



PROF R. MACKAY: Well, good afternoon, ladies and gentlemen, and I'll begin by acknowledging the traditional owners of the land on which we meet, paying my respects to their elders, past and present, and extending those respects to any Indigenous people who are in attendance today. Welcome to this private meeting  
5 regarding development application MP090028, MOD 3, and SSD 8169 in relation to the North Byron Parklands Cultural Event Site, from Billinudgel Property Proprietary Limited, the applicant, who seeks approval for the ongoing use of the site for cultural education and outdoor events for up to 20 event days per year. A  
10 concurrent modification requests to amend the terms of the existing concept plan approval to reflect the types of permanent cultural events that would be held at the site.

My name is Professor Richard Mackay. I'm the chair of this Independent Planning Commission, New South Wales panel, which has been appointed to determine this  
15 proposal, and joining me are my fellow commissioners, Andrew Hutton and Catherine Hird, as well as Mr Jorge van den Brande and Mr David Koppers from the Commission's secretariat. And before we proceed, I just note that all appointed commissioners must make an annual declaration of interest identifying potential  
20 conflicts with their appointed role, and for the record, we are unaware of any conflicts in relation to our determination of this proposed modification.

In the interests of openness and transparency, today's meeting – this meeting is being recorded and a full transcript will be produced and made available on the  
25 Commission's website. So I note that this is a private meeting behind held, having regard to the circumstances of the presenter, which we're very happy to do, but I note particularly that anything that will be said or any documents that are tendered will be published on our website as part of our transparent process. And on that basis, I'm  
30 now proceeding to invite our presenter, Ms Val Scanlon – if you wouldn't mind, could you use the microphone and speak into the microphone, as that will help with the recording, please.

MS V. SCANLON: First of all, I would like to thank you for providing this private session and for allowing me to present in my current state. Okay. Thank you for  
35 providing the opportunity to have a say on the North Byron Parklands proposal to – to operate future festivals at its Yelgun site. My name is Val Scanlon. I live on Jones Road and I am immediate neighbour to the Parklands site. Our property is sensitive receiver R12, and one of three properties that was identified in the 2012 PAC approval where noise limits would exceed. Consequently, Parklands made a  
40 commitment to mitigate these three properties. To date, six years later, we have not had the benefit of mitigation.

Throughout the five-year trial, we have been exposed to excessive noise and extended hours of operation. As an immediate neighbour to the festival site, this has  
45 been extremely difficult, especially when one considers that we are often exposed to 18-plus hours per day of combined amplified music, DJ music, fireworks, camp ground noise, generators and associated noise for up to five consecutive days during

events. We are located approximately 600 metres from the camp ground. The camp ground noise often continues well after midnight and 2 am, and has been recorded continuing as late as 5, 6, and on one occasion, 7 o'clock in the morning.

5 In January 2018, we met with directors Anthea Sargeant and Chris Ritchie from the Department of Planning. We discussed the lack of resolution in relation to mitigation, a mutually acceptable agreement, impacts from the development and the threat of fire and the need for an emergency evacuation route for residents of Jones Road. The Department advised and encouraged us to include all our concerns  
10 regarding the impacts from the development, including our health and safety issues, fire, etcetera, in our submission to the SSD. We followed the Department's advice and lodged a detailed 16-page submission with attachments to the SSD outlining the above issues.

15 Can you imagine how we were dismayed to discover that Parklands did not respond to any issues raised in our submission to the SSD, a requirement of the SSD and the SEARs. As Parklands did not include our submission in their summary to the response to submissions, we attach it to our verbal submission for your attention. To  
20 make matters worse, it appears the Department in assessing the SSD has deleted the very consent conditions and commitments the 2012 and 2016 PAC applied to protect sensitive receivers. The Department has also deleted consent conditions they themselves encouraged us to activate back in 2013, ie, consent C(18) noise mitigation. The issue of mitigation and/or mutually acceptable agreement is yet to be  
25 resolved. The Department is fully aware this matter is not yet resolved.

Under these circumstances, it is difficult to comprehend why the Department would delete this and other causes from the SSD. This simply does not make sense. It  
30 appears that if the consent conditions and commitments outlined in the trial are too difficult to comply with, then they are simply removed or retrofitted to suit the development. We ask the Independent Planning Commission to retain clause C(18) in the SSD consent conditions. Instead of managing this problem, the Department instead is deleting the very consent conditions that offered immediate neighbours some protection. I have completed a list of consent conditions and statement of  
35 commitments that have been deleted from the SSD, which I will not read out here. However, I do wish to relay two examples. C(16) of the project approval is noise management plan, where it identifies the noise limits within the camping ground between midnight and 8 am to support restful – peaceful rest during events, and similarly, C(14) noise management:  
40

*Noise within the camping area between midnight and 8 am of each day shall support peaceful rest for overnight patrons during events.*

45 It appears these clauses are now deleted from the SSD consent condition. The second example I would like to present is in relation to the MOD 3 application, where the Chair of the New South Wales PAC, Lynelle Briggs, asked the Department to justify why they wanted to remove part of clause C(16)(2)(e) which

identifies insulation and double glazing of sensitive receivers. Despite the Department's explanation of why they wanted it removed, the PAC sought to retain the clause in consent condition C(16) and also included in consent C(18). It is difficult to understand why the Department is being persistent by again seeking to remove this part of the clause from C(16) and C(18) again in the SSD, despite the decision by the 2016 PAC to retain this clause in MOD 3.

This is a basic requirement for sensitive receivers who are the ones directly impacted by the events. We also note that the Department has included a clause in the second dot point in air quality and greenhouse gases in their management and mitigation measures, which is schedule 3 and replaces the statement of commitments, to minimise dust pollution from the site during events. During events, we suffer various ailments, such as inflammation, throat infections and eye irritation. The dust pollution is most prevalent during the bump-out times, when the dust from the site has already been stirred up by thousands of patrons during the event and is then followed by a concentrated bump-out program involving heavy vehicles dismantling the whole set-up.

During Splendour in the Grass 2018, I suffered with chronic sinus inflammation from the amount of dust pollution generated from the Parklands site. Towards the end of the sig bump-out when – towards the end of the Splendor bump-out when my condition was at its worst, prominent dust clouds could be seen hanging over the Parklands site. We ask the Commission to include the following phrase into this second dot point, including – and we're asking you if you could include, "During bump-in and bump-out times when the dust pollution is at its worst". The second dot point says:

*Event management plan, including measures to minimise dust and air emissions during events, including continued use of water carts.*

They do not mention the bump-in and the bump-out periods where immediate neighbours are impacted the most. Our understanding is that a five-year trial was granted to Parklands to provide enough time for the proponent to demonstrate to the Department that it could comply with the PAC consent conditions, the statement of commitments and key performance indicators. Unfortunately, none of that has happened in our situation. The SSD outlines that the New South Wales Industrial Noise Policy provides the overall noise framework for the assessment and management of the potential effects of noise on communities throughout New South Wales.

The overall objective of the policy is to allow the need for industrial activity to be balanced with the desire for quiet in the community. It appears that Parklands do not intend to utilise the New South Wales Industrial Noise Policy for its SSD, and instead want to continue with the noise levels that prove during the previous trial. The SSD, however, is a completely new development and needs to be assessed accordingly. Both the director and the GM of Parklands have stated to neighbours that the overall impacts associated with any future approval will be far greater, and in

particular for sensitive receivers. If the SSD is approved, additional noise will be generated by the accumulative impact from an additional stage, extra patron numbers, increasing use of generators and lights, and for us, the events area will be moved closer to our property, as proposed, for a 50,000-patron event.

5

Parklands has not provided us with the benefit of mitigation as required by the consent, and a directive from the Department in July 2013 to mitigate. We strongly oppose the noise criteria previously adopted in MOD 3, because we have to remain at home and continue to suffer with various health and safety issues during events.

10

Again, this SSD is a completely new development. The relevant legislation is the New South Wales Industrial Noise Policy, which must apply to the SSD. If any future approval is granted, as an immediate neighbour and sensitive receiver, I recommend the following, that the concept plan be refused, the proposal to increase patron numbers to 50,000 cannot be sustained, particularly considering the impacts on neighbours, the community, the ecology of the site itself, the 50-plus endangered species recorded from the immediate area, and the location of event site in the middle of a highly significant wildlife corridor.

15

(2), the IPC consider another five-year trial at the current capacity of 35 patrons.

20

Again, the SSD is a completely new development and one that has not yet been tested, and therefore, permanent approval at this stage should not be considered and would be premature. Furthermore, in the final determination report, the 2012 PAC approval, it states that permanent approvals for large outdoor music events are rarely granted, especially for new sites. I do not support the overall increase of annual events on the site. As we understand, the Splendour Festival will utilise the site for 40 days, which includes bump-in and bump-out. The Falls Festival will utilise the site for another 40 days.

25

Other events up to 25,000 patrons, if utilised for one-day events, equates to 108 event days, bringing the overall total to 180 days annually. However, this does not include the five days proposed for other events up to 5000 patrons, nor does it include the two days for minor community events. However, the other obvious one, it does not include the 200 days outside of events that is proposed for functions at the conference centre. The total amount of days the site could be utilised therefore amounts to approximately 395. This is just bizarre. I object – number (4), I object to 15 hours daily of amplified music over five consecutive days during events. Amplified music should cease at midnight, in line with other festivals, example, the East Coast Blues Festivals at Tyagarah, Byron Bay, and others throughout New South Wales.

40

(5), the use of the conference centre be strictly limited for functions outside of events. There should be no more function than one per month for the conference centre, considering all of the other events that will be on site throughout the year. And I've gone into that earlier on. I object to amplified music at the conference centre between the hours of 11 am and 2 am. Consideration needs to be given to immediate neighbours, sensitive receivers and fauna species, including resident koalas which have been recorded at this location. Koalas are an endangered species

45

and are highly susceptible to noise. All amplified music at the conference centre should cease at midnight.

5 As a neighbour, I also object to the proposed onsite sewerage treatment system. This proposal is highly questionable, given the environmental sensitivity of the site and the number of patrons and events, including the conference centre, proposed annually. We are immediate neighbours, yet Parklands did not consult with us regarding this proposal. This is unacceptable, given that we will be the ones directly impacted by the proposal. I also object to the removal of the consent conditions and  
10 SOCs that were implemented by the 2012 and 2016 PAC that were designed to offer some level of protection to sensitive receivers. I've already discussed that earlier. Of course, there's no North Byron Parklands staff that reside on their property, so they wouldn't be affected by that proposal.

15 (9), a suitably qualified person or mediator be appointed by the Department, possibly a council staffer, to liaise with the community regarding festival information, issues and impacts, etcetera. The community does not have the same avenue as the proponent or the government agencies in relation to discussing matters of concern and passing information on to the Department, yet we are the ones on the ground and  
20 the people that are directly affected. I ask the Independent Planning Commission to seriously look at our situation. I believe our situation is a unique one. My understanding is there's four residents on Jones Road. I understand that the other three have an arrangement or an agreement with North Byron Parklands. We don't. We have not been mitigated and we continue to remain at home and – and continue  
25 to suffer these health and safety issues.

Meanwhile, Parklands seem to get modifications approved, other things approved, and somehow, our situation has fallen through the cracks. It has been very stressful over this five – past five or six years on myself and my family. It needs to be  
30 resolved. It needs urgently to be resolved, and it – there is quite a simple solution. Unfortunately, the goal posts keep changing. The developer makes unreasonable demands on us, and you are looking at the end result of what we've had to put up with for the last five or six years. I will lodge this information in written form and it will be expanded on a little bit more than it has here today. Thank you so much for  
35 allowing me to talk. Stan is just going to say a few things on what I wasn't able to do.

PROF MACKAY: Thank you, Ms Scanlon. And we would be very grateful – you're very welcome to lodge your notes or an expanded version. We have extended  
40 the period during which we will accept submissions up until 11 January 2019, so there's a little bit more time.

MS SCANLON: Thank you. I can sleep now.

45 PROF MACKAY: And we had expected Mr Scanlon to present earlier in the day. If he would like to say a few words, now would be the time. Thank you.

- MR S. SCANLON: Thank you. There's some points in my presentation that Val has already covered. My name is Stan Scanlon. I'm a resident of Jones Road, Yelgun, and my property is sensitive receiver SR12, and immediate neighbour to the North Byron Parklands Event site. We have resided at our residence for 40 years now. I believe that any increase in patron numbers will further impact us, the surrounding communities and the sensitive environment of this area, and cannot be justified. I would like to delve into the fire issues that we have. Jones Road is our only legal evacuation route in a fire emergency.
- 10 It is a narrow, single-lane, winding gravel no-through road flanked by huge eucalyptus trees. The Far North Coast Bush Fire Risk Management Plan identifies the Jones Road area as extreme fire risk, with consequence catastrophic, and likelihood, almost certain. There RFS has measured the fuel load along Jones Road at 22 tonnes per hectare, three times above the acceptable level of seven tonnes per hectare. The RFS has advised residence that our safest option is to evacuate early. This is why we have been lobbying the relevant government agencies for several years now to reduce the fuel loads along either side of Jones Road so we can evacuate in a fire emergency.
- 15
- 20 In this case, the National Parks and Wildlife Service are responsible for the southern side of Jones Road, while North Byron Parklands is responsible for its fence line on the northern side. Byron Council has committed to slashing the road verges twice a year. The National Parks and Wildlife Service has had a – has had a controlled burn schedule for the past two seasons, but unfortunately the weather has been unfavourable. The RFS has advised residents to reduce their fuel load where their properties adjoin Jones Road. Residents are extremely concerned that this amount of fuel over several kilometres could prevent their evacuation in a fire emergency.
- 25
- This is of grave concern and a very, really clear – sorry – fear, not only during events on the site but all year around. The repetitive use of fireworks in the camp ground during these events exacerbates this unacceptable situation. We do not understand why the owners of small – we do not understand why the owners of small holdings have been advised by the RFS to remain – maintain the fuel load along their property boundaries, and yet Parklands are not required to do so, even though its fuel load is high and its – and its fence line is approximately two kilometres in length. The RFS have stated that our concerns are genuine. I also wish to highlight that on a number of occasions the RFS has stated that they did not want to attend the Coroner's Court.
- 30
- 35
- A voluntary ..... bush fire agreement was tabled at a regulatory working group meeting on 9 May 2018. In this agreement, Parklands committed to remove exotic weeds along the north side of Jones Road where – where funds from the Parklands Habitat Restoration Program are available. This agreement was submitted by Parklands in the SSD. However, I wish to point out to the Commissioners that in the revised final minutes of the RWG dated 15 October 2018, it states that the general manager ..... the meeting that they would not be conducting specific works along the road, and instead would voluntarily maintain the wide fire break behind the road. These final minutes, however, were not included in the SSD.
- 40
- 45

If I can expand in relation to the reference to a wide fire break behind the road, from Jones Road 30 metres to an electricity easement is the particular fire break that he's referring to, but does not alleviate the fuel loads along Jones Road. I also need to point out to the Commission that the fire break – that the fire break ..... refers to is located – again, I'm repeating – 30 metres to the north of Jones Road, which does not assist residents trying to evacuate Jones Road in an emergency. So contrary to the voluntary agreement, Parklands have now stated that it will not remove exotic weeds along the north side of Jones Road. It is difficult to understand why Parklands refuse to reduce the hazardous fuel load along Jones Road.

10 It is a relatively simple task of under scrubbing the exotic weeds and grasses on either side of the fence line, as they did recently along Tweed Valley Way. The under scrubbing along its Tweed Valley Way fence line was undertaken over a matter of days and with excellent results. Jones Road is the only road that traverses through the middle of the Parklands site. It is the only legal access for evacuation in a fire emergency. For this reason, we recommend that Jones Road residents – and there aren't many – be included in the Parklands Bush Fire Management Plan and the Bush Fire Emergency Evacuation Plan. Patrons have a number of escape routes without hindrance. Some Jones Road residents do not.

20 Under scrubbing along the Jones Road fence line would remove flammable grasses, weeds, fallen limbs, etcetera, and would not impact the natural environment. Also, I would like to point out that in the SSD, Parklands has stated that Jones Road residents signed off on this agreement. This is misleading and not correct. Neighbours did not sign off on the – on the voluntary agreement. In fact, we wrote a letter to the GM of Parklands saying that we were not happy with the draft voluntary agreement as nothing had been resolved for neighbours in relation to the high fuel loads along Parklands' fence line, which still remains a threat to neighbours and visitors alike.

30 The fire issue along Jones Road needs to be taken seriously. Parklands needs to clean up its fence line. This would not only benefit immediate neighbours but would also benefit visitors, Parklands staff and patrons. I would like to speak about a second matter, and that is I wish to object to the changes proposed for gate A on Jones Road. Parklands was granted an approval for the construction of a tunnel under Jones Road by Byron Shire Council. The tunnel was built to provide safe access for patrons and heavy duty vehicles, for example, trucks, earth moving machinery and coaches, to utilise the tunnel to minimise impact on the local roads. In recent events, however, coaches and sewerage tankers have been utilising the Jones Road entrance from Tweed Valley Way in order to access gate A for entry to the site.

45 The coaches have – have to take a wide berth when entering Jones Road, and on at least two occasions we have been forced off Jones Road onto the road verges. The traffic controllers do not appear to have control of this dangerous situation. The mix of Tweed Valley Way traffic combined with traffic controllers running onto Tweed Valley Way when a coach approaches, security guards positioned at the entrance of



Jones Road are placed at risk, as well as resident traffic, all competing for space and safety, can at times present a chaotic and dangerous situation. Jones Road and the intersection of Tweed Valley Way is not designed to cater for this type of traffic.

5 I note that it is estimated that the amount of coaches will increase from 479 for a  
30,000-patron event to 1045 for a 50,000-patron event. This will further exacerbate  
an already dangerous situation and significantly increase bus movements on local –  
on the local road network. This to date has not been trialled. I recommend that  
10 coaches and sewerage trucks should be permitted to enter Jones Road – should not be  
permitted to enter Jones Road and must then utilise the tunnel under Jones Road that  
was constructed for this purpose. Another point I would like to talk about is that I  
recommend that all amplified music should cease after midnight in line with other  
festivals in Sydney and throughout New South Wales, and as my wife mentioned, we  
are kept awake to the wee hours of the morning – to the wee hours of the morning.

15 I do not support any change to the concept plan to increase patron numbers. The site  
forms part of a highly significant wildlife corridor which links the coast by the  
Billinudgel Nature Reserve through the hinterland to the world heritage rainforests of  
the Mount Warning caldera. With over 50 threatened fauna and flora species  
20 recorded for the Billinudgel Nature Reserve and surrounding areas, it is imperative  
that the New South Wales Industrial Noise Policy be applied to the SSD  
development. I request that the issues and contents that I have raised here today, and  
also in our previous submission, be taken into account during your assessment of the  
Parklands SSD.

25 Meanwhile, I understand that there is a site inspection scheduled soon, tomorrow. I  
wish to take this opportunity to encourage the Commissioners here today to take the  
time to drive down the full length of Jones Road to view our location, in relation to  
the camp ground, the overgrown road verges, etcetera, which will hopefully provide  
30 a better understanding of the matters we have – I have raised today, and thank you  
for the opportunity to address the Commission under these circumstances. I do have  
maps too if you are interested in looking at where Jones Road is.

35 PROF MACKAY: Well, thank you, Mr Scanlon. It's a matter for you what  
documents you provide to the secretariat. We will have regard to whatever  
documents you provide, and – but we will also publish whatever documents you  
provide on our website. Thank you. Thank you for that presentation.

40 MR SCANLON: Cheers.

45 PROF MACKAY: Can I say just in closing that this meeting is one part of our  
decision-making process. It's not the only meeting, obviously, that will be held as  
part of that process, that we have also been briefed by the Department of Planning  
and by the proponent, that we had the public meeting today, and that after today, we  
may engage further with other parties where clarification or additional information is  
needed, and as I said in the introduction, full transcripts of all the meetings, including  
this one, will be published on the Independent Planning Commission website, along

with submissions or other documents that are provided to the Commission. So I thank you again for attending, particularly in your personal circumstances, and I declare this meeting closed.

5

**RECORDING CONCLUDED**

**[5.00 pm]**