

To: Planning Assessment Commission

FR: Angela Dunlop, Secretary, SANTA GOLDEN BEACH COMMUNITY ASSOCIATION.

RE: Project Approval MOD 4 and Concept Plan MOD2 for MP09_0028

Date: 29 August 2017

Commissioners, thank you for the opportunity to speak today on the proposed North Byron Parklands Modification.

I strenuously object to the proposed 20 month extension for Parklands trial development for the following reasons:

As per consent condition C1 of the concept plan approval, Parklands must apply to Byron Shire Council for an extension of the trial period - not the state government. There needs to be a thorough evaluation of this trial before an extension is granted. Parklands has had nearly five years to work on an environmental impact statement for permanent use of the site for a cultural events venue. They provide no valid reason for requiring extra time to do so. It is **not** the responsibility of the NSW government to give them extra time and support because they have delayed for so long.

By granting parklands approval to extend the trial by 20 months the DOP would in effect be rewarding them for poor behaviour.

Contrary to the assessment report's claim that approving the extension would have minimal impact on the environment and the community and that there have been significant improvements in environmental performance, there have been a substantial number of breaches of consent conditions during the festival events which significantly affect the environment and our community.

Multiple ecological breaches have occurred during the trial period. These breaches include inadequate flora and fauna monitoring since the beginning, including specific omissions on at least 7 occasions, no searches for grassy owls by an ecologist prior to slashing on at least two occasions, and required buffer zones around forest blocks not maintained on at least three occasions. Parklands performance reports on ecological impacts are not supported by their ecologist's data, and no independent monitoring has occurred.

Breaches in relation to fire prevention include fireworks on site at six events. There have been at least 15 breaches relating to noise limits and noise monitoring. Noise attenuation at sensitive receivers which should have been carried out prior to the first festival in 2013 has still not been completed. This amounts to at least ten breaches of this one consent condition alone.

Parklands provided no evidence that patron numbers stayed within the allowable limits for any of the events and was recently fined for exceeding limits, justifying their behaviour by

stating that it was acceptable within the industry. Parklands compiled inaccurate reports relating to community complaints as many complainants were unable to get through to the hotline. Parklands performance reports do not include details of how complaints were addressed or resolved as required by consent condition B7 (e). The list goes on. In fact there have been more than 80 known breaches recorded since parklands obtained approval for the trial but I do not have time to detail them all today. Suffice to say that parklands have demonstrated a shameful propensity for flouting the consent conditions for their trial approval since 2013, to the detriment of the environment and our community.

The department has **not** performed adequately in their role as overseers of the consent conditions as many of these breaches have not been recorded. There have been numerous instances of Department compliance officers observing breaches but not labelling them as such. Instead, they issued recommendations to Parklands.

The Department of Planning in Sydney is supposed to be enforcing the consent conditions of this festival development, but they have issued only one compliance report since the first event in 2013 and have handed out only three Penalty Infringement Notices (fines) in all that time: 2 for excessive noise and 1 for excessive patron numbers. We should not be subjected to another 20 months of poor oversight and lax enforcement from people who are based in Sydney and apparently don't have enough time or consideration to pay close attention to what's going on at Parklands.

I stress that Parklands should not be rewarded for their bad behaviour. If they had been penalized accordingly from the outset then they may have had some incentive to comply with their consent conditions. Granting them an extension that they most definitely have not earned is contrary to natural justice.

We deserve better!!