on a variety of factors, including (AMEC America Limited 2005):</p> <ul style="list-style-type: none"> <li>. intensity</li> <li>. frequency distribution</li> <li>. duration</li> <li>. number of events</li> <li>. variation over time</li> <li>. rate of onset</li> <li>. noise type, e.g., white noise versus harmonic or pure tones</li> <li>. existence and level of ambient (background) noise</li> <li>. time of year</li> <li>. time of day (many animals might rely on auditory cues more at night than during the day (Larkin et al. 1996).</li> <li>. animal activity and location</li> <li>. age and sex class</li> <li>. past experience (Larkin et al. 1996)</li> </ul>	<p>responses of animals to noise, but the report does not consider the infrequent nature of disturbance proposed, and the opportunities for normal; ecological processes to take place at the site over the majority of any year.</p>
<p>page 110</p> <p>Generally speaking, noise thresholds for species are unknown, evidence for habituation is limited, long-term affects are generally unknown, and how observed behavioural and physiological response might be manifested ecologically and demographically are poorly understood and seldom addressed (Brown 2001, AMEC Americas Limited 2005).</p>	<p>The numerous predictions of adverse impacts on population survival and fecundity from the proposal are not supported by the quoted literature.</p>
<p>page 112</p> <p>The Environmental Impact Statement for New Acland Coal Wetalla Water Pipeline Project (SKM 2009) found that the amount of information available on the effects of general construction noise on Australian fauna is relatively sparse. It was noted that noise affects fauna differently from humans and the effects can vary from serious to non-existent in different species and situations. Direct physiological effects of noise on fauna are difficult to measure in the field and a lot of the impacts are observed by behavioural changes. For repeated construction noise, some form of habituation may occur and the animals may simply maintain activities in their natural habitat after an initial period of acclimatisation. An issue of concern may arise when acclimatisation does not occur.</p> <p>Research into the effects of noise disturbance on individual animals, their habitat and the ecosystems in which they reside, is required to determine "safe" levels of exposure. Larkin (1996),</p>	<p>The numerous predictions of adverse impacts on population survival and fecundity from the proposal are not supported by the quoted literature.</p>

page 116	
The implications of intermittently high levels of noise associated with an activity such as a music festival remain patently unclear but impacts on frog populations within and adjacent to the proposed site appear highly likely. ....	If the implications are unclear, the impacts of intermittent disturbance regimes must logically be equally capable of being likely or unlikely.
page 117	
Cane Toad may be transported on-site in vehicles, particularly catering trucks and may find favourable conditions within the human-modified landscape and more "urbanised" conditions than currently exist at Yelgun	<p>Cane toads are present in large numbers at the Parklands site and have been since at least 2006.</p> <p>They 'ambush forage' on cow pats throughout the 200ha of grasslands at night and breed at the numerous dams of the site.</p> <p>The proposal includes plans to isolate these breeding sites by plantings and sediment fence barriers, if an approval takes place.</p> <p>Cane toads are abundant in pastoral and other natural and semi-natural landscapes of the Byron floodplain and do not rely on urbanised environments.</p>
Page 117	
Increased human disturbance and presence within natural and semi-natural environments has the potential for detrimental impacts on reptile faunas.	<p>The reptile fauna of the Parklands site is extremely depauperate at present, because of the degraded state of terrestrial habitats at the site, historical fragmentation, contemporary barrier effects and likely because of the abundance of cane toads.</p> <p>Habitat restoration and cane toad control proposed are likely to improve conditions for reptile species at the site regardless of the proposed episodic use of the site for events.</p> <p>See Woinarski and Ash 2002 for impacts of pastoralism on reptiles and their habitats. .</p>
Page 118	
The research reviewed above indicates that the disturbance impact associated large concentrations of people, high levels of noise, artificial night lighting and other indirect impacts is likely to result in avoidance or abandonment of habitat within the events site and adjoining Billinudgel Nature Reserve by a significant proportion of the vertebrate fauna.	<p>The studies quoted do not support this clearly extravagant claim.</p> <p>Collectively the studies quoted by Benwell and Scotts indicate substantial individual, temporal, situational and species-specific variations in impacts and responses.</p> <p>This conclusion of <i>avoidance and abandonment etc</i> does not appear reasonable in the context of studies quoted.</p> <p>Council's former ecologist observing grey-headed flying-foxes at Splendour in the Grass at Belongil Fields reported flying-foxes</p>

	foraging near tents as soon as music ceased. (Mark Robinson pers. comm.)
Page 120	
From a conservation perspective, human disturbance of wildlife is important only if it affects survival or fecundity and hence causes a population decline	<p>Insufficient evidence is available to conclude that the proposal will cause population declines.</p> <p>Existing population declines in the locality are likely to continue in the face of high levels of wild dog predation, cane toad impacts, road kill, ongoing habitat degradation from weeds, fire regimes, agriculture and barrier effects in the absence of any future management interference.</p>
Page 122	
Arguments could be made either way, but essentially we do not know with any certainty what the exact effects of a massive increase in human disturbance (relative to the current situation) will be, but there is a significant risk that survival and fecundity of local populations will be adversely affected, resulting in a population decline.	<p>If there is no certainty, how can a significant risk be inferred?</p> <p>Evidence presented does not support this conclusion.</p> <p>Threatened fauna species continued to use the Belongil Fields site despite a long history of music festivals including Splendour in the Grass and other events. Personal survey data.</p>
Page 123	
<p>Similarly, some laboratory studies show that animals may become accustomed to noise, such that certain physiological reactions to noise no longer occur; this is often referred to as habituation (Memphis State University 1971).</p> <p>Studies have indicated that repetitive visitation can facilitate partial habituation.</p>	<p>These factors do not appear to have been seriously considered in reaching conclusions of mass abandonment and population declines repeatedly presented in the report.</p>
Page 125	
Non-conflicting land-use might include rural residential living and livestock grazing that effectively provide a land-use buffer zone to maintain the locality's conservation values in the face of increasing regional development.	<p>It is baffling that this suggestion for livestock grazing to "maintain the locality's conservation value" is made in this report.</p> <p>Adverse effects of pastoralism are clearly evident in the degraded groundlayer habitats of the site, paucity of reptile and terrestrial frog species and interruption of succession of shrublayer components in forest of the site, and elsewhere.</p> <p>See Woinarski and Ash 2002 for an examination of the adverse effects of pastoralism on fauna and habitats.</p>



### Concluding Remarks

The Benwell and Scotts report places great emphasis on the potential impacts of human presence, noise, lighting and roads, associated with the staging of large events, but do not examine, consider or give due weight to what happens during downtime when conditions at the Parklands site will enable normal or better than normal ecosystem function to take place.

Mitigation measures in the proposal have not received serious consideration in most of the submissions.

Proposals to use the results of monitoring of target species to inform and determine subsequent activities at the site are acknowledged by the DECCW submission which provides useful and practical suggestions for ways to manage this data.

The importance of the Jones Road wildlife corridor is clearly and repeatedly acknowledged in the EA. Existing and future plantings in Parklands can only strengthen the performance and value of the corridor, providing that some effective control can be exerted over current wild dog populations.

The function of any wildlife corridor depends upon the health and dynamics of biodiversity processes in the corridor and nearby (the 'matrix'). Existing declines in fauna populations, the unchecked proliferation of weeds, and widespread adverse effects of feral predators on the local ecosystems continue apace in this area and other parts of the Byron Coastal Plain.

While the Parklands proposal incorporates a novel and complex disturbance regime, it has the unambiguous merit of integrating rehabilitation, conservation and expansion of native vegetation in the area, and setting aside the greater part of each year to downtime when no event related activities take place<sup>3</sup>.

---

<sup>3</sup> Epacris Consultants (2006) Monitoring of microchiropteran populations before during and after a music festival. The Armory Sydney Olympic Park. Epacris Environmental Consultants.

Woinarski J. C. Z and Ash A. J. (2002) Responses of vertebrates to pastoralism, military landuse and topographic position in an Australian tropical savanna. *Austral Ecology* (2002) 27, 311-323.

## 11.2 BEACON

Exhibition of Environmental Assessment for a Proposed Cultural Events Site at Tweed Valley Way and Jones Road, Yelgun, Byron IGA -MP 09\_0028 Prepared by Dailan Pugh

BEACON's position is that it supports a single festival site for Byron Shire, providing a suitable site is available. Obviously, if such a site is available then there would need to be constraints on the types, frequency and magnitude of events sufficient to reduce environmental and social impacts to an acceptable level.

### Comment 11.2.1

The Parklands proposal seeks to establish a regional cultural events site. The EA and its accompany specialist assessments demonstrate the site capability and locational suitability of the site. The application for 'capped' usage of the site, together with the robust environmental management operating system with increased habitat creation is considered to reduce potential adverse environmental and social impacts while achieving positive local economic, social and habitat outcomes.

The principal environmental problem with the North Byron Shire Parklands site is that it encompasses a wildlife corridor of regional significance. The outcome from the Commission of Inquiry for North Ocean Shores was that Commissioner Cleland (1 997) identified the area as a regionally significant wildlife corridor. In their assessment of north-east NSW, the National Parks and Wildlife Service (NPWS 2000) again identified this land as a wildlife corridor. Once again in 2003 Byron Shire Council identified the area as a regionally significant wildlife corridor in their Biodiversity Conservation Strategy.

### Comment 11.2.2

The wildlife corridor forms only part of the Parklands site and its presence and importance is explicitly acknowledged in the proposal. The design of the Parklands proposal locates the majority of site usage outside of the corridor while significantly improving the size and connectivity of the wildlife corridor. All of the corridors identified by the Cleland inquiry and the Byron Biodiversity Conservation Strategy are allocated for habitat enhancement in this application.

The current proposal is to hold large events with tens of thousands of people, establish frequent smaller events, and undertake numerous construction works within a regionally significant wildlife corridor. The proposed works will have permanent impacts, the activities during smaller events, preparation and pack-up will be permanent impacts, and for large (moderate and major) events the thousands of people, loud noise, fences, night-time lights etc. will have short-term but very intense impacts. It is likely that wildlife will be scared away from the area and that the disturbances may initiate long-term avoidance behaviour. Thus the proposal is likely to be significantly detrimental to the already diminished wildlife corridor values of the site.

### Comment 11.2.3

The proposal is not to hold large events "with tens of thousands of people" within the Cleland wildlife corridor. The "event area" is totally well outside the Jones Road (Cleland) corridor. Impacts (if any) on wildlife from noise or light would be periodic and only for short durations and are to be monitored with a responsive management regime as recommended by DECCW.

To be consistent with the Byron Biodiversity Conservation Strategy, the Department of Planning needs to assure itself that the proposal "shall maintain, protect and enhance corridor values in order to facilitate the movement and dispersal of species across the landscape". Given that, irrespective of what replanting is undertaken, the proposal will significantly enhance fragmentation and isolation of high conservation value vegetation within a wildlife corridor (through infrastructure, fencing, people, lighting and noise) and result in significantly increased edge effects to remnant vegetation, there can be no doubt that the corridor values of most of the corridor will be diminished. The proposed planting of part of the corridor is unlikely to be sufficient to mitigate these impacts, particularly as it is of insufficient dimensions to avoid the impacts of surrounding activities.

#### Comment 11.2.4

There is simply no justification for the statement 'the proposal will significantly enhance fragmentation and isolation of high conservation value vegetation...'. The parts of the site within the wildlife corridor will be subject to increased habitat creation thus reducing edge effects and creating connectivity and avoiding fragmentation.

As noted by Commissioner Cleland (1997) of significant relevance in balancing wildlife corridor values and other land use consideration are the precautionary principle and the conservation of biological diversity. These principles reinforce the importance at this point in time of protecting the existing and potential wildlife corridor values in the Jones Road area.

#### Comment 11.2.5

The proposal, on balance, will enhance the wildlife corridor values within the Jones Road area. A major ecological principle within the proposal is to increase native forest (and reduce fragmentation) so as to contribute to connectivity east of the freeway. When Parklands successfully restores 50 ha of forest (BNR = 713ha) in the existing recognised 'council corridor zones' then not only connectivity but also the carrying capacity for fauna will increase. Accordingly, more fauna will find and use the crossings under the freeway and Tweed Valley Way; serving the purpose of the corridor.

### THE NEED FOR WILDLIFE CORRIDORS

In regards to biodiversity conservation Byron Shire currently has a critically low level of vegetation cover, though the threat this poses to the survival of species is compounded by the fragmented nature of the remnant vegetation. Habitat fragmentation has been recognised both internationally and nationally as one of the major threats to maintenance of fauna populations (Bennett 1990, Jarman 1986, Andrews 1990, Neave and Norton 1990, Possingham 1990, Saunders 1990, Milledge, Palmer and Nelson 1991, Harris and Scheck 1991, Merriam 1991). Documented examples of species' extinctions have frequently shown an initial pattern of major range reduction and fragmentation followed by successive extinctions of local populations (Bennett 1990).

Fragmentation causes:

- genetic isolation, inbreeding and local extinctions when patches become too small or isolated (Barnett, How and Humphreys 1978, Andrews 1990, Bennett 1990, Harris and Scheck 1991, Merriam 1991, Ledig 1996);
- loss of "forest interior" species and species with large home ranges (Harris and Scheck 1991);
- increases in the abundance of alien and common species that prefer disturbed environments (Jarman 1986, Andren and Angelstam 1988, Saunders 1990, Andrews 1990, Bennett 1990a, 1990b, Gilmore 1990, Scotts 1991, Gatling 1991, Neave and Norton 1991, Harris and Scheck 1991); • disruption of species movements and ecological processes (Harris and Scheck 1991, Merriam 1991).

The Byron Flora and Fauna Study (BSG 1999) notes:

*The process of fragmentation sets in train a series of ecological processes which change the structure and species composition of the vegetation and ultimately result in degradation and loss of species from an ecosystem. Fragmentation of vegetation results in an overall reduction in area ... , an increase in the edge/unit area value, and indirect effects on species composition, such as losses of species diversity, resulting from disruption of biotic interactions. The extent of the effects varies with remnant size and distance from neighbouring forest, time since isolation and the nature of the matrix environment. "*

*"A general severance of the hinterland forests from the coastal vegetation systems has resulted from large scale clearing of the coastal plain, basalt plateau and foothill forests. Some connections remain although most are tenuous ... "*

#### Comment 11.2.6

The significance of the wildlife corridor for connectivity for local fauna is explicitly acknowledged in the proposal, and plans to enlarge the 'wildlife corridor' are included in the proposal. Existing plantings (7400) trees already contribute to connectivity south of Jones Road and have transformed pasture into young forest. Future additional plantings will significantly increase forest cover on Parklands by ~30%.

It is acknowledged that disturbance from large events will temporarily affect the ability of fauna to move around in the Parklands site, and this is reflected in management of human fencing (joined up at the last possible time; monitor fences, dismantle as soon as possible), vehicular traffic (internal signage, speed limits).

The Beacon submission does not give any consideration to the long periods of 'downtime' when no large scale human presence occurs, and the only activities on the site are further weed removal, cane toad control and management of plantings. These extensive periods (months) will provide time for normal ecological processes to operate in an improved environment.

#### The Edge Effect

Edge effects penetrate for some distance into vegetation and further reduce interior forest habitat (Soule and Gilpin 1991, Harris and Scheck 1991, Loney and Hobbs 1991, Baldi 1996, Rodrigues 1998, Chalfoun et. al. 2002, Donaldson and Bennett 2004, Harper et. al. 2005, Faria 2006, Pocock and Lawrence 2006, Baker et. al. 2007)). Along edges species from more open habitats, or introduced from other countries, may invade to compete with or prey upon resident species (Jarman 1986, Andren and Angelstam 1988, Saunders 1990, Andrews 1990, Bennett 1990a, 1990b, Scotts 1991, Catling 1991, Neave and Norton 1991, Harris and Scheck 1991, Donaldson and Bennett 2004, Harper et. al. 2005, Faria 2006, ). Changes to microclimate, flora and fauna associated with edges can penetrate well into intact habitat (Andrews 1990, Bennett 1990a, 1990b, Scotts 1991, Laurance 2004, Faria 2006, Baker et. al. 2007, Laurance et. al. 2007).

The primary affect of creating an edge in forest habitats is that it increases sunlight and wind penetration, reduces humidity and increases temperature fluctuations (Andrews 1990, Bennett 1990, Murcia 1995, Rodrigues 1998, Laurance 2004, Ross 2005, Pohlman et. al. 2007). Such affects have been found to extend into forests for varying distances: 20-25m (Pohlman et. al. 2007), 20m (Ross 2005), 0-60m (Laurance 2004), 3D-100m (Bennett 1990), 15-50m (Murcia 1995), 35m (Rodrigues 1998), 40-50m (Wright et. al 2010). At Yelgun these edge impacts will be significantly increased by human activity, vehicles, lights and noise which will penetrate far further into the retained vegetation

The significant changes in abiotic factors associated with edges can lead to direct mortality of trees and understorey plants due to exposure, changes in species composition, changes in structure, and weed invasion (Bennett 1990, Malcolm 1994, Rodrigues 1998, Laurance 1991, Harper et. al. 2005, Laurance et. al. 2007). Various affects on vegetation have been found to extend well into edges: 200-500m (Laurance 1991), 1 ..0-300m (Laurance 2004), 5-30m (Malcolm 1994), 1 0-150m (Murcia 1995), 13m (Bennett1 990), 0-335m (Harper et. al. 2005), 35-70m (Rodrigues 1998). In north Queensland rainforests Laurance (1 991 ) found "Elevated forest disturbance was evident up to 500 m inside fragment margins, although the most striking changes occurred within 200 m of edges". Over time partial sealing of edges with secondary growth occurs (Ross 2005, Laurance et. al. 2007).

Edges have been found to have significant impacts on a variety of animal species, including various birds, terrestrial mammals, bats, lizards, beetles and butterflies (variously Bennett1 990, Murcia 1995, Baldi 1996, Donovan et. al. 1997, Luck et. al. 1999a, Luck et. al. 1999b, Sacchi. 2003, Atkinson. 2003, Laurance 2004, Pardini 2004, Kilgo 2005, Piper 2006, Faria 2006, Baker et. al. 2007, Garci et.al. 2007, Bossart and Opuni-Frimpong 2009). These affects have been found to extend for various distances in from edges: birds; 9-64m (Bennett1 990), 60m (Murcia 1995), >50m (Donovan et. al. 1997), 10-70m (Laurance 2004), >30m (Kilgo 2005); bats -100m (Faria 2006); reptiles 60m (Sacchi. 2003); and ; invertebrates -1 0-25m (Baker et. al.2007), >1 00m (Kilgo 2005), 50-100m (Bossart and Opuni-

Frimpong 2009). Even for a single species, edge effects have been found to vary between studies, locations, aspects, and seasons (Donovan et. al. 1997, Chalfoun et. al. 2002, Atkinson. 2003). Edges can also affect predation, with predation increasing near edges for some species (i.e. Bennett1 990, Murcia 1995, Luck et. al. 1999b, Piper 2006) and decreasing for others (i.e. Sacchi. 2003). Increased predation can extend far in from edges: 100m (Bennett1 990), 600m (Murcia 1995).

At Yelgun these inherent affects of edges will be significantly compounded by the addition of frequent and occasionally intense activity, buildings, light and noise. Such impacts will be more extreme than found for roads and their periodic peaks will limit animal's ability to become accustomed. The effects of roads on wildlife provide some guidance as to what to expect. It needs to be recognized that the Yelgun activities are additional to, and greatly compound. the impacts of the freeway and that activity on the Murwillumbah road will greatly increase, particularly when festivals are being held.

In their review on the effects of roads, Donaldson A. & Bennett A. (2004) identify that overseas studies have found animal avoidance of roads extending for 100m, 200m, 1.5km and up to 2.5km for wild deer, noting "Forman and Deblinger (1998, 2000) calculated that the average distance that ecological impacts of roads extend outwards is 300 m. " They state:

Roads alter surrounding habitats in numerous ways, consequently affecting the quality and suitability of roadside areas for wildlife habitat. Increased edge effects, disturbance, and the input of matter and energy are the primary ways roads alter conditions in adjacent habitats. The result of these impacts on fauna populations differs between species; however, a local reduction in density is the most common outcome (Ferris 1979; Dhindsa et al. 1988; Reijnen et al. 1997; Kuitunen et al. 1998; Baker et al. 1998; Huijser & Bergers 2000). Reproduction and mortality (discussed in Section 5) rates are also commonly altered in roadside animal populations (Reijnen & Foppen 1994; Reijnen et al. 1995; Reijnen et al. 1997; Ortega & Capen 1999). Animals may also exhibit altered movement and dispersal patterns (Clarke et al. 1998). Species distributions may change due to the density and spatial arrangement of roads within a landscape, consequently influencing community composition and species interactions (Thiel 1985; Thurber et al. 1994).

In open eucalypt forests in Victoria Pocock and Lawrence (2006) found:

*Traffic noise and light penetration varied according to topography and vegetation cover, but averaged of 350 m and 380 m, respectively, from the road. Mammal surveys indicated there was an increase in species richness once traffic noise reached ambient levels (40 dB) and traffic light penetration ceased. Bird surveys resulted in the identification of four species (9%) that only occurred within 150 m of the road (edge species) and 21 species (58%) that only occurred at distances of 150 m or more from the Epsom-Barnadown Road (interior species). A core habitat area for bird species was identified found that the average width of forest in the Bendigo Regional Park impacted by the Epsom-Barnadown Road was 1800 m, which translates to an area of 1.8 km<sup>2</sup> per kilometre of road.*

Wildlife corridors are by definition relatively long and narrow, with a large edge area ratio they are heavily influenced by edge effects (Loney and Hobbs 1991). As noted by Loney and Hobbs (1 991) "Their dynamics are thus dominated by external influences; i.e., the internal dynamics of a corridor are usually strongly affected by processes originating in the matrix through which it passes."

Wildlife corridors have been proposed at a variety of widths, from the width of a hedgerow for white-footed mice in Europe up to 5 km for elephants and large animals in Sri Lanka (Harris and Scheck 1991). Harris and Scheck (1991) consider that for well known species using corridors for weeks or months then width may be measured in metres and where the corridor is expected to function in terms of years then the corridor width should be measured in 100's of metres (c. 100-1000 m). Though for the movement of entire assemblages of species, for poorly known species, and/or where the corridor is expected to function for decades, then they consider that the appropriate width must be measured in kilometres.



Shepherd et al (1992) consider the minimum width of major corridors "must be sufficient to meet at least the habitat requirements of key central place foragers ... and to minimise edge effects such as the invasion of intact forest by exotic plants and animals, and changes in microclimate which can lead to the windthrow of trees, increased flammability of vegetation, etc." For high quality habitat they recommend that only in very exceptional circumstances should sections of a corridor be less than one kilometre wide and that no areas should be less than 700m.

Cleland (1997) found "Undoubtedly the wider the corridor the more effective its functioning. This occurs due to reduced edge effects which may include predation, lack of canopy, weed invasion and agricultural impacts. Edge effects can seriously affect the survival changes (sic) of many native species. A wide corridor may also include a range of habitats which allows a greater number of species to use the corridor."

Soule and Gilpin (1991) caution that "This edginess of corridors means that these landscape links are hazardous for edge-sensitive and predation-sensitive species, but very suitable habitat indeed for many weedy species and pathogens. Corridors are bandages for a wounded natural landscape, and at best can only partly compensate for the denaturing activities of humans."

The Proposed Cultural Events Site will greatly compound existing edge effects associated with fragmentation, freeways and roads in the Yelgun area. The token plantings to consolidate a narrow connection will be overwhelmed by the magnitude of the edge effects associated with the proposal. These edge effects will extend well into the adjacent Billinudgel Nature Reserve and significantly affect fauna within it.

#### **Comment 11.2.7**

Literature quoted on edge effects includes examples from north Queensland rainforest, and effects on forest interior species. The situation at Parklands differs significantly in that all forest on the site is fragmented, and no large block exists which is not affected by edge effects to its core. Cattle access to all but a couple of smaller blocks means that succession of groundlayer and shrublayer communities is suppressed.

While edge effects prevail universally at Parklands the proposed planting of an additional 50ha of forest, and exclusion of cattle from the central swamp sclerophyll forest blocks are important steps to reducing edge to core ratios and to improve connectivity and restore succession in these communities.

Literature quoted on the effects of roads identifies adverse effects for fauna. However, no consideration is given to significance of the infrequent and episodic use of roads associated with the proposal. Road use on Parklands associated with the larger events has potential to affect fauna movement and faunal behaviour. However, the majority of the time, only minor use of roads will occur: similar to that which occurs in its current land use as a cattle farm.

There is no balance in the Beacon assessment to reflect this sporadic nature of impacts. In a north Queensland rainforest even a single lane gravel road is reported to affect small mammal movement (Burnett 1992), but Parklands is 60% open pasture and both the floodplain and hillslope forests are structurally dissimilar to north Queensland rainforest (more open and fragmented).

Comments on the impacts from roads on deer and bears in northern USA should be qualified by the fact that much shooting and hunting takes place from vehicles on public roads in that country (Noss, undated). This is a core and inherent factor in influencing faunal responses to roads. While no such shooting occurs at Parklands, the proliferation of wild dogs may have a similar effect, which will remain unchecked without management interference.

The Beacon submission is the only submission to explicitly recognise the impact of the adjacent freeway on connectivity for fauna (and thus 'wildlife corridor' function) in the location.<sup>4</sup>

### The need for Connectivity

Within a metapopulation the degree of isolation of an individual population still influences its persistence as immigrations from other populations help maintain genetic diversity and population stability (particularly following major population declines). In a natural state smaller habitat patches will experience stochastic disturbances that result in local extinction, with recolonisation being reliant upon dispersal from surviving habitat patches (Merriam 1991). As cautioned by Merriam (1991) "If isolation prevents recolonisation, local extinctions may accumulate into landscape, regional or larger extinctions".

Within Byron Shire many species of birds, frogs and mammals have been lost from the more isolated remnants. Holmes (1986) found that the diversity of birds in the Big Scrub remnants was related to their size and their distance from the more extensive forests of the Nightcap Range, with declines in birds belonging to the older and more primitive endemic groups being most apparent within smaller and more isolated fragments.

Inbreeding is the most serious long-term consequence for isolated populations of species within small patches of remnant vegetation, and for more widespread species whose populations have been decimated by past clearing. Ledig (1996) states "large populations are necessary to keep the level of inbreeding low and maintain high levels of heterozygosity for deleterious alleles. Many populations maintained as a few individuals over several generations would collapse, and most of the others would be fixed for mildly deleterious genes that would impair their reproductive capacity. Furthermore, populations with low diversity are vulnerable to new stresses such as pathogens and climate change. And, finally, without variability, evolution is impossible."

Species' require appropriate resources and cover to disperse between habitat patches. This is most extreme for forest species when they have to cross cleared areas between forest patches to seek mates, access seasonal and critical resources, or repopulate patches following patch extinctions or declines. Some species can cross wide expanses of unsuitable habitat without too high a mortality while others don't even like to cross long-unused and partly overgrown forest tracks (i.e. Barnett, How and Humphreys 1978).

Wildlife corridors are one means of maintaining or re-establishing connectivity within animal populations. Retention of corridors of vegetation for individual species to move through have been used for at least half a century, and landscape linkages for the movement of entire faunal assemblages between protected areas for at least a quarter of a century (Harris and Scheck 1991).

A wildlife corridor has been defined as "... a narrow strip, stepping stone or series of stepping stones of hospitable territory traversing inhospitable territory providing access from one area to another." (Dendy cited in Norton and Nix 1991). They function as either a movement route for individuals or an avenue for gene flow among native fauna and flora, often over generations (Harris and Scheck 1991, Merriam 1991). For fauna, individuals need to move between localities and successfully mate for genetic exchange to occur or habitat to be recolonised. For flora, genetic exchange occurs by various mechanisms and over various distances through transfer of pollen, though transfer of propagules is still required for recolonisation.

---

<sup>4</sup> Burnett S. E. (1992) Effects of a rainforest road on movements of small mammals: mechanisms and implications. *Wildlife Research* 19(1) 95-104.

Noss, Reed. The ecological effects of roads. <http://www.eco-action.org/dt/roads.html>

For many species corridors of forest need to be retained or established to provide multiple pathways for dispersal between legislated reserves and habitat patches to allow:

- (i) genetic exchange between isolated populations (Soule and Simberloff 1986, Dunning and Smith 1986, Bennett 1990a, 1990b, Saunders 1990, Winter 1991, Hopper and Coates 1990, Goldingay and Kavanagh 1991, Harris and Scheck 1991, Merriam 1991),
- (ii) dispersal to required resources (Saunders 1990, Moon 1990, Goldingay and Kavanagh 1991, Harris and Scheck 1991),
- (iii) founding of new populations, recolonisation of patches subject to local extinctions, or supplementation of declining populations (Harris and Scheck 1991, Merriam 1991)
- (iv) maintenance of populations of some species in otherwise unsuitable habitat (Kavanagh 1985a, 1985b, Dunning and Smith 1986, Kavanagh and Webb 1989, Bennett 1990), and
- (v) for migration of species in response to predicted global warming (Busby 1988, Arnold 1988, Main 1988, Page 1989).

An adequate wildlife corridor system should encompass:

- (a) multiple pathways linking retained habitat (Bennett 1990a, Merriam 1991),
- (b) reservation of larger areas of suitable habitat at periodic intervals along corridors (Bennett 1990a, Recher et al. 1991, Soule and Gilpin 1991),
- (c) linked riparian and ridge corridors sampling suitable habitat for a full range of target species (Recher, Rhonan-Jones and Smith 1980, Dunning and Smith 1986, Conservation, Forests and Lands 1989, Bennett 1990a, Recher et al. 1991) and
- (d) a hierarchy of corridors comprised of broad regional corridors established to restore links between isolated forests, major wildlife corridors to link important reserved areas and a network of smaller wildlife corridors forming common linkages in the system of retained habitat (Bennett 1990a).

In designing wildlife corridors it is also essential to consider the effects of barriers to movement and strategies to facilitate movement across potential barriers (Andrews 1990, Bennett 1990, Saunders 1990, Goldingay and Kavanagh 1991, Harris and Scheck 1991, Loney and Hobbs 1991). The natural dispersal of many species have been greatly disrupted and stopped by artificial barriers, such as clearings, built up areas, fences, steep embankments, railway lines and roads. Roads in the Yelgun area already provide significant barriers to faunal movements, the internal roads and human-proof fences associated with the proposal will add to these barriers. The limitation of many faunal movements to a narrow ridgetop (with associated edge effects) will significantly reduce opportunities for movements across the landscape -which is essentially a random process.

Due to global warming climate is expected to change faster than at any time since the last major extinction episode heralded the demise of the dinosaurs. For many species to survive the consequences of global warming they will be required to track changing climates by migrating across the increasingly fragmented landscape (Busby 1988, Tegart, Sheldon and Griffiths 1990, Bennett et. al. 1991, Hobbs and Hopkins 1991). With warming occurring 15 to 40 times (Tegart, Sheldon and Griffiths 1990) or as much as 100 times (Hobbs and Hopkins 1991) faster than past natural changes.

The need for retention and enhancement of wildlife corridors has never been greater. The Yelgun corridor is of extreme importance in maintaining links between coastal and hinterland populations of wildlife in this region and essential for providing a route for fauna to migrate along in response to climate change. The Proposed Cultural Events Site will compound existing connectivity problems associated with this vulnerable and tenuous link in this corridor. This section of the corridor is already impacted by the freeway and the Murwillumbah Road, the last thing it needs is frequent "events" and permanent activities and buildings to scare wildlife away, and human proof fences to hinder wildlife movement.

## PLANNING REQUIREMENTS

*One of the Guiding Principles of the Draft Biodiversity Conservation Strategy is: Connectivity and restoration -the long-term viability of biodiversity in Byron LGA depends on the identification and establishment of a system of protected wildlife corridors and 'stepping stones', that link existing habitat areas. This will involve establishing corridors over extant areas of vegetation and undertaking the restoration and enhancement of degraded lands and habitats in defined corridor areas, extant habitats and in local habitat links;*

Based upon the evidence presented to the Commission of Inquiry for North Ocean Shores, Commissioner Cleland (1 997) found that:

*" ... corridors can be considered important as it can be clearly drawn from the evidence that wildlife species live and move along corridors. Moreover, it is reasonable to conclude that as fragmentation of natural areas continues the remaining natural areas will become increasingly more important to maintain wildlife movements and ecological processes. "*

*"Of significant relevance in balancing wildlife corridor values and other land use consideration are the precautionary principle and the conservation of biological diversity. These principles reinforce the importance at this point in time of protecting the existing and potential wildlife corridor values in the Jones Road area.*

*" "" the conservation of biological diversity necessitates the maintenance of wildlife corridors to promote genetic exchange between populations of native species and to enhance species survival in the long term. "*

The National Parks and Wildlife Service (2000) note:

The identification and protection of regional habitat corridors along altitudinal and other geographical gradients is particularly important in regional conservation planning. This relates importantly to the maintenance of ecological processes acting along these gradients (e.g. east-west and north-south gradients utilised by dispersing and migrating fauna). Aside from the intrinsic requirement to protect these natural ecological gradients, the realisation of global warming impacts will reinforce the requirement for the protection, and enhancement, of all regional corridors.

The National Parks and Wildlife Service (2000) also note:

The basic tenets of landscape ecology require that reserves and key habitats on all tenures be linked into protected area networks. Habitat corridors, on public and private tenures, provide the mechanism to do this.

Bennett (1990) has reviewed the role of habitat corridors in wildlife management and conservation; the ecological functions of habitat corridors can be summarised as:

- 1) to provide habitat for resident populations of flora and fauna in their own right and as stock for re-colonisation of refuge areas that suffer catastrophe (e.g. wildfire, disease);
- 2) to create a continuous gene pool between larger refuge areas, allowing gradual gene flow and reducing or preventing the isolation of species populations or ecosystems;
- 3) to provide increased foraging area and dispersal routes for wide-ranging faunal species; and
- 4) to provide alternative refuge from large disturbances (e.g. wildfire).

The North Coast Regional Environmental Plan clause 28 Objectives states in part:  
The objectives of this plan in relation to the natural environment are:

- (a) to protect areas of natural vegetation and wildlife from destruction and to provide corridors between significant areas,

The Byron Flora and Fauna Study (BSC 1999) notes:

"To ameliorate the effects of severance of habitat connections and fragmentation of vegetation patches, steps must be taken to protect, enhance or recreate important corridors and to coalesce small vegetation patches into larger blocks".

One of the principal objectives of the Biodiversity Conservation Strategy (BSC 2004) is to:

Identify High Conservation Value vegetation and habitats and Wildlife Corridors (including the ecosystems, habitats, species and genotypes they contain) that require protection, ecological restoration and/or threat abatement;

The Biodiversity Conservation Strategy identifies key principles "to guide the development and implementation of the Biodiversity Conservation Strategy" which "must be considered when assessing land use proposals and Council activities", including:

Connectivity and restoration -the long-term viability of biodiversity in Byron Shire depends on the identification and establishment of a system of protected wildlife corridors and 'stepping stones', that link existing habitat areas. This requires establishing corridors over extant areas of vegetation and undertaking the restoration and enhancement of degraded lands and habitats in defined corridor areas, extant habitats and in local habitat links

Key actions of the Byron Biodiversity Conservation Strategy include;

- Encourage the revegetation of secondary wildlife corridors and the rehabilitation of vegetated wildlife corridors.
- To draft new Shire-wide planning control provisions for HCV vegetation and habitats, and 'secondary wildlife corridors' in accordance with decision making criteria outlined in section 4.1.3
- To review Councils DCP (or similar planning controls) for exempt and complying development to ensure the appropriateness of any forms of development in 'secondary wildlife corridors' and HCV vegetation and habitats
- To introduce new Shire-wide planning controls for buffers

Regarding Planning Controls, the Byron Biodiversity Conservation Strategy identifies changes "required to improve the management and protection of biodiversity values and associated natural resources", including:

- Introduction of new planning controls that protect areas identified as supporting High Conservation Value vegetation and habitats (that are not currently zoned for environmental protection) or as wildlife corridors (vegetated and non-vegetated);
- Draft new definitions to better describe biodiversity related matters including but not limited to; uses for active management, wildlife corridors, High Conservation Value vegetation and habitats, buffers to HCV habitats, sustainable agriculture, ecological restoration activities and minimal disturbance;



- all identified wildlife corridors are to be afforded environmental protection zoning and where possible enhanced;
- Clearing, draining, filling or destruction of High Conservation Value vegetation or habitats, vegetated wildlife corridors and threatened species habitat will be controlled unless there are no other alternatives;
- Development of effective planning controls shall maintain, protect and enhance corridor values in order to facilitate the movement and dispersal of species across the landscape;

Specifically regarding the cleared parts of Wildlife Corridors, the Biodiversity Conservation Strategy states:

In developing planning controls for 'secondary wildlife corridors' Council must have regard to the following.

- The need to review Councils DCP (or similar planning control) for exempt and complying development to ensure the appropriateness of any forms of development in 'secondary wildlife corridors';
- All identified wildlife corridors are to be afforded environmental protection zoning and where possible enhanced;
- Clearing, draining, filling or destruction of High Conservation Value vegetation or habitats, vegetated wildlife corridors and threatened species habitat will not be permitted unless there are no other alternatives;
- Development of effective planning controls shall promote and allow for environmental repair and enhancement and active management;
- Development of effective planning controls shall maintain, protect and enhance corridor values in order to facilitate the movement and dispersal of species across the landscape;
- Development of effective planning controls that control development that will impact on potential corridor values;
- To ensure that any development that occurs in a 'secondary wildlife corridor' will be required to undertake environmental repair and enhancement actions as part of that development (similar to that in the Byron Rural Settlement Strategy with 900 trees per dwelling).

#### **Comment 11.2.8**

It is acknowledged that the existing ridge top wildlife corridor is narrow and in part fragmented. It is suggested that connectivity for fauna in this area depends at least in part upon the local scale connectivity of vegetation, rather than a single statutorily recognised 'wildlife corridor'. The abundance of feral dogs is another factor likely influencing connectivity for fauna in this location, but the presence of the Yelgun to Chinderah freeway with its associated fauna exclusion fencing is likely another and more important influence.

Existing plantings south of Jones Road and exclusion of cattle from this ~9ha area have already created young forest and tall grasslands habitats producing improved connectivity attributes for fauna between Billinudgel Nature Reserve and the key culverts beneath the Tweed Valley Way and the freeway.

The need to reduce or eliminate barrier effects is explicitly recognised in the proposal and mitigation measures proposed include: limiting the amount of internal roading, imposing strict speed limits within

the site and ensuring human exclusion fencing is in place for the least possible period of time and is monitored.

It is clearly acknowledged in the proposal that the Parklands site can contribute importantly to the maintenance and improvement of ecosystem processes in the location, including the movement of fauna. While large events will temporarily disrupt connectivity, the clear majority of the time connectivity for local fauna will be improved, and habitat quality will be improved: by an increase of ~50 ha in the amount of forest present, by exclusion of cattle from central swamp sclerophyll forest blocks, by weed removal and by control of cane toad populations on the site.

While bastardized planning processes is a hallmark of this Government and the Department of Planning seems to have lost any understanding of good planning, it should give due consideration to existing planning guidelines. In this case, if it does, it can come to no other conclusion other than that the Proposed Cultural Events Site is not appropriate for the most important coast to hinterland corridor left north of the Richmond River in north-east NSW.

**Comment 11.2.9**

The Beacon submission raises relevant issues concerning the potential operation of impacts and exacerbation of edge effects potentially inherent in the proposal, but gives little or no consideration to the episodic and temporary spaced nature of events or the capacity for recovery that such a schedule provides. None of the mitigation measures in the proposal is given any weight, and opportunities to reduce existing population declines in the locality are ignored. To dismiss the significance of an additional ~ 50 ha of native forest on the Parklands site as 'token' does not appear consistent with the arguments presented of the importance of improving connectivity and enlarging the existing wildlife corridor.

### 11.3 The Coalition for Festival Sanity

The Coalition for Festival Sanity (CFFS) is a Byron Shire group that includes representatives from several community associations. We have worked together to review the proposal and prepare this group submission in response.

First, we would like to point out our concern that we have had only six weeks to read, interpret, and digest the information contained in the 2,205 pages of the Environmental Assessment (EA). In fact, that has proved impossible, even for a group of knowledgeable and dedicated individuals. We have devoted as much time as possible to this, but we feel that we have only scratched the surface and have not been able to respond to every aspect of the proposal. We also feel that we need expert opinion to answer a great number of outstanding questions, but our time has run out.

#### Comment 11.3.1

The Department of Planning provided an "extended" six week exhibition period for this application.

Second, we point out that we have found all sections of the EA to be filled with inconsistencies, confusions, omitted information, and claims that are not adequately supported with clear, realistic assumptions and data. We have detailed as many of these issues as possible in the short time available to us but are quite sure that we have not covered all that need to be addressed.

Third, we note that in several instances, relevant information about a topic is scattered across several sections of the report so that only those who have read all the pages will have a reasonably complete picture of what is being proposed. For example, critical details of traffic management and flow during a flood emergency are contained in Technical Paper WI (Evacuation Flood Assessment) but are not mentioned in Technical Paper CI (Traffic Impact Assessment) even though they are relevant to traffic impacts. Also, proposed bonfires are not mentioned in Technical Paper L (Bushfire Hazard Assessment) but are mentioned in passing in Technical Paper E (Ecological Assessment). This would not be a problem if the document had contained cross-referencing, but it does not. Those individuals and agencies that are concerned with traffic or bonfires (and other issues) may not even realise that they should be looking at more than one Technical Paper. There does not appear to be a concerted effort in the EA to synthesize details across the many technical papers so as to present a fully integrated picture of intentions and implications. A very general synthesis, without details, is provided in the ENs introductory pages, but the details in the Technical Papers are critical to understanding the proposal.

#### Comment 11.3.2

The writers of the EA do not apologise for the comprehensive and detail laden nature of the documentation produced. The documentation is produced both in hard copy and PDF digital form. Adobe acrobat allows PDF files to be searched with ease.

#### Summary of Key Concerns

- Key features of the proposal do not align with Byron Shire Council's Events Policy, Byron Shire Council's Tourism Management Plan, the May 2009 decision of the NSW Land and Environment Court with regard to a related proposal, and other key government policies, regulations, and findings. Furthermore, it does not clearly meet the criteria for a Part 3A Major Project, especially in terms of deliverable economic benefits.

#### Comment 11.3.3

The EA and Technical Paper T – Statutory Assessment - demonstrate the proposal is consistent with a wide array of local, regional and state planning provisions, strategies, policies and plans. The Byron Council Events Policy, recently introduced in October 2010, is addressed within Section 3 of this report. The L&E Court case referred to a different application with different characteristics.

On the 23 July 2009 the Director General of the Department of Planning, as a delegate of the Minister of Planning, formed the opinion that the project was one to which Part 3A of the Environmental Planning and Assessment Act 1979 applied.

- The proposed development will have substantial negative impacts on the ecology of Billinudgel Nature Reserve and the adjacent Wildlife Corridor, prime biodiversity assets of New South Wales with a long history of strict state and local government protection.'

#### **Comment 11.3.4**

The submission places great emphasis on the potential impacts of human presence, noise ,lighting and roads, associated with the staging of large events, but does not examine, consider or give any weight to what happens during downtime when conditions at the Parklands site will enable normal or better than normal ecosystem function to take place.

Mitigation measures in the proposal have not received serious consideration. Proposals to use the results of monitoring of target species to inform and determine subsequent activities at the site are acknowledged by the DECCW submission which provides useful and practical suggestions for ways to manage this data.

Finally, the importance of the Jones Road wildlife corridor is clearly and repeatedly acknowledged in the proposal. Existing and future plantings in Parklands can only strengthen the performance and value of the corridor, providing that some effective control can be exerted over current wild dog populations.

The function of any wildlife corridor depends upon the health and dynamics of biodiversity processes in the corridor and nearby (the 'matrix'). Existing declines in fauna populations, the unchecked proliferation of weeds, and widespread adverse effects of feral predators on the local ecosystems continue apace in this area and other parts of the Byron Coastal Plain.

While the Parklands proposal incorporates a novel and complex disturbance regime, it has the unambiguous merit of integrating rehabilitation, conservation and expansion of native vegetation in the area, and setting aside the greater part of each year to downtime when no event related activities take place.

Suggestions and recommendations contained in the DECCW submission provide valuable options for managing this complexity.

- The proposed development will have substantial negative impacts on the local community, especially the residential communities nearest the site. The traffic, crowds, noise and other significant disturbances will be unacceptably disruptive, interfering with residents' existing use of their properties and posing health and safety risks.

#### **Comment 11.3.5**

The proposed usage of the site is specifically limited. The EA and Technical Paper I – Social Impact Assessment – addresses potential off-site impacts with the Statement of Commitments containing a specific Management Standard detailing responses to managing off-site impacts.

- Proposed solutions to traffic snarls, bushfire risks, flash floods, noise disturbance, and other such issues are consistently impractical, inadequate, and/or unenforceable. The proposed "management" includes questionable strategies for responding to problems and crises when they arise and often shows little understanding of the local area. The great number of unknowns and uncertainties reveal a serious lack of careful forethought about quite a number of issues.

#### **Comment 11.3.6**

Effective proven management and mitigation strategies embedded within the Environmental Management System are to be employed to avoid or minimise potential adverse impacts of the site usage. Such strategies are industry best practice and utilised by Byron Shire Council and other agencies for other large events previously undertaken in the Shire and elsewhere.

- Because of the applicants' inadequate consultation, the community learned of many specific details of this proposal only when the Department of Planning put it on public exhibition on 7 October 2010. And many critical details are omitted from the EA. Those who would be most affected by the development do not know what to expect with regard to a number of specific issues.

#### **Comment 11.3.7**

The consultation process undertaken for the proposal is comprehensive and more than adequate.

- It is not clear that the applicants have undertaken appropriate consultation with relevant agencies concerning the proposal. Mentioned consultations appear to relate to two now-defunct proposals, but the nature and scale of those earlier proposals were so different to this one that consultations regarding the earlier proposals are not relevant here. In several cases, it appears that relevant agencies were not consulted about plans in the current proposal that call for their direct involvement.

#### **Comment 11.3.8**

The Department of Planning assessed the application for adequacy of its requirements. The EA documents consultation undertaken with government agencies while further consultation with government agencies occurred during the exhibition period.

- The overall concept of a year-round site for events such as large music festivals is inappropriate for the location. The development is by no means necessary to the shire and should not be foisted upon it. The applicants should find another suitable site in NSW for their venture.

#### **Comment 11.3.9**

The EA justifies the suitability of the site for its location. The Council recognised the need for a purpose built cultural event facility as evidenced by its employment of an economic development officer, tasked in part, to 'undertake feasibility analysis to identify preferred Byron Shire Events & Festivals site to cater for large scale events' (council agenda 20/12/2005, Page 36).

Specific comments follow, organised according to different Technical Papers of the EA. As noted above, the details of the proposal are critical, and that's what we focused on. Response from CFFS to the Environmental Assessment for 09-0028

#### **Response from CFFS to Technical Paper B: Economic Impact Assessment**

- A key assumption here is that the proponents will actually be able to stage the many events that they claim they will be staging on their site. Mat Morris, one of the proponents, stated: "Splendour in the Grass is the only confirmed event that will definitely take place, however we envisage that in the following years we would be able to secure one or two other, events for the venue" (<http://www.abc.net.au/news/stories/2010/10/29/3051966.htm>). Thus, it is by no means certain that the proponents will actually be able to deliver on the many economic promises made in this Technical Paper.

Their unsupported claims of economic benefits are comparable to any hopeful financial estimates: They sound great, especially when increased with multipliers, but unless they are firmly grounded in reality, they cannot be taken seriously. In fact, the applicants' estimates of benefits should be completely recalculated, using the one known event as the base: Splendour in the Grass (SITG).



#### **Comment 11.3.10**

The North Byron Parklands in the establishment and operational phase will be a new business seeking to attract patrons and events. The assessment of the application must rightly consider a likely scenario of how the proposed facility will be utilised over time. The adoption of a schedule of events (RPS EIA Report Section 2.4 page 17) along with other assumptions provides the opportunity for the community and assessing agencies to gain a picture of the operation as it is reasonably likely to be operated. A further advantage of this approach is that it allows for an adequate like-for-like comparison between disciplines. An example of this would be to compare the level of traffic impact (or any other impact) with the economic impact to allow a balanced and informed decision.

To limit the economic evaluation of a new business to the level of use guaranteed prior to approval, marketing or operation would, in almost all cases, vastly understate the impact of any operation once established. This does not provide the community or decision makers with adequate information on which to base an opinion or decision.

- To claim 210 permanent jobs and a net economic benefit of \$192m over five years of operations using economic modelling requires details about the modelling program utilised by the consultancy and proof of authenticity of figures that were fed into the program. These are not stated, except for some very general assumptions that are not directly relevant to the site in question. For example, expected expenditures are derived from average visitor expenditures in Byron Bay and in the Northern Rivers region, not known expenditures from specific events on the site in question or even from specific SITG events (p. 20/37). Also, to claim net benefit using figures that return an outcome which in truth amounts to a form of gross product is not a true indicator of net benefit. Furthermore, this modelling is not based on the reality that they have only one confirmed event on their calendar.

#### **Comment 11.3.11**

The modelling is based on the assumptions and data inputs detailed in the RPS EIA Section 3.2 pages 19 to 21.

The employment assumptions are detailed in the RPS EIA Section 3.2 page 21.

The expenditure estimates cannot be based on actual operations on the site as the site is not yet operational. The assumptions (pages 19 to 21) provide the basis of our assessment for the range of intended events and related expenditure. The best available data is the Splendour in the Grass festival and this has been utilised and referenced throughout the report as a key data input. References include; RPS EIA page 22 paras 2 and 3, page 23 para 1.

- The economic benefit claim requires but lacks comparison and peer assessment and criticism of the economic modelling program/calculations used by the consultants. For example, as stated on page 28/45, "regional multipliers ... have been adjusted based on Byron Shire's economic base, including industry capacity and activity and well as household expenditure by industry sector." What were the initial figures that were then adjusted? What year/years do the initial figures represent? What exact "adjustments" were made to the initial figures? What assumptions were used in making the adjustments? And what relevancy do figures on household expenditure have for estimating how much money these promoters will be bringing to the local area, the region, and the state? The reasoning should be much clearer than it is, and the calculations should be based on the assumption of only one event per year.

#### **Comment 11.3.12**

The base line multipliers are sourced from the National Accounts (as referenced RPS EIA Page 28 para 1) and are generated by the Australian Bureau of Statistics (ABS). The ABS does not produce localised (regional) multipliers and RPS uses our internal modelling to produce a set of regional multipliers. The intellectual property involved means that economic models used by the industry are not available for public review. RPS has stated that these assessments should be treated as indicative only (RPS EIA Page 27) due to the complexity of these issues and the paucity of direct data.

- The economic benefit claim requires but lacks an appropriately detailed analysis of the actual net benefit specific government areas, i.e., specific to National, State and Local net benefit. The benefits stated for these entities in the Benefit Assessment (Section 4) are confusing and unsupported. For example, the writer states that Byron Shire will have a "nett benefit of approximately \$6 million ... in the first year of operation". (How the figure was derived is not explained.)

In the next section, the writer claims a "nett benefit of approximately \$9 million to the Northern Rivers regional economy". (Does that \$9 million include the \$6 already noted for the shire? Or is this an additional \$9 million for the region beyond the \$6 million for the shire?) In the next section is the claim that the state will have a "nett benefit of approximately \$8.1 million" in the first year. (How does this relate to the previously mentioned \$6 million and \$9 million?) All of these estimates are based on pie-in-the-sky assumptions about four major events a year and other, smaller events. All must be recalculated to reflect the existing reality of only one event per year.

- To assess net national economic benefit, consideration must be given to the percentage of international visitor (income) attendees as against percentage of international performers (loss). It is our estimation that the percentage of international attendees is just 1 % as against the percentage of international performers estimated at 30%. This means considerable net loss. The actual figures require further and thorough investigation by the state with specific input provided by the applicants.

#### Comment 11.3.13

The estimates contained in the table in Section 4.2 detail the direct expenditure benefit from expenditure on accommodation, meals and related by patrons at the events. The figures are mutually exclusive and not cumulative. Figure of \$6m for Byron Shire (year 1) is the estimated amount of money that will be spent on food/accommodation in that area. An additional \$9m will be spent in the region (outside of Byron Shire) with \$8.1m in the remainder of NSW. The NSW number includes the cost of transportation from point of origin.

This report has dealt previously with the assumptions behind the numbers of events assumed for basis of calculation.

The RPS modelling conservatively assumes that all attendees (visitors) will originate from within Australia. The issue of costs and expense of international performers has been handled as part of the national accounts (see earlier response). The assumption that fees to international performers will quickly disappear overseas is probably too simplistic as many acts tour the country spending money on goods and services as they go. The benefit captured locally by business or spent on overseas performers will be reliant on how the operations of the North Byron Parklands eventuate. For this reason a conservative approach, based on best available data, has been adopted.

- In order to fully justify the applicants being assessed under Part 3A, there must be a comprehensive and proper analysis of economic benefit to the State of NSW and a comprehensive and thorough assessment and subsequent justification of job creation as a direct result of the project in question. Within the body of the DA available for scrutiny we see no evidence of any quantifiable research data beyond a leap of blind faith in one consultancy's economic modelling without any information on the modelling program/calculations or the input data and only very general statements about assumptions. The assumption that the applicants will be able to create the jobs they promise is especially questionable, given that they have no specific, confirmed plans for any activity beyond one music festival.

To assess true net State economic benefit there needs to be a division of percentage of attendees from NSW as against attendees from interstate. There needs to be a division of percentage of commercial operators between those that reside and pay taxes in NSW and those that reside and pay taxes interstate. There needs to be a division by percentage of performers that reside and pay taxes in NSW and those that reside and pay taxes interstate.

Our estimate of the percentage of attendees is that about 60% are from interstate and 40% from NSW, which gives a net gain in ticket sales. Our estimation of the percentage of commercial operators is about the same. However, the actual net gain derived from commercial operators undertaking commercial operations within the festival site is likely to be further negated by the location and ownership of those businesses from where the products are sourced (i.e, imports from overseas and interstate). The percentage of State based performers will be around 25% based on the diminished percentage of Australian performers after taking into consideration that 30% of acts would be international. The actual figures require further and thorough investigation by the state with specific input provided by the applicants.

#### **Comment 11.3.14**

This report has already dealt with the assumptions behind the numbers of events assumed for basis of calculation. A major benefit for the state (and local) economy will be attendees travelling to the venue and undertaking expenditure on food, accommodation and travel. This benefit will accrue for all attendees who are travelling to site from outside the region, the distinction between NSW attendees and attendees from other states is therefore not considered valid.

The RPS EIA assesses the distribution of direct expenditure in Byron Shire, Northern Rivers and NSW on pages 25 and 26 of the report.

- To assess the true net Local economic benefit the same divisions and investigations need to be applied as per State.

#### **Comment 11.3.15**

A major benefit for the state (and local) economy will be attendees travelling to the venue and undertaking expenditure on food, accommodation and travel. The benefits to the local economy (tourist numbers, employment and expenditure) are detailed on Page 30 of the RPS EIA.

- In properly assessing the net economic benefit to the state it is vital to know not only the number of attendees at each specific, confirmed festival or other event but also the demographic of those attendees. For example, the one known festival that will be held if the proposal is approved, SITO, attracts a demographic of very young attendees who would spend an estimated 50% of their money on alcohol and other mostly illicit substances and a very low percentage on hotel accommodation uptake. By comparison, the Council-approved Bluesfest attracts a wider demographic which results in a greater percentage of accommodation uptake. No assessment of this sort appears to have been undertaken by the applicants (presumably because they have no other events lined up), and once again no information is given on inputs into the modelling. Further analysis is required of demographic attendance and expected net outcomes as a result of the differences noted here.

#### **Comment 11.3.16**

It is a narrow (and incorrect) interpretation that all the events for the site will be a mirror of Splendour in the Grass. The site has the potential to host a wide range of events catering to a broader customer demographic including the corporate market, health/lifestyle events, professional/cultural activities, and a diversity of music events. To reflect this diversity RPS has used the current visitor mix to the region (Section 1.4 of the RPS EIA) as the basis for the projections.

- As an extension of and related to, the last point, consideration of any net economic benefit analysis must be given to the economic losses incurred due to negative social impact and negative health effects from both alcohol and drug intake by attendees and social impact on local residents. Consideration must be given to the what-if alternatives to spending money on goods that produce negative health and social outcomes. For example, what if that money 'had been spent within the State of NSW on entertainment where alcohol was not sold?

Further analysis regarding losses on correcting negative health and social outcomes is required for the known SITG festival and all the other major and moderate events the proponents claim they will hold.

Also important to consider is the business lost to local firms because of residents' decisions to stay home or go out of town during festivals to avoid crowds and traffic snarls, thereby reducing the business that local firms get from their regular customers. Many of these losses will not be made up by increased business from festival goers, especially since so many goods and services are to be provided by the applicants on their site and since many of the businesses frequented by local regulars will not be patronised by festival goers.

**Comment 11.3.17**

The site has the potential to host a wide range of events catering to a broader customer demographic including the corporate market, health/lifestyle events, professional/cultural activities, and a diversity of music events.

- Byron Bay has been identified as a prime location for attracting international and national tourism. While the economic benefits of attracting young party goers and tourism if approval is given. There is no evidence of the economic impact on housing values having been considered by this Economic Impact Assessment. We estimate that approval of this backpackers to the area have been identified, an effort has simultaneously been undertaken to attract a greater number of high tend tourists and to maintain and increase the flow of families that visit and stay in the area. We note, for example, Byron Shire's Tourism Management Plan of 2009 that has as a main goal overcoming the party image of the shire.

There is one very obvious outcome of dramatically increasing the numbers of young partygoers to an area and that is the loss of the high-end and family markets. This loss can already be seen in the recent closing down of the long established and popular Dish restaurant in Byron Bay after being bought out by the youth-oriented Cheeky Monkeys nightclub.

The approval of this proposal will result in a quantifiable shift in the demographic of tourist visitors to the region. This will have particularly negative effects on Brunswick Heads, which has traditionally been the centre of family tourism in the Shire. Further investigation is required into the possible/likely negative effects on high-end and family tourism if approval is given.

**Comment 11.3.18**

The provision of the facility as proposed will enhance and diversify the tourist base of the region.

- There is no evidence of the economic impact on housing values having been considered by this Economic Impact Assessment. We estimate that approval of this development will result in a twin negative effect on housing values and net economic benefit to the State.

Firstly, approval will result in loss of amenity because of noise, crowds, increased traffic, and abuse of public places and infrastructure. Secondly, approval will lead to a highly significant increase in holiday letting, where the norm in such cases is for houses to be let to large groups of festival attendees. This has a negative impact on available permanent rental stocks and leads to further loss of neighbourhood amenity and community cohesion. Holiday letting is known to lead to higher percentages of interstate house owners and losses of permanent residents, leading to a net economic loss to the state and the shire.

It must be noted that a change in demographics within a locality will also lead to a change in the nature of goods sold. In fact, it can be expected that traditional businesses will lose income to those catering for short-term partygoers. High business turnover and dislocation amongst residents in addition to loss of amenity are also likely to result and generate a likely net economic loss. This, in turn, will impact both the local community and net State economic benefit. We believe that while some permanent jobs will probably be created, the claims made by the applicants through their consultants

are likely to be highly exaggerated and in any case do not include the jobs that will be lost as a result of the change in demographics.

Another clear risk is that manufacture and sales of illicit drugs in the area are very likely to increase if this proposal is approved. The applicants will probably not engage in such activity (they focus on alcohol sales), but opportunistic dealers will almost surely move into the area to take advantage of increasingly high concentrations of party goers. This, too, will ultimately result in a net economic loss to the area as higher percentages of disposable income go to drug manufacturers and dealers rather than to legitimate businesses.

In sum, it is our view that the economic benefit analysis undertaken by the applicants is woefully short on both broad economic considerations and on the critical specific details referred to above. Importantly, the consultants would appear to have grossly exaggerated the job creation numbers. Their findings are not credible when taking into account the absence of considerations and flow-on effects noted above, even if it is accepted that the economic modelling is sound within its limitations. Of particular concern is the absence of any detail about the specific festivals other than SITG that the proponents claim they will be staging.

Also, much analysis done by consultants on behalf of paying clients has a tendency to reflect the desired outcomes of the clients. For this reason, independent consultants must review this Technical Paper, taking into consideration all of the above mentioned issues. A fair, comprehensive, and independent assessment of the true economic benefit or otherwise of this proposal is needed, including modelling based on the assumption of only one festival per year. Economic cons as well as pros must also be considered.

We believe that without an independent assessment based on the assumption of one festival per year; the proposal cannot legitimately be accepted as meeting the requirements of Part 3A Planning legislation. Such an independent assessment is also vital for the future health and social well being of the local community as well as the economic benefits.

#### **Comment 11.3.19**

[RPS Economics invite any peer review of their assessment prepared for the Parklands project.](#)

#### **Response from CFFS to Technical Paper CI: Traffic Impact Assessment**

The proposed NBSP development will have negative impacts on the functionality and viability of the local road network. The Pacific Highway is a road of national significance; Tweed Valley Way/Brunswick Valley Way is a road of region all local significance. The Yelgun interchange of the Pacific Highway is also a critical feature, given that it is identified as the major limiting factor to the amount of traffic. the site.

#### **P vii/68, Road network**

The proposal states: "The road network [surrounding the site 1 currently has spare capacity." The new Pacific Highway may have spare capacity, but the key road in question is the two-lane bitumen road known as Tweed Valley Way/Brunswick Valley Way, and that does not have spare capacity. Nor does the unpaved Jones Road that bisects the property.

#### **Comment 11.3.20**

[The comment regarding the capacity of Tweed Valley Way was made in relation to the fact that Tweed Valley Way used to form part of the Pacific Highway accommodating around 10,000 vehicles per day. It now accommodates around 3,500vpd with much the same cross-section. Using the method described in Section 6.1.1, it is estimated that Tweed Valley Way is currently operating at an acceptable Level of Service of C during peak times, with a volume to capacity ratio of 0.18, indicating that it does have spare capacity.](#)



Jones Road is an unsealed road that provides access to a small number of properties with an estimated daily volume of less than 50vpd. It is likely that even during the peak times, it would only experience a handful of vehicles per hour.

It is proposed that Jones Road between Tweed Valley Way and the site access would be upgraded, allowing vehicles travelling in opposite directions to pass.

**p vii/68, Community survey**

A survey from 2007 regarding festival-goers' transportation is not relevant to this proposal. The SITG festival at that time was much smaller than the current proposal calls for and was located in a different place altogether.

**Comment 11.3.21**

The on-line survey of event patrons and subscribers is directly relevant to the planning for this site as it includes the people who attend these type of events and those who intend to attend in the future. Information on their travel behaviour and place of origin assists in understanding the transport task required for the events.

**p. ix/70, Traffic impact**

Regarding the Yelgun interchange capacity, the proponents claim to have calculated "limits on the amount of traffic generated by the site". However, these are estimates only, based on a much smaller festival that was held in 2007. It is not at all certain that the assumptions from that festival will hold true for the much larger festivals proposed for Yelgun. In fact, because the Yelgun site is much more remote than Belongil Fields in Byron Bay (the 2007 site), it is likely that many more people will bring their own vehicles so as not to have to rely on shuttles or taxis.

Furthermore, it is unrealistic for the proponents to claim they can control the number of occupants in cars. People may or may not carpool; it is their choice. It is thus far better to underestimate the per-car occupancy and prepare for the worst than to assume a particular per-car occupancy target will be achieved.

**Comment 11.3.22**

The purpose of the traffic impact assessment is to forecast traffic and transport requirements in order to estimate its impact and plan the necessary mitigation measures. The forecasts were based on the most relevant information available at the time. A range of values were analysed to test the sensitivity of the impacts to changes in travel behaviour and to understand what travel demand management measures would be required to reduce traffic impacts to acceptable levels.

The proponents were originally planning an opening event to obtain real transport data for the site for a 70% capacity event size. The results of the opening event would be used to inform planning for future events. Approval for the 100% capacity events would only be sought once the demand management measures have been proven effective. It is anticipated that the size of the major events would increase incrementally to allow a review of impacts at each stage.

The information from the SITG event at the Belongil Fields site from previous years is the most relevant as larger events held at the North Byron Parklands site are likely involve more of the same type of people with similar travel behaviour. The added size would potentially result in better travel behaviour, as with the weight of demand, the larger crowd size would make public transport services and travel demand management measures more economically viable.

The event organisers can limit the number of parking passes sold to restrict the number of vehicles attempting to arrive at the site. Patrons not able to purchase a parking pass would have to share a vehicle with other patrons or use an alternative mode of transport such as the shuttle buses provided.

The planning for the opening event has been based on more conservative assumptions than anticipated to allow some contingency. The results of the SITG event held in Woodford in 2010

indicate that the event is already achieving higher car occupancies than the base rate assumed without any travel demand management measures.

**p. x/71, Events at holiday times**

A statement about "events held at Easter" deserves comment: In Byron Shire, the large BluesFest has been held at Easter for many years. It is inappropriate for another festival, even larger than BluesFest, to be held at the same time. The reference on this page to holding an event at Easter is thus alarming. Byron Shire cannot cope with two major music festivals held at the same time of year. On that same page is reference to events held during the Christmas holidays, end of university break, etc. These, too, are times that tourists pile into Byron Shire. The additional impacts at those times of major events with 30,000 50,000 people would make shire life unbearable.

To properly assess this proposal, the community needs to know the calendar of events. However, the proposed calendar is mostly of a very general nature (EA Section 3, Table 3.1), so it is impossible to tell just when they intend to stage various events. This

vagueness is in the applicants' interests but puts the community at a distinct disadvantage: what is being proposed, specifically, is not spelled out. The community do not even know for sure when the many proposed events would occur.

**Comment 11.3.23**

The proponent is not proposing that major events would be held at Easter, so as to clash with the BluesFest and the time of high traffic on the Pacific Highway. At a later date, if it could be demonstrated that the travel demand management measures can have enough of an effect in traffic reduction, the site may be used for smaller scale events at this time.

Similarly for Christmas and the end of the university break, the size of event held at these times would need to take into consideration the traffic levels on the Pacific Highway and the available road space on the surrounding network. The section of the traffic assessment referred to was identifying the time of the year when special consideration should be given to this issue. The proponent is also not currently proposing that major events would be held between Christmas and the New Year's Day holiday.

**p. 1172, section 1.1**

As stated in this section, parts of the proposed development (the Spine Road connecting the two parts of the site) were deemed illegal by the Land and Environment Court in May 2009.

Specifically, the Court found that the proposed road, to be built in a 7(k) habitat zone, was integral to the proposed "place of assembly" and since that use is not allowed in a .7(k) habitat zone, Byron Shire Council's approval of the proposed development was declared "invalid and of no effect". It should be noted that the Court further cautioned these proponents about any future road building (see page 64 of this submission for details).

A related but equally important issue is the history of RTA involvement with this part of the site. In the late 1990s, the RTA was involved in planning the new Yelgun to Chinderah section of the Pacific Highway. At that time, they considered making use of an existing road corridor on the site, crossing Jones Road near Tweed Valley Way and thus cutting through the Marshalls Ridge Wildlife Corridor. However, investigation led them to realise the cultural and ecological significance of that corridor. As a result, they moved the location of the highway to the west, expressly to preserve the corridor from development. Their decision was based on the findings of the 1997 Cleland Commission of Inquiry concerning conflicting land uses in that area and on the protective zoning that resulted from that commission. It would not be appropriate now to allow the proposed development on the same site, which remains culturally and ecologically significant.

#### Comment 11.3.24

The RTA Pacific Highway creates a significant barrier to the functioning of the wildlife corridor and its relocation 0.5 km west cannot be described as preserving the corridor.

The Cleland inquiry related to only part of the Parklands site. The proposed event usage in this part of the site is within a zone, recommended by the Cleland inquiry, where event uses are a permissible use. Other parts of the Parkland site, which were subject to the Cleland inquiry, are proposed in the Parklands proposal to be reserved for habitat purposes. The Parklands proposal is consistent with the Cleland inquiry in these instances.

#### p. 2/73, Section 1.3

The proponents acknowledge the development has to overcome several issues:

a) "The limited number of access points to the site": These all are located along a 1km section of Tweed Valley Way and are only 1.3km from the closest freeway interchange (the Yelgun Interchange). Unless queue lengths are extremely limited, backed-up traffic will affect the function and safety of the interchange and thus the Pacific Highway as well as Tweed Valley Way.

b) "The limited number of public transport options". Currently, no established public transport serves the site. Low patron take-up of a shuttle bus option for a 70% capacity event (35,000 attendees) would mean 330 new bus trips per day to and from the site; 100% capacity (50,000 attendees) would mean 472 new bus trips to and from the site each day. A higher patron shuttle bus take-up rate would increase that to 546 and 780 new bus trips a day, respectively. Also, we note that the expected route time shown in 4.7 for these buses are wildly optimistic, given the level of traffic expected to be encountered the closer buses get to the event site.

c) "The remoteness of major townships to the site limits connections for pedestrians and cyclists". This is mentioned throughout, e.g. at 2.9.2 "there are no pedestrian facilities connecting these townships to the site". Yet in Table 3.2 it shows that for the 200 SITG event in Byron Bay 31% of patrons walked to the site, implying that people would walk to the Yelgun site as well. Yet the winding, hilly Tweed Valley Way was not pedestrian walkway and is not at all conducive for walking.

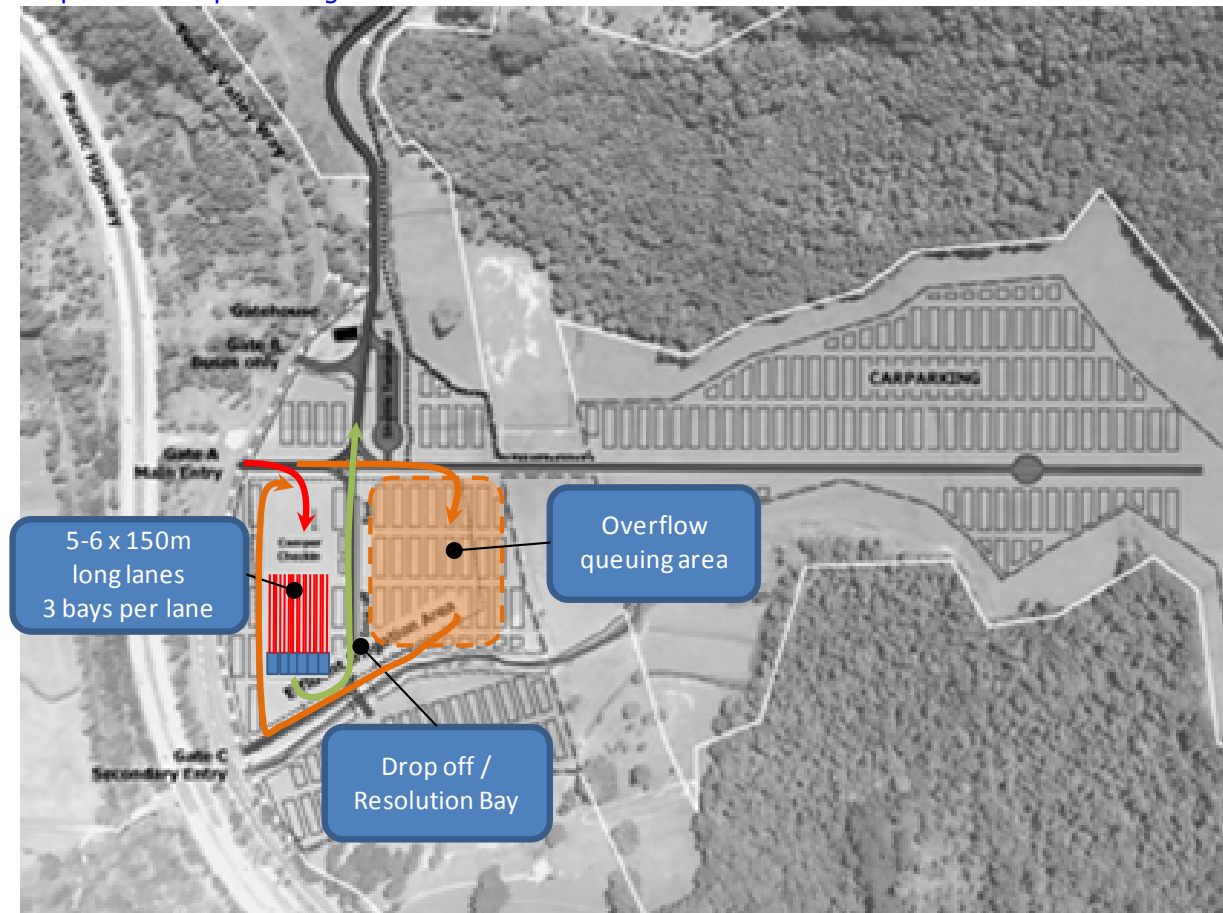
The comprehensive cycle networks as described in 2.9.1 exist on paper only. Most of the roads mentioned have neither dedicated cycle lanes nor off-road cycle ways and are known to be dangerous to traverse. Even so the maximum expected cyclist attendance is assumed to be 1%. That would be 500 cyclists (out of 50,000 patrons), yet the plans call for bike racks accommodating only 300 bicycles. Of course, it is quite optimistic to think even that many people would cycle to the site, but the proposed rack capacity does not match the expected numbers.

#### Comment 11.3.25

a) The internal site layout has been planned to allow sufficient queuing space on-site, without the need for vehicles to queue to get onto the site. All patrons' vehicles arriving at the site would be immediately visually checked to see if they have a valid parking pass, in the form of a coloured sticker on the driver's side windscreen. They would then be directed on or over to a resolution bay where they would be informed of other travel options.

Campers would be directed to a processing area. At this processing area (shown in the following figure), tickets would be checked and vehicles would be inspected for alcohol and banned substances. This area would consist of five to six lanes with three inspection bays per lane, with approximately 150 m queuing space for each lane. If all queues were to become full, site marshals would direct any overflow through the event laneways to begin a new queue within the site, within an overflow area. Based on experience from the Woodford event, processing times of 1–2 minutes are anticipated. The processing area would be used on the days before the main event day for camper arrival and would be converted into parking for the main event days. Day patrons would be directed to the parking area, i.e. there would be no further processing of their vehicle.

Campers' vehicle processing area:



b) The event organisers would organise their own bus services to link nearby towns and the main accommodation locations to the site. Indicative bus routes were included in Appendix C of the Traffic Impact Assessment. Buses would be sourced from local and interstate companies. One company, based on the Gold Coast, provides buses for the Big Day Out concert in Southport at the Parklands Paceway centre, where they move around 13,000 patrons. They also provided buses for regular season rugby league and AFL matches on the Gold Coast, moving around 7,000 people per match. They do operate in NSW and have depot facilities in Tweed Heads. Their main constraint is servicing the weekday school peak.

Buses and coaches would be given priority to and from the site. The length of the right-turn bays entering the site would be temporarily lengthened during events by using the road shoulder on Tweed Valley Way. Gate B would provide a dedicated entry point away from the patrons' vehicle entry (Gates A and C). A bus hub would be created within the site near the event entry to allow passengers to alight and board.

c) The 2007 event statistics quoted are for the Belongil Fields site, which is a lot closer to Byron than the NBP site is to the surrounding residential areas. Belongil Fields is around 2.5km from a major accommodation location, whereas the NBP site is over 3km from the nearest suburb, and 8.5km from the nearest town with significant amounts of accommodation (Brunswick Heads). The shuttle bus system will be made convenient enough that people will not have the incentive to walk, as the bus will provide a quicker and more convenient ride.

**p. 74, Section 2.1, Existing situation**

On page 74, the statement that the site is served by "public transport services" is for bike racks accommodating only 300 bicycles. Of course, it is quite optimistic to think even that many people would cycle to the site, but the proposed rack capacity does not match the expected numbers.

**Comment 11.3.26**

The event organisers and proponents consider, based on experience from previous events, that 300 racks should be sufficient for the crowds expected on the site.

**p. 74, Section 2.1, Existing situation**

On page 74, the statement that the site is served by "public transport services" is page 27/98, attendees also cannot be expected to walk to and from the site. p. 83, Section 2.6.1, Traffic volumes and seasonal variation Traffic data and seasonal variations are from 2004 before the opening of the Yelgun to Brunswick bypass. The applicants acknowledge that "anecdotal evidence suggests that traffic increases in Brunswick Heads and surrounding suburbs over holiday periods" but claim that "the site is not located on the main tourist access to the Brunswick Heads area".

In truth, great numbers of southbound vehicles leave the Pacific Highway at the Yelgun Interchange to access the family-oriented tourist areas of North Ocean Shores, South Golden Beach, and New Brighton as well as Brunswick Heads. This well-used interchange will almost certainly be gridlocked by festival goers heading to NBSP, affecting this other, non-festival traffic.

**Comment 11.3.27**

The comment regarding the site not being on the main tourist access to Brunswick Heads was made in relation to Tweed Valley Way, where the site, being north of the Yelgun Interchange is not on the main entrance to Brunswick Heads or the surrounding residential areas. The opening event is not planned for the Christmas to New Years Day period or at or Easter time.

**p. 85, Section 2.6.1, Traffic data**

Data from Minjungbal Drive in Tweed Heads South and Lismore/Byron Bay Road are not relevant to this proposal. Tables 2.6 and 2.7 show only the percentage of change in comparison to the average daily traffic, showing that traffic is fairly steady on those roads all year long. However, those roads are nowhere near Tweed Valley Way, are very different to Tweed Valley Way, and cannot be validly compared to Tweed Valley Way. Also, what actually counts is the volume of traffic on Tweed Valley Way in Comparison to the volume expected when festivals and festival related activities are going on. For this analysis, Figure 2.11 on p 17/88 is instructive. Weekday and weekend averages of vehicles per hour on this two-lane road range from a handful of vehicles to just under 200.

**Comment 11.3.28**

The use of Minjungbal Drive was not critical to the traffic analysis method. It was used to demonstrate that the seasonal variation is not as large on roads other than the Pacific Highway. More recent traffic data has been obtained from the RTA. The data for the Tweed Bypass is shown in the comments to 10.3. No yearly data was available for Tweed Valley Way.

Figure 2.11 of the Traffic Impact Assessment – Technical Paper C1 shows the daily change in traffic (not yearly). The 200 vehicle per hour volume is well within the capacity of Tweed Valley Way.

However, using the proponents' estimate of 3.2 people per car and the percentages in Table 3.2, we see that anywhere from 5,000 to 8,000 cars would be on Tweed Valley Way during major events (conservatively assuming that anywhere from 17,500 to 25,000 attendees were to arrive by car; the actual numbers could be much greater). These figures do not include the additional traffic created by shuttle buses, taxis, and other cars, trucks, vans, campers, etc. on the road, including local traffic not associated with the festival.

The estimates of event traffic volume on Tweed Valley Way should not be assumed accurate, however. They are derived from a survey of "member subscribers" to which under 15% of the



subscribers responded in 2007. And of these respondents, 34% did not even attend the festival that year. So these estimates are not trustworthy. In fact, it is a leap of faith to assume that the responses of these 3,330 people in 2007, with reference to their actions at Belongil Fields just outside Byron Bay, can accurately predict the behaviour of 50,000 people some years later at Yelgun.

#### **Comment 11.3.29**

Traffic modelling did allow for shuttle buses, taxis, non-event traffic, delivery and service vehicles, etc. Non-event traffic was even factored up to allow for daily variation and growth in traffic.

The estimates of traffic on Tweed Valley Way were not based on the average car occupancy results of the on-line survey, as incorrectly stated in the response. The estimates were based on the parameters advised by the RTA. The on-line survey results for car occupancy were used as a sensitivity test for the upper-limit of the travel demand management measures. See Comment 11.3.21 for responses to comments about the validity of the on-line survey.

More to the point are these comments posted on the Triple J website in August 2010, regarding travel to the SITG event that was held at Woodford in Queensland:

"Getting into the festival on Thursday took 6 hours from 4km out of Woodford to getting to our camp site. Leaving today at 8: 15am we sat in the same spot for 2 hours and 10 minutes until someone knocked down a fence 100's of cars drove through a paddock along a dirt road back to the main road." (<http://www.abc.net.au/triplej/events/sp1endour/10/yourshout>)

The same is very likely to happen on Tweed Valley Way, as the proponents concede: "... queues of vehicles could block back from Tweed Valley Way, through the roundabout and affect the safety of vehicles using the Pacific Highway off-ramps" (p 197).

Significantly, the proponents have no way of controlling how many people will decide to drive to the site, so they cannot know for sure how many cars will be on the road before, during, and after events, impeding non-festival traffic. And their proposed traffic easing solutions for the Yelgun interchange (p. 197) are not promising:

- > holding north-bound traffic on Brunswick Valley Way (affecting hundreds of people from getting in and out of Ocean Shores or proceeding to other destinations along this two-lane roadway)
- > holding traffic on the north-bound ramp of the Pacific Highway at the Yelgun interchange (also affecting non-festival drivers from going about their business and almost certainly causing back-ups on the Pacific Highway itself)
- > closing the north-bound ramp of the Pacific Highway at the Yelgun interchange and imposing a detour via the exit at Brunswick and Brunswick Valley Way (causing traffic back-ups further south of the site and affecting still more local traffic)

#### **Comment 11.3.30**

The quote provided is a warning of what could happen if travel demand management is not included for major events, not an outcome of the traffic planning. The event organisers for major events will limit the number of parking passes sold, thereby restricting the number of vehicles driving to the site to a manageable level. Patrons would know in advance if they have a parking pass or not. Those purchasing tickets without parking passes would receive information about alternative transport methods.

Non-event traffic will be allowed to proceed as quickly as possible through bypass lanes at Yelgun Interchange and past the site on Tweed Valley Way. The traffic management methods proposed have been discussed with the RTA.

- manually operated portable traffic signals at the intersection of Tweed Valley Way and the Yelgun Interchange Link Road, and on the northbound and southbound off-ramps;
- traffic control staff with two-way communication stationed on Pacific Highway off-ramps (behind barriers) at buffer zone to advise of queuing issues;
- advanced warning signs advising of the potential use of traffic signals;
- advanced VMS signs advising of the potential queuing on off-ramps;
- crews with barriers positioned at beginning of Pacific Highway off-ramps with 'Ramp closed proceed to next exit' signs;
- VMS to be changed if ramp closed.

The traffic management measures are designed to prevent queuing back onto the Pacific Highway. Whilst there may be some delay for non-event traffic, this would be kept to a minimum. The scenarios discussed above are only if the traffic management. If traffic operation proceeds as planned, these will not need to be introduced. It would also only be a potential occurrence during the up to 16 larger event days per year. The traffic management interventions would be staged so that the solutions with the least impact on non-event vehicles are implemented first.

Furthermore, the plan to get people off the site at the end of the performances (p. ix170) is not at all clear. Proponents claim that they will "divert northbound traffic along Tweed Valley Way, increasing the capacity of the site exits." What does this mean? The main road into and out of the site is *already* Tweed Valley Way, so what this says is that traffic will be *diverted* from Tweed Valley Way onto Tweed Valley Way. In what way will this "increase the capacity of the site exits"?

**p. 87, Sections 2.6.3 and 2.6.4**

These pages show that approximately 3,500 vehicles a day already pass the proposed site entrances (even more than implied by Table 2.11). The conclusion is that Tweed Valley

Way/Brunswick Valley Way is already an essential and busy local arterial road connecting the north of Byron Shire with the southern end of the Tweed Shire.

Traffic flow patterns show that the largest existing traffic flows occur on weekday afternoons and mornings with little daily variation in numbers. Friday afternoons and Monday mornings will see the largest flows to and from the proposed site—ordinarily the times of greatest traffic.

**Comment 11.3.31**

During the vacating of the site at the end of the day's performances, all traffic could be directed towards the Yelgun Interchange, or traffic heading to the north could be sent north along Tweed Valley Way and traffic travelling south directed towards the Yelgun Interchange. This would increase the capacity of the exit from the site by providing left-turn and right-turn lanes instead of relying on all traffic using left-turn only lanes and then traffic exiting via Gate C having to give-way to traffic exiting from Gate A.

As discussed at Comment 11.3.20 Tweed Valley Way used to be on the Pacific Highway route, with significantly higher daily volumes than in experiences now. It has spare capacity to accommodate the event traffic, even during the weekday peak morning and afternoon times.

**p. 99, Section 2.11**

Whereis.com is used as the reference for expected travel times to and from the festival site for various towns and centres. These figures are questionable. For example, "21 minutes to Byron Bay" and "1hr 18 minutes to Casino" are very optimistic and significantly less than the times already experienced by locals to/from these destinations on ordinary days.

Significantly, they take into consideration none of the expected additional traffic generated by the development and should thus be disregarded.

#### **Comment 11.3.32**

These times were based on ordinary travel times/conditions (they are included in the "Existing situation" chapter. They were included to show the relative travel times for patrons arriving either arriving at their off-site accommodation or at the site.

#### **p. 99, Section 2.12**

The document states there are no other local "proposed developments" that would impact on traffic flows in the area. However, an upgrade to the Ocean Shores Shopping Centre and a service station on Tweed Valley Way are both being planned. The results of both will increase traffic on Tweed Valley Way. In addition, numerous huge developments are taking place along the Tweed Coast, and the populations of South East Queensland and Tweed Shire are rapidly increasing. The people in these areas frequently travel to Byron Shire for work and entertainment purposes, and many prefer to use the coast road in Tweed Shire and connect to Tweed Valley Way in Byron Shire.

#### **Comment 11.3.33**

Byron Shire Council was contacted to determine if there were any significant traffic-generating developments in the area that should be taken into consideration during the traffic assessment of the site. None were mentioned. It is unlikely that one service station and an upgrade to a shopping centre serving local residents are likely to have a material impact on the traffic volumes on the section of Tweed Valley Way between the site and the Yelgun Interchange. The traffic growth factors of 4.4% per annum, included in the traffic forecasts, were designed to take into consideration any additional traffic from development along the coast including the developments mentioned on the Tweed Coast and South East Queensland.

#### **p. 100, Section 3.1.1**

Online survey results from SITO 2007 (17,500 patrons) show that only 4% (600) of the attendees were from Byron Shire and only 17% of those (102) were from the 2483 postcode that contains the proposed festival site. Thus, the large majority of attendees come from out of town. Of the 17,500 surveyed in 2007:

71 % came by car to Byron.

31 % then walked to the site.

30% were from other areas of NSW.

49% were from Queensland.

21 % stayed in "Apartments/Holiday Houses"

53% stayed in the town of Byron Bay

Using these percentages and expected attendance of 50,000 indicates that 35,500 visitors would come to the location by car.

Table 3 .11 shows results of a survey asking what transport modes patrons would use to access a future event site. However, How would you get to a future event? is far too broad and open a question for use as evidence of what people would actually do to get to NBSP.

Without respondents knowing the details of the event, including the location and the travel options, their responses must be considered unreliable and largely irrelevant to this proposal.

#### **Comment 11.3.34**

The results of the on-line survey were not used as the basis for the traffic assessment. For mode share and car occupancy they were treated as aspirational targets. The traffic planning started with the RTA's preferred inputs. Higher values based on experience from other events was then tested to determine a likely outcome. The highest values for public transport mode share and car occupancy were tested to determine the maximum reductions in traffic through travel demand management. These values would need to be demonstrated through the holding of events at the site before they could be relied upon. They do not make up the planning for the opening event.

#### **p. 34/105, Section 3.2 "Sustainable transport"**

What other events do in order to decrease traffic is not relevant because the proponents do not intend to do these things on their proposed site. In fact, statements here are thus contradictory to the statements in the previous section. For example, on page 401111, is reference to a "multimodal approach" (buses, charter coaches, taxis, cycling). However, cycling has already been rejected as viable alternative, and a local transport hub that would enable pedestrian traffic to the site does not exist. Woodford (SnG 2010) is serviced by a train station, and shuttle buses run a short distance to the festival site, but this is not an option at NBSP.

#### **Comment 11.3.35**

Cycling would be a small component of the travel task to the site. Similarly there are only a small number of taxis in the region that could be used to transport patrons. They are still a part of the transport strategy, but the focus would be on buses and charter coaches. The section on the practices of other events was included to demonstrate that these type of events can have an impact on the travel behaviour of their patrons. Many of the practices mentioned would be used for events at NBP.

The important consideration for the bus and coach network is to link the locations of highest accommodation to the site. This has been the basis of the bus routes proposed in Appendix C.

#### **p. 40/111, Section 3.3, "Parking"**

Applicants state here that patrons will be charged a premium for parking and will have restricted day parking, the assumption being that people will compliantly take taxis, pay for charter buses, or find some other way to get to the site. However, it is much more likely that people will park their cars as close to the site as they can get and walk in. That means cars parked all along Tweed Valley Way, Yelgun Road, at Wooyung and The Pocket, all through North Ocean Shores, etc. The claim that the promoters will "restrict on-street parking in the vicinity of Park lands" is naive, as are the restrictions shown in Figure 4.6. Who will monitor this extensive area of streets to prevent festival goers from parking on them? Where will the monitors be placed? What authority will they have to issue fines and force people to move their cars along? Who will follow-up to ensure that the fines are paid? If attendees have left their cars in dangerous or inconvenient places, who will move them; who will pay for those moves; and where will the cars be moved to?

#### **Comment 11.3.36**

Tickets for the SITG 2010 event sold out in minutes. There is a great demand for this event, and patrons are keen to get their hand on a ticket. Patrons wishing to park may have to purchase a pass with their ticket. Those not wishing to, or not able to purchase a parking pass may receive discounted travel on the bus service, providing an incentive for them to use the service.

Temporary No Stopping signs would be installed on the roads shown in Figure 4.6 of the Traffic Impact Assessment – Technical Paper C1. These would be patrolled by user-pays police, who could issue fines for illegal parking. This method has been successfully used for events in the Hunter Valley and BluesFest. Fines would be payable on the same basis as all fines issued by the Police or council rangers.

People will find ways around premium fees for parking, parking restrictions, and the promoters' urgings to "use public transportation". For example, if Tweed Valley Way and Yelgun Road are not strictly monitored, festival goers will ignore the restrictions and park there. Or they will simply park

further west on Yelgun Road, further south on Tweed Valley Way, along Shara Blvd, in the streets of North Ocean Shores and South Golden Beach etc. Walking along the beach and through Billinudgel Nature Reserve to Jones Road will be a preferred option for many. Or they will use motorbikes in Billinudgel Nature Reserve. (Motorbikes are often ridden on Reserve trails, illegal though the action is.)

**Comment 11.3.37**

The roads shown in Figure 4.6 of the Traffic Impact Assessment – Technical Paper C1 will be patrolled by NSW Police. Event organisers will observe other streets within the area to see if event parking is occurring on any others. Ocean Shores is 3.5km walk away (around 45 minutes walk), South Golden Beach is further. Patrons would receive a quicker and easier trip on the buses provided.

**p. 113, Sections 4.1.3 and 4.1.4 "Duration" and "Frequency"**

Larger events will run for longer than 3-4 festival days because of a 3 week "bump in" period and a 1 week "bump out". This will mean loss of amenity for residents for an extended period for each festival. Given the stated number of event days and the bump-in and bump-out days, and considering the character and usage and safety, perceived and real, of the local road network, we note that the area will be adversely affected all year round.

When the Pacific Highway upgrade in this area was completed, Tweed Valley Way/Brunswick Valley Way (the old highway) was designated for use by local traffic, including those non-festival tourists who visit the area throughout the year. The formerly heavy traffic volumes and the presence of heavy vehicles (trucks, etc.) were removed from this road by the upgrade and various bypasses. Bringing hundreds of trucks and buses and thousands of cars back onto this road is neither fair nor sustainable for the several thousand locals and visitors who already use the road every day.

**Comment 11.3.38**

Events require bump-in and bump-out periods. However, the impact would be significantly lower than event days. The traffic generated during bump-in and bump-out was included in the traffic analysis. Bump-in and bump-out traffic volumes vary from 3 vehicle movements per day to some 300 vehicle movements per day.

For the majority of the year, traffic to and from the site would be significantly lower than this. Tweed Valley Way was built for higher volumes, and does not have a large residential population fronting it. Existing road users would only experience slightly higher traffic volumes for the majority of the year on the section between Gate A of the site and the Yelgun Interchange.

**p. 43/114, Section 4.1.7 "Emergency access"**

A planned emergency access road in from Wooyung Road is flood prone and will result in much longer arrival times for emergency services. That's because this road is accessed only from the south via Tweed Valley Way (the road that will likely be blocked by festival traffic) or down the old coast road from the north. Taking either route will add long delays to arrival or evacuation of patrons or the arrival of services like fire fighting, SES etc.

NBSP claims that "emergency vehicles will bypass any queue of vehicles". However, Tweed Valley Way has many areas between the Yelgun interchange and the site entrances that are of minimum width and are bordered by concrete walls and wire rope barriers on both sides; "bypassing" is difficult to impossible. The potential for this route to be completely blocked is severe, and the consequences to emergency vehicles could easily be devastating.

**Comment 11.3.39**

Emergency access for the Parklands site comprises a range of access options including the 'emergency only' helicopter pad together with various access options to the site. The need for emergency access during larger events will be minimised by the provision of the onsite medical services (refer NBP Standard 10 – First Aid), on site police, on site ambulance and onsite bushfire fighting personnel and equipment.

**p. 43/114, Section 4.1.8, "Resident access"**

Here is stated: "Residents of Jones and Yelgun Road will be issued with passes and have to pass through checkpoints" to get in and out of their streets. This assumes that for many periods throughout the year these people will have no unexpected visitors (who are unaware of festivals), no need to dash out to get milk, no other unexpected travel needs or emergencies. This is ludicrous and unacceptable. The residents who would be subjected to such restrictions and inconveniences will (and do!) object most vigorously.

**Comment 11.3.40**

Some residents of Jones Road raised concerns regarding the potential for patrons to wander near their homes and related concerns regarding security, littering and also patrons being able to enter into the Billinudgel Nature Reserve. In response, an initiative proposed was that Jones Road be closed to public traffic other than for with residents and their guests. This measure responsibly addresses the resident's concerns.

**p. 43/114, Section 4.1.9, "Through traffic"**

Here is stated that through traffic "will be able to bypass any queue of vehicles turning into site". This is a claim easily made but, as with the emergency access claims, any deviation from a perfect world (e.g., when traffic grinds to a halt) will be felt immediately and have major ramifications for the Yelgun Interchange and the Pacific Highway as well as Tweed Valley Way/Brunswick Valley Way.

**Comment 11.3.41**

Through traffic would be allowed to use the road shoulder to bypass any queues of traffic accessing the site. The road carriageway has been measured and it has been confirmed that there is sufficient space to do this. Tow trucks would be stationed at the site to move any vehicles stranded in a location blocking traffic.

**p. 471118, Section 4.3.4, "Jones Road"**

The applicants propose to widen Jones Road to 6 metres and bitumen-seal it for 340 metres eastward, starting at intersection of Tweed Valley Way. This will cause major disturbances to the Marshalls Ridge Wildlife Corridor; unwarranted, unnecessary, and unwanted permanent changes to the nature of the road and adjacent farm lands will result.

**Comment 11.3.42**

The upgrading of the western portion of Jones Road is considered warranted and will result in a range of positive environmental and social positive outcomes while having minimal impact on the Marshalls Ridge wildlife corridor. Currently the unsealed road causes a significant dust nuisance to the adjoining neighbour and also dust causes adverse impacts on adjoining vegetation. Currently, the lack of drainage management results in the road surface being rutted and road gravel being washed into the Marshalls Ridge Wildlife corridor. The current single lane width and lack of sight distance with crests and bends will be eliminated with improved public safety resulting.

The widening results in about 600mm width being added to the road on each side. This is not considered a major disturbance.

**p. 48/119, Section 4.4, "Internal circulation"**

The proposed internal road speed is 30kmh. This is far too high through the sensitive wildlife corridors and land on which stock may be wandering.

The pivotal piece of internal road structure is the proposed Spine Road that would join the north and south sections of the proposed development. It would cross Jones Road, 'either at grade or through a "cut and fill" tunnel underneath, and would be between 6 and 9 metres wide. *This is the same road; in the same location, that was deemed illegal in a (7k) habitat zone by the Land and Environment Court (see page 64 of this submission for details).*



**Comment 11.3.43**

The applicants preferred crossing of Jones Road by the Spine Road is via the underpass option rather than the at grade option.

Stock would be rounded up into paddocks during events to reduce the risk of collisions. The speed limit on the nearby Tweed Valley Way is 80 - 90 km/h. The speed limit on Jones Road is unmarked, but by default is 60km/h. 40km/h is the speed limit introduced by the RTA for high pedestrian areas of the road network. The speed limit proposed on internal roads is lower than all of these to protect the safety of pedestrians and wildlife.

**p. 54/124, Section 4.5.2, "On-street parking"**

The statement that "uncontrolled parking in the surrounding streets" ought to be "prevented" and that doing so will "enhance access for patrons who have parking within the venue" is in direct contradiction to what is stated on page 105, where it says the proponents will restrict parking on site to encourage use of whatever public transportation might be available. Which is it?

Special event clear-ways are proposed to prevent parking in Yelgun and along Tweed Valley Way. Billinudgel Road is not mentioned although it is between the Yelgun Interchange and the proposed site. These local roads are used and needed by the local community. For example, Fastaways Couriers use Billinudgel Road as a meeting point for transfer of goods between drivers from the North to South, and parents park their cars on the road waiting for children to get off the school bus.

It is quite unreasonable for NBSP to impose on permanent residents the proposed restrictions because of a festival site the residents do not need and do not want.

**Comment 11.3.44**

Parking would be controlled on street and restricted on-site. The supply of parking on-site is still reasonable for the size of crowd expected, and patrons would know before hand whether they have a parking permit or not. The small number who do attempt to try their luck would see the visible Police presence. They would also have been provided with information of the next best travel option – parking in a nearby town and using the shuttle bus to get to the site.

There are limited parking opportunities in the vicinity of Billinudgel Road. However, arrangements can be made with local traffic control and the user pays Police for this activity to occur if it does happen. In both instances, the drivers would be staying with their vehicles and could mention this to Police / traffic control if questioned.

**p. 54/125, Section 4.5.3, "Drop-off/pick-up zone"**

On page 125 is a confusing statement that "a drop-off zone has been established inside the site to actively manage this demand [for parking illegally outside the venue]". The question is, who will drop off whom? And where will the drivers then leave their cars before heading onto the festival grounds? Simply having a place to drop off passengers will not prevent people from parking off site!

**Comment 11.3.45**

The drop-off and pick-up site is for taxis and drivers (such as parents) dropping off patrons but not attending the event themselves. It is not intended to provide a substitute for parking.

**p. 55/126, Section 4.7, "Event shuttle buses"**

Event shuttle buses are proposed to operate only for festivals over 10,000 patrons. For smaller events, no other public transport options will be available. With private vehicles the only way to access the site, we should expect to see many thousands of cars on Tweed Valley Way/Brunswick Valley Way for what are described as "small" events. They may be small in comparison to events drawing 50,000 people, but thousands of cars will nevertheless be quite intrusive to the permanent residents and non-festival tourists in the area.

The numbers that are proposed to be moved by shuttle buses for larger events are staggering: 50 people per bus for 7,000 -10,000 patrons = 150-200buses each way, per day. That's 300 -400 bus journeys along Tweed Valley Way per day, many times a year. The presence of these large vehicles on the road will be highly intrusive in terms of noise and emissions as well as numbers.

#### **Comment 11.3.46**

Buses would be provided if required and if viable for smaller events, but would be provided for major events. The traffic impact of Moderate (up to 10,000 patron) events was also assessed in the Traffic Impact Assessment – Technical Paper C1 and found to be less than the major event, with no travel demand necessary to maintain acceptable performance on the road network. This does not mean that travel demand management incentives, such as bus services or car pooling incentives would not be employed. They are not essential.

Investigations have been made into the supply of buses, and it has been confirmed that bus companies in the area (including South East Queensland) can supply the necessary buses. The impact of one bus is much less than 20 or so cars. Tweed Valley Way does not have large residential populations fronting it that would be potentially affected by higher traffic volumes on it.

#### **p. 56/127, Section 4.8, "Cycling"**

As previously established, the potential for cycling to the site is extremely limited. At best the figure is 1 % of all patrons. The provision of 300 bike racks for a festival of 50,000 attendees shows the folly of even mentioning this transport mode as a way of limiting the traffic impacts expected for the proposed site.

#### **Comment 11.3.47**

Just because it would make up a small percentage of the total transport task, does not mean that it should be ignored. It would potentially be a pleasant and rewarding mode of transport for those who choose to use it. The percentage using cycling may be higher, but it has not been relied upon from a planning perspective to take a large proportion of the patrons.

It is stated: "During non event times the site may also be used for farming and the Spine Road used for farm vehicles". We note the use of the word *may*. In fact, the proposed has always relied upon the sham that the rest of the year the land will be used for farming. However, the scale and number-of events belie this suggestion. The Spine Road clearly serves no purpose other than to facilitate movement on the proposed festival site. See comments on page 64 of this submission regarding the highly inappropriate characterisation of this Spine Road in this proposal.

#### **Comment 11.3.48**

The Spine Road would be the main internal site access road during events and during non-event times.

#### **p. 67/138, Section**

Turn volumes from the Yelgun Interchange left onto the Tweed Valley way for expected peak arrival time 4-5pm Friday are as follows. Moderate Event: 387 per hour (vph) or 1 every 70% capacity event (35,000): 803 vph or 1 every 4. 5 seconds 100% capacity event (50,000): 1,148 vph or 1 every 3. 1 seconds

#### **Comment 11.3.49**

The forecast traffic volumes have been modelled in the intersection modelling software requested by the RTA and Byron Shire Council. This is a standard and recognised software package, developed in Australia for Australian conditions. The results of the modelling suggest that, with the travel demand management measures proposed, Yelgun Interchange and its intersection with Tweed Valley Way will be able to cope with the traffic volumes expected.

Turn Volumes out Monday Morning 10-1 lam  
 Right turn from Tweed Valley Way back into Yelgun Interchange to Pacific Highway  
 Moderate event: 784 vph or I every 4. 6 seconds  
 70% capacity event (35;000): 1,407 vph or I every 2.6 seconds  
 100% capacity event (50,000): 2,010 vph or I every 1.8 seconds

#### **Comment 11.3.50**

Standard lane throughputs (unopposed) are 1,750 vehicles per hour are used. The SIDRA program then makes allowance for geometric delays and delays from waiting to turn. The volumes quoted are for the 100% traffic demand scenario. The assessment states that travel demand measures are required for the 100% capacity event in order to reduce traffic volumes to acceptable levels.

Ordinarily it takes, on average, II seconds to transit this intersection as stated in Table2.7 (p 92), and this ordinary traffic typically flows through the intersection with little or no delay caused by other traffic. This II-second time should be seen as the minimum safe time taken to exit onto Tweed Valley Way/Brunswick Valley Way. Claiming that during periods of heavy festival traffic, vehicles light and heavy will take on average less than half this time defies logic and strains belief]

#### **Comment 11.3.51**

Table 2.7 shows the average delay per vehicle for all vehicles using the intersection. This does not mean that another vehicle cannot use the intersection at the same time. The delay includes the time lost slowing down, waiting at the stop line and accelerating back up to speed. You could have the situation where one or more vehicles are slowing down, as other vehicle are waiting at the stop line and other vehicles (that have already been through the intersection) are accelerating. Therefore multiple vehicles could be experiencing the average delay at the same time. It is not correct therefore to add the average delay for one vehicle one after the other.

At current numbers provided by Appendix A –The Tweed/Brunswick Valley Way Intersection and Interchange already have over 1000 vehicles passing an hour during peak times 3-30-4.30pm Friday afternoon, so adding this festival traffic will create enormous difficulties.

#### **p. 73/144, Section 6.1.1, "Network capacity, Tweed Valley Way"**

On this page is the statement "Current Level Of Service (LOS) for the Tweed and Brunswick valley ways is 'A' highest level". That means traffic is free flowing and levels of driver comfort and convenience is excellent.

#### **Comment 11.3.52**

Smaller events would not require any travel demand management, while larger events would require varying amounts to reduce traffic volumes to acceptable levels. The Woodford SITG event has already shown that is part-way to achieving these targets without any measures being implemented, simply due to the type of patron attending these events.

Byron Shire Council predicts that the LOS will drop to 'C' by 2015 even without the proposed events site. LOS 'C' traffic is close to the limit of stable flow, approaching unstable flow. Drivers are not able to choose speed or manoeuvre within the traffic stream. Levels of driver comfort and convenience are perceived to be significantly lower.

With regard to this proposal, we see that LOS will drop considerably. For example, Moderate events will lead to an immediate drop in LOS to level 'C', and 70% capacity events will see the LOS level drop to 'D' by 2015. (LOS 'D' is described as "Close to the limit of stable flow approaching unstable (traffic jams). All drivers severely restricted in their ability to manoeuvre within the traffic stream. Small increases in traffic flow will cause operational problems."

#### **Comment 11.3.53**

The descriptions of Level of Service are incorrect. Table 2.6 of the Traffic Impact Assessment – Technical Paper C1 shows the RTA accepted definitions of Level of Service. LoS C is satisfactory operation. LoS D is operating near capacity and LoS E is at capacity.

Because special events do not occur every day, a lower level of service is accepted compared to say a new development, where the peak conditions would be experienced every day. A LoS D is considered acceptable for a special event.

For 100% capacity events: "The capacity of the Tweed Valley Way would be . exceeded for the 2.5 car occupancy and low public transport mode share" (not an unreasonable scenario). That means the road ceases to function completely unless untried and unproved strategies like added bus usage or increased car sharing are implemented and actually work.

#### **Comment 11.3.54**

The road network would not cease to function completely. Approval for a 100% event would not be sought until several other events have been successfully held, and it can be demonstrated that the travel demand management measures are creating enough of a traffic reduction to allow the 100% event to proceed.

As expected non-festival site traffic increases (e.g., more residents using the roads, more non-festival tourists in the area), the local road network becomes even less viable. By 2030, car usage will have to be reduced by over half for the road to function at all during festival times. This is not the mark of a "sustainable festival site".

#### **Comment 11.3.55**

The traffic assessment made allowance for growth in traffic by 4.4% per annum – calculated using the method requested by the RTA. There has never been any assumption that non-event car usage would reduce in the future. In fact, it has been assumed that it would increase, and these have been included in the traffic impact estimates.

#### **p. 147, Section 6.3, "Other road users"**

A key proposed solution to the traffic problems caused by festival activity is for nonfestival goers to "consider delaying their journey or using an alternate route to avoid the area", but this is quite unreasonable. Tweed Valley Way is an established, essential road for the day-to-day lives of Tweed and Byron Shire residents and the year-round non-festival tourist trade. It is the only viable route for the townships of Moo ball, Burringbar, Crabbes Creek, Yelgun, Ocean Shores, and many other towns and hamlets in the area. This road is the service road for thousands of people. An "alternative route" does not exist.

#### **p. 81/152, Section 6.4.4, "Yelgun Interchange"**

The suggestion that closing off ramps on the Yelgun interchange will manage the traffic onto the site without adversely affecting the Pacific Highway is pure fantasy.

The proposed safe queuing distance of 97 metres along the southbound off ramp and 247 metres on the northbound ramp will take a matter of seconds to reach. Traffic will then quickly extend out onto the Pacific Highway, endangering lives and creating chaotic traffic delays.

Peak festival traffic volumes for the southbound ramp have cars exiting the highway at 6.8 second intervals for a 70% capacity event and at 4.8 second intervals for a 100% capacity event. 97 metres divided by 6 metres per car gives a time from no queue to maximum of 97m in 1.8 minutes for 70% and 1.2 minutes for 100% capacity events. (No explanation is given as why to cars will move faster as their numbers increase.)

Total length for the exit ramps is 450 metres southbound and 600 metres northbound. Within 4 minutes of traffic unpredictably stopping at the Interchange roundabouts, the cars will be at the limit

of the southbound ramp and backing onto the freeway and almost at the end of the northbound ramp onto the freeway.

To avoid this they propose to close the northbound off-ramp, which will force cars out onto the highway as not all will see the signs advising so, nor will they pay attention if their GPS says otherwise.

The proposal is then to direct traffic instead to use the Brunswick North exit and travel up Brunswick Valley Way, where it has to pass the Yelgun interchange that is already not functioning due to the overwhelming traffic that led to the closing of the off-ramps.

Proposed options also include blocking Tweed Valley Way to allow cars to exit the freeway, thus backing up traffic for non-festival goers who are trying to use the local road.

And all this is presented as going quite smoothly, with everything happening in minutes. No allowance is made for accidents, breakdowns, or other unforeseen situations. In a perfect world, perhaps, but plans for dealing with this amount of traffic should not start with perfect-world assumptions.

#### **Comment 11.3.56**

The request for non-event trips to be re-timed or to use an alternative route is only a suggestion, and is not an unreasonable request to make. It is actually in the interest of non-event traffic to do so if they can – it would be mutually beneficial. Residents of Ocean Shores and Golden Beach have the option of using the Brunswick North Interchange or the Billinudgel off-ramps rather than the Yelgun Interchange depending on their direction of travel, and may find it quicker to do so. Any reduction in base traffic would result in improved performance of the Yelgun Interchange and this is the reason for making the request.

The 97m and 247m are not safe queuing distances, they are safe stopping distances – i.e. if a vehicle exiting the Pacific Highway ramp were to see a queue of vehicles on the ramp, they would require the stated distances to react to the blockage and decelerate to a safe stop.

This has been misinterpreted by the respondents. The results of the traffic modelling indicate that queues on the off-ramps would be much lower than these distances.

The queue of vehicles at the Interchange would be fast-moving, as there would be low volumes of traffic on Tweed Valley Way to oppose them, i.e. for the majority of the time they could flow through the T-junction without having to wait for other vehicles.

The revised analysis for the opening event, discussed with the RTA has proposed even lower amounts of queuing to further reduce the chance that the other traffic management measures would even need to be invoked.

Action would be taken before the queue of vehicles ever reached the Pacific Highway. This action would in the first instance involve temporarily holding northbound traffic on Tweed Valley Way using portable manually-operated traffic signals. If there is a potential safety issue on the Pacific Highway it is far better to delay a handful of motorists on Tweed Valley Way.

Significant contingencies have been allowed in the analysis so that if traffic conditions are temporarily higher than anticipated, there is some margin of safety before critical levels are reached.

Emergency breakdown vehicles and tow trucks would be stationed at the Yelgun Interchange to quickly move any incidents or blockages should they occur. Traffic management staff would be strategically placed to spot incidents before they become a problem. They would also be stationed to quickly deploy ramp closure barriers and alternative route advice signs at the required locations. This would minimise the chance of patrons missing the required turn-off. If they do, they would be required to travel to the next interchange and travel back to the site.

**p. 87/158, Section 6.5.2, "Yelgun interchange capacity"**

The applicants' own traffic modelling says that traffic will be an issue unless there are fewer cars. The solution: Presto! Reduce the numbers of cars! That is, " ... providing that the overall traffic generation is reduced by at least 68% of the 100% capacity event scenario, the queue should not exceed the safe distances." First, this statement is confusing: reduced by 68% or to 68%? It is also an if-then statement rather than a solution for reducing the traffic to a level that will not lead to chaos.

**Comment 11.3.57**

Approval for a 100% event would not be sought until several other events have been successfully held, and it can be demonstrated that the travel demand management measures are creating enough of a traffic reduction to allow the 100% event to proceed. A smaller opening event is proposed to provide real data for the site with which to plan future events.

**p. 89/160, Section 6.7.1, "Departures"**

Night time post-festival closing for day visitors and Monday morning camper departures could see patrons who wish to go north directed to use the Old Pacific Highway (Tweed Valley Way) northbound instead of the Pacific Highway-if the queue inside the event site is taking longer than 30mins to cycle through. This will force thousands of cars (an expected 49% from Queensland) into the village of Mooball and over the dangerous Burringbar range or onto the Mooball-Pottsville Road. Those leaving at night (1-3AM), after a hard day of partying or in the morning after a long party weekend will be sent on their way along unfamiliar, two-lane, local roads. The potential for accidents is tremendous.

**Comment 11.3.58**

The scenario addressed in this context is the 100% capacity scenario, where north bound vehicles travel north along Tweed Valley Way where patrons can drive to the Pacific Highway to destinations further north or to accommodation along the Tweed coast via a choice of roads.

**p. 90/161, Section 6.7.2, "Internal circulation and leaving the festival"**

The planned numbers leaving the festival site on Monday morning onto Tweed Valley Way are 1,350 per hour. That's 23 vehicles per minute or 2-3 vehicles per second. This is another optimistic scenario. The car parks are expected to take 3 hours to empty at their best estimation. It is far more likely that they will take much longer-unless absolutely no other traffic is allowed on Tweed Valley Way.

**Comment 11.3.59**

The respondent has an error in their calculations. 1,350 vehicles leaving per hour equates to a vehicle leaving every 2.67 seconds in contrast to the claim of 2-3 vehicles per second. Using the Highway Capacity Manual 2000 analysis method, it is estimated that the traffic conditions on Tweed Valley Way during the late night departure would be a LoS D – i.e. the departure volume is within the capacity of the road at this time.

**p. 92/162, Section 6.8, "Carpark"**

Proposed car parking capacity is 12,628 vehicles. This is close to more than all of the cars in Byron Shire put together and is far less than the total number of cars that are estimated to show up under 100% capacity, low-public-transport conditions. (Also, the cars are to be parked on a flood plain; see p. 30 of this submission for important details about traffic not included here.)

**Comment 11.3.60**

The DGR required a calculation of the total vehicles able to be parked on this large site. Not all vehicle parking is on flood prone land. The southern car park which is partly flood prone land is only to be used up to a maximum of 12 days per year and only when the site is determined to be suitable for car parking.

The 100% capacity event would not be held unless it can be demonstrated that the travel demand management measures have reduced the traffic volumes to below the level required to produce acceptable traffic conditions on the road network. This also means that it reduced the number of cars



attempting to park in the car park. The number of parking passes would be controlled to be within the parking capacity of the site.

To resolve this potential under capacity for cars, the applicants propose booking parking spaces at the time of ticket purchase on a "first-come, first-serve basis". That sounds good. However, people will almost certainly show up on site in their vehicles without booked parking spaces, hopeful they will find something. When they are turned away, they will park as close as they can to the site, illegally if need be. The turned-away cars will add to the existing traffic coming onto the site and will make it worse when they drive against the traffic flow in search of a place to leave their vehicles.

#### **Comment 11.3.61**

Patrons booking their ticket without a parking pass will be informed that there is no opportunities to park on site if they turn up without a pass. They will also be advised of the locations where they can catch the shuttle buses, car pooling web sites, etc. If they do attempt to drive and park, they will see the Police presence and realise the need to use the buses provided.

#### **p. 94/165, Section 7.6, "Ride sharing"**

Throughout, ride sharing is presented as the necessary component for reasonable traffic flows to be maintained on Tweed/Brunswick Valley Way. The minimum average private car occupancy is never modelled for anything lower than 2.5 persons per vehicle, but the applicants actually need to dramatically increase this per-car occupancy figure if they are to maintain the function of intersections and local roads at any reasonable flowing standard.

The "younger demographic" patrons are expected to embrace ride-sharing more easily than "others". However, the actual events have not been specified in this proposal, other than the youth-oriented SITG. The assumption is that all the patrons for all the events will be young and that these attendees will readily reach the required high-occupancy rates, but nowhere is there evidence that ride sharing is a permanent, sustainable, or enforceable solution to the obvious traffic issues.

#### **Comment 11.3.62**

The SITG event held in Woodford in 2010 achieved an average car occupancy of 2.68 without any travel demand measures, already higher than the 2.5 base assumption. The change in behaviour is small to achieve the suggested realistic target of 2.9 people per vehicle (base on previous event experience).

The Splendour in the Grass is the proposed major event for the site at this stage. The event organiser for each event would need to demonstrate that they could achieve the same car occupancy if this is required to manage traffic impacts to acceptable levels.

#### **p. 95/166, Section 8.1, "Vehicle inspections"**

It is proposed that all camper vehicles will be inspected for alcohol and illicit substances on site before the vehicles are allowed to enter the camping carpark. This raises privacy issues for the patrons and at the same time is not likely to have any real impact on the incidence of drug and alcohol abuse at these events. However, the inspection process is very likely to back traffic up and lead to frayed tempers.

#### **Comment 11.3.63**

Vehicle inspections has been a regular and accepted part of the SITG event for several years. Experience from previous events is that inspections take 1-2 minutes per vehicle. As mentioned at Comment 11.3.25, five to six lanes with three inspection bays per lane are proposed to cater for the volume of campers. This is sufficient to cope with the anticipated peak demand. If there are any problems during the inspection, vehicles would be directed to a separate resolution area.

#### **p. 96/167, Section 8.5, "Pedestrians and cyclists"**

As previously stated by the applicants, there are very limited possibilities for cycle or pedestrian traffic to and from the proposed site. And here it states that "pedestrian access will be discouraged". Yet 31 % were able to walk to the 2007 SITG festival in Byron Bay. The Yelgun site is clearly far less

advantageous in terms of reducing carbon emissions, reducing traffic, and encouraging pedestrian traffic.

**Comment 11.3.64**

As mentioned in the Comment 11.3.25, the 2007 event statistics quoted are for the Belongil Fields site, which is a lot closer to Byron than the NBP site is to the surrounding residential areas. Belongil Fields is around 2.5km from a major accommodation location, whereas the NBP site is over 3km from the nearest suburb, and 8.5km from the nearest town with significant amounts of accommodation (Brunswick Heads). It would take around 40 minutes to walk from the nearest residential area. The shuttle bus system will be more convenient and quicker.

**p. 97/168, Section 8.8.1, "Yelgun interchange"**

To prevent queuing onto the Pacific Highway these measures are proposed:

- > If the southbound off-ramp queue reaches 147 metres (approx 24 cars) from the interchange roundabout, Tweed Valley Way will be closed for up to 2 minutes or until the traffic "dissipates".
- > The northbound ramp will be closed temporarily until congestion eases.
- > If necessary, the northbound ramp will be closed altogether and patrons will be forced to exit at Brunswick Heads and travel north along Tweed Valley Way. As mentioned earlier, that will bring them back to the same place where queuing has caused the congestion in the first place.

These ineffective solutions assume that they will all happen with a matter of minutes and that all cars will travel smoothly, at regular spacing. Nothing is mentioned, though, about nonfestival goers who will not be pleased with off-ramp closures, detentions, and detours.

**Comment 11.3.65**

The traffic management would have staff in position observing the amount of queuing at the Yelgun Interchange and other staff ready and in position to deploy the ramp closed barriers and alternative route signs if necessary. The off-ramp would not be closed until the alternative route signs are in place and redirecting traffic.

**p. 98/169, Section 9, "Conclusions"**

The applicants conclude that the Yelgun interchange is the greatest limiting factor in these traffic management plans and that in order to meet even very low standards of traffic flow, these criteria must be met:

- A) Cars must have an average of 2.9 -3.5 people per vehicle.
- B) A great proportion of patrons must come by buses.
- C) Camping numbers should be increased to 29,000.

The first two will be exceedingly difficult to enforce. The third has serious implications for other aspects of the proposal. For example, increasing by 4,000 or more the number of campers onsite will increase fire risks, evacuation risks (in the event of emergencies), and risks to the environment.

**Comment 11.3.66**

The Traffic Impact Assessment – Technical Paper C1 makes no conclusion that car occupancies need to be as high as 3.5 – 3.2 is the maximum average car occupancy considered. Measures A and B would need to be demonstrated by events held at the site before they could be relied upon in the transport strategy. Application for the 100% capacity event would not be made until it could be demonstrated that the road system could cope with the traffic generated, and that the travel demand management measures were proving successful enough to meet the required targets. An opening event at 60% capacity is proposed to provide real traffic information for use in the planning of future events.

The traffic analysis for the arrival of campers indicates that their impact is much lower, with spare road capacity for an increase to compensate for a potential reduction in day patrons. A separate assessment would need to take place with respect to the fire, emergency and environmental impacts of this increase.

**p.101/172 Section 9.1.3, "Traffic generation, event size"**

The applicants state: "Traffic generated by the event can be accommodated on the road network provided peak traffic generation can be reduced by increasing the mode share of public transport or increase the average car occupancy" or by increasing the number of campers. As already noted, such increases are largely beyond the control of the promoters because they involve thousands of individual decisions that the festival goers will make before they arrive on site.

**Comment 11.3.67**

Individual patrons would be given the information with which to make the correct decision before they attempt to get to the site. Parking passes would limit the number of vehicles attempting to get to the site. A bus system would be put in place to provide a convenient alternative method of transport. Car-sharing websites would enable patrons to share vehicles if possible/desired.

**p. 191, Appendix D**

The shown expected left-turn delay from the Yelgun interchange onto Tweed Valley Way for a major event is 20.7 seconds. This is 6.6 times slower than their projected traffic flow numbers travelling through this intersection in Table 5.11 for a 100% capacity event. The discrepancy is not explained.

Their own SIDR A Sunday arrival peak for a 201 1 100% capacity event creates an "F" Level Of Service to the road network. This is the worst level, non functional. Plus a queue distance from the entrance to the site of 1.2 kilometres.

All SIDRA modelling shows a 100% capacity event results in an "F" Level Of Service for the road network, worst level.

The final small print states: "All queue lengths considered in isolation". That is, they have not considered the impacts of simultaneous traffic issues across different parts of the road network. Believing that only one piece of the road network will be under stress at a time while the rest function perfectly is absurd. It shows the lack of detailed investigation, modelling, and real thought that is apparent throughout this document.

In sum, we maintain that there are too many unknowns, maybes, what-ifs, and if-thens within the proposal for mode sharing, time to enter and leave the site, the ability of the Yelgun Interchange to handle the traffic, and other details. Most serious of all is the downplaying of the negative effects on local residents and road users and the great potential for tragedy through road trauma and chaos. The traffic issues alone indicate that this proposal should not be approved.

**Comment 11.3.68**

The results referred to are for the full traffic generation for the 100% capacity event. As discussed in these comments and in the Traffic Impact Assessment – Technical Paper C1, the 100% capacity event should not proceed until it has been demonstrated that traffic reductions can be achieved through travel demand management measures.

The operation of the Tweed Valley Way intersection and roundabout in the Yelgun Interchange have been modelled separately but assessed in combination. The traffic planning for the site has assessed and considered the critical points in the road network. There has been no suggestion that there are any other critical locations that have not been included in the assessment.

Opening events are proposed to eliminate the need to work from assumptions for the travel planning. Both the RTA and Byron Council have requested a test event to provide real data for travel to the site.

The proponents support this strategy. The opening events will also test the traffic management measures and travel demand management strategies and allow fine tuning for future events.

The negative impacts on nearby residents and non-event traffic have not been downplayed at all. They have been presented in the Traffic Impact Assessment – Technical Paper C1 along with the proposed mitigation measures. These measures are successfully used and accepted for other events, such as BluesFest.

#### **Response from CFFS to Technical Paper DI: Noise Impact Assessment (Events)**

The applicants propose staging multiple large events on the site, at least one of which is the music festival known as SITG. Since this is the key event referenced as an example (p i/240), we assume that the other large events will be comparable in terms of the noise generated. This noise involves amplified music for many hours of the day and night. As proposed, each festival would involve amplified music playing from 11 AM until 3 AM the following morning for several days in a row (live until midnight, then recorded), and there would be multiple festivals throughout the year that would generate such noise. Even the smaller proposed festivals (e.g., 300 -10,000 attendees) have the potential to generate substantial noise from amplified music.

We note that regardless of the specific decibel levels festival noise may reach, the difference between that noise and the usual ambient noise in the area will be significant. The people within several kilometres of the site in all directions will be affected because of the noise, so it is important to note that noise does not have to be deafening to be highly intrusive.

The overall approach taken by the consultant who prepared this Technical Paper is to describe the excessive noise that will be generated at various times and present a number of strategies for getting the neighbours to accept it. This is a singularly unacceptable approach, especially since this development is not a necessity for the community but is simply something the developers want to do on land that is in the middle of a quiet, residential area immediately adjacent to a state-protected wildlife corridor and nature reserve.

#### **Comment 11.3.69**

The staging of major events changes the noise environment and this is widely acknowledged and was discussed in significant detail in the report.

Ameliorative measures are available for the nearest affected residences that also have been implemented where noise levels are unable to be controlled to background and dB(A) levels.

We raise a few specific issues to illustrate our concerns:

#### **p. ii240 -iii242 ", Level of noise"**

On this page is the statement: "The Site has several immediate residences that are in conflict with the proposed development. Experience at other major greenfield sites has shown that this is to be expected and respected."

To show respect for neighbours ordinarily means not engaging in actions that cause them distress. Yet there is no indication that the applicants will show such respect to their neighbours. In fact, the applicants apparently intend to generate whatever noise they deem as "the level of music needed for patrons" as stated on page ii/241. CFFS notes that 'need' is not an appropriate term to describe noise levels that are simply preferred by attendees at a rock music festival.

The applicants state: "The music levels will alter the lifestyle of the nearest affected residents and the conflict with their lifestyle is unable to be completely resolved". If unwanted noise levels cannot be resolved, the applicants should not be allowed to proceed. They should not be allowed to create repeatedly distressing situations for themselves, "Look, we shouldn't be doing this. It's going to disturb

far too many people." Or, "Let's find another place to do what we want, one that's a lot farther away from all these residential areas." (CFFS notes that although the applicants have focused primarily on the residents along Jones Road, plenty of people in Yelgun, Wooyung, North Ocean Shores, and elsewhere are also quite concerned about this level of noise.)

The consultant who prepared this assessment writes: "The number of large scale events needs to be kept in context. It is proposed that 12 days per year will be occupied by these events. This from the author's experience is not significant" (p. iii/242). This is the author's opinion, however. Others most certainly do not share that opinion.

#### **Comment 11.3.70**

The noise consultant raised these matters to demonstrate that ameliorative measures are available.

#### **p. 11243, "Assisting residents" (and p. 39/281)**

Reference is made to a plan "to assist residents with the change in noise levels that are to be expected."

The applicants are proposing to disturb residents substantially by their actions for long hours, especially during the hours that the residents expect to be sleeping. It is naive to claim that they can do anything to "assist" residents in this situation. In fact, it is clear they do not have a way to do this because they claim they will have a noise management strategy "finalised during the assessment of the development application". This strategy should have been completed before 'the proposal was put on public exhibition so that residents would have known just what the promised "assistance" would be and had agreed to it.

On page 39/281 is another mention of "assisting" residents: "The community will need a lot of assistance during the sleep sensitive period to accept the intrusion. There will potentially be many residents who would usually complain. A strong pre-event one on one consultation program is recommended".

This is a singularly obtuse statement, suggesting as it does that there exists a specific form of assistance that will allow people to accept intrusive noise that prevents them from sleeping for several nights in a row, multiple times throughout the year. If there is, then that form of assistance should be specified here. This statement also assumes that the very loud noise generated by the event will be acceptable at other times during the day, with the only really problematic time being from 11PM to 3AM. This, too, shows considerable disregard for the disturbance that these actions would cause to people who are living in the area expressly because of its peace and quiet throughout the day as well as at night.

#### **Comment 11.3.71**

The noise consultant raised this matter from practical experience in managing noise generated by other major music events that occur in residential areas where high noise levels are a consequence and are unable to be avoided.

#### **p. 11/253, "Ongoing consultation"**

An example of the issues at stake is the statement on this page about a nearby resident: "This residence will be exposed to high music noise levels due to its position near the roadway that overlooks the parkland site. This situation is clearly understood by all parties and consultation with the residents is ongoing".

To understand that one will be exposed to high levels of noise does not mean that one accepts it or is happy about it. No evidence is presented that these residents welcome the prospect (in fact, CFFS has evidence that they do not), so it is difficult to see what kind of "consultation" will ameliorate the situation to the satisfaction of the residents.

#### **Comment 11.3.72**

The noise consultant's experience with major music events is that regardless of where these are held they will always be a limited number of residents who will experience acoustic disturbance for a limited number of days per year. The proposal provides for best practice management of this disturbance.

#### **p. 20/262, "Acoustic criteria and required amounts of noise"**

On this page is a reference to noise monitoring for the purpose of deciding what kind of "acoustic criteria are reasonable to consider" since the noise will be at a disturbing level for residents and yet at a level "required to make the venue financially viable".

This shows that the proponents clearly see their commercial success as the top priority and that they assume existing residential amenity must be sacrificed to that end. It should be noted, again, however, that the proponents do not have to stage large, amplified music festivals on this property. They only wish to. They have options for staging

Response from CFFS to the Environmental Assessment for 09-0028 commercially successful events elsewhere in NSW. In fact, given the extent of opposition in the shire to their plans, it is surprising that they have not concluded that they should be looking elsewhere in the state for a place to use as a year-round, permanent venue.

#### **Comment 11.3.73**

The noise consultant's report extensively discussed this as being an outcome of outdoor concerts with reference to experience overseas and in Australia. The issue cannot be avoided.

#### **p. 45/287-46/288, "Levels of noise"**

The proposed levels of noise at the stages is from 95-100 dB(A) to 103-108 dB(A). These are at a "very loud" level, close to "deafening" (<http://home.earthlink.net/dnitzer/4HaasEaton/Decibel.html>). There is no way of knowing just how this sound will carry from the sound stages outward; despite the applicants' claims to be able to control the noise.

If residents find the noise too much to bear, they reportedly will have to call a telephone number, at which point a "noise consultant will judge whether or not adjustment to the music level is needed". This is an unsatisfactory solution to what will almost certainly be an ongoing problem during festivals. It is highly likely that quite a number of people, at different locations, will be disturbed. Are they all to call one consultant? Who will the consultant be? How will that person decide if adjustments are "needed"? Isn't a complaint enough to indicate that an adjustment is needed? If adjustments are made, who will determine that they have satisfactorily dealt with the issue so that the complainants are no longer disturbed? Anyone who has been disturbed by loud noises from a neighbouring property knows that the only desired "adjustment" is cessation of the noise, yet this does not appear to be a mitigation strategy.

#### **p. 78/320, "Acoustic insulation"**

The consultant states confidently that three of the nearby dwellings that will be most affected "all lend themselves to architecturally appealing treatments that during night time would achieve a low level of music inside the residences so that sleep disturbance issues would not arise". These treatments are presumably the double-glazing and French doors mentioned elsewhere. The statement implies that these changes will be considered appealing by the residents themselves. Has that been confirmed? Or it is only the consultant who considers them appealing? Not everyone will want such changes made to their dwellings, especially when the purpose is to ameliorate a situation that is being forced upon them. Nor will the measures necessarily provide the needed amelioration. For example, double-glazed windows reduce noise only if they are closed, and people may not be able to keep their windows closed during festival hours, especially when the weather is warm.

It is also important to note that these adjustments are offered only to correct the problem at night. Nothing is said about intrusive and unwanted noise during the day.



#### **Comment 11.3.74**

The noise consultant's considerable experience indicates that residents who are unable to accept the noise intrusion during the day would have the benefit of quiet spaces within their residences. From experience elsewhere the daytime music noise is unlikely to cause widespread unacceptance.

#### **p. 105/347, "Conclusions"**

This section states that the noise criteria "may not be met at all times" and that noise "levels" may differ for "each performance". Thus, considerable uncertainty is involved as to just what residents can expect. Nevertheless, the author states confidently that it will be possible to "effectively manage noise levels during events to assist the local community". This again raises a question about the nature of "assistance" that will be offered in the face of disturbing noise. It is difficult to understand what kind of assistance will adequately alleviate the disturbance, short of shutting off all the amplifiers, stopping the performers, and telling thousands of festival goers to be quiet.

Of additional concern is the statement that the goal is "satisfactory night time noise levels for potentially affected residents". The term satisfactory is subjective; what may be considered satisfactory by the proponents may be quite unsatisfactory to affected residents. Also, daytime noise levels are also important; simply promising "satisfactory" noise levels at night is not good enough.

Besides almost certain serious disturbance to the human residents in the area, the proposed activities will also affect the wildlife in the area. A 2010 paper by ecology experts

A. Benwell and D. Scotts is of particular relevance here ("Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun, NSW"). As these experts point out, noise and other human disturbances affect wildlife in subtle ways that are not always readily noted. Thus, just because humans are not aware of impacts on wildlife does not mean the impacts do not exist. Also, the authors point out that the type of intermittent, irregular disturbance generated by loud music is the most difficult for wildlife to get used to. It is not at all certain that they will. Even the applicants concede the uncertainty:

"The episodic nature of event-related disturbances punctuated by longer periods of inactivity makes impact assessment particularly complicated. Whether particular fauna will tolerate, become habituated or sensitised to elements of the disturbance regime is unpredictable" (Technical Paper E, p 20/627).

The applicants elsewhere state that the effects of noise and other disturbances on wildlife will be "temporary" or will have no effects (Technical Paper E, p 29/636). However, these optimistic assurances are not backed by data. In fact, the effects of noise on wildlife are being studied with increasing interest in the wider scientific community, and recent findings must be considered in assessing 'this proposal. See <http://www.wildsanctuary.com/> for additional information and Appendix A of this submission for a statement about the devastating effects of noise on wildlife.

#### **Comment 11.3.75**

The noise consultant's experience does not support the sensitivity of ecological areas that are already exposed to noise from a major highway to be a sensitive issue that would preclude the development proceeding.

#### **Response from CFFS to Technical Paper E: Ecological Assessment**

The proposed festival site is in an important wildlife corridor that has been the subject of considerable interest to the NSW government for many years and has been the target of millions of dollars of investment to conserve the ecology of the area (see Appendix C of this submission for a chronology). In particular, the 1997 Cleland Inquiry identified the area as being of particular importance for its ecological and cultural significance and for its connection to the existing Billinudgel Nature Reserve and rezoned the land to protect it from environmental damage. These rezonings have provided

consistent protection to the flora and fauna in the area. Part of this protected area is a ridgeline of archaeological significance that is part of an important cultural 'precinct'.

Most recently, the Land & Environment Court maintained this consistency of protection in its judicial review of a decision by Byron Shire Council to approve a 'trial' SITG music festival. In May 2009, the judge declared Council's decision to be "invalid and of no effect" because the proposal included plans to build a road on part of the land that was zoned 7(k) Habitat in Byron's LEP. The judge pointed out that said road was an integral part of the proposed "place of assembly" and since "place of assembly" is not an allowed activity in 7(k) habitat zones, Council should not have approved the proposal. Furthermore, and significantly for this proposal, the judge cautioned the landowners not to attempt at some later time to build roads supposedly for another (allowable) purpose when the real intent was to use them for a disallowed "place of assembly" (see page 64 of this submission for details).

The court case and the previous history clearly show the ongoing value of the site to the state of NSW and the community of north Byron Shire/south Tweed Shire and demonstrate that NBSP is not suitable for activities that will almost certainly threaten a long protected prime biodiversity state asset. Yet the applicants intend to have ongoing activity on the site that will almost certainly be disturbing to the environment.

We note that although elsewhere in the EA and in public announcements, the applicants have stated they intend to have 4 major events each year, here the number is given as 3. See, for example, the table on page 21/628.)

#### **Comment 11.3.76**

The proposed event usage in the part of the site subject to the Cleland inquiry is within a Cleland recommended zone where event uses are a permissible use. Other parts of the Parkland site, which were subject to the Cleland inquiry, are proposal for uses permissible within the zones recommended by the Cleland inquiry. The Parklands proposal is consistent with the Cleland inquiry in these instances.

The Parklands proposal seeks consent for uses permissible within the Zone 7(k) (Habitat) recommended by the Cleland inquiry. Additionally, the Parklands proposal reserves a large amount of additional land for habitat purposes, beyond that proposed by the Cleland inquiry.

The EA reports on the consultation undertaken with Aboriginal stakeholders who have not objected to the proposal as detailed within Technical Paper H – Aboriginal and European Heritage Assessment.

This Ecological Assessment downplays or does not address many issues related to this site that have been recognised for many years. In particular:

- Threatened Species

The site has over 50 recognised threatened species of plants and animals, including the Koala. It also has three Ecological Endangered Communities (BEC). But the proponents' records of threatened fauna species do not match other findings. For example, on page 10/617 of this Technical Paper is the claim that on "the grazed pastoral area south of Jones Road . fauna surveys have not been carried out due to generally low habitat values". However, records exist of a Black Bittern in cane drains in the Yelgun Catchment-records that belie the statement. Such discrepancies call into question the reliability of the threatened-species data in this Technical Paper.

It should be recognized that the Quoll, a nationally-recognised endangered species, has a presence in the nature reserve and that the Conservation of North Ocean Shores (CONOS, Inc.) has other records of fauna in the area that were given to DECCW. CONOS also has 30 years of detailed records of Koalas in the Jones Road wildlife corridor.

CFFS notes that the author of this Technical Paper states that the some effects of festival disturbance are "unpredictable" (p 20/627) and that "the staging of any large scale musical event at the suite will

bring unprecedented noise levels and a novel disturbance regime" (p 42/649) . Several other comments by this author suggest that the effects of the proposed activity on threatened and non-threatened species alike cannot adequately be determined.

Furthermore, the author states on page 25/632 that the only way to predict cumulative and interactive effects in the future is through careful monitoring, presumably over the course of years. However, CFFS notes that if the proposed activity is allowed to proceed, serious damage may well be done if "monitoring" is used as the only strategy for protecting the wildlife. Very real risks would be (1) that monitoring will show that the increased activity on the site leads to a steady decline of the wildlife that now make their homes in the area and (2) that the decline will be too severe to be reversed once the cumulative results are perceived.

We also note that the "Management Manual" included in Appendix M of this Technical Paper contains primarily assertions about the property and about the importance of managing it. Detailed descriptions of specific management and evaluation strategies are conspicuously absent. We note, for example, that no mention is made of the state's procedures for monitoring, evaluation, reporting, and implementation (MER! framework) that would show the applicants' clear understanding of how to manage the site effectively.

#### **Comment 11.3.77**

Appendix I of the Technical Paper E includes seven part tests for 21 threatened fauna species, selected on the basis of records, recent survey results, and close examination of habitats present on and around the site.

A seven part test for the black bittern was included. Records of black bitterns from cane drains reflect the tall dense vegetation adjacent which provide this shy nocturnal species with shelter site habitat. No such habitat is present in the southern grazed pastoral area because of the high grazing pressure and generally low pasture in this area.

The single spotted tailed quoll *Dasyurus maculatus* record from Billinudgel Nature reserve is noted, however the Parklands site and its vicinity has an extremely high wild dog presence and these likely also occupy and affect fauna in Billinudgel Nature Reserve. The quoll has not been recorded from the Parklands site, or in any of the nearby culverts monitored beneath the Yelgun to Chinderah freeway and Tweed valley Way (Fitzgerald 2005), and is considered an unlikely occurrence within the footprint of the proposal.

Assessment of impacts for federally listed threatened species are addressed in Appendix C of the Technical paper E.<sup>5</sup>

Fauna monitoring is not the only action to mitigate impacts, but is instead a means to provide evidence of the location, nature and extent of impacts to subsequently inform the design, location and nature of events at the site. See technical paper E pp22-25 for details of proposed mitigation strategies.

#### **• Specific Threats from Festival Activity**

The 2010 Benwell and Scotts paper details potential and likely threats to fauna in Billinudgel Nature Reserve that would result from festival activity on NBSP. The study's authors stress that the buffer zones proposed by NBSP between event areas and wildlife habitats are not large enough. They also say that the nature of the events will bring a "massive increase in human disturbance" (noise, artificial lights, etc.), posing significant risks to the wildlife in the area. This research provides ample

---

<sup>5</sup> Fitzgerald M 2005. FINAL PEPOROT Results of Sandtrap monitoring in 8 designated crossings of the Yelgun to Chinderah Pacific Highway Upgrade Sample 3 February-April 2005. Prepared by Mark Fitzgerald Ecological Consultant for AbiRoad Maintenance

justification for invoking the precautionary principle. In fact, that principle, well established as a guideline in NSW, is highly relevant to this proposal, given both the known and unknown impacts to the environment. For a detailed statement of this principle, see Appendix B of this submission.

Known impacts include disruptions to breeding, foraging, and other behaviour of a number of animals as detailed throughout this Technical Paper. Most of these are downplayed with statements that they will have little effect on the animals or that the animals will move temporarily to the adjacent Reserve.

However, we note that, the supportive reasoning put forth is often questionable. For example, there is the statement that because Little Lorikeets are noisy birds "diurnal disturbances from musical events are unlikely to affect them" (p 54/9 35). So 90dB+ amplified music during the day will not affect the birds because they will be chattering so loudly? This strains belief. Worse, the author neglects to mention that the noise will continue well into the night when the Little Lorikeets are ordinarily quiet and resting and will almost certainly disturb them then. Or is significant nocturnal disturbance acceptable for Little Lorikeets because diurnal disturbance is assumed not to be an issue?

The unknowns pose even greater concern because they are met with such exaggerated confidence. For example, with regard to noise, there is the statement "if consistent adverse effects are identified, then noise barriers, visual screening or other mitigatory measures may

need to be deployed" (p 24/1067). We ask: How are "consistent" and "adverse" to be defined and measured? Who will do the defining and measuring? When will the measurements occur? Who will determine if the effects are present? Who will decide when mitigatory measures will be deployed? Who will decide what the measures should be? Who will monitor the effectiveness of the deployment? When will that monitoring take place? And so on. The same kinds of questions can be raised about all the proposed "management" measures discussed here. Of greatest concern is that there is no mention whatsoever of the precautionary principle. Yet, given the sensitive nature of the environment in and around the site, that principle ought to be used as a guiding force under these conditions of applicant admitted uncertainty.

Byron Shire Council possesses Noise Reports from past SnG festivals that, until recently, have not been accessible by the public. They are reportedly now available as Open Access documents, but we have not had time to get them and study them, given the time we are devoting to the proposal. On at least one occasion, SnG did breach their Noise Protocol, so it is worth DoP's efforts to acquire all the Noise Reports that SnG filed to judge the extent to which they met (or failed to meet) previous DA conditions.

### Comment 11.3.78

In reference to the Benwell and Scotts report the CFFS submission suggests that "*Known impacts include disruptions to breeding, foraging, and other behaviour of a number of animals...*"

However, the impacts described are those reported for large scale human presence, noise, human presence and lights, as variously referenced in literature. These are not known impacts of staging an event at Parklands, but conjectured. Literature quoted by Benwell and Scotts nominate high levels of species-specific variability in faunal responses as well as variations according to situational and other factors. Effects of noise on Little Lorikeets is unknown. Given cicada noise can achieve >120dB (Australian Museum website: weblink below) then it is difficult to establish precisely how particular fauna species will respond to noise from amplified music and at what distance such effects diminish or disappear.

Former Byron Shire Council ecologist Mark Robinson reported grey-headed flying-foxes foraging in swamp mahogany at the Belongil Fields site as soon as music ceased.

Little lorikeets *Glossopsitta pusilla* have not yet been recorded from the site, but when key eucalypt and other species are in productive blossom, may occur with the numerous other lorikeet and

honeyeater species recorded to feed on the resources of the Parklands site. Typical behaviour for these lorikeets is to follow the blossom resource.

It is noted that specific nocturnal roosts are used separate from their foraging sites (Forshaw and Trounson 2007<sup>6</sup>). In the event that feed trees were also used as nocturnal roost trees, which were also close to high levels of noise for the 3-4 days of a large event, birds may be disrupted and roost elsewhere. For a highly mobile species which is described as foraging widely (*ibid.*), this behaviour does not appear likely to be significantly adverse. A seven part test was provided in the proposal for this species (See technical paper E p54).

Existing plantings of 7400 trees include 10% eucalypt species and further similar plantings will continue to increase the available habitat for nectivorous fauna at the Parklands site. For the majority of each year when no events take place, these resources will contribute important resources to the local abundance and persistence of fauna in this locality.<sup>7</sup>

- **Climate Change Corridor**

In 2010, NBSP was considered part of what is described as a 'critical' climate change corridor identified by DECCW. NBSP is also a critical link between Billinudgel Nature Reserve and the rainforests of the Mt. Warning caldera, rainforests that are considered "world heritage". These recognised environments are likely to be affected quite negatively by the development proposed here.

**Comment 11.3.79**

The ambitious claim "*These recognised environments are likely to be affected quite negatively by the development proposed here*" is based on no argument or evidence. Even the strongly argued submissions of CONOS and BEACON do not postulate this level or scale of effect.

- **High Fire Risk**

The Bush Fire Risk Management Plan for the Far North Coast describes the Jones, Road area as having an 'almost certain' likelihood of fire with 'catastrophic' consequences.

It is well known that highly inflammable peat soils exist on the site, and the area has a history of long-lasting peat fires that have created health hazards. The presence of tens of thousands of party-goers, including smokers and campers, on the property is a recipe for fire disaster that will have serious negative affects on the flora and fauna on the property, in Billinudgel Nature Reserve, and in the surrounding areas. (See also CFFS's response to Technical Paper L: Bushfire Hazard Assessment in this Submission.)

**Comment 11.3.80**

The Far North Coast BFMC Bush Fire Risk Management Plan 2009 maps only a narrow corridor of land along Jones Road and refers to the residential human settlement along this road. The recommended treatment for these residential properties in the plan is to encourage residents to maintain Asset Protection Zones and prepare a Bushfire wise action plan.

Further to the north of this area referred to in the Far North Coast BFMC Bush Fire Risk Management Plan 2009 are areas of peat soils of various peat densities within the site. The management plans for the site will address the potential and mitigation of peat fires. When larger events are occurring, the site will be a highly managed environment with bushfire personnel and equipment on site together with police and security staff operating under a coordinated management regime.

---

<sup>6</sup> Forshaw J. M. and Trounson D. and M. 2007 Little Lorikeet. In Reader's Digest Complete Book of Australian Birds. Reader's Digest Australia Pty Ltd, Ultimo.

<sup>7</sup> <http://australianmuseum.net.au/Cicadas-Superfamily-Cicadoidea>

The management response to the potential for peat fires will be responsive to the site conditions at the time of the event.

- **Camping**

There is reason for concern about 'caravan parks' and 'primitive' camping on site, and the 'planning requirements relevant to this are not at all clear. Under the Byron LEP, 'caravan parks' are prohibited in I(a) General Rural, I(b) Agricultural Protection and 7(k) Habitat zones. Furthermore, 'Primitive Camping Ground' refers to Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005. It is not clear that the camping provisions in this proposal meet these requirements, and it is a concern that the proposed camping will have additional negative effects on the environment.

**Comment 11.3.81**

The EA seeks use for camping as an integral part of event usage and only when event usage is occurring. Therefore, the camping is ancillary to the event usage.

- **Contradicts Various Government Policies**

In one way or another, the proposed development contradicts the following government actions/policies that have provided guidelines for planning and development, in particular guidelines relating to ecological protection of the area:

Byron Shire Council Events Policy (2010)  
 Australian Heritage Commission Register of National Estate "Natural and Cultural Area".  
 Cleland Commission of Inquiry (1997)  
 Byron Flora and Fauna Study (Byron Shire Council, 1999)  
 Key Habitat and Wildlife Corridor (NPWS, 2003)  
 Byron Shire Biodiversity Conservation Strategy (Byron Shire Council, 2004)  
 Far North Coast Regional Strategy (NSW Planning, 2006)  
 The Great Eastern Ranges (GER) Initiative (DECCW, 2007)  
 Border Ranges Biodiversity Management Plan (DECCW, 2008)  
 Climate Change Corridors (DECCW, 2009)  
 Draft North Coast Regional Conservation Plan (DECCW/Dept of Planning, 2010)  
 Northern Rivers Biodiversity Management Plan (DECCW, 2010)

Also, Byron Shire Council voted on 21 October 2010 to proceed with an amendment to the Byron LEP that will include a clause limiting Major Events in the shire to two per year, thereby strengthening Council's existing Events Policy.

**Comment 11.3.82**

The EA and especially Technical Paper T – Statutory Assessment demonstrates the proposal is consistent with a wide range of local, state and regional planning policies, strategies and plans, many of which are listed above. The objection does not provide any specific reference to where the proposal may 'in any way or another' 'contradict' the listed plans, policies, studies and strategies.

The Parklands project was declared a Major Project on 23 July 2009, some 14 months before the Council policy was adopted.

- **The 'Need' for the Development**

One issue that is highly relevant to environmental issues is the 'degree to which this development is necessary. In the early pages of their Environmental Assessment, the applicants claim necessity on two grounds: (1) the land where they used to stage music festivals is no longer available (page i), and (2) "no dedicated, multi-use site for hosting larger events is available in the Shire" (page 3).



**Comment 11.3.83**

The Council recognised the need for a purpose built cultural event facility as evidenced by its employment of an economic development officer, tasked in part, to 'undertake feasibility analysis to identify preferred Byron Shire Events & Festivals site to cater for large scale events' (council agenda 20/12/2005, Page 36). Council met with SITG organisers and encouraged the finding of a purpose built events site on a greenfields site.

However, both statements reflect the desire of the applicants rather than any need within the community. In fact, quite a number of events, including music festivals, are staged successfully by others at a variety of venues throughout the shire. The Byron Bay Writers' Festival and the Mullumbimby Music Festival are two examples. These, and other events, are not seeking larger quarters because their scale suits the scale of the shire. Sporting events and a variety of cultural events will also soon have the new Sports and Cultural Centre now under construction on Ewingsdale Road in the shire, supported by funds from the NSW government. BluesFest, a large music festival, is staged on dedicated land at Tyagarah that could, with permission of the owners and Council, be used for other large festivals.

**Comment 11.3.84**

A strength of the Northern Rivers region is the wide range and variety of cultural events occurring in different places at different times. The Byron Regional Sport and Cultural complex which while not built yet, has no approval for event use. The Byron Regional Sport and Cultural complex, if approval is sought and attained for events usage, is unlikely to cater for large scale events. Council's events policy does not prohibit large scale events. The site at Tyagarah is only approved and available for the annual Blues Fest festival with the promoter publicly committing to not having any other events at this venue.

The "need" that the promoters claim is thus actually ex post facto. Only when their first efforts for a trial event were thwarted locally did they generate a new proposal, aimed at the state, and claim a "need" for the development. It also appears that their "need" has increased as the details of their proposal have come to light and objections have mounted.

**Comment 11.3.85**

The need for the site was recognised by Council prior to its determination of a trial event when Council resolved to rezone the site as regional cultural and events facility in late 2006.

In fact, the applicants have options. They could scale down their events to suit existing venues in Byron Shire or nearby areas. ("That Festival" in Cabarita, with a limit of 5,000 attendees, is another good example of how the scale of a music festival can fit the scale of an area and also be commercially viable.) Or they could find a more suitable site outside Byron Shire. Woodfordia in Queensland is a model for the kind of site they could establish in New South Wales in an area that has plenty of room and is suitably distant from both ecologically sensitive areas and residential areas. Or they could redesign their business plan to focus exclusively on the kinds of ecological activities that would be suited to the property, e.g., bird-watching ventures or plant-identification tours for small groups. In fact, if the promoters were genuinely interested in protecting the environment, they would never have purchased the property with the intention of staging mega festivals on it, having realised how ecologically unsound those activities would be in that location. It should also be noted that the applicants purchased their property without any guarantees that they would be able to do what they wanted with it. To claim now that they "need" to develop it in the way they wish is inappropriate.

**Comment 11.3.86**

The applicants met with Byron Shire Council elected councillors and senior staff such as the primary planner and ecologist, together with a range of government agencies prior to purchasing the site. The Council resolved to rezone the site as regional cultural and events facility in late 2006.

The "need" for this development is part of the spin being generated by the promoters and does not stand up to critical examination, given that the applicants have options for being commercially successful elsewhere. But the flora and fauna in Billinudgel Nature Reserve do not have options. They need the protection the government has provided for many years against the intrusions of private development that would almost certainly destroy their environment and their lives.

#### **Comment 11.3.87**

The need for a regional cultural events site is demonstrated by the range of government policies seeking to further strengthen creative industry and cultural tourism industry sectors as addressed within the EA. Such a site is an infrastructure asset for these industries.

The Council recognised the need for a purpose built cultural event facility as evidenced by its employment of an economic development officer, tasked in part, to 'undertake feasibility analysis to identify preferred Byron Shire Events & Festivals site to cater for large scale events' (council agenda 20/12/2005, Page 36).

The proposal, on balance, is considered to result in improved ecological outcomes.

#### **• Concept Plan Issues**

The Concept Plan (Section 3.3) for a conference centre and cultural centre raises several concerns. For one, the proposed location for the cultural centre is in a I (b) I Agricultural Protection zone; clause 38A applies. Also, no building entitlements exist for Lot 46, DP755687, which is where the proposed location for the cultural centre is. Furthermore, the proposed location for the conference centre is on I(a) General Rural zone, hatched. Moreover, there is no certainty that there is a building entitlement for Lot 403 DP755687, which is the proposed location for the conference centre.

#### **Comment 11.3.88**

The so called 'building entitlement' issue raised is not relevant to the proposed conference centre and cultural centre. The submission is likely to be referring to 'dwelling entitlement' which relates to the dwelling entitlement of a lot.

#### **• Broader Perspectives**

We think it is critical to consider the history of protection that local and state governments have provided to the site. This clearly shows the importance consistently accorded the site by the state government. See Appendix C of this submission for a brief chronology of events relating to government protection of the site.

We also think it is important to consider this proposal in light of broader environmental concerns. The ecology of the site itself is important, but it is even more important when considered in a broader context. See Appendix D of this submission for a statement about this broader context.

#### **Comment 11.3.89**

The reference to the history of the 'site' is only referring to part of the site. The Parklands proposal is considered to address the broader perspective of the site as demonstrated by its commitments to increase the size and effectiveness of the regional wildlife corridor. The usage pattern of the site is proposed to be capped to maximise the 'downtime' on the site such that non-event times dominate the annual cycle. This large strategically located site, adjoining the Nature Reserve is able to act in an ecosystem support function. With recognition that biodiversity cannot be sustained in Nature Reserves alone, the contribution of well managed habitats on private lands is widely recognised to be vital to conserve native ecosystem functions, especially ecological connectivity.

## Response from CFFS to Technical Paper G: Flooding Impact Assessment

We note that Clause 24 of Byron Shire Council's 1988 LEP does not allow increase in the level of flooding in surrounding land. Because both the southern and northern sections of the property are identified as flood liable land on that LEP, development in the area must conform to the NSW Floodplain Development Manual (2005) and the Floodplain Risk Management Guideline (DECC, Oct 2007). Besides noting these points, we have the following concerns:

- **P 1350, Fast onset of flooding**

On this page: "The project site is affected by both local catchment flow and flooding from the broader catchment. Due to the fast onset of local flooding, this type of flooding is most likely to enforce constraints on the use of the site." Yet the massive scale of the project suggests no such constraints.

### Comment 11.3.90

The quoted section goes on to state that flooding characteristics vary between the two catchments on the site with flooding on the event portion of the site dominated by Crabbes Creek backing up onto the site. The design of the proposal has responded to the different potential flooding characteristics.

The proposed usage of the site for events is contingent on risk assessments for a wide range of factors including the potential for flooding. Flooding is a manageable hazard where the flood risk can be defined and appropriate emergency preparedness and mitigation strategies developed. The SREFS represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

The forecasting system for significant rainfall events will result in the site usage being constrained where a significant rainfall event is likely to occur.

Such constraints include a programmed event being cancelled due to wet conditions or the timely evacuation of an event as required.

- **Floodplain locations**

The northern end of the site (event sites, camping areas and carpark) are in the Crabbes Creek Floodplain and the Mooball Creek Catchment. The southern side (carpark area) is in the Yelgun Creek Floodplain and Marshall's Creek catchment. The entire area gets frequent and unpredictable rain and is subject to flooding whenever significant rainfall occurs. It is an exceedingly poor choice of an area for staging events that involve thousands of people, vehicles, and equipment.

### Comment 11.3.91

The EA and especially Technical Paper G – Flooding Impact Assessment has identified the flooding characteristics of the site while the management of this risk is based on the forecasting system for significant rainfall events.

Flooding is a manageable hazard where the flood risk can be defined and appropriate emergency preparedness and mitigation strategies developed. The SREFS represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

- **Modelling of flood impacts**

The consultants admit more modelling is needed upstream of the proposed Spine Road and say they have provided no modelling of flooding impacts on northern side of site on Crabbes Creek due to limitations of the hydrological model used (p 1352).

Yet this is the same company that completed the Tweed/Byron Coastal Creeks Floodplain Study in 2009. They should therefore have access to information about flows from Crabbes Creek. This information is necessary to assess the impact of the proposed development adequately and has the potential to increase flooding estimates on the northern side of the property (event site and camping area). This must also be modelled.

On page 13 72 is this statement that" ... culverts under the spine road have not been considered in the analysis." The applicants lodged their initial application with the DoP in April, 2009. They had time before then to complete this modelling and have had plenty of time after that initial lodgement to do it in conjunction with preparing this EA. There is no reason for this important analysis to have been neglected. We note also that this is a very contentious area between Tweed and Byron Councils with regard to floodwater management and should have been very thoroughly detailed by the applicants.

> We note that maps made by BMT WBM all clearly show flow to the event site from Crabbes Creek catchment, yet this has not been included in the model. Why not? Flows from Crabbes Creek will obviously increase flooding in northern part of site (p 1350, P 1367, Figure 5.12).

> Carpark, event areas, and camping areas on the site are all identified as flood -prone land in various ARI events:

In 5 yr ARI, the event area is 2-3m AHD Peak Flood Level

In 5 yr ARI, the carpark area is 3-3.5m AHD Peak Flood Level

In 10 yr ARI, the event area is 3-3.75m AHD Peak Flood Level

In 10 yr ARI, the carpark area is 3-3.75m AHD Peak Flood Level

In 100 yr ARI, the event area is 3.75-4.25m AHD Peak Flood Level

In 100 yr ARI, the carpark area is 3.75 -4.25m AHD Peak Flood Level

Combined Event PMF Fig 5.5 shows the carpark area 5-5.25m deep and the event area 67m deep.

These are all serious indications of flood risk and reveal that this is not an appropriate site for the proposed development. In the event of fast-onset floods (likely on the site), the massive numbers of people and vehicles that would be need to be evacuated would create chaos. It is specifically stated that the car parking area and the event area are both on flood-prone land and that two locations along the proposed Spine Road are overtopped in all events that have been modelled.

RE SEPP 14 Wetlands: In the event of flooding, fuels, oils, and other pollutants would be washed into SEPP 14 wetlands and Billinudgel Nature Reserve. Also, the proposed effluent irrigation area at the western end of the Yelgun catchment is quite near to Yelgun Creek. This is regionally significant farmland (FNCAg Lands, 2005).

#### **Comment 11.3.92**

The Crabbes Creek catchment is modelled in detail within Technical Paper G – Flooding Impact Assessment as evidenced within the report. The reference to the need for further modelling on page 1352 is a standard matter where the detailed design phase will address.

The spine road will now not be overtopped following the request by DECCW to design the road for the 1 in 100 event.

The proposed creation of wetlands within the extensive buffer adjoining the BNR will provide an effective management measure to protect the BNR wetlands. Any hydrocarbon leakage from vehicles into the parking area would be unlikely to cause any detectable increase in the presence of hydrocarbon contaminants in the Billinudgel Nature Reserve. Hydrocarbons break down in the environment rapidly, particularly near the surface of the soil profile where oxygen, organic carbon and bacteria are abundant. Even if a flood event occurred immediately after a cultural event on site, the likelihood of detectable hydrocarbon contamination being transferred to the BNR is considered very low as the level of dilution would be enormous and the background water quality of the flood water entering the site would already be poor.

- **Spine Road construction**

A Spine Road is proposed across the site, joining Wooyung Rd for northern access. This road is to be 250-300mm above the existing ground level and made of 300mm compacted gravel, with event laneways 100mm above existing ground level and 200mm of compacted gravel. The Spine Road shows some changes in ground level of 1.6m in sensitive flood prone areas. We note that this Spine Road would need to be at 3.7 AHD to be flood Immune.

The extension of the Spine Road to meet with Wooyung Rd is not discussed here although it is clear from current flooding maps that this road is also subject to flooding and would need to be raised to be an appropriate evacuation route. Discussions of this or the effects this would have on upstream water flows are omitted.

In the conclusions on page 1372 is the claim that development of the Spine Road will cause no adverse site impacts, but that statement blatantly disregards the effect on the Crabbes Creek Floodplain that was not modelled due to limitations of the model. This is simply not good enough on a project of this size and supposed significance. Modelling of all potential impacts is needed before appropriate assessment can be made.

**Comment 11.3.93**

The application clearly depicts that the connection between the spine road and Wooyung Road will not be used for events.

The Crabbes Creek catchment is modelled in detail within Technical Paper G – Flooding Impact Assessment as evidenced within the report.

- **Flooding and power supplies**

Flooding to the event area is obviously a major consideration, given that substantial power is to be supplied to the site and that there is a large risk to electrical equipment of inundation and submersion.

- **Evacuation issues**

Although most of the site is classified low-hazard (p 1364, section 5.2) and recommendations are made to avoid fast-flowing areas during evacuation, a more important point is not mentioned: When the carpark is inundated and people are given only a few minutes ' warning time (see below), many will panic and try to get out as quickly as possible any way they can to protect themselves and their possessions.

- **High flow areas**

According to Figure 5.11, a combined event flood hazard shows areas in the carpark and event areas identified as high flood flow areas.

Climate Change effects on flooding are shown on p 1369, section 5.4. These show carpark flooding levels increased by 1.15-1.29m and flooding in event areas increased 1.461.62m.

This is a significant impact with 5.25-5.5m of water on site in 100yr ARI Combined Event.

**Comment 11.3.94**

It is not intended to undertake an event at the site during a flood event. Through the use of stream monitoring and other techniques a rainfall event forecasting and flood management system is intended to be in place that will ensure that events are not carried out when a flood event is likely to occur.

- **Must make comparison with earlier study**

The information presented here must be compared to the flooding study provided to Byron Shire Council in one of the promoters' previous DAs regarding the same site. Section 3.6 of this Flood Study (H.J Fiander, April 2007) states "it is estimated that there would be approximately 20-30 minutes warning time available from the beginning of the rainfall burst." This crucial detail appears not to have been included in the present study. The omission may have been made to reduce the public's perception of risk, but it is a significant omission that borders on deliberate deception.

**Comment 11.3.95**

It should be noted that the flood model used for the current Flood Impact Assessment Report uses a more contemporary modelling approach (2D depth averaged finite difference model, using TUFLOW) and contains more information in regards to some structures in the floodplain. It is therefore considered that the results obtained in the current assessment will be more accurate due to the improved modelling methodology that has been employed. The hydrologic report submitted by H. Fiander (2007) as part of an earlier DA did not include flow through culverts or highway crossings. In addition, the Fiander report acknowledges that more accurate results would have been generated using the TUFLOW flood modelling software, which has been the approach in the current assessment.

- **Stormwater runoff and turning lanes**

The consultants have proposed cutting open drains around a bus turnaround area for stormwater runoff. This runoff will need collection as it will contain a lot of pollutants that should not be allowed to contaminate neighbouring wetlands. No provision is made for this. An aside concerning buses : A right turning lane is proposed on Tweed Valley Way from the south for cars, but no turning lane has been proposed for bus entry gate B. Are they not expecting many buses with 40% assumed to be using non-car transport to the site?

**Comment 11.3.96**

Stormwater will be managed in accordance with the principles and measures contained within Technical Papers P & Q as committed to in Commitments B10 and B11.

When Gate B is in use, the local road system in this vicinity will be under traffic control. Buses turning into Gate B will be managed by traffic controllers.

- **Scheduling events to avoid' floods**

It is noteworthy that the Flooding Constraints Calendar (Technical Paper W2, p 2190) indicates that October would be the ideal time for major events due to the unlikelihood of flood events. However, the events site and carpark area were heavily flooded and rendered unusable for days at a stretch twice during the month of October 2010. As noted elsewhere, this area is subject to unpredictable serious flooding throughout the year, depending on rainfall.



#### **Comment 11.3.97**

The significant rainfall event forecasting system to be used on the site represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

The forecasting system for significant rainfall events will result in the site usage being constrained where a significant rainfall event is likely to occur. Such constraints include a programmed event being cancelled due to wet conditions or the timely evacuation of an event as required.

- **DGR 6.5 ("adequate egress and safety in a flood event")**

This requirement must be met. Yet in the Evacuation Technical Paper, the proponents' flood study shows flood warning times of under one hour and show evacuation rates ranging from 3 hours to 4.5 hours when the site is at only 40% capacity (Technical Paper W2, p 2195).

As noted earlier (p 32 in this submission), a flood study from 2007 states that there would be about a 20-30 minute warning from the beginning of the rainfall burst to flood conditions.

We also note that the evacuation plan provided by the current proponents for a trial event in 2008 indicated that the site would be unusable if a flood event occurred at any time during the three weeks before a major event. The plan, provided by Mark Norris and Associates in 2008, states on page 3:

"In the scenario that both the carpark and event site are flooded three weeks before the start of the event, the SITG management will not be able to access the site to set up the event, as the Event Assembly Period (bump in) is within this period. In this scenario, the site would not be used until the flood waters clear."

The frequent and rapid flooding that occurs on the site would undoubtedly affect a number of the proposed events and could easily affect adequate egress during an event. These risks strongly suggest that this is not the right place for the proposed development.

- Alignment with the NSW Floodplain Development Manual 2005 and Floodplain Risk Management Guideline (DECC, Oct, 2007). These documents specifically state in section 66.1 Determining Reasonable Flood Related Development Limits: "There are certain areas where development would reasonably be excluded, areas where hazard is too high and cannot effectively be reduced to acceptable levels by management measures."

We strongly believe this is one of them.

See further comments regarding flood risks and evacuation issues below in our response to Technical Papers WI and W2.

#### **Comment 11.3.98**

As addressed in Section 3.4 of Technical Paper W, the BoM provides warning of flooding 12 to 24 hours in advance of a significant rainfall event. The technical paper acknowledges that during intense short duration rainfall events floodwaters begin to rise within an hour of the start of the rainfall. With 12 to 24 hours advanced warning of a significant rainfall event, the proponent will be readily able to evacuate before rainfall begins.

#### **Response from CFFS to Technical Paper I: Social Impact Assessment**

Citizens should expect over time that government at all levels will make decisions and form policy to maintain or gradually improve living standards for existing communities. This Technical Paper must be assessed with that in mind. It raises a number of issues that would clearly reduce living standards for

existing communities, and the communities are looking to the state government to protect them from these threats. Here are some general issues to consider:

- The current shire-wide population is about 29,000. Daily crowds of 30,000-50,000 will have massive negative ramifications. throughout the shire particularly on communities in the north, e.g., Yelgun, Ocean Shores, New Brighton, South Golden Beach, Brunswick Heads.

#### **Comment 11.3.99**

The population context for this regional asset is that the Northern Rivers of NSW region which has a population of more than 228,000 residents and a visitor population made up of 225,000 international visitors, 1.8 million domestic overnight visitors and 2.7 million day trip visitors. The adjoining south-east Queensland region has a population of 2.8 million people. With Byron Shire having a population of 29,000, the adjoin Tweed shire has a population of some 89,000.

The maximum number of major event days is capped at 12 event days per year. Technical Paper I – Social Impact Assessment identifies the various components of the community which may be impacted by the proposal and assesses the likely impacts of the proposal on each community segment. The potential impacts on residents of these local communities is identified and addressed within Technical Paper I – Social Impact Assessment.

While major events generate short term impacts as identified within the EA, a wide range of mitigatory measures are to be employed to minimise or avoid such impacts where possible.

- No disrespect to young adults, but a main purpose of going to a mega music festival is to party. This site is within 2,000 metres of high-density residential areas, (e.g., Ocean Shores), and those residents will be inundated with intoxicated, noisy, inconsiderate; anti social, potentially destructive patrons. This will lead to property damage, verbal and physical conflict, and interruptions to privacy and peace, including late night incidents. Residents will also be forced to endure music noise all day long and well into the night. (The history of SITG festivals at Belongil Fields clearly shows what the north of the shire would be up against in terms of anti-social patron behaviour.)

#### **Comment 11.3.100**

Site usage for major events is proposed to be strictly limited to 10 days per year for the first 5 years and a maximum of 12 days per year thereafter . Not all events will be music festivals and not all events will cater for young adults. Music festivals which will be popular for young adults are proposed to occur.

The event site is not within 2000 metres of Ocean Shores. The plan at Comment 11.1.13 clearly depicts the shortest distance from the event usage site to the closest dwelling in North Ocean Shores is 2.43 kms. Ocean Shores is a low density residential area. The centroid of which is some 4 km from the closest edge of the event area.

North Ocean Shores and surrounding residential areas are not destinations for event patrons who are most unlikely to visit such areas. The only event patrons likely to enter these areas are a small number of patrons who use the limited amount of holiday accommodation within the area, patrons staying with family or friends or those who choose the local beaches rather than those at visitor accommodation destinations such as Byron Bay or Tweed Coast.

- The camping allowance means that only a fraction of the festival goers will remain on site. Where do the thousands of others go after midnight when the live music is finished? Most will spread out between Ocean Shores and Byron Bay. Many will be intoxicated, thus vulnerable to serious road accidents as they move from the site to their accommodations. When they reach their destination, they will create major disturbances throughout residential precincts. Byron Shire residents see illegal camping regularly within residential streets now. This unauthorized activity will only increase when thousands of festival goers seek a cheap place to continue partying or sleep for a few hours near the site. The streets of North Ocean Shores, Billinudgel, Brunswick Heads, etc. could easily be lined with

cars and vans, disrupting neighbourhoods late at night and making travel more difficult and dangerous during the day.

#### **Comment 11.3.101**

The EA proposes that some 50% of patrons will camp on site. The availability of visitor accommodation will largely determine where day patrons are located when not at the event site.

This will result in the majority of patrons not camping on site returning to their accommodation which will mostly be in Byron Bay and the Tweed coast. Some will be accommodated within Brunswick Heads and fewer within the limited visitor accommodation available in Ocean Shores, New Brighton and South Golden Beach. These areas have experienced event patrons using this accommodation in past years when Splendour in the Grass was located in Byron Bay. Feedback from accommodation providers recognised and appreciated the increased business resulting from SITG, which occurs in a traditionally quiet time of year.

Management of the potential for illegal camping will be undertaken in the council endorsed successful manner utilised for the 2010 Blues Festival.

- People have invested and lived in North Byron because they desire the quiet, peaceful lifestyle it offers, and the goal posts should not be moved on them now. Also, they do not want to see their property values negatively affected by such an intrusive development. Most important, it is wrong to take away individuals' comfort, peace, and familiar environment. That has a soul-destroying effect for most. Many residents are already anxious and disillusioned at the thought of this development, and their health could well be affected by the significant changes to their way of life that the development would bring. This is especially true because the disruptions would not be once a year but multiple times throughout the year.

For these reasons, Yelgun is simply an inappropriate site for this development. The promoters, perhaps with the help of the state, need to identify a suitable location well away from established residential areas.

#### **Comment 11.3.102**

The plan at Comment 11.1.3 depicts the distance from the event usage site to North Ocean Shores, Ocean Shores, New Brighton and South Golden Beach. The Parklands site is not within immediate proximity to these areas. The capped event usage limits the potential for impacts to a small number of times per year. The range of potential impacts are canvassed within Technical Paper I – Social Impact Assessment.

Additional comments about specific elements of this Technical Paper are below, with

#### **Section 2, Assessment Methodology**

The proponents state that they did a number of things to determine the likely social impacts of their proposed development, including a "review of new community consultation report contained within Technical Paper J of the EA" (p 12/1468). However, this so-called new consultation was inadequate in the extreme, relying as it did on previous input concerning a now-defunct proposal that is quite different from the current proposal. (See CFFS's comments on Technical Paper J.)

#### **Comment 11.3.103**

Technical Paper J details the extensive consultation program undertaken for the current proposal.

#### **p. 1472, Section 3, Community Profile**

It is misleading to suggest that immediate neighbours and nearby communities have been consulted. See the CFFS comments relating to Technical Paper J: Community

#### Comment 11.3.104

Technical Paper J details the extensive consultation program undertaken including consultation with immediate neighbours and nearby communities.

#### Section 4, Consultation

This section simply repeats the information contained in Technical Paper J, Community Consultation. Please see CFFS's comments relating to that Technical Paper.

#### Section 5, Potential Impacts and Opportunities

**p. 1483, top:** Reference here is made to Appendix C of the proposal, where submissions are reported that relate to an earlier, now-defunct DA for a one-off trial event on the Yelgun site.

However, since the proponents included the material in Appendix C, CFFS will note that 540 letters of objection were received by Council. Of the 540, 227 (42%) are described as "standard letters" (a standard letter being one that several people used as their own, agreeing with the points but not feeling confident about writing an original letter), and 313 (58%) are described as "other" (i.e., original) letters. In contrast 404 letters were received in support of the proposal; 270 (61%) were "standard" letters and 33% were "other" letters.

The rest of the support for the proposal was in the form of signatures on petitions. However, no information is provided about the content of these petitions (e.g., the questions or statements included), where and when the signatures were collected, and who signed them. It is almost certain that most or all of these came from customers who wanted to show support for the SITG festival but were not making an informed judgment about the proposal for a year-round permanent festival site at Ye1gun. If these petitions are to be considered by the Department of Planning, the validity of the signatures should be verified. Putting aside the responses on petitions, we can see that although 404 supported the proposal in their submissions, 540 people objected to it.

However, the most important issue with the data in Appendix C is that the reported submissions related to the earlier proposal for a one-off trial festival. They are thus not relevant to the current proposal. The two proposals must be considered as entirely separate. That's because a one-off trial festival with attendance of around 20,000 is not at all the same as festivals with attendance of 30,000 -50,000 staged at least four times a year and numerous other festivals staged at other times throughout the year.

#### Comment 11.3.105

The data in Appendix C to Technical Paper J related to the one off trial event and was not comprehensively relevant to the current proposal. The current proposal achieved almost 5,000 individual submissions in support and a petition with a further 4,000 odd signatories in support.

#### p. 1484, 5.2 Potential Adverse Impacts

The summary of adverse impacts is general, understated, and does not accurately represent the many concerns community members have raised about the current proposal. For example, not mentioned here are the following grave concerns:

- **Alcohol and drugs.** Frequent reports in the NSW and national media reveal growing problems with binge drinking, alcohol-related violence and anti-social behaviour, and the manufacture, sales, and ingestion of illegal drugs in NSW, especially in conjunction with events such as music festivals that attract large numbers of young people eager to party. As reported recently in local papers with regard to large festivals, "visitors may be responsible for making Byron Bay the cocaine capital of regional NSW" (<http://www.northernstar.com.au/story/2010/10/14/byron-high-on-cocaine-list>). Heavy drinking and drug taking are closely associated with SITG. For many in the community, this is their primary concern about this proposal. They see the promoters as contributing to this growing social problem and as developers who are putting their greed for profits ahead of the well-being of their patrons, especially young people. When community members have asked the promoters to hold

alcohol-free festivals, they have said they will not consider it because they would lose too much money.

It should be noted that one of the key promoters claimed that it was "incredibly disappointing" to have to adhere to Queensland's mid-strength alcohol laws when staging SITG at Woodford in 2010. Remarking further on the need to follow Queensland laws, this promoter stated: "''. we've had some really great wins, like at the wine bar, you can buy a bottle of wine, and we've been able to operate quite late hours, as well. In many ways, we're running longer hours than we were at Belongil Fields. But yeah, it's a pain in the arse" (<http://www.messandnoise.com/articles/4026422>). This attitude clearly shows the promoters' priorities.

#### **Comment 11.3.106**

Events occurring on the site which include the sale of alcohol will be undertaken strictly in accordance with applicable Liquor Licensing laws and in consultation with NSW Police. Appendix B of Technical Paper I – Social Impact Assessment provides a relevant assessment of the approach to liquor licensing by SITG. The NSW Director of Liquor and Gaming stated ' Splendour in the Grass should serve as a model for other outdoor events. I strongly encourage festival organisers to follow its example'

- Abuse of holiday letting and its affect on residents. The Yelgun site is surrounded by residential areas of Byron Shire in which holiday letting is illegal. Yet some property owners still rent houses to party goers, avoiding detection. These and others will jump at the chance to rent their properties more frequently to festival goers because they can command premium prices.

The increase in such party rentals will have severe negative impacts on the residential amenity in neighbourhoods of owner-occupied dwellings. These people moved to the area to have a quiet, peaceful life and do not want to be subjected to regular all-night drinking and partying before, during, and after festivals. These residents include families with young children, working adults of all ages, and retired people. Byron Shire Council has not been able to cope with the abuse of holiday letting in the shire to date. They will be quite unable to deal with what will be a significant increase in this behaviour if this proposal is approved.

#### **Comment 11.3.107**

The concern that long-term rental accommodation for residents may be turned into short-term holiday accommodation for festival users is misplaced. With the Parklands larger festival usage limited initially to 10 days per year (moving in the long term to 12 days) and with increased camping provided on-site, it is most unlikely that rental housing used for long-term rental would be sacrificed for the limited times per year in which events occur.

- Almost certain damage to Billinudgel Nature Reserve. Festival goers cannot be prevented from leaving the site and making their way into and through Billinudgel Nature Reserve. A primary destination will be the beach that is part of the Reserve. A typical scenario: People who have been drinking late into the night and are quite intoxicated will head to the beach through the Reserve to make a fire and continue partying. They will toss bottles and cigarette butts along the way as they trample the undergrowth and disturb the wildlife. In fact, this happens now! Morning beach walkers in the area regularly find evidence of fires on the beach and regularly pick up empty alcohol bottles and cigarette butts that have been left on the beach. Walkers in the Reserve also see bottles, cigarette butts, and other evidence of damaging and potentially dangerous activity. If this happens now, it can be expected to happen with much greater frequency when 30,000 -50,000 people are present in the area, especially when alcohol and drugs have lowered their inhibitions and affected their judgment. It will be impossible to control the movement of every patron, every moment day. and night, and only a few can cause considerable damage

#### **Comment 11.3.108**

Patrons at the Parklands site would have virtually no opportunity to be able to enter the Nature Reserve from the site as patrons are confined within the event site with fencing and security personnel. The site will be a highly managed environment. The objection identifies that a small

minority of the community are currently participating in antisocial behaviour. This is recognised and will unfortunately apply to events in a similar manner as it applies to the wider community.

- Risk that emergency services will be unavailable when needed. Residents in areas near the site have voiced to CFFS worries about ambulance and other emergency services. For example, one elderly resident in North Ocean Shores said, "What will happen if I have a heart attack and an ambulance isn't available because of festival emergencies or can't get to me because of backed-up festival traffic?" (This is a concern at least equal to the concern listed on p. 1485 of the EA about impacts on local hospitals.)

#### **Comment 11.3.109**

Events require medical, ambulance and hospital service because of demands created by the temporary increased population.

As detailed within Technical Paper K, large events at Parklands will be serviced by the establishment of an on-site, self contained medical centre which can provide a high level of care, thus reducing the referral of cases to hospital. Secondly, an on-site ambulance, contracted from the Ambulance Service of NSW, allows transportation of patients to tertiary hospitals.

The on-site self contained medical centre model was trialled at the SITG event in 2009 and resulted in a reduction of 80% of transports to the local hospital. The model proposed for Parklands would result in transportation of patients to the nearest tertiary hospital which is located at Tweed Heads.

- Noise throughout the area. The table on p. 1484 implies that noise will be a concern only to residents on Jones Road and in Yelgun and "nearby rural areas" (which are unspecified). However, CFFS has had many people in North Ocean Shores, Billinudgel, The Pocket, Crabbes Creek, South Golden Beach, New Brighton, and elsewhere express concerns about the noise that will be generated by festivals on the property.

Music noise from the site carried quite clearly into North Ocean Shores in the middle of the afternoon on one of the developers' Community Open Days. And that was noise only from a small set of speakers attached to a CD player. Those who heard it could easily imagine how amplified music from sound stages and screaming crowds would carry through the much quieter night air into their homes. It must be realized that in those quiet residential areas, the sound of insistent dog barking at 1 AM is enough to wake people up and make it difficult for them to get back to sleep. Their sleep will be severely affected by the sound of amplified music and crowds of 30,000 -50,000. Traffic noise as people enter and leave the site at all hours and drive into residential areas will also affect residents beyond the immediate vicinity of the site.

CFFS notes that the proponents have never surveyed the community about the current proposal. They have provided general information to the community about their plans (devoid of important specifics until the EA was put on exhibition) but have not properly obtained input from the community about those plans. See CFFS's response to Technical Paper J, Community Consultation, for details about the inadequacy of the consultation process.

#### **Comment 11.3.110**

The comprehensive community consultation process is detailed within Technical Paper J – Consultation while the potential for noise impacts is addressed in detail within Technical Paper D1 – Noise Impact Assessment, which addresses traffic noise as well as the acoustic impacts of music.

### **Section 6, Management and Mitigation Assessment**

#### **p. 1486, Have large events at all?**

In this section, the proponents suggest that the reasons for being against amplified music events centre on anti-social behaviour. This is a misinterpretation of the objections expressed by the community since this proposal was lodged with the NSW DoP in April 2009. Those who are against the proposal object on many grounds, not just because of the anti-social behaviour of attendees.



The mitigation measures described in Appendix B, referenced in this paragraph, all have to do with preventing underage drinking. Although underage drinking is certainly a concern, far greater concerns have to do with those who are old enough to drink, who drink heavily as an integral part of their attendance at large music festivals, and who leave the events in an inebriated state to drive and/or to enter private property and/or intrude in nature reserves and other areas where they should not be.

**Comment 11.3.111**

In the above section, the objector misconstrues the report. When read properly, the report mentions a number of reasons why persons are not in support of the proposal. For each and every reason, the proponent, where it has the management or operational capacity to it sets out a program for management. Appendix B is one such program in relation to preventing under age drinking.

This section gives no specific indication of what measures will be taken to prevent such occurrences. The only thing mentioned here are "measures [that] are proposed to mitigate any anti-social behaviour by event attendees outside of the event area in local communities." So what are these proposed measures? And what assurance will the community have that they will be acted upon and that they will work? Both the measures and the criteria for their success should have been specified in this EA so that the DoP and the community would be able to assess and comment on their appropriateness and adequacy. It is reasonable to conclude, though, that the applicants will have no way of controlling the large numbers of people they will attract to their site. Underage drinking is only one of the many issues that will arise.

**Comment 11.3.112**

The proponent is unable to manage the behaviour of persons external to the event site in a "policeman style capacity". However, as the objectors will be aware, the promoters associated with this event venue focus their promotional material on respecting the community in which the venue operates.

**p. 1487, Continue to have large events?**

The section about whether or not to continue having events in the shire is irrelevant to the expected social impact of the events proposed in this Project Application.

The criteria for a viable events site are also irrelevant to the social impacts expected from the events proposed in this project application. It is not clear why this material was included in this Technical Paper.

**Comment 11.3.113**

The issue was addressed as it was a matter raised in the consultation process by the community.

**p. 1488, Greenfields site**

The reference to the BluesFest site here is not relevant to this project application because the BluesFest site at Tyagarah is very different to the Yelgun site. For example, the BluesFest site is a simple, rectangular shape. It can be secured fairly easily with fencing and can be patrolled easily, too. In contrast, NBSP has a very irregular, multi-kilometre boundary and includes two catchments. The perimeter cannot be secured, and that lack of security will bring serious risks to the Billinudgel Nature Reserve and to festival goers who wander off site, as they will surely do.

Other major differences between the two situations include the frequency of events (only one event per year at Tyagarah) and the scale (daily BluesFest attendance of under 20,000 in 2010 and proposed attendance of only slightly higher for 2011). The owner of the BluesFest site has also been considerably more attentive to the concerns of both Council and the community and most importantly has not asked the NSW DoP to become the consent authority, seeing the value in working with Byron Council and the community.

#### **Comment 11.3.114**

The BluesFest site is a relevant example of a greenfields site within Byron Shire. It also adjoins a Nature Reserve, is closer to the beach than the Parklands site and also has a multi-kilometre boundary.

#### **p. 1488, Frequency of large events**

The statement about frequency of events is highly misleading, suggesting that only 20. days out of 365 will see activity on the site and that only 12 of these will be of particular concern. In fact, the promoters will be engaging in weeks of activity on the site at least four times a year. As they said in an interview about their preparation for SITG, "There's people doing works out here, prepping, weeks and weeks in advance, I mean, it's a mini-city. We have a police station, we have a fire brigade base here, we have a couple of ambulances. We have 38 electricians, 22 plumbers. It's a city". (<http://www.messandnoise.com/articles/4026422>).

Pre-and post-festival activity will also be of concern to the community. For example, sound and lighting systems will need to be tested thoroughly before the event and will create disturbances. Pre-and post-festival traffic going in and out of the site will also be intrusive and create inconveniences. Festival goers will make their way to the site to scope it out. Yet the promoters continue to imply that the only disturbance will be for a very few days every year, claiming that the rest of the time the area will be a blissfully quiet rural property. This is a serious misrepresentation of what will actually be going on.

#### **Comment 11.3.115**

The EA clearly states that events require 'bump in' and 'bump out' periods. It is not considered these times will create any significant adverse impacts and not be intrusive and create inconveniences.

#### **p. 1489, Balanced calendar**

The sentiments expressed under this bullet are contradictory. For example, the proponents stress that they will have "limited" large commercial events on their site and yet will provide substantial employment for local youth. They can't have it both ways. Either there will be enough activity to provide considerable full-time employment or the activity will be too limited to provide more than occasional part-time employment at scattered times during the year.

In this Technical Paper, there is no detailing of expected employment that will result from an approval of this proposal and no indication of how many new full time jobs will be added to the local economy as opposed to some increases in casual work for existing casual workers or from backpackers who come into the area just for festivals and want to pick up a little casual work to help pay for their tickets.

To adequately assess the proposed days of operation and employment opportunities, the community needs to see a detailed calendar of events for the next several years, including specifics about the nature and duration of jobs that will be offered. Details should include specifications for full-time and part-time jobs. Only then will the community be able to judge the validity of the promoters' claims about providing substantial employment opportunities. (The calendar provided in Table 3.1 in Section 3 is too general; it does not specify days of preparation, operation, and clean-up for each event listed.)

Also, this section mentions "training" that will be provided for "local youth and young adults." What is the nature of the training? How long is it expected to last? What will it prepare the trainees to do? How many trainees will benefit? What would be their next step in a career path that the training would enable them to take?

Simply saying the project will generate "employment and training" is not enough for a project of such supposed significance that it requires assessment under Part 3A.

A detailed calendar of events for the next five years, including specific days of preparation, operation, and clean-up, is also needed so that the community can judge the extent to which the intended activity will interfere with their lives at different times of the year and the extent to which the plans are in accord with Byron Shire Council's Events Policy. Without such a detailed calendar, Council and the community cannot know what to expect, and that puts both at a distinct disadvantage.

#### **Comment 11.3.116**

Technical Paper B – Economic Impact Assessment clearly addresses the employment creation provided by the proposal. The assessment is based on the level of site usage detailed within the EA.

SITG has previously initiated training for local young adults within the creative industry sector and would further develop these initiatives upon approval of the Parklands proposal.

Technical Paper I – Social Impact Assessment details the potential impacts on the amenity of different community sectors within the shire. Section 6.1 of the technical paper addresses potential impacts and options for avoiding or minimising the impacts within the following management response categories:

- Mitigation measures aimed at minimising potential impacts and risks;
- Compensation measures aimed at offsetting impacts and hardships; and
- Contingency measures aimed at facilitating the detection of and timely response to potential problems.

Table 6.1 provides a summary of issue, project design and management response and the associated draft commitment.

#### **p. 1490, Community services and facilities**

This section is misnamed. The contents have little to do with how community services and facilities might be affected by year-long festival activity in the area. Rather, it boasts of the money donated by the proponents in the past and indicates that more handouts will be forthcoming if the proposal is approved. Specifics about these handouts, however, are not given.

This mention of give-aways assumes that the many serious concerns within the community can be effectively mitigated by handing out money to other parts of the community. That's like saying it's all right to disturb your neighbours and trash their property if you give enough money to other people on the other side of the shire.

It is particularly unclear how this handout strategy will be a "significant ongoing benefit to the local community in the north of Byron Shire." What groups in the north of the shire are to be targeted for beneficial handouts? The people in the north should know exactly what handouts are proposed SO that they can decide if, indeed, they will satisfactorily compensate them for the negative impacts that year-round festival activity will have on their

As to the actual effect of mega festivals on essential facilities (rangers, police, fire fighters, power, waste disposal, shopping centres, etc.), there's a good chance these critical basics will be left severely affected or unable to cope with the increased pressure.

#### **Comment 11.3.117**

The Parklands Community Grants Fund is a genuine and powerful commitment by the proponent in response to managing potential community impacts. The EA identifies that some temporary impacts are likely to occur to some community sectors in the limited times per year that larger events operate. The Parklands Community Grants Fund is an example of the following management response category listed above ie 'Compensation measures aimed at offsetting impacts and hardships'.

Various residents have asked this question of the project – 'What is in it for Ocean Shores and surrounds?'. Common comments accompanying this question relate to the wide range of local community infrastructure and service needs within the area. The proposed annual generation of more

than \$100,000 per year once the events facility is fully established will be a significant ongoing benefit to local community groups and projects in the north of Byron Shire. For those local residents not gaining employment or stimulus for their business from the Parklands project, this measure provides a direct positive contribution to local community groups and projects in their area.

**p. 1491, Demand for accommodation**

This section first states that accommodation providers will benefit "from SITG, which occurs in a traditionally quiet time of year." However, SITG is only one of at least four major events proposed for a calendar year. So to suggest here that the site will see activity only once a year is highly misleading and contradictory to the heart of the proposal.

Furthermore, the threat of increased short-term holiday letting is very real, especially in the north of the shire. As the proponents mention elsewhere in their EA, festival goers come days before an event and stay days after. In fact, this is a primary argument they give for why this proposal will be such a boon to local businesses. If festivals are allowed to go on all year long, it is highly likely that dwellings suitable for long-term rental will be converted into more lucrative short-term festival rentals throughout the shire and most especially in the north of the shire. The increase in the activity will not, of course, make the activity legal, but it will create additional headaches for Council, which will have to respond to the increased

To say that increased camping will solve the demand for accommodation is also highly misleading. Camping numbers are directly related to total attendance numbers. So, for example, when daily attendance is at 50,000, space will supposedly be provided for 25,000 campers. That means 25,000 others will need to arrange accommodation elsewhere, far more than any SITG festival has had in Byron in the past. The increased demand will most assuredly lead to increased short-term letting that will have severe negative impacts on the amenity of residents in the area and on the availability long-term rentals.

The bullet point relating to demand on local beaches and other neighbourhood facilities includes a particularly naive statement that festival goers will not overwhelm the beaches of the area because the promoters will ensure that "all event-related literature does not identify or promote areas such as New Brighton or South Golden Beach." This suggests that festival goers will simply not notice that the site is quite close to these beaches.

We note that festival goers look at maps and communicate with one another via social networking sites and forums, mobile phones; and other means. Those who are familiar with the site will almost surely inform others that the beaches in the north of the shire are quite close, despite what the event literature says or does not say. A stretch of beach owned by National Parks and Wildlife, part of Billinudgel Nature Reserve, will most certainly be visited by numbers of festival goers day and night, before, during, and after events. They just have to walk through the Reserve to get there. South Golden Beach and New Brighton Beach, which include nesting areas for endangered species, are a short walk from there. In fact, the proponents are being silly when they say festival goers are more likely to visit the beaches of Tweed or Byron Bay than beaches that are within walking distance of the site.

**Comment 11.3.118**

The proposal is for multiple events. The one confirmed major event is the Splendour in the Grass festival which occurs in a traditionally quiet time of year which benefits a wide range of businesses including accommodation providers.

The concern that long-term rental accommodation for residents may be turned into short-term holiday accommodation for festival users is misplaced. With the Parklands larger festival usage limited to less than 20 days per year and with increased camping provided on-site, it is most unlikely that rental housing used for long-term rental would be sacrificed for the limited times per year in which events occur.

Patrons at the Parklands site would have little opportunity to be able to enter the Nature Reserve from the site as patrons are confined within the event site with fencing and security personnel. It is misleading to give the impression the beach is an easy short stroll away from the festival site. This is clearly not the case.

Many patrons not camping at the site will be accommodated in areas such as Byron Bay and the Tweed Coast and will catch a shuttle bus to the festival site. It is likely some patrons will use local beaches for events in the warmer months.

**p. 1491, Increased crowds**

A key mitigation strategy suggested here is "continued consultation" to determine if locals want reduced tourist numbers or if they welcome "increased patronage to their businesses". First, this is implying that if the promoters keep asking people if they like having more tourists in their area, all will be well simply because the promoters keep asking. Second, this strategy pits residents against business owners, which, over time, will destroy the community.

The comment (again) that event literature will not mention New Brighton or South Golden Beach is again naive, as is the statement that "these areas are not significant destinations for visitors." In fact, these two beach communities are favoured destination spots for families on holiday. Several lawful holiday rental properties are popular accommodations. Both communities are quite small, however, so an influx of an additional 30,000 -50,000 party-minded festival goers regularly throughout the year will have negative impacts on their quiet, family-oriented character.

It is also naive to suggest that 30,00 -50,000 people can easily be prevented from going into Brunswick Heads in the evening by "attracting patrons for lunch but not for evenings" or by "not mentioning Brunswick Heads as providing night time attractions". The promoters want us to believe that if they guide patrons into Brunswick Heads for lunch, the patrons will simply not think about returning in the evening because the event literature does not mention evening activities. This is absurd. Of course, the promoters intend to provide for virtually all their customers' needs onsite to begin with, so it is unlikely that they will be purposely sending them anywhere else for breakfast, lunch, or dinner during events. But the festival-goers themselves may well have other ideas about Brunswick Heads or other nearby places before, during, and after events.

Brunswick Heads and Billinudgel, as the closest communities with pubs, are likely to be inundated day and night with people intent on partying, before, during, and after the various proposed festivals. South Golden Beach, New Brighton, and North Ocean Shores will very likely be chosen by some patrons for off-site accommodation (as suggested under "Demand for Accommodation" above), and those holiday letters are more than likely to invite other festival attendees to their places of accommodation and the nearby beaches.

The truth is that such large numbers of people pouring into the area simply cannot be controlled. The promoters should be straightforward about this fact instead of suggesting . impractical, ineffective, and unenforceable "mitigation strategies".

**Comment 11.3.119**

The likely demand for temporary accommodation by festival patrons impacting on local communities is largely known based on data from large events operating in Byron Bay over the past decade, and is further informed from attitudinal surveys from event patrons.

For past SITG events located in Byron Bay, available holiday accommodation in Brunswick Heads, Ocean Shores, New Brighton and South Golden Beach has been largely utilised by patrons. Feedback from accommodation providers recognised and appreciated the increased business resulting from SITG, which occurs in a traditionally quiet time of year.

A small proportion of patrons are likely to be accommodated within the Ocean Shores, New Brighton and South Golden Beach localities.

The initiative of 'attracting patrons to lunch' at Brunswick Heads resulted from consultation with the business community and has merit.

**p. 1492, Illegal camping and littering**

What is the Off-site Response Strategy referred to here as a way to deal with illegal camping and littering in the area? This Strategy should be explained to the community in detail, not simply mentioned in passing, as it is here.

Also, in what ways would Council rangers and NPWS officers actually be engaged to handle these problems? Both offices have such limited staff that they are unable to deal with ongoing problems, such as illegal motorbikes in the Reserve, uncontrolled dogs, and parking infractions. The applicants are making unwarranted and extravagant assumptions about how these busy offices will cope with the illegal camping, litter, and other issues that will result from festival activities on site and from festival-goers' actions off the site.

More importantly, the information under this bullet point is too vague even to be assessed. Exactly how many extra Council rangers will be on duty when activity is occurring on the festival site? Or is it assumed that all of Council's rangers will be dedicated to festival issues? How many extra NPWS rangers and officers will be on duty during these times? Or is it assumed that all NPWS resources will be dedicated to festival issues? Have Council and NPWS agreed to release their rangers for this duty?

Furthermore, what will be these rangers' hours of service? For example, will NPWS rangers be patrolling Billinudgel Nature Reserve in the evening, at midnight, and in the early hours of the morning, when festival goers are likely to be roaming in that area? Where will Council rangers be assigned for duty to ensure that festival goers are not camping illegally on shire beaches, on Crown Lands, and on people's property? Who will pay for the extra (overtime?) services of the NPWS and Council? Ratepayers? If so, this should be made clear

Then, too, who will be manning the hot lines referred to in this section? When will these people be on duty? How many will be on duty at different times during the day and night? Who will manage the "web-based message system" mentioned here? Who will be leaving messages for whom on that system? Can residents leave a message about illegal camping or littering and expect a quick response? What will be the hours of operation of these communication systems? Who will be responding to complaints? Council or NPWS rangers again? Local police? The promoters themselves?

To say that surveillance and response will be increased during festival times requires the ability and willingness of relevant agencies to provide for such increases. This section does not in any way indicate that both ability and willingness will be there when needed by the community. There is not even an indication that Byron Shire Council and NPWS are aware of this plan to use their resources and have agreed to it.

All these details, and others, should be spelled out so that the community knows exactly what to expect, and the community should then have a chance to respond to the

**Comment 11.3.120**

The Off-site Response Strategy is described in both the EA and the Management Manual. NBP Standard 007 addresses the Off-site Response Strategy and its implementation is listed as a Commitment.

The costs of implementing the strategy will be born by the proponent with the use of its own personnel and well as used pay police and NPWS rangers.

The fundamentals of the Off-site Response Strategy have been developed and trialled over many years in conjunction and endorsement of Byron Shire Council and other agencies such as NSW Police.



Council supports components of the strategy as demonstrated by requesting other festivals to implement similar strategies.

**p. 1492, Demand on emergency services**

The provision for on-site medical services is welcome. However, the community remains concerned about how ambulances and other emergency vehicles will manoeuvre on the local streets and roads when festival traffic pours into and out of the area and clogs the few roads and streets that service areas closest to the site. The Traffic Impact Assessment should be reviewed with this issue clearly in mind.

**Comment 11.3.121**

The Traffic Impact Assessment accounts for emergency vehicles and the Traffic management Plan will make adequate provision for such. It should be noted that experience with the on-site medical service results in a much lower number of ambulance trips.

**p. 1494, Cultural Plan**

It is instructive that despite the proponents' claim to be sensitive to the concerns and culture of the indigenous people in the area, quite a number of indigenous people in the area have never been involved in consultation with the promoters and have not had a voice in what the promoters intend to do on their land, some of which is of grave concern to them.

**Comment 11.3.122**

Consultation with indigenous stakeholders has been undertaken in accordance with the process described and implemented within Technical Paper H – Aboriginal & European Heritage Assessment. The process is stipulated in the Interim Aboriginal Community Consultation Requirements for Applicants (DEC 2004) and draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC 2005) prescribe requirements in relation to Part 3A (EP&A Act) approvals and the preparation of applications for AHIPs under Part 6 of the National Parks and Wildlife Act 1974. The specialist report in Technical paper H details the consultation process undertaken in accordance with these DECCW requirements.

**Section 7, Conclusions and Recommendations**

This section includes issues not mentioned in the earlier sections of this Social Impact Assessment. It appears to be a tacked-on section that doesn't go with what comes before. Specific comments follow.

**Comment 11.3.123**

This Section primarily addresses the assessment of impacts following on from earlier sections describing the range of perceived social impacts and an analysis of commonly raised issues. A comparison is provided with other event venues.

**p. 1498, Comparisons: Belongil Fields**

This section glosses over important points that should be considered in assessing this application. For example, the description of Belongil Fields as a former site for SITG makes no mention whatsoever of the severely negative impacts neighbouring communities experienced as a result of that festival through the years. As many Sunrise Beach residents stated, year after year, they were heartily sick of the noise, disturbance, and trashing of their properties. If the proponents are so knowledgeable about these impacts, as they state in this section, they should spell them out here with regard to their current proposal and should provide strategies for dealing with them effectively. Holding debriefings and "encouraging patrons to act appropriately" were not particularly effective at Belongil Fields and are likely to be even less effective at Yelgun, given the vast increase in attendance. As to the proponents' claims that they have "developed competent risk management and mitigation procedures," they should have listed them here along with an indication of how successful they actually have been in the past, quantitatively and qualitatively. Only then can the community judge how reasonable the efforts have been and might be in future.

#### Comment 11.3.124

Events operated annually at Belongil Fields with annual debriefings with Council, NSW police and other agencies. Effective mitigation strategies were employed with Byron Council approving events every following year.

Cultural events, and almost all other human gatherings, will have a small minority of the community that carry out anti-social behaviour.

The EA provides a wide range of competent and proven risk management and mitigation Procedures, especially as detailed within the Parklands standards within the Management Manual.

#### p. 1500, Comparisons: Woodfordia

The fact that Woodfordia was opposed 16 years ago and is now "largely embraced" by its local community is a statement unsupported by data. However, since this site was mentioned for comparison, the proponents should have stated the social impacts that resulted from their own presence at this site in 2010. A number of reports raised serious concerns. For example:

•"As a resident/neighbour of the festival site I was not impressed by the latest festival held in our backyard starting with the traffic disaster which took 4 hours to get home on Thursday"

"Thank God there is someone else who would like to see splendour in the grass "pain in the

•A \*\*\*\*" go somewhere else I thought I was the only one to have a horror experience of this events impact on the locals of Woodford. I also am and will continue to protest against them" (Source: <http://www.abc.net.au/triplej/events/splendour/>] O/yourshout!)

However, the main point is that Woodfordia is not NBSP and should not be used as a comparison to it for the purposes of this proposal. What matters here is what is being proposed for the Yelgun property, not what is going on in Woodford.

#### Comment 11.3.125

The Woodfordia comparison is a relevant example of a similar 'greenfields' event site. The report identified the two applicable comparable 'greenfields' event sites ie the Woodfordia site and the Blues Fest site in Tyagarah.

#### p. 1502, 7.3 Evaluation, Closest impacted residents

The material in this section downplays quite a lot and includes inaccuracies. First of all, the communities of Ye1gun, Crabbes Creek, Billinudgel, Wooyung, The Pocket, North Ocean Shores, South Golden Beach, and New Brighton will all be affected by this development. They are all close neighbours. However, this section suggests that just four houses and a few other dwellings will be affected.

#### Comment 11.3.126

The Technical Paper identifies all of the various segments of the potentially impacted communities. Page 1503 clearly identifies the listed communities as 'the nearby urban centres and rural communities' and addresses the extent and significance of likely social change applicable to this category of the community.

Mention is made of a "priority lane" on Tweed Valley Way for local residents to get in and out of their neighbourhoods. Just where will this priority lane be located along this two-lane road? Will there be one for southbound traffic and one for northbound traffic? Which people will be considered "local" enough to receive a sticker that will allow access to this priority lane? Who will patrol this lane, check for stickers, and control access to the priority lane? During what specific hours will priority lane(s) be in operation during the day and night? A detailed map of these lanes should have been provided so that the community could assess the ease with which they will be able to travel to and from their properties during events. (We note that no mention is made of this priority lane in Technical Paper

CI.) The proposal should not be assessed by the DoP until residents have been given a clear idea as to just what they would face and have had a chance to respond.

**Comment 11.3.127**

The available width of the road reserve allows for a temporary 3 lane road system under traffic control. The third lane allows for a 'priority lane' for locals and emergency vehicles. The details of such an arrangement would be required to be submitted with the Traffic Management Plan for each event.

Mention is also made of controlling traffic on Jones Road. Who will provide the personnel to manage this control? Who will pay the personnel? What hours of the day and night will the patrols be on duty? Where will the patrols be located so as to ensure that festival goers and others on the site will be prevented from entering Billinudgel Nature Reserve? A detailed description, with maps, of this patrolling strategy should have been provided so that residents in the area could determine how well their access would be provided for and have a chance to respond.

**Comment 11.3.128**

The proposal to restrict public access to Jones Road, is in response to concerns of Jones Road residents and concerns of others about access to the Nature Reserve. It is similar to the successful measure, endorsed by Byron Shire Council, used at the Tyagarah site for nearby residential areas such as Grays Lane.

Control would be undertaken by traffic controllers only allowing Jones Road residents and their guest to access Jones Road. This is an effective measure which responds to issues concerning to Jones road residents while also effectively limiting access to the Billinudgel Nature Reserve and further to the beach.

It is interesting to note that on this page is the first mention of the need to "restrict access opportunities into the Billinudgel Nature Reserve". This should have clearly been listed earlier as a major issue, which it is for a great number of community members.

It is also interesting that the promoters have clearly not yet consulted with Jones Road residents about any of this. The statement here indicates that they "would consult with residents" (*italics added*). Under what circumstances might they do this? In fact, the residents of Jones Road have never been consulted about how access to their properties will be affected by this development and what the promoters intend to do to make sure their access is unimpeded. The project application should not be assessed until every property owner on that road has been consulted about the proposed measures and finds them satisfactory.

They should not have to be content with the thought that they "would" be consulted at some point in the future if certain (unspecified) conditions arise.

**Comment 11.3.129**

The report is primarily addressing social impacts. The whole design of the proposal limits public access to the Nature Reserve as it was a key ecological design feature. Consultation that has already occurred with Jones Road residents discussed this matter and further consultation will occur if the proposal is to occur.

Similarly, the residents of Yelgun should have been consulted about the same issue before this EA was lodged with the DoP. Instead, this section states that they "could" be consulted "if they supported such an approach". Well, who will decide whether or not the Yelgun people will be consulted? If they are consulted, what will they be asked? And when will they have a chance to express their opinions about the proposed actions? Who will determine when their concerns have adequately been addressed?

#### **Comment 11.3.130**

The suggestion to consider to restrict public access to Yelgun Road, is in response to concerns of Yelgun Road residents regarding the potential for illegal camping etc. It is similar to the successful measure, endorsed by Byron Shire Council, used at the Tyagarah site for nearby residential areas such as Grays Lane.

The statement here about rangers and police is also noteworthy. Which rangers will be patrolling in Yelgun? Byron Shire Council Rangers? NPWS rangers? Free-lance rangers? And which police will patrol Yelgun? Will they be taken away from the regular duties for this patrol? Or will they be working overtime? Who will pay rangers and police when they are on duty at festivals? All this should be specified in detail. In particular, shire ratepayers should know if the proponents are expecting them to foot the bill for such increased security.

#### **Comment 11.3.131**

User pay personnel such as police, NPWS rangers and the like will be utilised. The 'user pays' approach means that regular officers are not taken away from their regular duties. This is a standard practice utilised successfully in similar circumstances.

This section suggests that residents' lives will be affected "for a limited number of times per year". That is a highly subjective statement. What is considered "limited" by the proponents is considered "far too much and too often" by the residents who moved to the area expressly to lead a quiet life.

#### **Comment 11.3.132**

The proposal clearly identifies the capped level of event usage proposed and demonstrates the ecologically enhanced site will be serving a role as a passive landuse supporting the functioning of the adjoining Billinudgel Nature Reserve and the regional wildlife corridor for the majority of each year.

Many residents reacting to this proposal live over 2.4 kilometres and further away from the site with limited potential to be adversely impacted. Major events would only occur for a maximum of 12 events days per year which is clearly a limited number of times per year.

#### **p. 1503, Nearby urban centres**

What are again described as "nearby urban centres and rural communities" are much closer to the site than the proponents seem to realise. Their assurance that negative impacts will be "limited occurrences" seriously downplays the disturbance that these residents will experience multiple times throughout the year, sometimes for weeks at a stretch, from pre-festival, festival, and post-festival activity on the site and spillover effects (traffic, noise, intrusions into neighbourhoods, etc.).

#### **Comment 11.3.133**

The Technical Paper identifies all of the various segments of the potentially impacted communities. Page 1503 clearly identifies the listed communities as 'the nearby urban centres and rural communities' and addresses the extent and significance of likely social change applicable to this category of the community.

#### **p. 1503, Users of Tweed Valley Way**

The proponents' blithe assurances that traffic impacts will be "short term" and infrequent are misleading. They suggest here that the only times of day that matter are when people are moving about "for work and school purposes" as if other motives for driving are inconsequential and that traffic snarls at other times are therefore acceptable. See CFFS's response to the Traffic Impact Assessment, a Technical Paper that has many questionable assumptions and misleading statements.

#### **Comment 11.3.134**

Refer to responses to CFFS traffic issues.

**p. 1504, Employees, service providers, and local economic stimulus**

The proponents' claims about economic benefits are unsupported by credible data and are most likely exaggerated. See CFFS's comments on the proponents' Economic Impact Assessment (Technical Paper B).

**Comment 11.3.135**

Refer to responses to CFFS economic issues Comment 11.3.11 to 11.3.13.

**p. 1504, Event patrons**

The claims made here are not supported by data. No mention previously has been made in this section of "cultural events" involving arts, food, or technology. The focus has been on SITG, a rock music festival.

Here is a particularly odd statement: "The use of the site as a cultural events site strongly assists the relevant social indicator of culture." What does this mean? What is a "relevant social indicator of culture"? For that matter, what is an irrelevant social indicator of culture? Culture exists simply because people exist; it is difficult to see how it and its "relevant indicators" need "assistance".

The statement that the "overall community will experience positive social change by a wide range of cultural experiences that will be available locally at Parklands" is a sweeping generalization that, at best, is an opinion held by the proponents. No operational definition is provided for "positive social change"; no criteria are suggested for measuring it; no strategies are described for measuring an increase in it as the result of the presence of Parklands in Byron Shire. Also, no details are provided about the "wide range of cultural experiences" that will be provided. All that we know for sure is that one pop music festival will be staged on the site. This statement about positive social change cannot be accepted as factual.

**Comment 11.3.136**

The submission has regrettably misunderstood that the proposal clearly articulates it is for a regional cultural events facility which will service the region by providing a world class cultural event facility. A wide range of events can be accommodated ranging from small community events, movies or opera under the stars, agricultural expos, small private functions such as weddings, music festivals ranging from small to major, conferences and the like.

Regarding references to culture, refer to The Byron Shire Cultural Plan 2008-2013 and Byron Social Impact Assessment Policy 2009.

**p. 1504, Recommendations and Conclusion**

At the beginning of this Technical Paper, on page 1468, the proponents mention that the paper will provide a number of specific recommendations. CFFS notes that none of these promised recommendations are mentioned in this section of the paper.

The claim that the proponents will maintain "ongoing consultation with the local community" is not at all reassuring, given the dreadfully inadequate job of community consultation they have done so far regarding this proposal. Just what do they intend to do in an ongoing consultation? CFFS suspects that they will continue simply to tell the community what they are going to do and will deflect any objections by offering empty assurances that all will be well.

**Comment 11.3.137**

Section 7.4 of the report lists the recommendations resulting from the assessment. Ongoing community consultation is a specific commitment – see Commitment A5.

More importantly, "consultation" (talking to people) is not a strategy for ensuring that a development is benign in terms of its social impact. Real action is required that reflects response to the actual

concerns of the people who will be affected and that reflects genuine modification of the plans to alleviate those concerns. This Technical Paper does not show evidence of such real action.

**Comment 11.3.138**

Table 6.1 of this technical paper, for example, directly links identified issues with actionable responses.

The use of the future tense in the second bulleted item is unnerving. Operational standards to address traffic impacts, environmental impacts, noise impacts, and off-site impacts should have been thought through and put in place already, using the most conservative judgments as to what might be necessary to ensure that negative social impacts do not occur. The proponents seem to be saying that they intend to proceed as they wish, see what goes wrong, and then figure out how to fix things up--if fix-ups are possible. That's not good enough for development on this scale that promises to disrupt lives so severely throughout the year.

**Comment 11.3.139**

The Management Manual provides detailed standards addressing these matters in operational detail.

The strategy of handing out grants to selected groups in the community is not a strategy for ensuring that negative social impacts will be reduced or eliminated. Presented in the context of this Social Impact Assessment, it sounds as if the proponents' assume that if they hand out enough money, people will be happy with what they're doing. This is far from true and is insulting to the community.

**Comment 11.3.140**

The Parklands Community Grants Fund is a genuine and powerful commitment by the proponent in response to managing potential community impacts. The EA identifies that some temporary impacts are likely to occur to some community sectors in the limited times per year that larger events operate. The Parklands Community Grants Fund is an example of the following management response category listed above ie 'Compensation measures aimed at offsetting impacts and hardships'.

Various residents have asked this question of the project – 'What is in it for Ocean Shores and surrounds?'. Common comments accompanying this question relate to the wide range of local community infrastructure and service needs within the area. The proposed annual generation of more than \$100,000 per year once the events facility is fully established will be a significant ongoing benefit to local community groups and projects in the north of Byron Shire. For those local residents not gaining employment or stimulus for their business from the Parklands project, this measure provides a direct positive contribution to local community groups and projects in their area.

The final paragraph of this paper suggests that adverse impacts will relate only to the immediate locality of the site, which is not at all true. Worse, this paragraph describes the serious concerns held by the community as "perceived environmental and amenity of lifestyle impacts"-as if the people in the community are somehow delusional, seeing things that are not really there. This shows a distinct lack of understanding of the community's very real concerns and a distinct lack of respect for the community.

**Comment 11.3.141**

The reference to 'the community' is more accurately described as 'some members of the community'. Technical Paper I clearly identifies the various segments of the community and the issues likely to impact such community sectors.

In summary, if this proposal is approved by the NSW Department of Planning, there will be a significant deterioration in local residential amenity and severely compromised lifestyles. No government should allow development that is far from essential, benefits only a few, and is a detriment of the vast majority;



#### Comment 11.3.142

The Technical Paper examined:

1. Potential social changes (positive and negative);
2. Determining the extent and magnitude of those changes;
3. Evaluating their significance to individuals and society; and
4. Identifying ways of avoiding or mitigating potential impacts.

On balance, it is concluded the Parklands project has the potential to deliver social benefits locally and regionally. The primary potential adverse impacts are located within the locality of the site and relate to perceived environmental and amenity or lifestyle impacts during the limited and capped times per year of larger event usage.

#### Response from CFFS to Section J: Community Consultation

With regard to the first three sections of the proposal (Executive summary, Background, Objectives), we raise these issues:

- Issue: Reliance on earlier, irrelevant community response

The applicants refer to community consultation having been "undertaken over the past four years" (p. 111531), to people who "had been hearing about the proposal for years"

(p. 211532), and to "extensive community consultation undertaken between 2006 and 2009" (p. 311533). These statements refer to consultations related to three entirely different proposals.

The first event-oriented proposal (DA 2006.750.1) was an application to Byron Shire Council for a Music Festival to be held in August 2007 at the Yelgun site. This application was subsequently withdrawn by the proponents. The second proposal (DA 10.2007.462.1) was submitted to Byron Shire Council for a one-off trial event at the site on a scale similar to earlier SITG events. Council approved that proposal with conditions, including a limit on daily attendance of 15,000 on each of the two days and midnight closing times. In May 2009, that approval was declared "invalid and of no effect" by the NSW Land and Environment Court. In April 2009, just before the Court announced that decision, the promoters took a third proposal to the NSW Planning Department for a year-long permanent festival site.

The earlier consultations related to the previous DAs and cannot be considered relevant to the current proposal. Indeed, there is considerable evidence from public community meetings, community association meetings, and letters to editors to show that although some in the community were agreeable to a low-key or trial event, sentiments are strongly negative to having a year-round, permanent festival site at the Yelgun location. People who supported the earlier proposals (with letters to local newspapers, in community meetings, and earlier submissions to Byron Council) are now appalled at the substantial increase in the number of events now proposed and at the massive increase in proposed daily attendance revealed in the current proposal.

For these reasons, Section J must be considered highly misleading because reference is repeatedly made to all the proposals together, as if they are essentially the same, rather than to the current proposal only.

- Issue: Vague, unsupported, and misleading statements

Such words as "most" and "many" are used loosely without supporting evidence. An example is the statement "it appears that from most stakeholder groups there is either passive or active support for the proposal" (p. 111531). What is the total population of stakeholder groups to which this statement refers? How many of the total are the proponents including in the term "most"? This is not made clear, either here or further on in the report when stakeholders are again mentioned in more detail.

**Comment 11.3.143**

Consultation was undertaken, not quantitative market research. The consultation methodology rationale is detailed in the consultation report Technical Paper J. Some quantitative market research was undertaken earlier, as outlined in Technical Paper J.

The primary purpose of this consultation phase was to inform the community regarding the detail of the proposal and to answer questions from the community. The majority of efforts were directed to this cause.

Exact statistics regarding percentages of the population or percentages of different stakeholder groups which identified themselves as being in support of the proposal are not provided and cannot be provided. A consultation log of correspondence was kept and this can be provided to the Department if required. However its data is confidential.

What was determined was that from most stakeholder groups there was majority support for the proposal. Many people consulted stated that they had been contacted by opposing groups and had been strongly encouraged to object to the proposal.

The statement was made "it appears that from most stakeholder groups there is either passive or active support for the proposal" because it was strongly apparent that this was, overall, the case.

Also on this first page is the statement "some people have outlined that they believe their way of life is under threat" and these people are referred to as "at or near retirement . age" without supporting evidence. To which specific groups or individuals do these statements refer? That is not clear here, nor is it clarified elsewhere in Section 1. Contrary to what is implied here, plenty of young people and adults who are nowhere near retirement age are gravely concerned about this proposal. It is misleading to imply that only "old fogies" are against the idea.

**Comment 11.3.144**

The majority of people who identified that their way of life was under threat were at or near retirement age and that was why this statement was included. Their concern is considered valid and real. People outlined that they valued their residential amenity which they felt was under threat. Not all older people consulted expressed this concern but most who expressed this concern were at or near retirement age.

The applicants mention people who "expressed fear of speaking out" in support of the proposal, but they do not provide any specifics about who these people are, when they have feared speaking out, or why they fear expressing their opinions. This statement implies that opponents of the proposal have been threatening others and that many more people are in favour of the proposal than have voiced an opinion. Both are unsupported and unwarranted statements.

Furthermore, the statement that there has been a "bias toward inaction for supporters of the proposal" (p. 2/1532 ) is a questionable conclusion, given that it is based on the vague assertion that "most individuals and groups consulted who chose to give feedback were supportive of the proposal." Specific, quantitative data should be provided to support these assertions here and elsewhere in this section. We also note that there is just as likely to have been a bias toward inaction for objectors to the proposal. In fact, CFFS has had a number of people express the opinion that it won't do any good to object because large developers will inevitably win, but we can't be sure how many people fall in that "silent objector" category.

**Comment 11.3.145**

Many people, both individuals as well as organizations, outlined that they had been encouraged by objectors of the proposal to object. Many groups outlined that whilst they supported the proposal they could not write a letter of support because they had associations with people who were objectors of the proposal.

It is conceded that there is little science to the statement regarding a bias toward inaction for supporters of the proposal. The statement was based upon the professional experience of the Community Consultation Team. It is conceded that perhaps the only reason specific to this project that supporters would be inactive is due to pressure, actual or perceived, from individuals and groups in the community with a different view to theirs.

At the top of page 2/1532 is the statement that although "local residents voiced environmental concerns ... only one of these was interested in seeing the site and going through their concerns with the ... ecologist." No supporting evidence is provided for this statement here or elsewhere in this section. However, CFFS knows quite a number of locals who did not need to go through their concerns with an ecologist on site because they are already quite familiar with the site and with its history and knew enough of what was being proposed to be able to form an opinion about the idea without first conversing with the NBSP ecologist.

These are only a few examples of the vague, unsupported, and misleading statements in this section. They must not be accepted as evidence of substantial community support for the proposal.

#### **Comment 11.3.146**

The point was that many people who identified themselves as objectors on environmental grounds did not want to see the site for themselves or ask questions.

#### **• Issue: Lack of interest in hearing objections**

When the proponents were considering the purchase of the property in 2006, two of them met with nearby residents on the site. These residents were given a cursory look at the property and told in very general terms of the intentions to use the site for a music festival. The residents asked specific questions, but the proponents either ignored the questions or gave general, sometimes evasive answers. Because of the minimal information provided and the lack of specifics, the residents did not feel they could take the proponents seriously. That was the last time the residents were approached by any of the proponents or their associates until a technician spoke to them about placing a noise monitor on their property in the late summer of 2010.

When the DA relating to a trial event was lodged with Byron Shire Council, the proponents were invited to meet with local groups and individuals. They refused to come, claiming that they didn't want to hear negative opinions. For example, the promoters were invited to a community meeting scheduled for 28 September 2007 to hear community concerns about the one-off trial festival. They at first agreed, but they pulled out when they heard attendees intended to raise objections and protests. On another occasion several months later, the proponents invited the public to a Community Open Day on the site, implying that they would be open to questions about their plans, so a number of residents went, hoping to raise their concerns. However, they were discouraged from doing so by the set up. The promoters chatted with supporters, played music, gave speeches to tell what they would be doing on the site, and lamented objections that had been voiced to their plans. In speaking to the assemblage, one of the promoters repeatedly and impatiently introduced statements about the plans by saying, "Where is the crime in ... ?" This implied both that objectors were accusing the promoters of nefarious activity and that objections would not be taken seriously. After several hours of this, those who had come for serious conversations about the proposal left in disgust.

Since then, the impression within the community, as noted by CFFS, has been that the proponents do not want to hear objections, will control their interactions with the community to avoid hearing objections, and will dismiss any objections that are raised by stating that they will deal with them in time .

#### **Comment 11.3.147**

It is simply not the case that North Byron Parklands does not want to hear objections! We have been ready and willing to receive all feedback and has facilitated numerous avenues to achieve this.

We sought avenues for genuine consultation and was interested in ensuring that individual communication was facilitated. To this end site tours were encouraged, the letterbox drop material was provided to every house and business in the Byron Shire and residents were encouraged to call or email with questions.

It is an untruth to suggest that Parklands dismisses objections. There were a number of questions regarding specifics of the proposal in the period leading up to the public exhibition period. Some people were advised, when they made contact, that responses to their questions would be contained within the proposal which would be made available soon. The majority of these people were personally contacted once the proposal went on public exhibition.

Having said this, in the early stages of EA preparation, the proponent did not always have full answers to all questions asked. This factual situation has been conveyed honestly and to the best of the ability of the Community Consultation Team at any given time in the EA evolutionary process.

• **Issue: Minimal consultation regarding the current proposal**

Limited community consultation about the proposal for a one-off trial event continued until the current proposal was lodged with the state. From that point on (April 2009), the community saw nothing in the way of real consultation concerning the current proposal. In fact, the only contact that the promoters had with the community (outside of a few press releases) was in the form of a small flyer that was placed in some letter boxes in North Ocean Shores in May 2010, well over a year after the proponents had first lodged their application with the state. The flyer provided general information about the proposed permanent festival site and directed people to NBSP's website and phone number if they wanted to provide "input." Ten days after the proposal was put on public exhibition by the State, some people received a second flyer in their letter boxes providing somewhat more detail and telling people to get in touch with NBSP if they had questions. This is community consultation at its most minimal. Yet the plans, if approved, will have massive impacts on the lives of the people in North Ocean Shores and other nearby communities.

We must note that as we have been reading the proposal during the public exhibition period (7110110-19111/10), we have been discussing various points with family, friends, neighbours, and other interested people. The most consistent response we have received has been one of surprise that the application is for more than one festival a year. A great number of people believe that the proponents have simply gone to the state to get permission to hold SITG at Yelgun. When they learn the full extent of the plans, including the plans for a much enlarged SITG, they become alarmed and ask why the applicants didn't make that clear a long time ago to the community. For example, we set up an information booth at a North Ocean Shores market on Tuesday, 16 November, to help people understand the proposal. We spoke to dozens of people that day who still were not aware of the intentions of the proponents beyond a single "Splendour at Yelgun".

The proper course of action would have been for the proponents to make clear distinctions between their earlier proposal for a one-off trial event and the current proposal for a year-round multiple-festival site. Yet the tactics since April 2009 have been to downplay the differences or provide only the most general information about the current proposal, couched in terms that will make the idea seem innocuous. For example, the May 2010 informational flyer refers to "12 event days per year" and daily attendance of "over 10,000" without being clear about the total number of days of activity on the site or the actual attendance goals.

**Comment 11.3.148**

At each stage the community was made aware of any changes or progress, both prior to and following the lodgement of the EA in August 2010.

Media releases were disseminated outlining:

1.0 The outcome of the Land and Environment Court ruling (7 May 2009)

2.0 North Byron Parklands' liaison with Council. This media release explained why the proposed Ewingsdale Sports Complex was not a viable venue for Splendour (22 May 2009)

3.0 NSW Government to decide North Byron Parklands (24 July 2009)

4.0 Splendour 10<sup>th</sup> anniversary at Woodford and the reasons behind this (24 November 2009)

5.0 North Byron Parklands on public exhibition (7 October 2010)

Local media picked up all our media releases (with the exception of a media release regarding Splendour's environmental outcomes disseminated 1 September 2009) and further each time invited comment from either CONOS or CFFS. All media releases are made available on the North Byron Parklands website.

The letterbox drop flyer disseminated in May 2010, prior to lodgement of the EA, detailed the proposal for up to 20 event days each year including how many of these days would be minor, small, moderate and major events. This flyer did not specify an upper limit of patrons for major events as at that time consultant reports were still being analysed. The flyer stated that major events would cater to "greater than 10,000 patrons".

A copy of the flyer was attached to the consultation report as Appendix C. This flyer was uploaded to the website in May 2010.

The second letterbox drop flyer, disseminated during the first half of October 2010 detailed the capacity sought for major events not only now but also the long term upper limit of 50,000 patrons for a major event. This flyer was uploaded to the website in early October and is attached here as **Annexure D**. The media release of October 7, attached here as part of **Annexure D**, contained the same detail.

In relation to the comment made that Parklands did not make it clear that they proposed more than one festival a year, North Byron Parklands has been consistently called itself an event venue, in various ways:

- A sustainable cultural event venue
- A permanent cultural event venue
- A permanent sustainable cultural event venue.

Never has it been suggested by the proponent that North Byron Parklands would only house one event. The proposed event structure (up to twenty days of events) has been on the home page of the website for the majority of this year and this event structure has been discussed in media at length, by Parklands and certainly by CONOS and CFFS.

Below are eight mentions in local print media alone for a one month period twelve months ago which relate to more than one festival at North Byron Parklands.

1.0 Byron Shire Echo December 1, 2009, p. 3:

"...the site that Splendour chose to put forward was not just for Splendour but for an increased number of festivals...." Cr Jan Barham

2.0 Byron Shire Echo December 1, 2009, p. 3:

"...what the Splendour group are proposing for their site at North Ocean Shores/Yelgun is not just one festival a year but a permanent festival site with six or more major Splendour type festivals per year" Mac Nicholson

3.0 Byron Shire Echo December 1, 2009, p11:

"To have the intention to expand ad infinitum and hold at least six festivals a year..." Ri Fraser

4.0 The Northern Star Friday December 4, 2009, p. 10:

"Ocean Shores resident Mark Lycos said Splendour was planning at have six large festivals a Yelgun each year..."

5.0 The Byron Shire Echo, December 8 2009, p. 14:

"The proposal for the North Byron Parklands site is for up to 12 days of major events (over 10,000 patrons) a year. Splendour would occupy three of these 12 days". Jessica Ducrou

6.0 The Byron Shire News, December 10 2009, p. 8:

"The proposal for the North Byron Parklands site is for up to 12 days of major events (over 10,000 patrons) a year. Splendour would occupy three of these 12 days". Jessica Ducrou

7.0 Byron Shire News, December 10 2009, p. 10:

"Ocean Shores resident Mark Lycos said two major festivals a year in the shire were more than enough, and the six festivals a year planned for the Yelgun site was 'totally out of order'.

8.0 Byron Shire News, December 10 2009, p. 18:

"Splendour could choose to continue its Byron Bay festival once a year, as it has done for nine years and then do more, their other five triple sized events up in Northern Queensland"... Lois Hunt

Specific questions must be raised about the following statements in section 2.1:

Statement	Issue or Question
"Consultation occurred with Byron Shire Council senior staff and Councillors prior to the purchase of the site as an events site" (p 3/1533)	<p>Did Council indicate approval for a permanent festival site on the scale currently being proposed before the land was even purchased in 2006 and before a DA was lodged? Did Council also indicate approval prior to 2006 for year-long festival activity with daily attendance far exceeding the entire population of the shire? If so, Council was out of line.</p> <p>Importantly, this statement ignores the point that the current proposal is quite different from the earlier one that Council approved. Also, this statement makes it seem as if Council has been agreeable to the current proposal for over 4 years, despite the fact that an intervening election changed the complexion of Council. The Yelgun festival site was a major election issue in the shire; and the fact that Council now comprises a majority of councillors who are not in favour of festivals at Yelgun must be noted.</p>
"Meeting with adjoining and nearby neighbours (including meetings prior to the purchase of the site) " (p 3/1533)	<p>Several residents on Jones Road were not consulted in person about a one-off trial event and have never been consulted about a permanent event site. In fact, these residents did not know the details of what was being proposed until the proposal was put on exhibition on 7 October 2010.</p>
"Meetings with relevant government agencies such as National Parks and Wildlife Service" " (p 3/1533)	<p>When did these meetings take place? Which agencies were represented? Did the agendas involve the earlier proposal for a one-off trial event or the current proposal for a permanent festival site? Such vital details are not made clear.</p>



<p>"Discussions with the National Parks and Wildlife Advisory Committee including attendance at their meeting in August 200?" " (p 3/1533)</p>	<p>This reference is clearly to the earlier DA to Byron Shire Council for a one-off trial event. It is not relevant to the current proposal. Or were the proponents talking at that earlier time about a permanent festival site in the absence of any DA to that effect?</p>
<p>"Contacting over twenty-five regional environmental and community groups to discuss the proposed plans including inviting members to attend a guided site tour" (p 3/1533)</p>	<p>Which groups were contacted and when were they contacted? Did the contact have to do with the proposal for a one-off trial event or the current proposal? This statement sounds as if there has been broad involvement of community groups with the current proposal, but that is an unsupported claim. In the absence of supporting evidence, this statement is highly misleading and is in any case irrelevant if it refers to the earlier for a one-off trial festival.</p>
<p>"Attending the meetings of local community groups ...to discuss specific questions, concerns and opportunities(p 3/1533)</p>	<p>When did these meetings occur? Did the agendas have to do to with the proposal for a one-off trial event or the current proposal? It is a fact that the promoters refused to attend " community meetings when the DA for a one-off trial event was under consideration by Byron Shire Council, as mentioned above. Since the permanent-festival-site proposal was lodged with the state, the promoters have sent only one letter to CFFS and to other community groups that have spoken out against a permanent festival site at Yelgun, and they have attended no meetings called by these groups. At best, this can be considered minimal contact with the community.</p>
<p>Bullet points 7-10, page 311533: Meeting in Sept 2007, site tours, forum in Sept 2007, and the public meeting at Council chambers.</p>	<p>These points all relate to the earlier proposal for a one-off trial event at Yelgun, not to the current proposal for a permanent festival site. They are not relevant to the current proposal.</p>
<p>Provision of a website from April 2007 to present (311533)</p>	<p>This statement muddies the waters by combining communications related to the one-off trial event with communications related to the proposal for a permanent festival site. Also, the number of hits at the website should not be construed as support for the proposal. More significant is the fact that people contacted the website in June 2007 and asked to be kept informed via email newsletter (as invited by NBSP) but never received a single promised newsletter after having their interest acknowledged by return email and having been told they had been placed on the mailing list.</p>

Reference to Community In Open Days, tree planting barbecues, etc. that took place in 2007.	In 2007, the promoters had an active DA for a one-off trial event, and repeatedly assured the community that they were focusing entirely on staging a single event. Thus, none of this community in 2007. contact or consultation is relevant to the current proposal
Researching the indigenous significance of the property and engaging in discussions with local aboriginal people (4/434)	A number of indigenous people who live in or near Yelgun were never consulted about either a one-off trial event or the establishment of a permanent festival site. (Evidence will be provided on request.)
Reference to a telephone survey (411534 and Appendix B)	This survey 'Contains some references to a permanent festival site (p 1558, 1563, 1566+) but was done in conjunction with the proposal for a one-off trial event. The questions were very general, not containing any of the details about frequency, scale, duration, etc. These survey results are thus not relevant to the current proposal and should not be construed as supportive of the current proposal. However, it is still noted that many more people were supportive of a permanent festival site in Byron Shire (in general) than were supportive of one at Yelgun, indicating that people early on questioned the Yelgun site being used for this purpose.
Meetings from 2006 onward with Council staff and councillors	Meetings prior to April 2009 cannot be considered relevant to the current proposal since before that time the only active (p 411534) proposal was a DA for a one-off trial event, with Byron Shire Council as the consent authority. Any meetings with Council after April 2009 are irrelevant because the promoters bypassed Council at that time and lodged a proposal for a permanent festival site with the NSW Planning Department.
<b>3.0 Consultation (511535)</b>	
• Update stakeholders regarding the proposal	The current proposal is so different from the earlier proposal for a trial event that the phrase "update stakeholders" is highly inappropriate.
• Consult with individuals and groups that had not been previously personally contacted	Any "previous contact" must be considered irrelevant to this proposal. The applicants should have undertaken a from-scratch community consultation of depth and thoroughness, one that clearly dealt with the specifics of the new proposal most likely to cause concern to the community, e.g. closing times of 3AM, attendance of 50,000, traffic noise, etc.

• Broaden the geographic scope of the consultation	From what to what? And for what purpose was this broadening?
• Ensure that detailed information reached individuals and groups ...	What evidence is there that this was accomplished? The only information received by the community before the Environmental Assessment was made public by the State was the small flyer circulated in May 2010. Details in this flyer were glossed over, as they were in press releases and other communications issued from NBSP. To meet this objective, the proponents should have made the details about their plans crystal clear.

#### Comment 11.3.149

The EA Author stands by Technical Paper J and the stands by the statements quoted in the left hand column above.

#### 4.1 Personal contact

Despite the expansive claims in this section, key people closest to the site have not been contacted. Members of CFFS, based in the north of the shire, can themselves personally attest to this. They also have many neighbours and friends in the shire who have never heard a word from NBSP. The "personal contact" claimed by the applicants has not been systematic or thorough, especially in the areas closest to the site. Also of concern is that a number of people who live closest to the property (in Yelgun) did not receive any specific notification that the proposal was put on public exhibition in October by the NSW DoP.

#### Comment 11.3.150

Our community consultation team did their absolute best to notify immediate neighbours and others in the locality of the public exhibition period prior to local residents being notified through the media. As the Community Consultation Team cannot personally contact every resident in the north of the Byron Shire, the team focused on immediate neighbours and others with whom contact had been made.

All residents received the letterbox drop flyer within a week of the proposal going on public exhibition and there was significant media coverage of the proposal.

Further, bundles of the letterbox drop flyer were delivered to local stores in the vicinity of the site (Crabbes Creek General Store, South Golden Beach General Store, Billinudgel General Store, Brunswick Heads Supermarket, New Brighton General Store).

In anticipation that media coverage may not adequately convey the detail of the proposal the proponent paid for large advertisements in three local papers each week of the public exhibition period.

#### 4.2 Letterbox drop

The proponents filed their application with the state in April 2009. Over a year later (May 2010) they circulated the flyer referred to here, but the flyer did not provide an honest and accurate picture of the scale of the events. For example, it claims daily attendance of "more than 10,000", seriously downplaying the actual figure of 50,000 per day stated in the EA. Also, the flyer states that activity will be limited to "20 event days per year", seriously understating expected activity. A new flyer was placed in mailboxes about ten days after the proposal was put on public exhibition by the NSW DoP. This provides a bit more detail, but it is too late in coming for the large majority of people in the area to get their hands on the proposal and digest key points before the public exhibition period is over.

In contrast to the sketchy flyers, the proposal points out that each major event will require bump in and bump out activity of around 28 days. Even this seems an understatement, given what the promoters described in an interview with the press about their festival at Woodford in 2010. (See the interview reported here: <http://www.messandnoise.com/articles/4026422>). They stated that by the time they opened the doors to 32,000 attendees, they had been on site for 3 weeks, overseeing the construction of the "little city" that was required. They also claimed they would need time to take it all down at the end. Conservatively assuming a total of 5 weeks of set-up and take-down time for each major event (3 weeks before, 2 weeks after), four events would involve a total of 20 weeks (140 days) of set-up and take-down activity on site as well as 12 days of actual event activity. And that's just for major events. Four "moderate" events are also planned, each with its own set-up and take-down time, and the number of small events would be unlimited.

The flyers seriously misrepresented to immediate neighbours the true extent and duration of on-site activity, all of which will involve noise, people and vehicle movements, extra traffic, and other risks and disturbances before and after actual festival days.

#### **Comment 11.3.151**

The EA was lodged in August 2010. The flyer disseminated in May did not "seriously understate expected activity". The letterbox drop flyer disseminated in May 2010, prior to lodgement of the EA, detailed the proposal for up to 20 event days each year including how many of these days would be minor, small, moderate and major events. This flyer did not specify an upper limit of patrons for major events as at that time consultant reports were still being analysed. The flyer stated that major events would cater to "greater than 10,000 patrons".

#### **4.3 Mail out of personal letters**

The "extensive mail out" claimed for March-June of 2010 is exaggerated. As with the personal contact claims above, members of the CFFS can personally attest to the fact that they never received the letter shown in Appendix D and have many neighbours who did not receive the letter. If the intention was to contact neighbours in the north of the shire, the attempt was woefully inadequate. This is especially disturbing in light of the nature of the massive proposed development. Every single household in all the communities closest to the shire should have received multiple communications detailing the full intentions and expectations of the promoters so that there would be no mistake in their minds as to what they potentially faced.

#### **Comment 11.3.152**

The letters cited above were sent to organizations mostly, not individual residents. This information is detailed in the consultation report. Individual residents received the letterbox drop flyers in May and October. CFFS would have received a personal letter, as did other action groups and numerous other groups and organizations.

#### **4.4.2 Private site tours**

The proponents state that only 79 people were interested in site tours since March 2010 and conclude that this low demand indicates lack of concern about the proposed plans. This is an unwarranted conclusion. In fact, the groups and individuals represented by the CFFS were against the one-off trial event and are even more strongly opposed to a permanent festival site of the scale proposed. The fact that they did not attend a tour after the proposal was lodged with the state should not be construed to mean that they now accept the proposal as a good idea. Also, quite a number of people felt it would do no good to arrange a tour because they would simply be told what the promoters would be doing, not listened to.

#### **Comment 11.3.153**

Hundreds of people have attended site tours since the land was purchased in 2006 and this could well be a contributing factor as to why only 79 people came along to the site tours between March and July 2010 which were conducted over nine separate days.

If anybody felt that "it would be no good to arrange a tour because they would simply be told what the promoters would be doing, not listened to" they would be quite wrong. Our intentions with site tours were to both listen to concerns (as well as the numerous ideas presented) and outline the proposal for the site. The Community Consultation Team felt it was valuable to do this on the actual site so that discussion was not as theoretical.

#### **4.5 Advertisements in local media**

The advertisement in Appendix F is inaccurate and misleading. First, the tourism industry had plenty of input into Council's Draft Events Policy. Council sought input from commercial interests and residents equally, and both had opportunities to make submissions to express their opinions and discuss their concerns with Council.

Also, it was entirely incorrect and misleading for NBSP to say in these ads that "any event smaller than Splendour will struggle to operate under the draft event policy guidelines". In truth, the Events Policy encourages a multiplicity of smaller events while placing reasonable limits on mega music events (like SITG) that generate the most negative impacts on the community.

Also, this ad states that NBSP Parklands seeks approval for 12 days of major events per year with "over 10,000 patrons". This is a repeat of this misleading statement. Finally, this ad, run in early December 2009 states clearly "We are one event in winter, the quietest possible time to stage an event." This, too, is misleading in that many months before, NBSP lodged an application with the state for permission to hold multiple major events throughout the year on their property. This much-expanded intention should have been made crystal clear to the community both in this ad and long before the ad appeared. Or the proponents should have made clear to the NSW DoP that they intended to stage only one event per year and should have admitted that they would thus not have the capacity to generate the jobs and economic benefits that they had implied they would deliver.

#### **Comment 11.3.154**

It was widely stated (for example Lois Randall the then CEO of Arts Northern Rivers and Russell Mills, CEO of Northern Rivers Tourism) that there was insufficient consultation particularly with the major stakeholders regarding the draft events policy.

CFFS questions the comment made in the advertisement from Splendour in the Grass "any event smaller than Splendour will struggle to operate under the draft event policy guidelines".

In the Byron Shire Echo on December 1, 2009 Lois Randall, CEO of Arts Northern Rivers states "Local event organizers are concerned that the draft policy presents festivals and events as 'problems' to be 'limited' and dealt with and fails to acknowledge the many positive impacts that these events bring to the community. At the industry consultation there was unanimous agreement that all limits should be removed from the policy, to ensure that both existing and new events can flourish in the shire".

The comment about holiday letting ("we are one event in winter, the quietest possible time to stage and event") was made with respect to Splendour in the Grass, not North Byron Parklands.

#### **4.6 NBSP website**

The proponents' website has been used to promote the earlier one-off trial event and the current proposal for a permanent events site. An important question is: of the 11,500 unique hits to the site claimed by the proponents here, how many are related to the earlier proposal and how many to the current proposal? This blurring of the two, once again, is misleading, because the statement here implies that the 11,500 people who accessed the website since it was set up are fully knowledgeable about and supportive of the current proposal. In fact, that current proposal was made public only on 7 October 2010, so the "research" that the promoters claim could be done by going to their website could not, in fact, be done until 7 October 2010.

#### **Comment 11.3.155**

The proponent has not claimed that everybody who accesses our website is supportive. And again, North Byron Parklands has always sought approval for a permanent sustainable cultural event venue. There was never the intention to have one "trial event" and that's all.

#### **4.8 Letters to the editor**

It is curious that this section refers to the effort Mat Morris has had to exert to respond to "incorrect or misleading information" contained in letters to editors from opponents of this proposal while making no mention of the incorrect and misleading information the proponents themselves have circulated. A prime example is proponents' characterisation of the Land and Environment Court's ruling against them. The court overturned Byron Council's approval of the earlier proposal for a one-off trial event, pointing out that Council did not have the authority to grant permission for a place of assembly on land that was zoned 7(k) habitat because such activity is not allowed in that zone. This is how the promoters described the situation on their website at the time:

On 6 May 2009 Justice Brian Preston found fault with Council's technical processing of the application and revoked Byron Shire Council's approval for the trial event. He said that Council should have issued consent for both use of roads and a place of assembly, whereas they only issued consent for a place of assembly".

A careful reading of the Court's decision shows that this is an inaccurate and misleading characterisation of that decision. First, the Court did not judge what Council "should have" done; the judge's role was only to review what they had done, in terms of the law. Next, the judge declared that Council's approval was invalid because they had approved actions that are illegal. This was not a mere "technicality". Nevertheless, reference to Council's "technical processing" of the application was repeated in the media inappropriately for weeks, despite others publicly calling attention to the inaccuracy. The proponents appeared to want to downplay the significance of the Court's decision. Other examples of misleading information provided by the promoters are cited above.

Many more letters to editors raised a host of accurate and significant objections to the one-off trial proposal and the current proposal, but Mat Morris and others chose not to respond to them. In the interests of fairness and accuracy, these other letters should have been included in this section of the EA to present a full picture of letters to editors.

#### **Comment 11.3.156**

The proponent does not resile from the characterisation of the decision of Justice Preston as described at various press releases.

#### **5.0 and 6.0 Consultation methodology and stakeholders**

The reference to "previous market research" here is confusing. When did that research occur? Was it related to the now defunct proposal for a one-off trial festival or the current proposal for a permanent festival site? If the former, then the research cannot be considered relevant to this proposal.

The reference to "numerous group meetings prior to 2010" also appears to relate to the now-defunct proposal and thus is irrelevant because those earlier meetings were focused on the one-off trial event, not on a year-long permanent festival site.

The reference to "stakeholder" consultation is also curious. The table on page 10/1540 implies that consultation with these various groups has been extensive and thorough. In fact, the contact regarding the current proposal has been almost entirely one-way, with NBSP issuing a few press releases, sending letters to targeted groups, and doing one letter box drop in the north of the shire prior to the proposal going on exhibition.

The promoters were willing to "consult" with interested individuals on their terms: in small groups on their property. They expressed no interest or willingness to meet with groups at other locations to listen to the numerous concerns people had about the current proposal. As a result, this supposed



stakeholder consultation was spotty and ineffective. The CFFS can name numerous people in the immediate area of the site who have never heard from NBSP and have no idea what the proponents are planning. For a Major Project (according to state criteria), much more thorough outreach to the community must be expected, most especially to those community members who live and work closest to the site.

The statement that "documentation was considered so that it contained sufficient detail to be transparent and thorough yet not too much detail so as to be overwhelming" is misleading. In fact, key details were routinely omitted from the documentation about the permanent festival site in what seems to be an attempt to downplay the promoter's real intentions. The repeated references to "only 12 major event days per year" with "over 10,000 patrons" are examples, as noted above.

A reference here to feedback being "documented" is also curious. Where is that documentation? It should have been included in this section if it has been kept.

#### **Comment 11.3.157**

Quantitative market research regarding North Byron Parklands was undertaken in 2007. Extracts from that study are attached to the consultation report Technical Paper J as Appendix B.

The previous market research as entirely relevant as the study relates to a permanent cultural event venue at Yelgun.

Consultation has not been at all "one-way". The Community Consultation Team have received many phone calls and emails from residents living in the local area and we have been kept busy answering their questions and clarifying issues. The team have taken dozens of people on site tours in an effort to listen to them and also better outline our proposal. The team have held presentations to various groups around the region regarding the proposal during the six week public exhibition period as well as prior to it.

In relation to the statement by CFFS "The repeated references to "only 12 major event days per year" with "over 10,000 patrons", documentation in 2010 put to the community outlined the entire proposed event schedule – up to 20 days of events per year, etc etc. As stated earlier in this documentation, reference to upper limits of patrons for a major event was specified at the beginning of the public exhibition period and continually throughout the six week period.

To ensure that the proposal was fully understood and comprehended by the community, the proponent not only disseminated the detailed information to the entire Shire by way of letterbox drop, media releases and our website, the proponent took large ads in three local papers detailing the proposal for five of the six weeks of the public exhibition period.

#### **7.0 Feedback**

Before the Environmental Assessment was made public by the NSW Planning Department on 7 October 2010, most of the public was simply not aware of the full scope of the proposal or the many specific details associated with it. So whatever "feedback" was obtained by the promoters before 7 October 2010 was related only to the very general information they provided, much of which was incomplete and misleading, as noted above. Thus the only feedback that can be considered valid at this point is the feedback that the NSW Planning Department will receive via submissions. Unfortunately, the large majority of people in the community will not have the time to review the very lengthy proposal and prepare submissions. Simply getting their hands on it has proved difficult, especially for people without high-speed Internet connections and facility downloading large documents. Thus, the Planning Department should recognise that whatever comments are received by 19 November represent only a fraction of the sentiments that would have been expressed if people had had the details in hand several months ago. The community is in the position of having a massive EA to obtain, plow through, interpret, and respond to in a few weeks whereas the proponents have had their specific intentions in mind for many months.

#### **Comment 11.3.158**

The public was provided with detailed information regarding the proposal leading up to the public exhibition period and certainly also during the public exhibition period.

It was not at all difficult for people to access the proposal. High speed internet was not required. The entire proposal was broken down into small sections on the North Byron Parklands website ([www.northbyronparklands.com](http://www.northbyronparklands.com)). This web address was provided to the community constantly.

#### **7.1 Summary of feedback**

The first statement in this section is not supported by data. How many stakeholders altogether were asked their opinion? What were they asked? How did they respond, specifically, to each of the questions?

The statements in this section are also vague and general in nature ("many comments," "many people", "most", etc.). These cannot be verified independently. The reference to people who "strongly object to the proposal" and who "have been consistent for the past four years" again reveals a merging of response to the earlier proposal for a one-off trial event and response to the current proposal. In addition, there is no detailed enumeration of the specific concerns that these objectors have raised. Only one sentence, and an incomplete one at that, makes reference to a few of these concerns:

"Specifically, further detail regarding mitigation measures for issues such as young people wandering the streets, traffic management, illegal camping, holiday letting, noise and the amount of events held each year."

What is the verb in that sentence? The intended meaning is quite unclear. Here is another curious statement:

"There has been pressure on the community from some objectors to object to the proposal and this has engendered fear of discussing the proposal publicly. It has also caused some disdain amongst the community."

#### **Comment 11.3.159**

Most stakeholders were either actively or passively supportive of the proposal. This is not meant in any way to detract from or devalue the many stakeholders who are not in support of the proposal. It is clearly understood that there is strong opposition to the proposal from sections of the local community.

The summary of feedback is just that – a summary of feedback. The primary issues gained from consultation are included.

Of course the people who object to this proposal want to persuade others to object as well! As long as this is a democracy, people have the right to express their opinion and persuade others to hold the same opinion. The claim that such behaviour has induced fear is unsupported. As to disdain, any disdain that has been generated within the community has to do entirely with the proponents' intentions and actions, not with the objectors. The objectors are simply raising concerns about the development and calling other people's attention to those concerns and to the promoters' inadequate response to them.

#### **Comment 11.3.160**

In an effort to accurately report feedback it has been noted that there were instances where people advised they were intimidated to talk in support of the proposal.

Not mentioned here is the fact that the promoters and their supporters have exerted considerable pressure on the community to support the proposal, implying that unless it is approved, hundreds of millions of dollars and numerous jobs will be lost, the youth in the area will be sorely disadvantaged

for lack of entertainment, Byron Shire businesses will have to close, Byron will lose its reputation as a cultural centre, and so on. We consider these claims to be exaggerated and misleading.

The promoters' tactics have also led many to feel disdain for them. For example, the promoters expressed contempt for Byron Council and the community of Byron Shire by going over their heads to lodge an application with the state. CFFS, representing numerous community groups and individuals, considers that action an insult to the community, especially when it is implied that the applicants were passive recipients of State action:

"A State Environmental Planning Policy (SEPP) decrees what applications MUST be processed by the State Movement. A proponent does not get to pick or choose its approval authority". (In an ad purchased by NBSP, The Byron Shire Echo, 2 November 2010, p 13).

The fact is that the applicants chose to submit several DAs to the local council over the course of several years. When that did not produce the desired outcome, they turned to the state by recharacterising their proposal as a Part 3A Major Project. Their actions show that they did, indeed, focus on choosing a consent authority.

#### **Comment 11.3.161**

North Byron Parklands commissioned an economic impact assessment from RPS Group in 2010. Some of these independently verified statistics were disseminated in media releases and advertisements during the public exhibition period.

The "promoters" certainly did not express contempt for Byron Council and the community of Byron Shire.

Another important point: CFFS knows, from personal communications, that many opponents of this proposal are against the development because it will encourage excessive alcohol and drug consumption by the young people in attendance, especially since the proponents intend to sell alcohol throughout the long hours of operation. The SnG festival, in particular, is notorious for the amount of alcohol and drugs consumed by attendees and the anti-social behaviour that the drunk and stoned patrons display during and after the event. Yet there are only a very few statements about alcohol or drugs in the summary of feedback or, indeed, in the entire community consultation section. This is quite an interesting oversight. CFFS knows for a fact that the issue of alcohol and drugs was raised numerous times by the public in their response to the earlier proposal for a one-off trial event and was raised face-to-face with the proponents as a key issue. In fact, a number of people consider this a major reason for objecting to this proposal.

#### **Comment 11.3.162**

The issue of drug and alcohol consumption was not one of the primary issues raised, although these issues certainly have been raised:

- One local person taken on a site tour was very concerned about alcohol consumption and was strongly of the belief that any events should be alcohol free.
- Another local resident outlined in a telephone conversation "We don't want those drug festivals" and another, who was supportive of the proposal after listening and undertaking a site tour, initially said in a telephone conversation "I don't want those druggies travelling all over my farm".
- The following email was received after the letterbox drop material was disseminated in October:

More alcohol more drugs is what you really mean. There is no housing for the damaged people. They live on our streets and beaches. Get your priorities right. It is called RESPECT.

- This further email shows concern regarding drug and alcohol consumption:

Dear Nth Byron Shire Parklands,

I have seen your flyer and the fact you mention the amount of events per year you plan to have or wish to have.

Whilst you focus on the environmental issues, there is never any mention to the social issues, especially when large events like Splendour take place.

Eg, In the early am when those patrons who are not staying onsite, (2/3rds), take to the road, many will have consumed alcohol and other substances.

Many will then drive around urban communities like Nth Ocean Shores, New Brighton, Sth Golden Beach either looking for a spot to camp, hoon around, and generally trashing the area, and causing havoc to families, people who have to work etc etc.

These issues need to be addressed in order to obtain full community support and assuage opposition to the DA going ahead.

Further discussion along these lines will go to the planning minister.

Drug and alcohol consumption is seen by some people to threaten residential amenity.

## **7.2 Immediate neighbours**

The information about the immediate neighbours on Jones Road does not align with the information about those neighbours obtained by the CFFS. CFFS knows, from personal communications, that five households/property owners on the road are opposed to the proposal. This is in direct contradiction to what is reported in this section. Thus the claims of support in this section cannot be assumed to be accurate or complete.

### **Comment 11.3.163**

**Plan 1.1** in Section 1 of this Report in Reply plots individual properties and indicates those who have provided positive written submission; objection or no written submission. This mapping suggest that those who have provided written objections are in the minority in terms of land ownership in the immediate vicinity.

## **7.3 Residents in surrounding areas**

It would have been better for the promoters to have listed all of the feedback received instead of selecting responses to quote. The public and the proposal's assessors ought to have all the feedback that has been generated.

One statement here is of particular concern: "A number of residents responded to an email sent out by the CFFS requesting emails objecting to the proposal, however the majority of responses received from this process were generic so unfortunately it was difficult to gauge specific concerns." What CFFS would like to know is: To which email are the applicants referring? When was it sent? Who collected and analysed the responses from the group's membership? This reference to responses from another group's membership cannot be taken seriously if details are not provided. We do know that the proponents never got in touch with CFFS to clarify any points or found out just what their specific concerns were.

### **Comment 11.3.164**

CFFS were sent a letter from Mat Morris on 19 May, 2010 detailing the North Byron Parklands proposal and seeking feedback. Mac Nicholson responded to Mat Morris on 23 September 2010, who then replied to Mac Nicholson on 24 September 2010.

The responses quoted represent feedback received. The "promoters" certainly listened to all feedback received.

North Byron Parklands received a number of emails which were generic in nature following an email out from CFFS.

#### **7.4 Businesses**

Local businesses have claimed loss of business when SITG moved to Woodford in 2010. However, 2010 has been a terrible year for business in general, and tourism statistics show that tourism in the area has been in a gradual decline for a few years. The global financial crisis and the rising Aussie dollar are also affecting tourism. SITG's move to Woodford is part of an overall decline in area tourism, not the sole or even the main cause.

A point not mentioned here is that the plans for the permanent festival site include the intention to keep the patrons on site and supply their every need on site (food, alcohol, souvenirs and clothes, massages, and other goods and services, along with accommodation for campers). The site is also far enough from Byron Bay that the town is likely to benefit much less than it did when SITG was held at Belongil Fields, except for those businesses who manage to establish concessions on site or who supply the site with goods by means of licencing arrangements with the promoters.

#### **Comment 11.3.165**

The economic impact assessment, Technical Paper B, details the economic contribution of North Byron Parklands, both locally and nationally.

North Byron Parklands has been overwhelmed with communication from businesses who have suffered with the departure of Splendour in the Grass. This is not theoretical suffering, these are businesses that have been in the area for a long time and feel the direct loss. Many businesses tell us the direct loss in financial terms.

North Byron Parklands aims to camp half the patrons on site for a major event. This means that the amount of patrons not camping would be roughly equivalent to entire amount of patrons at previous Splendour in the Grass festivals in Byron.

#### **7.5-7.7 Various associations**

The public and the proposal's assessors ought to have all the feedback that has been generated instead of selected responses.

#### **Comment 11.3.166**

The consultation report, Technical Paper J, summarised feedback received.

#### **7.8 Environment groups**

Although environment groups may not have provided specific feedback to the proponents, the following groups strongly object to this proposal, as stated to CFFS: Conservation of North Ocean Shores, Caldera Environment Centre, Byron Greens, Byron Environment Centre, Byron Environment and Conservation Organisation, Friends of the Koala, Australians for Animals, National Parks Association, Nature Conservation Council of New South Wales, North Coast Environment Council, Total Environment Centre.

Furthermore, an independent environmental assessment relating to the proposal was undertaken by Andrew Benwell and David Scotts. ("A Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun", April 2010). That report raises a number of substantive concerns about impacts on the environment and should be seriously considered by the DoP.

#### **Comment 11.3.167**

This objection lists environmental groups who are said to be opposed to the proposal. Of those listed, Byron Greens, National Parks Association and the Nature Conservation Council of NSW have not made a written objection to the proposal. Furthermore, it is a falsehood to suggest that an "independent environmental assessment relating to the proposal has been undertaken...". The report by Benwell and Scotts was prepared well before the Environmental Assessment was published and accordingly cannot have had regard to the comprehensive range of material published in the report. It is noted that even though the Benwell and Scotts report predates the publication of the EA but no technical addendum to their report has been submitted which properly addresses the actual project proposal.

#### **7.9-7.12 Other groups**

The public and the proposal's assessors ought to have all the feedback that has been generated instead of only selected responses.

#### **Comment 11.3.168**

All public feedback in terms of submissions to the EA are now a matter of public record on the Department of Planning's website.

The consultation report summarised feedback received.

#### **8.0 Recommendations**

It is disturbing to see here that the promoters apparently have no specific plans to deal with the many negative impacts that their development would have on the community. They say only that they will put flyers in letter boxes to tell "how potential negative impacts would be mitigated" and how "proposed measures [will] be fine tuned, if required, following feedback from the community". This suggests that the promoters intend to proceed at will, taking action to address concerns only "if required" at some unspecified later time. But who will determine if such action is required? When will they make the determination? Who will judge when the promoters have responded appropriately?

#### **Comment 11.3.169**

The proposal provides for the ongoing environmental management of the locality by way of a panel. The idea is that persons in the immediate vicinity who have the most potential for adverse impact will be able to directly input into operational aspects. This approach has worked successfully with other land uses e.g. quarries.

The recommendation that objectors be involved in "ongoing environmental management of the site" is silly. The people who are strongly opposed to this development will not willingly work for the promoters to "manage" the site. Indeed, it is not at all clear how such an arrangement would even work. Would the objectors be expected to work for free? They are not likely to agree to that. Or would they be offered employment? If so, it would smack of payoffs in exchange for no further objections.

#### **Comment 11.3.170**

In other circumstances where development consent has been granted say for a quarry or mine persons who were strongly opposed to the development have in fact seen their way clear to work with the proponent to look at improving management procedures on an ongoing basis. This approach is now regarded as contemporary best practice.

#### **CFFS Conclusions**

In sum, the community consultation described in this section has been gravely inadequate, relying, as it does, on various activities and responses that related to earlier, now defunct, proposals for rezoning and a one-off trial event. In fact, a proper consultation has not been undertaken for the current proposal.

In addition, the information provided to the community about the current proposal has been too general and vague to have provided a clear picture of the proposed development. It was only when



the Environmental Assessment was made public on 7 October 2010 that the community was able to learn the full extent of the plans.

With only six weeks to read and digest the lengthy Environmental Assessment, a great number of people in the community will still not be aware of the plans when the exhibition period is over. Concerned individuals and groups, such as CFFS, will do their best to circulate the details that the proponents have not circulated in the past year. But they, too, will be working against the clock and have no guarantee of success.

Far better should be expected of the proponents, given that they are seeking approval under Part 3A of the Planning Act. The proponents should have undertaken proper community consultation that would at the very least have included these steps:

1. Community meetings in various locations that were convenient to residents in order to (a) provide full and specific details about key aspects of the proposal, (b) encourage people to raise concerns about those specific details, and (c) show evidence that the concerns will be specifically addressed. Good community consultation takes the consultation to the people instead of insisting that the people go out of their way to go to where the applicants are. Having site tours is fine, but the promoters should also have made themselves available at locations throughout the community so as to have maximum contact with the community. This is a Major 3A Project; proper and widespread consultation should have been undertaken.

#### **Comment 11.3.171**

We refute the suggestion that property community consultation has not been undertaken for the current proposal. As described in, Technical Paper J, a comprehensive and robust community consultation approach has been adopted. We have honestly and openly discussed proposal, sought feedback and modified the scheme to accord with feedback we received.

2. Surveys of the population of Byron Shire properly with questions relating to the specifics of this proposal, e.g., the number of attendees expected, the traffic impacts expected, the flood and fire risks, etc.

No proper survey of the community was done to gauge the response of the community to the actual facts of this proposal and to key issues relating to the proposal. A proper survey would have included correct sampling techniques, with Byron Shire residents and property owners being considered the population from which respondents are selected at random, and with correct survey methods, data analysis, and interpretation techniques. Separate surveys of residents in the north of the shire should have been undertaken. Both written and oral surveys should be expected with regard to both groups. Again, for a proposal in the Major 3A Project category, it is only reasonable for the proponents to have done professional surveys of the community with regard to the important details of the actual proposal.

3. . Distribution of multiple flyers and other information with accurate and complete information about key aspects of the proposal, e.g., actual expected attendance at 100% capacity, total number of activity days (event days + set-up and take-down days), calendars for several years containing specific events, expected traffic impacts and restrictions, etc. These should have been circulated throughout the shire but most especially in the neighbourhoods closest to the event site (e.g., Yelgun, Crabbes Creek, Billinudgel, Wooyung, North Ocean Shores. South Golden Beach, New Brighton).

4. Revision to the Community Consultation section of the EA to remove references to the community consultation related to the now-defunct proposal for a one-off trial event. The promoters should have included information and community response dating from April 2009 that relates only to the current proposal for a year-round permanent event site. April 2009 should have been considered the "start date" for this proposal because that's when the proposal was lodged with the NSW Planning Department.

5. Public exhibition of the revised Community Consultation section for at least 30 days so that the public could have seen what was done in the way of community consultation and could provide feedback on this to the NSW Planning Department.

**Comment 11.3.172**

The proponent has no proposals to carry out any of the items referred to in 2, 3, 4 or 5. The EA has been publicly exhibited for an extended exhibition period. At the conclusion of the exhibition some 4,821 submissions were received in support and 715 were received against. Further, a petition with 4,161 signatories in support of the proposal was lodged with the Department and that petition contained 25 signatories against was also lodged.

**Response from CFFS to  
Section L: Bushfire Hazard Assessment**

We note that there is no mention of smoking not being allowed on site, so presumably people will be free to smoke while there, as they have been at SITG festivals in the past. No mention is made in this Technical Paper of campfires, either, although camping is to be allowed for many thousands of people. No mention of bonfires is made in this Technical Paper, either, but "managed bonfires" are mentioned in Technical Paper E (p 17/624). Thus, it would seem there are ample opportunities throughout an event on site for unintentional fires to start as a result of intentional uses of fire. The risk is heightened because the presence of thousands of people on site will make monitoring quite difficult. The likelihood that people will leave the site and light cigarettes or campfires nearby is also quite great. Billinudgel Nature Reserve is at particular risk of this behaviour.

**Comment 11.3.173**

Smoking policy will reflect the relevant NSW government policy. Camping grounds will only have fires permitted within central managed locations. Campers will not be able to have their own fires.

Any proposed bonfire at an event will be assessed by the NSW Rural Fire Service. All bonfires will be located on a suitable base and manned at all times by a fire warden.

The following recommendations of DECCW, in relation to bonfires, have been included within the Commitments:

- 1 that any proposed bonfires be the subject of an approved bonfire management plan to be received and reviewed by the Rural Fire Service at prior to events occurring;
- 2 the prohibition of bonfires during local total fire ban restriction periods to minimise bushfire risk and associated Imposts on rural fire brigades; and,
- 3 that all bonfires be located at a minimum of 100 m from any of the mapped forest blocks and other forest "vegetation upon the site to minimise bushfire risk and to avoid adverse effects from bonfire smoke and heat upon sensitive fauna species (particularly bats) that might disrupt normal behavioural activities.

The event site and camping sites are managed environments with security personnel, Police, RFS personnel, and camp wardens managing the site. The patron area is fenced with person proof fencing such that patrons are not able to enter forested areas.

**p. 6/1637, Section 1.2, Bushfire Legislation in NSW**

Under this heading the assessment states: "In correspondence dated 5 October 2007 the NSW Rural Fire Service (RFS) issued a Bushfire Safety Authority in respect of an application for a single festival event with camping on the site subject to the following conditions". (This statement is referred to again in Recommendations and in Conclusions.) From this statement, we see that the entire bush fire assessment for this proposal is based on an earlier (2007) DA for a single event involving 17,500 patrons. There is no clear evidence in the current EA that the Bushfire Safety Authority document was revised or updated to cover the multiple major events of up to 50,000 patrons that are part of the

current proposal. Yet the changed circumstances demand further assessment by the NSW Rural Fire Service. In addition:

**Comment 11.3.174**

The NSW Rural Fire Service have been further consulted as detailed within Section 8 of this report.

**1. Level of Risk**

It is not specified anywhere in this Technical Paper how the site is classified in terms of its level of fire risk, yet this classification is a key detail that should be used in determining if appropriate measures are planned with regard to fire risk on the site. There is also no GIS mapping in this assessment to show land zoning and bushfire categories. However, the Draft Bush Fire Risk Management Plan of July 2009, devised by the Far North Coast Bush Fire Management Committee and recently adopted by the RFS, lists the likelihood of fire at Wooyung Yelgun to be "almost certain", the consequence to be "catastrophic", and the risk to be "extreme." These ratings should be taken into consideration in this Technical Paper. In addition, the properties at the end of Jones Road are classified as an area of High Fire Risk. In response, the property owners must maintain the property in certain, specified ways.

The risk level/levels of NBSP should be specified here and used as the basis for the hazard assessment so that the community (and the state) can properly assess this section of the EA.

**Comment 11.3.175**

The RFS bushfire mapping is contained within Plan 2.11 of the EA. The Draft Bush Fire Risk Management Plan of July 2009 is referring to area 2 on their map which is small narrow band along Jones Road. The purpose of this plan is to address existing bushfire risks for existing development and is referring to the residences along Jones Road.

**2. p ii, Access/Property Access (Bush Fires Protection Measures table)**

This states "Comply, with the exception of alternative access to sites beyond 200m from a through road." This can only mean that the plan does not comply because a major event with tens of thousands of people must have an alternative access to a through road within 200 metres.

The statements in columns 2 and 3 under this heading are not at all clear. It seems that they mean the landowners are exempt from the requirement of alternative access to the property for the reasons stated in column 3, "Due to the area of the site and being landlocked with predominantly grassland vegetation and larger than required APZ's an alternative access is not considered necessary in the circumstance".

In fact, large areas of landlocked (no escape) grassland with large asset protection zones cannot possibly be used as an excuse to not have an alternative access to a through road within 200 metres. This must particularly apply with a proposal to hold events for tens of thousands of people who have access to several bars and consequently are likely to be under the influence of alcohol and possibly illegal drugs and therefore not acting especially responsibly with matches, cigarettes, and campfires.

**Comment 11.3.176**

The proposed access nominated within the Bush Fire Protection Measures table within Technical Paper L complies with the Performance Criteria for Internal Roads as listed within Page 35 of Planning for Bushfire Protection 2006. The Performance Criteria that the proposal complies with is 'internal road widths and design enable safe access for emergency services and allow crews to work with equipment about the vehicle'. This will achieve the intent of the measure which is to "provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area."

**3. p ii, Fire trails/Not Required (Bush Fires Protection Measures table)**

The statement in column 3 states that asset protection zones will be around any buildings on the site but not in other areas, despite the fact that the site is immediately adjacent to Billinudgel Nature

Reserve and several private properties. Shouldn't the Reserve and the private properties be considered assets that ought to be protected with APZs?

**Comment 11.3.177**

Asset Protection Zones will be provided in accordance with Planning for Bushfire Protection 2006.

**4. p. 7/1637 and 1638 Asset Protection Zones Water and Utilities:**

The statement at the top of this page mentions locating gas and electricity in ways to reduce risks to buildings in the event of a fire, but no mention is made of gas and electricity in point 2 underneath this statement. It only mentions water: In point 2, the proposal states "In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply shall be provided during periods of occupation for each stage and camping area."

This seems quite inadequate. A resident on Jones Road a 10,000-litre dedicated supply requirement for the single private dwelling that is on the property.

Also, there is no indication that areas outside the camping areas and stage areas would have a dedicated water supply for fighting fires. And there is no provision for dedicated water supplies for generators, staff offices and accommodation, conference and cultural centres, parking areas, and the areas bordering the Billinudgel Nature Reserve. In the event of a bush fire, provision for noise dedicated water would seem essential, particularly with a proposal to hold events for tens of thousands of people.

We note that DECCW and the RFS would also be dependent on dedicated-water requirements. The resident with the 10,000 litre tank can service only one property with that supply.

**Comment 11.3.178**

Dedicated water supplies, as required by NSW Rural Fire Service will be provided.

**5. p. 7/1637 and 1638 Asset Protection Zones Access**

In point 3, the proposal states "Access shall be available to the site and to dwellings on Jones Road for emergency vehicles at all times."

However, there is only one entrance to Jones Road, off Tweed Valley Way. At the other end of Jones Road is a locked gate. And there are two locked gates along Jones Road to the Wooyung "track". For this reason, Jones Road is an inadequate access point for emergency vehicles. What happens if an accident and/or fire occurs at the entrance to Jones Road during a bush fire emergency on another part of Jones Road?

Thus, this statement can only mean that the proposal does not comply because a major event with tens of thousands of people must have an alternative access to a through road within 200 metres.

**Comment 11.3.179**

Jones Road will be available for emergency vehicles at all times. Other access options will also be available for emergency vehicles as required. The emergency response plan will have a range of access options for emergency vehicles to be used based on the particular circumstances of any emergency.

**6. p. 18, Plan 3.10, Proposed Area for Emergency Assembly**

Emergency assembly areas are not close enough to the spine road to get people out once they are assembled in the event of an emergency. Details of evacuation and emergency management are not provided here, nor are there references to such details elsewhere in the EA. The only statement here is that the proponents intend to develop a plan. The plan should have been included here. Residents near the site, such as those on Jones Road, do not at this point have a clear idea of what they would be dealing with in the event of a fire or other emergency during a staged event.

We also note that 2.4m chain-wire fences, 4m apart, will encompass the majority of the site. All fences have to be at or below ground level with no access to fauna. (See the Police Report for the trial event.)

**Comment 11.3.180**

Emergency assembly areas will be detailed within the emergency response plan with locations based on the particular circumstances of any emergency. The design of temporary event fencing will allow for fauna movement.

**7. p. 8/1639, Site Assessment**

Here, the proposal states: "The overall project is intended to be carried out in 3 stages" and specifies Stage I as "Low Scale Infrastructure Implementation & Environmental Repair Works" going on to say "With respect to events it is only intended to construct the required amount of infrastructure such as event laneways to cater for the few years of usage with the remainder of the event laneways being built over time".

The proponents propose to hold a mega festival in the first year and if the Bushfire Safety Authority application is approved, we will not know if 50,000 patrons are adequately protected as not all laneways and water supply will be completed by Stage 1.

Stages 2 and 3 are described as follows:

Stage 2 -Advanced Infrastructure Installation & Environmental Repair Habitat Protection Plan Works Implemented

Stage 3 -Finalisation of all site Infrastructure / Environmental Repair Works and development of dedicated Conference Facilities

What is the construction schedule for all three stages described here? What implications does this building-in-stages have for staging major events? For example, there is a vague statement that all necessary laneways will be built "over time". More detail is needed for the community to know just what the plans are and what the timeline is.

**Comment 11.3.181**

The initial event capacity is now proposed capped at 60% capacity (30,000 patrons) with increases only occurring following demonstrating satisfactory performance on a range of operational parameters as detailed within the Management Manual. Adequate access, water supply, bushfire protection and any other necessary infrastructure will be provided to cater for the level of patronage.

**8. p. 13/1644, Bushfire Risk Assessment, 3.3 Asset Protection Zone**

Without knowing how the property is classified in terms of fire risk, it is impossible to know if the APZs described here are properly designed.

**Comment 11.3.182**

Asset Protection Zones will be provided in accordance with Planning for Bushfire Protection 2006.

**9. p. 14/1645, 3.5 Fire Fighting Personnel Access**

No mention is made of turning circles for emergency vehicles and fire trucks and no indication of these is given in the maps. No detailed descriptions of "laneways" for vehicles are provided, either. This lack of detail is of great concern to those whose properties are immediately adjacent to the site and should be of great concern to the people who will be on the property in the event of a bushfire.

**Comment 11.3.183**

All access will be designed and constructed conforming to the design requirements in Planning for Bushfire Protection 2006.

**10. p. 15/1646, Access for emergency vehicles**

The proposal states "Access shall be available to the site and to dwellings on Jones Road for emergency vehicles at all times".

The access road for emergency is designated as Jones Road with no mention of the occupants on Jones Road and how an emergency might affect them. Or how Jones Road would be used for emergency purposes. It seems that the proponents are assuming that they will commandeer Jones Road for their emergencies and that their use of the road will take precedent over the use of the road by those who reside on the road.

**Comment 11.3.184**

Jones Road will be available for emergency vehicles at all times. Other access options will also be available for emergency vehicles as required. The emergency response plan will have a range of access options for emergency vehicles to be used based on the particular circumstances of any emergency. Residents of Jones Road will have priority use of Jones Road, other than in emergencies where the SES or Police will control access.

**11. p. 15/1646, Spine road**

The proposal states: "The Spine Road connecting the northern property with the southern property and with Wooyung Road to be used for 'road' purposes relevant to the continuing use of the land for agriculture and the efficient use of the 2 existing farms and for connection to Wooyung Road. This road will also be used to provide access to place of assembly."

We note that this Spine Road would cut through the 7(k) habitat zone north and south of Jones Road.

A mention of the Spine Road here appears to have nothing to do with access to the site or to emergency services. However, the statement warrants comment here because it flies in the face of the Land & Environment Court decision that stopped the proponents in May 2009 from moving ahead with their plans for a one-off trial event. The Court stated the following in its decision:

*"Clause 71. if a development application were to be made in the future to carry out development for the purpose of roads or agriculture or other purpose permissible with consent on the land in the 7(k) Habitat Zone, the Council [or another consent authority] will need to consider whether, having regard to all of the facts disclosed in the development application then made and applying proper principles for the characterisation of the purpose of development, the proposed development can be characterised as being for the purpose of roads, agriculture or any other permissible purpose and not subordinated to the purpose of place of assembly. Such characterisation would be a jurisdictional fact able to be reviewed by the Court, but that is a matter for the future. The current development consent is a determination of the current development application. Neither dealt with development for the purpose of roads or agriculture or any purpose permissible in the 7 (k) Habitat Zone. "*

In other words, the Court made it clear that the proponents could not at a later time purport to build roads for some purpose other than "place of assembly" in order to get around this judgment of the court when their true intent was "place of assembly". Since this entire proposal is for a permanent festival site and thus has "place of assembly" as its primary purpose, this caution issued by the Court is highly relevant. In fact, it appears that the proponents are intending do exactly what the Court cautioned them not to do in the future.



#### **Comment 11.3.185**

'Roads' are a permissible "purpose" within the 7(K) Habitat zone. If the purpose of the proposed development is 'road' (as distinct from solely for a "place of assembly"), then construction of the Spine Road will be permissible on the land zoned 7(K).

#### **12. p. 15/1646, 3.6 Electricity Supply**

The proposal states: "It is preferable that transmission lines providing power to the proposed development should be installed underground. However, due to the size and topography of the site underground transmission lines are not possible".

With the intention of having so many people on the site, electrical lines should most definitely be underground. However, digging trenches would very likely disturb acid

We also note that if the electricity supply is cut, all fire-fighting equipment will be solely dependent on other sources of power, i.e., fuel.

#### **Comment 11.3.186**

Limited areas of the site will be supplied with electricity from existing aboveground distribution lines all of which are located in non-public access areas. Power supply for other event areas will utilise portable electricity generators. RFS equipment located onsite for large events has its own portable power sources and does not rely on electricity from distribution lines. Other bushfire equipment such as pumps, etc will be powered by diesel generators and as such will not rely on static electricity supply infrastructure.

#### **13. p. 18/1649, Conclusions**

The proposal states: "Provided that the recommendations stated above are implemented in full, Barrie Eadie Consulting Pty Ltd is of the opinion that the proposal will comply with the relevant legislation and the requirements of the NSW Rural Fire Service".

In our opinion, the statements in this Bushfire Hazard Assessment leave a lot to be desired for attendees at events, residents in the area, and the larger community. Because of its shortcomings, the hazard assessment lacks an adequate level of risk mitigation that will

We also include here a brief history of fire on and near the site from 1981 to 2004 to make the point that this is, indeed, a fire prone area with dire consequences should a fire

1981 Fire ignites on Central Trail in BNR and burns for one week. Residents are evacuated; hundreds of hectares are burned and native wildlife perishes.

1986 Fire ignites on Optus Trail in BNR and quickly escape north towards Wooyung and west along the Jones Road ridge. The fire is extinguished after several days by the

\* The RFS almost loses one of their Strikers when it comes close to disappearing in the deep peat deposits. Residents are warned of the danger and told to keep children

1992 Fire ignites on the Central Trail in BNR. Hundreds of hectares are burned and

1995 A lightning strike ignites a fire in BNR south of Jones Road residences. Due to inaccessibility and strong southerly winds, NPWS advises residents to evacuate.

1999/00 Fire escapes into peat deposits north of Jones Road. The fire burns underground for months, emitting toxic smoke and causing much distress. Cases of respiratory problems, headaches, and asthma are reported.

2004 May Fire escapes into peat during clearing operations north of Jones Road. Fire burns underground for 3 months (RFS, 2004). Toxic smoke is reported kilometres away, and cases of

respiratory problems, headaches, and asthma are reported to the NSW Health Department NRPH & DOCS, 2004). Due to health issues, a number of residents have to find alternative accommodation.

2004 Aug The peat fire of May is ignited by strong westerly winds and engulfs properties at the eastern end of Jones Road. Extensive damage is caused to one home and cottage whilst the occupants, including children, escaped with their lives. All three properties are damaged, fire fighting equipment is burned, and the lives of rural fire fighters are put at risk. Residents are evacuated.

\* During the clearing operations, a large excavator sinks and disappears into deep peat deposits. Large earthmoving equipment has to be brought in from Queensland to retrieve the excavator.

2004 Oct Prolonged drought and unfavourable conditions sparks the peat fire, which jumps Jones Road and spreads south to the BNR. Fifty fire units, five helibombers, and 120 fire-fighters, including crews from the mid-north coast, battle the fire for three days. NSW Police request nearby residents, a primary school, and a housing estate to evacuate. A Declaration of Emergency [Section 44] is issued by the Minister of Emergency Services. The cost to the State is in excess of \$1 million. Hundreds of hectares are burned out and native wildlife perishes. Consecutive days of heavy rain finally extinguishes the main blaze.

On the proposed venue, the danger of fire and the difficulty of putting fires out are so high that it would be quite reckless to allow the proposed activity to occur on the site. Thousands of people will be smoking; sparks from vehicles will be present; electrical equipment will be in use; bonfires will be lit. The risk of disaster is great.

#### **Comment 11.3.187**

The NSW Rural Fire Service have been further consulted as detailed within Section 8 of this report.

Billinudgel Nature Reserve is expected to have a bushfire history. The potential for peat fires varies according to soil moisture conditions, the location and density of peat deposits and is to be managed in accordance with the Bushfire Management Plan contained within the Statement of Commitments.

SITG, one festival to operate on the Parklands Site has a responsible approach to managing patron behaviour and the risk of bushfires. For example the following information provides a background to the approach adopted for their 2010 event at Woodfordia.

"No fires" formed part of the terms and conditions of entry. This extended to fire twirling and of course fireworks.

The no fires messages appear on the rear of the tickets, in info accompanying the tickets, in a number of locations on the website and are further reinforced in our newsletters to our database of around 60,000. On site, both security and campground staff enforce the rules.

#### **Can We Have A Fire At Our Campsite?**

Patrons are not permitted to have campfires of any type at Woodford campgrounds, although gas stoves and gas bbq's are ok. We will have supervised communal bonfires at a few locations throughout the campgrounds & event area.

#### **Can I Bring Fireworks Into The Campground?**

No. Fireworks are totally prohibited in the camping or festival area. If you ignite fireworks you will be removed from the site and may be the subject of police action.

#### **What Other Items Aren't Allowed Into The Campground Area?**

Fires, fire twirling paraphernalia e.g. sticks & balls etc, alcohol, illegal drugs, skateboards, boogie boards, milk/bread crates, couches, anything studded (i.e. belts, wristbands etc.), weapons of any kind, fireworks, professional still cameras (small still cameras ARE allowed), laser lights, umbrellas (bring a plastic poncho or a raincoat instead), water pistols, any other items considered illegal or dangerous, strictly no animals.

#### NO FIRES

Fires are NOT permitted. This includes fire twirling. Anyone lighting a fire will be ejected from the festival. There will be supervised communal bonfires at a few locations throughout the campgrounds & event area.

#### BANNED ITEMS

Fires

Fire Twirling paraphernalia e.g. sticks & balls etc

Alcohol

Illegal drugs

Couches

Anything studded (i.e. belts, wristbands etc)

Weapons of any kind

Fireworks

Professional still cameras (small still cameras ARE allowed)

Laser lights

Any other items considered illegal or dangerous

Strictly no animals

#### Response from CFFS to Technical Papers M1 & M2: Acid Sulfate Soils

##### Technical Paper M1: Acid Sulfate Soils Assessment

We note firstly that this is described as a preliminary assessment. The authors note that further investigation is needed. The authors also say that the report was prepared for a "proposed temporary place of assembly, camping and associated infrastructure". This is misleading in that the proposal is for a year-round festival site that would see considerable usage, not "temporary" usage. Areas of concern include:

##### • P 1660, Acid Sulfate Soils (ASS)

The site contains Class 2 and 3 ASS. These were previously reported by Coffey Geotechnics in 2007, and highly acidic soil samples were again found in this preliminary investigation with most soils showing pH of 4.6 -3.8. See also p 1670, reporting that all bores showed the presence of ASS and noting that specific treatment measures would be required during any construction on the site.

##### Comment 11.3.188

No disturbance of ASS or PASS is likely in road construction, and services will be installed in shallow trenches. As part of the management of the site, any disturbance of ASS or PASS will be limited to small manageable areas. Most new excavations will not be deeper than existing drains on the site.

##### • P 1662, Groundwater depth

Groundwater was found to be less than 1m down in the low-lying alluvial and aeolian plains on the site. Because the groundwater is so close to the surface, the potential to contaminate groundwater through fairly shallow excavation of acid-sulphate soils is high. As stated on p 1672, "The excavations proposed as part of the NBP development would result in the intersection and excavation of large quantities of actual acid sulfate materials (ASM)". This, in tune could generate "chronically acidic groundwater's and acidification by products".

##### Comment 11.3.189

Technical Paper M2 provides the Acid Sulfate Soil Management Plan which provides the measures to effectively manage acid sulphate soil in accordance with best practice and applicable guidelines.

- **P 1664, Topsoils**

Topsoils were found to be 0.2 -0.7m deep only. Any works removing more than this will require management and treatment actions.

- **P 1671, Potential Peat Fire Hazard**

"Peat soils ... may represent considerable fire risk. The high organic matter content of these soils increases the risk of ignition, with such materials capable of concealed and continued burning of the significant fuel loads." In fact, the bushfire risk in these areas is great, with some peat soils containing 32% carbon content and 56% organic matter. Figure 10 (p 1686) identifies highly organic peat soils existing across the majority of the site north of Jones Road:

This area of high risk for ignition and concealed burning is the area proposed for camping for up to 25,000 people. Peat fires have occurred in this exact area previously. A repetition could lead to mass panic in crowds of this size.

**Comment 11.3.190**

The potential for peat fires varies according to soil moisture conditions, the location and density of peat deposits and is to be managed in accordance with the Bushfire Management Plan.

- **P 1671, Utilities**

This page shows it is expected that sewer, power and telecommunications utilities on this site would interfere with ASS soils and have the potential to discharge acid, aluminium, and cadmium into sensitive neighbouring sites. Damage to construction through acidic corrosion may also occur. As noted: "Elevated levels of mobilised trace heavy metals in soil and water can be toxic to aquatic life if released into the drainage system during flood events".

Given that this site is so often inundated from rain, it would seem that a very high risk of contamination is also present. It would be difficult to implement management of excavation due to frequency of on-site flooding and erratic flood behaviour. For example, the site flooded heavily twice in October 2010, which is typically the driest month of the year.

**Comment 11.3.191**

The site did not flood heavily twice in October 2010.

There is the potential for ASS or PASS to be disturbed in the open excavation of trenches for utility services, and intensive management of construction works in some areas will be required. However, services will be designed to be as shallow as possible and joint trenching will also be utilised to minimise excavation. Services will be routed away from "hot-spots" where possible. Disturbance will be limited to small manageable areas.

Service conduits will be required to be sulfate resistant where necessary.

As part of the management of the site, any disturbance of ASS or PASS will be limited to small manageable areas. Excavations will be backfilled as soon as possible, and any ASS or PASS excavated will be treated and placed back in the trench. No excavations will be left open outside of work areas. Careful monitoring of weather conditions will limit possibility of open excavations being inundated. This is best management practice on construction sites for effective environmental protection.

**Technical Paper M2: Acid Sulphate Management Plan**

- Most service trenches will be less than 1m down. Some excavation is required on site but will be localised for collection wells etc.
- There is a high risk that groundwater will be encountered during installation of utilities (p 1726), and this poses potential danger during and after installation.
- Bunding of all areas that require excavation would require large amounts of fill to be brought in to create bunds and would interfere with natural flood flows.

- We find no indication of the extent or height of bunding being proposed and as such no consideration of site-specific flooding or 'viability of the standard management plan presented. In a site as sensitive as this, it would seem grossly negligent to have such a cavalier approach to the great potential risks of contamination from disturbing the soils in this area.

In general, we find this Management Plan to be unaccountably vague and are concerned that it relies on the Report by EAL Consulting (Technical Paper MI). That report stated clearly that their results were preliminary and that more detailed investigation was necessary.

#### **Comment 11.3.192**

Roads, services and drainage will be designed and constructed to minimise the possibility of disturbance of acid sulfate material (ASM). A comprehensive management plan will be required at construction stage.

Road construction below RL3.0m AHD will generally only involve the removal of the top 100mm of topsoil. Services will be designed to be as shallow as possible and joint trenching will be utilised to minimise excavation.

The site has been extensively drained for agricultural purposes and there are many existing drains across the site. New diversion drains are proposed in areas where there are existing drains – new drains will not be deeper than existing drains. The open drain proposed near Forest Block C will be constructed no deeper than the existing adjacent drain. There is no apparent water discolouration or soil indicators to indicate impacts of exposed acid sulphate soils in the vicinity. Regular drain maintenance involves the removal of accumulated sediment from the bottom of the drain, and does not involve the deepening of the drain nor excavation into ASM.

Excavation will be limited to manageable areas. Large amounts of fill for construction of bunds will not be required to be brought to site – on site materials (free of contaminants) will be used where possible. Bunded areas will be adjacent to excavation sites and as such the bunds will be progressively relocated as construction proceeds. No bunds will be constructed in drainage channels or natural flow paths. Given the broad extent of flooding during extreme flood events, bunds (if in place at all during these times) would not interfere with natural flood flows. Monitoring of impending weather events will give the contractor sufficient time to make the site "ready" to cope with such events. This preparation would include among other things ensuring that excavations are not left open, and all bunding is removed.

No details were provided of bunded areas or heights of bunds as this level of detail is very specific to the construction programme and methods. Typically excavation will be limited to manageable areas. Bund heights are directly related to the amount of ASS or PASS to be disturbed in each excavation and the area of the bunded enclosure. Full details of the bunds can be provided with construction documentation, along with details of the management practices to be employed, when the final extent of construction is known for each stage. Any additional acid sulfate investigations, if necessary, can be targeted specifically to the areas proposed to be disturbed.

The Management Plan details the standard practices to be employed to manage the potential acid sulfate disturbance at the site. Site specific information was included as per the preliminary EAL investigation. The Plan clearly stated that a review would be necessary at construction stage when specific details of the construction activities was known. The investigation carried out by EAL is usual practice (ie a preliminary investigation covering basically the whole site) and that the Management Plan is reflective of the preliminary nature of the investigation. Specifically targeted investigation and detail usually follows with construction documents. This approach applies also to all facets of an application, where concept detail demonstrating feasibility is provided with the application and specific detail is provided with the CC.

## Response from CFFS to Technical Paper 0: Construction Management Works

A major issue with NBSP's earlier DA for a one-off trial festival at the site was the construction of a tunnel/underpass underneath Jones Road to facilitate the passage of pedestrians and vehicles between the north and south sections of the site. This feature is mentioned in this EA in several places. On p. 110 and p. 126 is the statement: " ... the proposed spine road cut and overfill tunnel across Marshalls Ridge would not compromise the values attributed to the wider ridgeline." (This is in response to DGR 8. 1.) References to an underpass can be found in the Technical Papers, e.g., E, H, I, K, L, M2, O, P, and T. And several of the Plan Sets appear to show the tunnel in drawings, pages: 31,32,33,35,38,42, 43, 44, 45, and 46.

### Comment 11.3.193

The underpass location and design, as proposed, was assessed by Byron Shire Council and government agencies during the trial event application assessment. Byron Shire Council and agencies recommended the underpass option in contrast to other options such as an 'at grade' option.

Yet there is no description in this Technical Paper about the details of this feature, and we cannot find details elsewhere in the EA. This is a serious omission, given the proposed location for the tunnel/overpass. The Spine Road associated with the underpass has been proposed in a 7(k) habitat zone. In fact, all the zonings along the Jones Road wildlife corridor have been established to protect this area from inappropriate development. The ridgeline and associated aboriginal archaeological sites meet the criteria for a "heritage "precinct" (Heritage Act of 1977).

### Comment 11.3.194

Engineering drawings of the proposed underpass were exhibited with the EA in the Plan Set. The underpass consists basically of precast reinforced concrete units erected on cast in-situ reinforced concrete footings. The arch units are fast to install (arch units can be erected in a few days), with less in-situ concrete formwork, therefore minimizing wastage. The underpass can be erected with a small construction footprint when compared to other grade separated crossings, therefore minimizing impacts on the surrounding environment. With rock filled gabion headwalls and wingwalls, and the Jones Road verges and batters re-planted, the finished underpass will blend with the natural environment.

The construction of the Spine Road through the underpass can take place after the completion of the underpass construction thereby minimising the duration of disruption to Jones Road traffic.

Trees and vegetation to be removed for the construction of the underpass are described on Plans 4.7.2 and 4.7.3 of the Plan Set included with the EA, and are predominantly Camphor Laurel and Bana Grass.

The site for the underpass will be excavated to a width of approximately 20m, with the sides of the excavation near vertical. The soil excavated for the underpass construction will be reused as backfill material where suitable, or will be reused in an approved location elsewhere on site.

Reinforced concrete footings will be constructed to support the precast arch segments. Arch spans will then be lifted into place using a crane. With all arch segments grouted in place, backfilling can be completed, followed by the reconstruction of Jones Road.

Rock filled gabion headwalls and wingwalls will be constructed simultaneously with backfilling works.

The Jones Road verges and batters will be replanted with native species.

Given the existing major restrictions on construction along Jones Road, it is shocking that the applicants continue to propose such an unsuitable structure that would effectively destroy a large



chunk of this highly protected area simply to move people and vehicles back and forth. This should not be allowed.

It should be noted, however, that Byron Shire Council restriction also exists with regard to this proposed tunnel/underpass. In July 2008, when Council approved a trial event on this site, Council also noted:

"A resolution of Council is required to authorise the General Manager to enter into negotiations, and if appropriate agreements, with the applicant in relation to a lease of land below the public road, a boundary adjustment to widen the road reserve and a strata subdivision of the road reserve. A resolution of council is also required to apply the seal of council to any documentation relating to the boundary adjustment, strata subdivision or lease." (BSC Ord. Mtg. 31 July 2008)

Given that Council voted in October 2010 to formally object to this permanent festival-site proposal (in its submission to the State), it is unlikely that they would authorise such a lease in order to allow the construction of a tunnel under Jones Road.

#### **Comment 11.3.195**

Council and government agencies recommended the proposed underpass during the assessment of the trial event application following consideration of alternatives options, ecological and archaeological matters.

Further study of this Technical Paper cannot be done. We have run out of time; the deadline for submissions is upon us:

#### **Response from CFFS to Technical Papers W1 & W2: Evacuation**

##### **p. 2191, Section 2.3, "Recommendations"**

This section suggests that September to November have the fewest instances of flooding and the constraints calendar can be used for scheduling events to reduce the need for evacuation. Yet the area had two significant flood events in October 2010 on this site. Both would have rendered any event on the site impossible for at least two weeks following each flood as waters took take days to recede and many more days were needed for the ground to dry out enough to drive on.

It is also noteworthy that the most intense rainfall event recorded on this site in the last 10 years occurred in June 2005, contrary to the claims on this page of "late summer" being most likely for flood events.

As mentioned on preceding pages, flooding is frequent and unpredictable on this site and in the area surrounding it. The property is simply not a good choice for events attracting thousands of people and vehicles:

#### **Comment 11.3.196**

There were no 'significant flood events' during October 2010 on or within the catchments of the site.

The proponent has no intention of undertaking a cultural event during a flood! The proposal provides for sophisticated meteorological monitoring including the monitoring of flows in creeks and the like. Based on this rigorous approach, and the refinement of the scheme to include the whole of the spine road as flood free it will ensure that evacuation site, in the very unlikely event that that is necessary, is manageable and orderly.

**p. 2192, Section 3.1, "Tweed Valley Way"**

A statement on this page suggests that cars in southern carpark should be evacuated south along Tweed Valley Way to the Yelgun interchange, yet the flood report for the one off trial SITG event showed this carpark area has a 20 minute flood-warning time (see p 32 of this submission). This is hardly enough for the evacuation of thousands of cars. In fact, the figures provided show that at 40% capacity, the site would contain 7,000 cars and the time needed to evacuate would be approximately 4 hours. At 100% capacity, the evacuation time required would be as long as 10 hours (Tables 3. 1 and 3.2).

It should be-noted with regard to Table 3.2 that if the southern car park takes 10 hours to evacuate at 100% capacity, then the total time to get everyone out would be no less than 10 hours. Averaging north carpark and south carpark numbers in this table, as appears to have been done, is misleading.

**Comment 11.3.197**

The significant rainfall event forecasting system to be used on the site represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

The forecasting system for significant rainfall events will result in the site usage being constrained where a significant rainfall event is likely to occur. Such constraints include a programmed event being cancelled due to wet conditions or the timely evacuation of an event as required.

As addressed in Section 3.4 of Technical Paper W, the BoM provides warning of flooding 12 to 24 hours in advance of a significant rainfall event. The technical paper acknowledges that during intense short duration rainfall events floodwaters begin to rise within an hour of the start of the rainfall. With 12 to 24 hours advanced warning of a significant rainfall event, the proponent will be readily able to evacuate before rainfall begins.

**p. 2193, Section 3.2, "Evacuation routes"**

Jones Rd is identified in this section as an emergency exit although it is subject to flooding itself. Cudgera Creek Road is also given as an emergency exit route, but this displays an alarming lack of local knowledge: Cudgera Creek Road is nearly impassable by ordinary (non 4WD) vehicles even in dry conditions.

Ocean Shores Country Club is noted as an "evacuation centre" despite the fact that it is at least 6km south of the site and accessible mainly by vehicle. If attendees were able to get their cars out, they would have little reason to go to the country club, most likely choosing to return to where they came from. If they could not get their cars out but could get out on foot, they could not easily walk to the country club, given the very hilly terrain. So it is not clear why this location was designated as an evacuation centre. Also, the country club appears not to have been asked if they would be able to serve in such a capacity as the management was quite surprised when they were called and asked that question. the more important question is: Where could evacuees from a flood reasonably go?

The answer is that these plans for evacuation are woefully inadequate and do not appear to have been thought out with any real care.

**Comment 11.3.198**

The report identifies various options for evacuation, with Cudgera Creek Road being one option. Other options are available such as stated in the report in Section 3-2 including travelling west to Murwillumbah.

The Ocean Shores Country Club is a Council nominated flood evacuation centre. The closest Council nominated evacuation centre is located on Shara Boulevard, North Ocean Shores. There is no intention to use the Ocean Shores Country Club.

**p. 2196, Section 3.4, "Warnings"**

In this section is the recommendation that patrons be advised that carparks are on flood prone land. Although this may go some way to satisfying their insurer, it is not a protection strategy for the people who are parked on site in the event of a flood.

**p. 2196, Section 3.5, "Scenarios"**

Both scenarios call for people to abandon their vehicles, camping equipment, and supplies and proceed on foot to Jones Road or some other flood-free area on the site. If people have begun evacuating in their cars and flood waters are rising, they will be directed to leave their cars (wherever they are) and proceed on foot to a flood-free area, if one exists. Both scenarios depend on people willingly and ably moving on foot to a new area and, if necessary, leaving their cars where the cars are likely to be inundated with water. These are not practical or realistic scenarios as the applicants cannot guarantee that people will follow these directions.

It is unclear at what point an event would be cancelled. Every time a flood warning is issued perhaps? A lot of money is at stake, both for the proponents and for the people who purchased tickets, so cancellations would most likely be avoided if at all possible until, very possibly, it would be too late. This year alone the site would have to have been evacuated twice and last year it would have been three times. Again, these emergency plans do not appear to have been based on actual knowledge of the site.

**Comment 11.3.199**

The significant rainfall event forecasting system to be used on the site represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

The forecasting system for significant rainfall events will result in the site usage being constrained where a significant rainfall event is likely to occur. Such constraints include a programmed event being cancelled due to wet conditions or the timely evacuation of an event as required.

**p. 2202, Section 4.5, "Decision Matrix"**

Table 4.3 on page 2202 shows a sample Decision Matrix that might be used to make evacuation decisions. The fact that this is left incomplete is telling. Completed matrices should have been presented for several likely scenarios so that the public would be fully informed as to exactly when evacuation plans would be initiated and could form their own opinion as to the reasonableness of the decision-making process.

Relevant to this Flood Assessment are the following extracts from a flood study that was completed by the applicants to Byron Shire Council in 2007 in conjunction with their proposal to hold a one-off trial festival on this site:

*"Greg Alderson & Associates P/L has been engaged by Splendour In the Grass Pty Ltd to prepare a Preliminary Flood Assessment for the proposed Splendour In the Grass Festival, to be held in August 2008. The proposed Festival is to be located at the North Byron Shire Parklands (NBSP) site at Tweed Valley Way/Jones Road, North Ocean Shores/Wooyung. "*

*"6.4 Warning Times: The proposed use of the land involves a car park, which would only be used for a relatively small period of time each year. The warning time for the local catchment is short, probably less than 1 hour. Although the 2 hour event is the critical event, the 1 hour event has a similar peak discharge. The volume of water of short storm events is a significant factor because a significant volume of water is stored on the surface of the ground".*

This again makes clear that the flood-prone site is a singularly poor choice for events of the type proposed here. Fast-moving flood waters are certain to ravage people, cars, and equipment with little warning.

An added complication of having 10,000 -50,000 patrons on this site, along with their vehicles, equipment, and belongings is that the people who would be caught up in a fast-building flood are very likely to have their judgment and physical agility impaired by alcohol or drugs or to be surrounded by people who are so impaired. If they can even get to their cars when flood waters are rising rapidly, a great many will be unable to drive due to intoxication and panic.

#### **Comment 11.3.200**

Flooding is a manageable hazard where the flood risk can be defined and appropriate emergency preparedness and mitigation strategies developed. The SREFS represents a best practice approach to maximising the ability to forecast any flood events before or during an event and such an approach is currently used and endorsed by Byron Shire Council and State Emergency Services (SES) at the Blues Fest site in Tyagarah.

As part of the Environmental, Health and Safety Management Manual the Evacuation and Flooding Management Standards (NBP Standard 009 and NBP Standard 012 respectively) has been developed to manage the issue of evacuation and flooding. Detailed flooding and evacuation plans will be developed by event operators and consultation regarding these plans will be undertaken with relevant emergency services agencies.

At what point do we put economic gain over human safety? The recent tragic experience in Germany at a festival site, where a death resulted from a large crowd stuck in a tunnel and unable to move, highlights the need for caution and meticulous plans that will ensure the safety of patrons even in the worst-case scenario. Bringing even 10,000 people and vehicles into this flood-prone area, to say nothing of 50,000 is to knowingly place people in danger. Even small gatherings would very likely pose risks to attendees, given the unpredictability of the site during heavy rain events. If this highly questionable proposal is approved, it will only be a 'matter of time before flood disaster strikes.

#### **Comment 11.3.201**

The Environmental, Health and Safety Management Manual forms an integral component of the application. The Management Manual, compliant with AS/NZS ISO 14001 - Environmental Management Systems and AS4808 – Occupational Health & Safety Management Systems, establishes the principles of action for protecting the environment, human health and safety.

The Management Manual provides a set of standards including the following:

- NBP Standard 001 – Safety Management
- NBP Standard 006 – Fire Management
- NBP Standard 009 – Evacuation Management
- NBP Standard 012 – Flooding Management
- NBP Standard 001 – Safety Management

The DECCW have reviewed the issue of flooding on the site and have recommended that a well formulated and documented evacuation plan should be required in the event of flooding occurring on the site.

This recommendation will be implemented and is already contained within the draft Statement of Commitments as follows within Commitment C15:

Adopt, implement, monitor and review NBP Standard 009 - Evacuation Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following Standard Parameters:

- 1 Develop an evacuation management plan covering but not limited to fire, flood, structural collapse, serious injury/serious assault, bomb threat, contamination/spills and outbreak of disease;

## Appendix E

### Supporting Groups

The following community groups and other associations support CFFS in their objection to this proposal:

South Golden Beach Progress Association, Inc.  
New Brighton Village Association, Inc.  
Yelgun/Middle Pocket Progress Association  
Pottsville Community Association  
Wooyung Action Group  
Conservation of North Ocean Shores, Inc.  
Byron Greens Party  
Byron Ratepayers Association  
Caldera Environment Centre  
Byron Environment Centre  
Byron Environment and Conservation Organisation  
Friends of the Koala  
Australians for Animals  
National Parks Association  
Nature Conservation Council of New South Wales  
North Coast Environment Council  
Total Environment Centre  
Wildlife Preservation Society Queensland, Gold Coast and Hinterland Branch

Approximately 15 other community groups in the Byron/Tweed area supported CFFS in their objection to the earlier DA (10.2007.462.1) and may support CFFS's objections to this DA. As this submission period closes, we are still in the process of contacting them, making sure they understand the proposal, and determining their level of support for CFFS this time around. We think it is likely that they will voice support, given the significant increase in what is being proposed.

We include this page to point out that our perspective is not that of a "small minority" but of a significant number of people in the area and knowledgeable others who are concerned about the area.

#### **Comment 11.3.202**

This appendix lists groups who are said to be opposed to the proposal and also talks of other groups who may support CFFS objection. Of those listed only about half appear to have made submissions.

The objection also states the CFFS believe their perspective is not that of a "small minority". As addressed in Section 11.4.2 of this report, based on submissions received, the views of the objectors represent some 5% of the overall population within postcodes 2483 (Billinudgel, Brunswick Heads, Burringbar, Crabbes Creek, Middle Pocket, Mooball, New Brighton, Ocean Shores, South Golden Beach, Pocket, Wooyung and Yelgun). In terms of the overall population of the Byron shire, the objections equates to some 1.8% of the overall population.

The submissions in support of the Parklands proposal represent a wide range of organisations and businesses in the local, regional and wider communities. A sample of such organisations that lodged a submission supporting the Parklands proposal includes:

Surf Lifesaving NSW  
Tweed Tourism  
Northern Rivers Tourism

Madhima Gulgan Rainforest Restoration  
Brunswick Heads progress Association  
Splendid Arts Initiative - Lismore Regional Gallery  
Regional Development Australia Northern Rivers  
Pet Rescue Ltd  
Lennox Heads Chamber of Commerce  
Northern Rivers Writers Centre  
Ocean Shores Tidy Town Committee  
Byron Bay Rugby League Club  
Climate Friendly  
Group Training Australia  
Animal Wellness  
Habitat HQ  
JBS Environmental  
Byron Underwater Research Group  
Life Without Barriers  
Queensland Folk Federation  
Northern Rivers Childcare Centre  
Yoga Studio Within Byron  
Byron Bay English Language School  
Green Garage Byron  
Byron Beach Café  
Small Fish Business Coaching Byron  
Muscles Australian Byron Bay  
Skydive Byron Bay  
Byron Bat Accommodation  
Byron Bali Villas  
Domain Resorts  
Byron Central Apartments  
Massey Green Holiday Park Brunswick  
Ferry reserve Holiday Park Brunswick  
Ballina Manor  
Nimbin Rox YHA  
Byron Bay Taxis & Limousines  
Byron Visitor Centre  
Holiday Accommodation  
Macadamia Castle  
PP Motel Ocean Shores  
Dip Café Byron Bay  
Byron Bay YHA  
Backpackers Inn Byron Bay  
Nomads Byron Bay Hostel  
Green Island Resort



The Villas of Byron  
Pacific Apartments Byron  
Byron Bay Web Hosting

Submissions from Arts and Music related business and groups include:

Fazinator Productions  
Cherub Pictures  
Performance Poet  
Hot Tomato Radio  
Faulkner Media Management  
EMI Music  
Demonz Media  
Scrabble Pty Ltd  
It Media  
Goldern District Management  
Miranda Brown Publicity  
Milefire Management  
Hub Artist Services  
Freelance Tour Management  
Warner Music Australia  
Fantin Comes Alive Publicity  
Melodic Music  
BMF Advertising  
Secret Sounds  
Groove Magazine  
Big Top Sydney  
Modular recordings  
Crucial Music  
Art Park  
ABC Music  
Premier Artists  
Xlantic Media  
Chugg Entertainment  
Austereo  
Boundary Sounds  
KD Public relations  
Lowdown Production  
Marc Grimwade Photographic  
Nuclear Publishing  
Kirsten Cox Photographer  
Ayre Media  
Media Sound

[Trix Online Media](#)  
[Ambition Entertainment](#)  
[Mohawk Art](#)  
[Solid Entertainment](#)  
[Big Ears Audio](#)  
[b2 Productions](#)  
[Artist Marketing](#)  
[Album of the Week](#)  
[Old World New Vintage](#)  
[Ball Park Music](#)  
[Minor Elite](#)  
[Time Out Sydney](#)  
[Moonbelly Management](#)  
[KAPOW Pty Ltd](#)  
[Outpost Events](#)  
[Viva Magazine](#)  
[Vitamin Records](#)  
[Australian Independent Records Association](#)  
[DMG Radio](#)  
[Sound Centre](#)  
[Penguin Productions](#)  
[Merivale Event Management](#)  
[Community Engine](#)  
[Seasaw Media](#)  
[ACP Magazines](#)  
[Art Struct](#)  
[Headway International](#)  
[Peace Music](#)  
[Pink Zinc Entertainment](#)  
[Peats Ridge Festival](#)  
[SAE Institute](#)  
[Filmstream](#)  
[The Ghost Orchestra](#)  
[The Black Stars](#)  
[Space Ibiza Festival](#)  
[Inspire Event Partners](#)  
[EM Voices](#)  
[Yes Events](#)  
[ELB Services](#)  
[Fishbulb Solutions](#)  
[Moon Communications Group](#)  
[RichFit](#)  
[Sudio Popsicle](#)

The Fans Group  
El Dorado Music Pty Ltd  
Two Bears Fighting Management  
Look Forward  
f8 Media  
Australian Performing and Recording Association  
FestivalFansAustralia  
ExtremStudio  
Scott Keane Productions  
Csquared Design  
Moshtix  
Fenetik Design  
VoiceJam  
Alchemica Productions  
CPR Management Lennox Heads  
MusicNSW  
ElevenMagazine  
Village Sounds  
NW Magazine  
Carol Slater Photography  
Solander Agencies Pty Ltd  
Head pictures  
Dakota Media  
96.5 Wave FM  
NineLives Gallery  
Glynt Productions  
Skoap Media  
Decoder  
Urban Arts Project  
Jam Shed Sound  
Love Police  
Blackdogsurfing  
Afends Pty Ltd  
Munky.com.au  
News Digital Media  
iJazz industries  
Polariod Fame  
Zacula Zoo  
Latched and Loaded Pty Ltd  
Luna Magazine  
Byron Bay Live  
Twobble Enterprises  
Scene Magazine

John Watson Management  
KM Merchandise  
Eleven Music  
Red Panda  
Street Press Australia  
Undercover Media  
Ferris Davies PRM  
EMI Music Publishing  
Revolutionary Entrepreneurs  
Magicdust  
RP international  
Lesley Kehoe Galleries  
Oxford Art Factory  
Australian Institute of Music  
WDA Group  
Scenery and Smith Pty Ltd  
Inkstring Design  
Falconia  
The Espy  
Cheersquad  
Total Assey Management Services  
Universal Music Australia  
Niche Studio  
Bodywire Music  
Xchanging  
Sound Emissions  
Global Protection Agency  
Anita Colenbrander Entertainment  
Ten Pound Crew  
MAD Design  
Paper Street Records  
Equinox Productions  
Bounce Media Group  
UC Live  
Casey K photography  
John Campbell Designs  
Interlock  
Smithson Equipment (Aust) Pty Ltd  
Surveillance Creative  
TJM Design  
Talent2  
Studio 301  
Playbill venues

Publicis Media  
Mixitup Enterprises Pty Ltd  
Impact AV Australia  
Hub Artist Services  
Howl Pictures  
Mucho-Bravado Music Management  
The West End Magazine  
Sharp Designs  
Fantech  
Satellite Marketing  
Lust Not Want Not  
Automatic Technology  
M2 Marketing  
Feedback Photography  
Heluva Pty Ltd  
Lovell Management  
Chief Entertainment  
Realtime Effects  
Tnite Only Pty Ltd  
Omnifone  
The Forum  
Dew Process  
Unique Images  
Harvest Promotions  
Beebox Management  
Hummingbird Music  
Rev It Up Publicity  
Hello Pavement  
Metamorphis Marketing  
Under the Wing  
Slipstream Media  
No Heroes Magazine  
Luke Perkins Graphics  
Electric Forest  
Stage and Events Production Pty Ltd

## 11.4 General Public Submissions

### 11.4.1 Submissions in Support

The DoP advise that 4,821 submissions were received by it in support of the subject application. Further, a petition with 4,161 signatories in support of the subject proposal was also lodged with the Department of Planning. The individual submissions in support of the project included 20 non-government organisations; over 200 music and art related companies and organisation; as well as 22 local tourist operators and organisations.

### 11.4.2 Objection Submissions

The number of written submissions objecting to the proposal received by the Department of Planning during public exhibition (7 October 2010 to 19 November 2010) was 715. Further to the 715 originally published objections, the Department provided further objections that had been inadvertently not included in the first tranche.

Two petitions were also lodged with the Department of Planning with one containing 9 signatures and the other containing 15 signatures.

Of the 715 objections the following three submissions were in fact in support of the application:

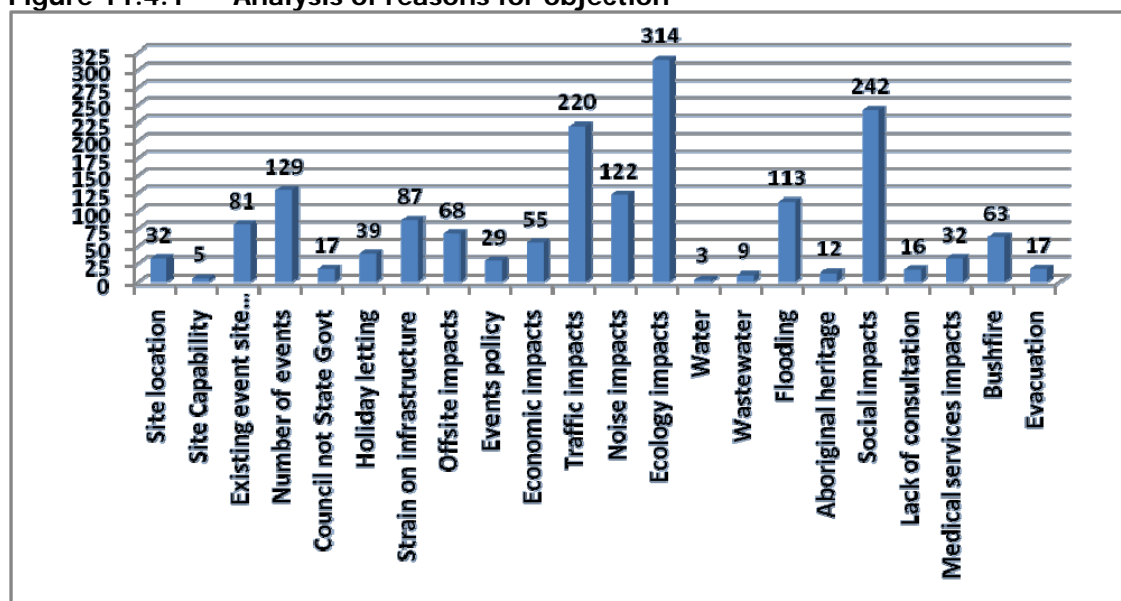
1. Submission # 280;
2. Submission # 312; and
3. Submission # 475;

Of the remaining 712 objections 21 individuals lodged an objection twice (and 4 of these people lodged 3 objections). A series of 6 identical objection letters were lodged with the Department of Planning (photocopied and then signed by hand) constituting 241 of the objections submissions. The remaining 448 submissions were submitted by individuals or organisations.

An analysis of the primary concerns raised by objectors was undertaken. Specific points of objection raised by individuals generally relate to one or more of 22 categories.

**Figure 11.4.1** provides a summary of the 2,414 specific issues raised by the individual objector submissions received by the Department.

**Figure 11.4.1 Analysis of reasons for objection**





The issues raised in individual submissions have been grouped into themes.

The following table lists each theme and provides a reference to where each theme is addressed within this report. The table also provides a reference to where that theme was addressed within the application which was publicly exhibited.

**Table 11.4.1 – Guide to responses to objection themes**

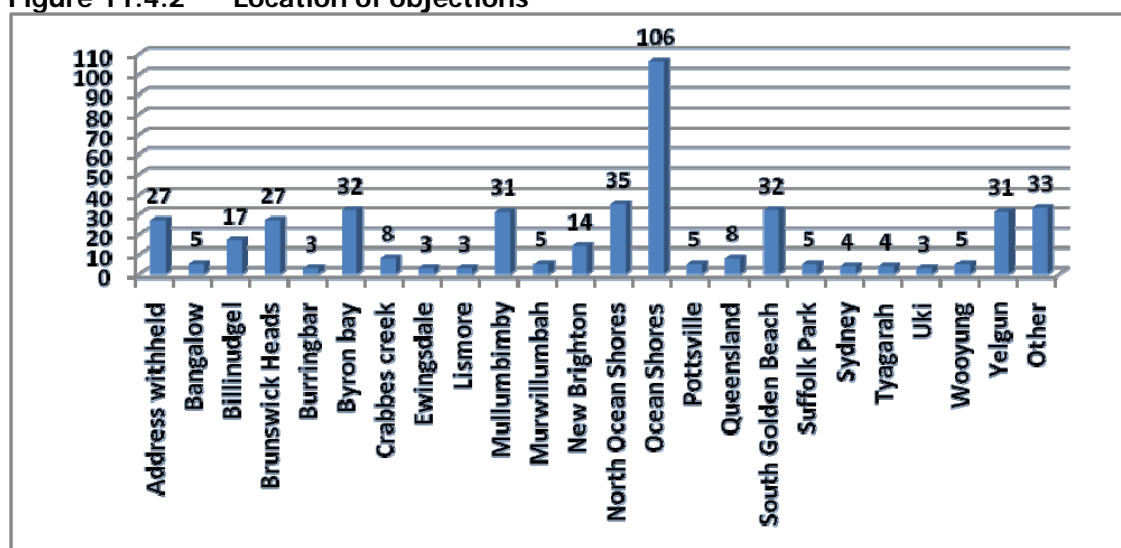
Theme	Response to Submission Report Reference	Primary Reference in EA
Ecology	Refer Preferred Project, Revised Commitments and Comments 2.1.1, 2.2, 2.3, 2.4, 2.5, 3.4 to 3.7, 3.10, 3.11, 3.24, 3.62, 4.1, 4.2, 4.3, 4.6, 4.8, 4.10 to 4.21, 4.25, 4.35 to 4.42, 4.46 to 4.49, 6.5, 7.1, 10.1, 10.2, 10.3, 11.1.4 to 11.1.11, 11.1.15 to 11.1.44, 11.1.57, 11.1.80, 11.1.81, 11.2.2 to 11.2.9, 11.3.4, 11.3.75 to 11.3.79, 11.3.89.	EA, Management Manual - NBP Standard 003 – Environmental Management and especially Technical Paper E – Ecological Assessment.
Traffic	Refer Revised Commitments and Comments 2.6, 2.7, 2.8, 2.9, 2.14, 2.15, 2.21, 3.22, 3.34, 3.36, 3.38 to 3.48, 3.59, 4.14, 9.1 to 9.17, 11.1.13, 11.1.56, 11.3.20, 11.3.22 to 11.3.68, 11.3.121, 11.3.127, 11.3.128, 11.3.134, 11.3.135	EA, Management Manual - NBP Standard 002 – Transport and Traffic Management and especially Technical Paper C1 – Traffic Impact and Assessment & Technical Paper C2 – Construction Traffic Management Plan.
Social Impact	Refer Comments 11.3.99, 11.3.100, 11.3.101, 11.3.102, 11.3.106, 11.3.107, 11.3.117, 11.3.126, 11.3.133, 11.3.136, 11.3.140, 11.3.141, 11.3.142,	EA, Management Manual - NBP Standard 007 – Off-site Management and especially Technical Paper I – Social Impact Assessment.
Economic Impact	Refer Comments 3.1, 11.3.10, 11.3.11, 11.3.12, 11.3.13, 11.3.14, 11.3.15, 11.3.16, 11.3.17, 11.3.18, 11.3.19, 11.3.116, 11.3.135, 11.3.165.	EA and especially Technical Paper B – Economic Impact Assessment.
Flooding	Refer Preferred Project, Revised Commitments and Comments 2.13 to 2.16, 2.18 to 2.19, 3.49 to 3.55, 3.61, 4.50 to 4.52, 11.1.9, 11.1.39, 11.1.40, 11.1.42, 11.3.90 to 11.3.98, 11.3.191, 11.3.192, 11.3.196, 11.3.197, 11.3.200, 11.3.201	EA, Management Manual NBP Standard 012 – Flooding Management, especially Technical Paper G – Flooding Impact Assessment.
Evacuation	Refer Preferred Project, Revised Commitments and Comments 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 3.49, 3.56, 3.57, 3.58, 3.59, 4.26, 4.51, 4.52, 5.1, 8.2, 8.3, 11.1.9, 11.1.40,	EA, Management Manual - NBP Standard 009 – Evacuation Management, especially Technical Paper W – Evacuation Management.

	11.1.42, 11.1.55, 11.1.72 to 11.1.79, 11.3.39, 11.3.84, 11.3.90, 11.3.97, 11.3.180, 11.3.196 to 11.3.201	
Number and scale of events	Refer Preferred Project, Revised Commitments and Comments 2.1, 3.20, 4.15, 11.3.116, 11.3.132,	EA
Statutory Planning	Refer Comments 3.5, 3.24, 4.9, 11.1.3, 11.1.4, 11.1.10, 11.1.26, 11.1.44, 11.1.54, 11.1.60 to 11.1.71, 11.3.3, 11.3.24, 11.3.76, 11.3.81, 11.3.82, 11.3.156, 11.3.185.	EA and especially Technical Paper T – Statutory Assessment.
Noise	Refer Revised Commitments and Comments 3.22, 3.34, 4.11, 4.48, 11.1.14, 11.3.69 to 11.3.75.	EA, Management Manual - NBP Standard 008 – Noise Management, especially Technical Paper D1 – Noise Impact Assessment and Technical Paper D2 – Noise Management Plan.
Bushfire	Refer Revised Commitments and Comments 2.20, 4.24, 8.1, 8.3, 8.4, 11.1.50, 11.1.51, 11.1.77, 11.1.78, 11.3.39, 11.3.80, 11.3.173, 11.3.174, 11.3.175, 11.3.176, 11.3.177, 11.3.181, 11.3.182, 11.3.183, 11.3.186, 11.3.187, 11.3.190.	EA, Management Manual - NBP Standard 006 – Fire Management, especially Technical Paper L – Bushfire Assessment.
Off-site Impacts	Refer Comments 3.22, 3.28, 4.42, 4.46, 10.4, 11.1.5, 11.1.11, 11.1.32, 11.1.57, 11.1.58, 11.2.5, 11.3.5, 11.3.18, 11.3.42, 11.3.108, 11.3.110, 11.3.117, 11.3.120, 11.3.139	EA, Commitments A5, A6, C3, C4, C5 & C6, Management Manual - NBP Standard 007 – Off-site Management and especially Technical Paper I – Social Impact Assessment.
Heritage	Refer Revised Commitments and Comments 3.8, 3.9, 4.4, 4.27 to 4.34, 4.53 to 4.57, 11.1.4, 11.1.7, 11.1.45 to 11.1.49, 11.1.58, 11.1.80, 11.3.76, 11.3.122.	EA, Commitments A9, A10 & B4 and especially Technical Paper H – Aboriginal & European Heritage Assessment.
Consultation Refer	Comments 4.4, 4.55, 10.4, 11.1.4, 11.1.46, 11.1.58, 11.1.77, 11.3.1, 11.3.7, 11.3.8, 11.3.76, 11.3.103, 11.3.104, 11.3.106, 11.3.110, 11.3.113, 11.3.119, 11.3.112, 11.3.129, 11.3.137, 11.3.143, 11.3.145, 11.3.147, 11.3.148, 11.3.50, 11.3.103, 11.3.104, 11.3.143, 11.3.152, 11.3.153, 11.3.154, 11.3.157,	EA, Commitments A5, A8 & A9 and especially Technical Paper J – Consultation.

	11.3.159, 11.3.165, 11.3.166, 11.3.168, 11.3.171, 11.3.174.	
Strain on existing infrastructure	Refer Comments 4.17, 11.1.12, 11.3.109, 11.3.119, 11.3.121, 11.3.131,	EA, Commitments A7, C3, C4, C5 & C6 Management Manual - NBP Standard 010 – Safety Management, especially Technical Paper K – Medical Support Assessment.
Site Location	Refer Comments 2.19, 3.21, 4.6, 11.1.1, 11.1.7, 11.1.12, 11.2.1, 11.3.9, 11.3.85, 11.3.86, 11.3.89,	EA
Council Event Policy	Refer Comments 3.12, 3.13, 3.14, 3.15, 3.16, 3.17.	
Holiday letting	Refer Comments 11.3.107, 11.3.118, 11.3.119.	EA, Commitment C4 and Technical Paper I – Social Impact Assessment.
Council not state government to approve	Refer Comment 11.3.3,	
Existing Event Sites	Refer Comments 3.13, 3.17, 3.21, 11.3.84, 11.3.114,	
Medical	Refer Comments 2.16, 11.1.12, 11.3.39, 11.3.109, 11.3.121.	EA, Commitment C3, Management Manual - NBP Standard 010 – Safety Management, especially Technical Paper K – Medical Support Assessment.

**Figure 11.4.2** depicts the location of objections by suburbs. Clearly the majority of submissions emanated from the Ocean Shores locality.

**Figure 11.4.2 Location of objections**



To better understand the intensity of objections, the following table provides a breakdown of the location of objector's addresses by postcode and a percentage of the objections in the context of the overall population within postcodes. Postcode 2483 from which almost 5% of the population made submissions by way of objection includes Billinudgel, Brunswick Heads, Burringbar, Crabbes Creek, Middle Pocket, Mooball, New Brighton, Ocean Shores, South Golden Beach, Pocket, Wooyung and Yelgun. Post Code 2482 includes Goonengerry, Main Arm, Mullumbimby and Wilsons Creek. The suburbs of Broken Head, Byron Bay, Ewingsdale, Myocum, Suffolk Park and Tyagarah are included in Post Code 2481. Post Code 2479 includes the areas of Bangalow Binna Burra, Brooklet, Coopers Shoot, Coorabell, Fernleigh, Knockrow, McLeods Shoot, Nashua, Newrybar and Possum Creek.

**Table 11.4.2 Analysis of Percentage of Population that objected**

<u>Postcode</u>	<u>Population</u>	<u>Number of Objections</u>	<u>% of Population</u>
2483	9941	440	4.43%
2482	6158	43	0.70%
2481	9883	53	0.54%
2479	4180	7	0.17%
	30162	543*	1.80%

**Table Notes:**

\* does not include anyone outside these postcodes or the 33 people who withheld their address or the second (or third) submissions sent in by 29 people.

In relation to the immediate neighbours adjacent to North Byron Parklands, **Plan 1.1** provides details of those owners who did not provide a written submission, those who supported or those who had objected to the application.

**This page has been left blank intentionally**