

"Without Prejudice"

**PAC 2017 Hearing – August 29 2017 - Verbal Submission**

**Val's Submission to PAC Hearing — Val Scanlon**

I wish to thank the Commission for this opportunity to present here today.

My name is Val Scanlon. My husband and I own one of the properties located at the eastern end of Jones Road. We have lived at our current address for nigh on 40 years and have raised our family here. Our rural setting is notable for its peaceful and serene amenity.

This has now all changed with the enormous influx of 32,500+ patrons and staff at festival times. Our road is closed to traffic and visitors can only access our home if they have a vehicle pass. The amplified music and accumulative noise that we experience is extremely invasive and at times is so loud our windows rattle and our floorboards vibrate.

In 2012 the PAC concluded *'the Commissioner also considers that a precautionary approach is required in the form of a 5 year trial. This will provide an opportunity for the proponent to demonstrate to the community that large outdoor events can be managed to avoid unacceptable impacts on flora and fauna, **nearby residents**, event goers and on the general community.'* (PAC Determination 2012)

I object to the 20 month extension to the Trial, because North Byron Parklands have not complied with many of the PAC's consent conditions and because of the insidious impact the festival events are having on our 'health and safety'.

We are an identified **sensitive receiver** in the Project Approval and one of 3 properties identified as being exposed to elevated noise levels. [Refer SoC C14(16B)]

So far, nine festivals have been held on the Parklands site. Most of the festivals have breached numerous and various consent conditions. In particular, and most concerning to us, is the non-compliance with noise levels, non-compliance with hours of operation, non compliance with soundproofing and non compliance with the repeated use of illegal fireworks.

For example, Parklands did not carry out the basic requirement of insulation and double glazing to our home, before the first event was held on site in July 2013, despite the requirements of the PAC consent conditions and despite a written directive from the DoPE. (refer attached corres. 2 July 2013)

Meanwhile, as immediate neighbours we have to contend with loud festival music and associated noise for up to 4-5 consecutive days during festival events. Live music must shut down at midnight, however, the DJ's can continue in bars & cafes until 2 a.m. All up, this equates to 15 hours of constant music and noise per day.

However, as Parklands do not regularly comply with their noise restrictions, we are often exposed to 18+ hours of festival noise per day and consequently suffer from extreme sleep deprivation.

We live approx 500 metres from Parklands campground,

Furthermore, because Parklands did not insulate and double-glaze our home, repetitive exposure to Parklands festival noise is having a negative impact on our health and wellbeing.

We suffer with health issues ranging from headaches, acquired anxiety, stress, sinus problems and extreme sleep deprivation during festival events. Consequently, our normal day to day work suffers.

Parklands have relocated us for 3 of the 9 festivals events. Whilst this was a massive inconvenience, it did alleviate some of our 'health and safety' issues and in particular the sleep deprivation we suffer during festivals.

### **Environmental Health and Safety Management Manual**

Parklands (EH&SMM) defines "*an impact is any change to the environment (including health and safety) resulting from our activities, products or services.*"

We also note that one of the objectives outlined in Parklands EH&SMM is "to minimize impacts on neighbours and nearby residents" (pg.4). Considering the negative impacts we experience from festival noise, vibration and pollution, this clearly has not happened.

The last 5 years have been a physical, emotional and financial drain for us.

Neither Parklands nor the DP&E have addressed our 'health & safety' in MOD 4.

We wish to remind the Commissioners that we have lived here for nigh on 40 years and have existing use. It is Parklands development that is impacting on us.

Parklands have had 5 years to demonstrate compliance with the PAC's consent conditions, yet they have not done so.

1  
Parklands have failed to uphold the very consent conditions that are designed to protect the people that are being genuinely impacted by the festivals.

3  
For all of the reasons outlined in our submission we ask the Commissioners to refuse the 20 month extension. last.

2  
lets face it Commissioners if Parklands had carried out the soundproofing of our <sup>house</sup> as required by the PAC, we wouldn't be in this unfortunate position.

~~front Page. In ~~2012~~ PAC.~~

It Stew to add further comments —  
we cannot cover ~~the~~ <sup>the</sup> ~~5~~ last 5 years in 5 mins - please read our written submission

# Planning Assessment Commission Hearing

August 2017

## NSW Planning & Environment Assessment Report

### S.75W Modification Application

Cultural Events Site, Tweed Valley Way and Jones Road, Yelgun –  
Byron Shire Local Government Area MP 09\_0028 MOD 4

‘Without Prejudice’

re : **Objection to Modification - from Sensitive Receiver R12**

### Introduction

We live at the eastern end of Jones Road and immediately adjoin the Parklands site.

We are an identified **sensitive receiver** in the Project Approval and one of 3 properties identified as being exposed to elevated noise levels. Refer SoC C14 (16B) Noise Management.

We have lived here for 39 years and have raised our family here. Our rural setting is notable for its peaceful and serene amenity.

This has now all changed with the enormous influx of 32,500+ patrons and staff at festival times. During events our road is closed to traffic and visitors can only access our home with a vehicle pass.

We object to the 20 month extension to the Trial, because North Byron Parklands have demonstrated that they cannot uphold many of Planning and Assessment Commission (PAC) consent conditions and because of the insidious impact the festival events are having on our health and safety.

### Non-Compliance

The PAC concluded in their Determination (24 April 2012) that *‘the Commissioner also considers that a precautionary approach is required in the form of a 5 year trial. This will provide an opportunity for the proponent to demonstrate to the community that large outdoor events can be managed to avoid unacceptable impacts on flora and fauna, nearby residents, event goers and on the general community.’*

So far, nine festivals have been held on the North Byron Parklands site. Most of the festivals have breached numerous and various consent conditions. In particular and most concerning to us is the non-compliance with noise levels, non-compliance with hours of operation, non compliance with soundproofing and non compliance with the repeated use of illegal fireworks.

For example, Parklands did not carry out the basic requirements of insulation and double glazing to our home, before the first event was held on site in July 2013, despite the requirement outlined in consent condition C16(e) now C16(d) and SoC C14(16B) '*....insulation/double glazing of sensitive receivers etc.*', and despite a written directive from the DoPE. (refer attached)

In SoC's C14(16B) *Noise Management* also states that Parklands will undertake noise monitoring during events to confirm effectiveness of noise mitigation measures. Parklands did not carry out the mitigation measures outlined in SOC C14B and because of this, Parklands denied us the opportunity to see whether the basic mitigation of insulation and double glazing was in fact effective.

Meanwhile, as immediate neighbours we have to contend with loud festival music and associated noise for more than 15 hours daily and up to 4-5 consecutive days during festival events. All live music must shut down at midnight, whilst the DJ's can continue until 2 a.m. All up, this equates to 15 hours of constant music and noise per day.

However, as Parklands do not regularly comply with noise restrictions as required by the consent conditions we are often exposed to 18+ hours of festival noise per day and consequently suffer from extreme sleep deprivation.

As we are the closest sensitive receiver to Parklands campground, we are regularly disturbed by campground noise long after 2.00 a.m., as well as the disturbance from prohibited fireworks contrary to consent SoC C9(11).

During SITG 2014 our son, daughter-in-law and new baby were kept awake until 4.30 am by noise from the campground.

My wife's elderly mother's birthday is on New Years Day. We have traditionally had extended family gather at our home for this occasion. Unfortunately, because of the Falls festival this is no longer an option.

The DP&E issued a penalty infringement notice to SITG 2014 and SITG 2015 for breaching noise levels. The DP&E did not however, issue a penalty infringement for exceeding the event shutdown time of 2 a.m., nor have they issued any penalties for the ignition of illegal fireworks, which are regularly used and ignited in the campground in the early hours of the morning.

## **Noise**

Parklands amplified music and accumulative noise during festival events is extremely invasive and at times is so loud our windows rattle and our floorboards vibrate.

In S.75W MOD 3, the proponent states, "it is important to note that the proposed A-weighted limits would result in both events complying with this criterion, while not increasing A-weighted emissions at sensitive receivers." (sec 2.2. Noise Management 5/15)

This is NOT correct.

In MOD 3 ANE (Parklands noise consultants) identifies that 65dB(A) will **increase** noise levels by 20 Laeq at our residence between 11.00 am and midnight. They also identify an increase of 15 Laeq from 12.00 midnight-2.00am.

Furthermore, noise monitoring indicates that the noise levels have increased at our home as a result of MOD 3.

The 2012 PAC Determination points out that "*A 10 decibels (dB) increase in noise is perceived as twice as loud.*"

Because Parklands has not complied with the soundproofing of our home, my family and I have been exposed to prolonged periods of very loud music and noise during festival events. Health and Safety issues are a serious problem that must be addressed.

## **Impacts on Health & Safety**

Because Parklands have failed to uphold the PAC's consent conditions, repetitive exposure to elevated festival noise and vibration is having a negative impact on our health and safety.

During festival events we suffer with health issues ranging from headaches, acquired anxiety, stress, sinus problems and extreme sleep deprivation, due to our ongoing exposure to days of continual festival music and other associated noise. As a result, our normal day to day work suffers.

Parklands have relocated us during 3 of the 9 festivals events so far held on site. Whilst this was a massive inconvenience, it did alleviate some of the impacts in relation to our 'health and safety' and in particular the sleep deprivation we suffer during festival events.

## **Environmental Health and Safety Management Manual**

Parklands Environmental Health and Safety Management Manual (EH&SMM) defines “*an impact is any change to the environment (including health and safety) resulting from our activities, products or services.*”

One of the objectives outlined in Parklands EH&SMM is “to minimize impacts on neighbours and nearby residents” (pg.4). This clearly has not happened.

Also, in Sec 6. *Objectives, Targets & EH&S Standards*, Parklands state, “minimizing impacts on neighbours and nearby residents would be suitable examples of objectives that relate directly to our EH&S Policy.” (pg. 6)

Yet, we have advised both Parklands and the DoPE of the health and safety issues we suffer during festival events. Parklands have not responded to nor addressed our concerns.

This is a serious problem which needs to be addressed as a matter of urgency.

The Executive Summary of Parklands EH&SMM states, ‘North Byron Parklands (Parklands) is committed to creating a sustainable world class cultural events facility within an ecologically enhanced site and has developed an Environmental, Health and Safety Management Manual (EHSMM) to achieve this important objective.’ (pg. 2)

Considering the above statement, one would think that Parklands would be committed to resolving the health and safety issues we suffer as a result of noise generated from the festival events.

### **Attenuation - background**

Parklands did not carry out the basic requirement of installing insulation and double glazing before the first festival was held on site in accordance with consent C16(d), now C16(e).

In Oct. 2013 and on advice received from the DoPE, we sent a written request to Parklands activating consent condition C18 to attenuate our home.

The DoPE signed off on what they considered was ‘reasonable & feasible’ in relation to the attenuation of our home in December 2014.

However, please consider that Parklands took another 15 months to provide us with a scope of works and architectural drawings. Contrary to what has been said, it was Parklands who delayed this whole process, not us.

Just when we thought things were finally progressing, in April 2016, less than 4



weeks after we gave the go ahead for Parklands to get building quotes, the goal posts changed once again.

When the 2016 PAC gave approval to alter Parklands noise criteria (MOD 3), it also meant an increase of noise at our home by 20 LAeq. (Refer ANE, Parklands acoustic consultant)

The PAC, however, did not consider how the increase in noise would jeopardise the attenuation process, as all the assessments (there were many) undertaken on our home, including an independent noise assessment commissioned by the DoPE were carried out in accordance with the original background+ noise criteria outlined in consent condition B3 *Noise restrictions* of the 2012 PAC Approval.

The MOD 3 approval consequently nullified all the assessments carried out over the previous 3 years.

All engineers and builders advised us that they can undertake the mitigation works, however, they cannot guarantee that the works would achieve a satisfactory result given the age and design of our home which was built in 1948.

When the 2016 PAC approved MOD 3 with the additional allowable increase of 20 decibels, it rendered this 5 year process unworkable given the increase of permissible noise at our property.

It was Parklands, not us, who moved the goal posts, when they applied to the DoPE to have the noise criteria changed permitting an increase of 15-20 decibels at our home.

Contrary to what Parklands state, it is important to note that we have NOT signed off on any noise agreement, however we did give the OK for Parklands to send out the scope of works and architectural drawings for building quotes.

On several occasions we noticed Parklands stated in their reports that they had a noise agreement in place with R12. This is incorrect. Again we wish to reiterate that there is no noise agreement in place and Parklands have still not resolved the noise impacts that their festival events are having on us.

It is most unfortunate that the DoPE has never checked with us to see if Parkland's information regarding this matter has been accurate.

We are keen to settle this issue with Parklands, however, their terms have simply been UNREASONABLE.

For example Parklands quotes for the attenuation works equate to a 1/3 of the price of the quotes we received from 3 different master builders.

Also, Parklands will not enter into a basic legal agreement with us, saying that they will restore our home back to the condition it was in before the commencement of attenuation.

## **Conclusion**

I wish to remind the PAC that we have always been polite, responsive and accommodating to the Department and Parkland's requests in providing access to their sound engineers, architects, builders and staff. This has at times been inconvenient and has meant a loss to our privacy.

The last 5 years have been a physical, emotional and financial drain for us. We appeal to the Commissioners to please examine our situation closely.

Neither Parklands nor the DP&E have addressed the 'health & safety' impacts that we will be further exposed to should Parklands extension be granted.

If the extension is granted, we will continue to suffer from health and safety issues given that Parklands have not complied with many of the PAC's consent conditions.

We wish to remind the Commissioners that we have lived here for nigh on 40 years and have existing use. It is Parklands development that is impacting on us.

The 5 year Trial is almost over and Parklands have still not resolved the noise impacts their festivals are having on us, a sensitive receiver and one of their closest neighbours.

Parklands have had nearly 5 years to demonstrate compliance with the PAC's consent conditions, yet they have not done so.

For all of the reasons outlined in our submission we ask the Commissioners to refuse the 20 month extension.

Val & Stan Scanlon



29 August 2017



2 July 2013

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- via email -  
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Dear Mr Morris

**Subject: Draft Noise Management Plan and Noise Attenuation Measures to Sensitive Receivers – Cultural Events Site, Yelgun – Byron Local Government Area (09\_0028)**

The Department of Planning and Infrastructure (the department) has received an enquiry from a 'sensitive noise receiver', as identified in the Noise Impact Assessment Report (NIAR) prepared by Benbow Environmental and submitted as part of the Environmental Assessment, seeking information as to when noise attenuation measures will be applied to their home, as required as part of the approval for the abovementioned project.

The department notes that as part of your Statement of Commitments (SoCs), you have committed to the implementation of best practice mitigation measures in consultation with the three residents identified as potentially being exposed to elevated noise levels (identified as R05, R12 and R13 in the NIAR). Such measures include the strategic orientation of stages, direction of speakers away from the nearest sensitive receivers, as well as the implementation of physical attenuation measures to the homes of sensitive receivers by means of double glazed windows, insulation, etc.

To date, it is understood that the works required to the homes of sensitive receivers R05, R12 and R13 has not occurred. In accordance with the SoCs, these works should occur prior to the commencement of events at the site.

It is noted that your draft Noise Management Plan (NMP) submitted to the department for approval identifies measures to address noise levels during the event. However, measures such as physical attenuation measures to the homes of sensitive receivers are not proposed as part of the plan. The NMP is required to be updated to reflect the commitments made, which form part of the approval.

In regards to the draft NMP, the department is still reviewing its adequacy and a letter will be sent to you shortly. Should you have any inquiries in regards to this matter, please do not hesitate to contact Mr Brent Devine on 9228 6328, or via email at [brent.devine@planning.nsw.gov.au](mailto:brent.devine@planning.nsw.gov.au).

Yours sincerely,

Heather Warton  
Director  
Metropolitan and Regional Projects North

2/7/13