

COMMUNITY ALLIANCE FOR BYRON SHIRE INC.

e: [REDACTED]
m: [REDACTED]

TO: NSW Independent Planning Commission
Fr: Community Alliance for Byron Shire Inc.
RE: SSD 8169 North Byron Parklands and MOD3 of the Concept Plan
Date: 9th January 2019

Community Alliance for Byron Shire (CABS) is an alliance of fourteen community and environmental associations in Byron Shire. Our core belief is that community and environment should be put first in all development. This proposal does not do that. Here are our objections:

- We strongly support the call of the affected Aboriginal individuals and groups to be acknowledged and to be consulted about this development. We do not think any approval should be considered until their concerns are fully heard and understood.
- With the initial (2012) approval, the Planning Assessment Commission published a Final Determination Report to explain the reasons behind their determination. On page 11, the PAC stated: *“After the trial period, the Commission considers that a new application should be lodged with Council for events to continue.”* and *“Outdoor events following the trial period will require further approval from the Council under Part 4 of the EP&A Act.”* Although Council is not specifically mentioned in the consent conditions, the determination report clearly explains the PAC’s intention. We strongly believe that this stipulation should be honoured by the Independent Planning Commission.
- We are against the proposed permanent approval for festivals on the site. Even The Domain and the Royal Botanic Gardens in Sydney do not give permanent approval for festivals such as Field Day on those properties. Instead, an event-specific license is issued, and it must be renewed before a repeat event is allowed. Even if Parklands is granted approval as a festival site, the licensing of individual festivals should be under the control of local authorities—Byron and Tweed Councils, whose populations are the most directly affected.

Parklands claims that they want permanent approval to give them business certainty. Yet only two of the proposed events are known entities (Splendour and Falls) and they are 51% owned by an American company that does not have an ownership stake in Parklands. So those festivals could be moved elsewhere and others, yet to be determined, could take their place. Other events, so far unidentified, are apparently also in the works. This all creates considerable uncertainty for the community.

The proposed approval says, essentially, *Give us permanent approval to do what we want and we’ll decide later what that will be.* We are very surprised that the Department has supported this blanket approval in its Assessment Report.

- We are against the proposed increase in daily attendance to 50,000 and do not want to see this approved in the Concept Plan. Too many problems exist with the location of the festival site to warrant even the festivals that are currently being held on the site.

We are also against the proposed staged increases in daily attendance, even conditional on recommended KPIs being met. As the KPIs stand, they are far too vague, and the recommended conditions of consent are also too poorly worded to guide such a plan. See our further comments on the KPIs and consent conditions at the end.

The current maximum daily attendance of 35,000 is already putting significant pressures on the environment and creating major problems for nearby residents. To illustrate the scale of the proposed increase in daily attendance to 50,000, it would effectively create a satellite town which would be the **28th largest town in Australia**. The 55,000 plus patrons, artists, stallholders and employees would almost triple the population of the entire Byron Shire. This is just not sustainable in relation to our infrastructure, our natural environment and our amenity.

According to the NSW Police, the safety and security of attendees is also at risk with every festival. Allowing further increases would be highly imprudent.

- Experienced ecologists have noted that the ecological monitoring to date has been too poorly designed and executed to yield meaningful conclusions. *Parklands' claims that no ecological impacts have occurred are thus not supported by reliable and valid evidence.* The seriousness of this issue continues to be dismissed by the Department, which we simply do not understand. Numerous detailed submissions through the years have pinpointed the issues with the Parklands monitoring, starting in the early years of the trial (e.g., OEH comments dated 9 April 2013) and including the critique of Dr. Martin Denny, dated 26 February 2018 (commissioned as an independent review by the EDO). If any further approvals are given, the consent conditions should require properly designed and executed monitoring, done by qualified ecologists who are funded by Parklands but who report to and are answerable to Byron Council. The past monitoring needs to be carefully reviewed, and much more effective monitoring needs to be put in place. Ecological impacts have been among the most worrisome issues related to holding massive festivals on this site, yet they have received the least attention. This appears to be because understanding the issues of the monitoring requires a strong knowledge of how data should be collected, analysed, and used to make inferences and draw conclusions—knowledge that appears to be missing within the Department.

- Another ongoing ecological concern has been that experts have designated the koala population north of the Brunswick River to be endangered. The few that remain desperately need protection. Parklands has repeatedly said that koalas don't use their property, but that conclusion very likely is the result of inadequate monitoring. In fact, koala activity has been recorded along the wildlife corridor that bisects the site for decades, and koala activity was noted in 2016 within the boundaries of Parklands, including where the year-round conference centre is proposed to be constructed, along with accommodations and a public bar. We object to that year-round aspect of the development, which has now doubled in size since the concept was approved several years ago (accommodations now for 120 instead of 60). This is not an appropriate aspect to the

development in the face of koala activity. The festivals are also highly questionable activities to be allowed so near to a prime Wildlife Corridor and Nature Reserve.

- The site is not serviced by a reticulated water or sewer system although it adjoins Coastal Wetlands, the Billinudgel Nature Reserve, and other areas of high value vegetation. The plans to dispose of human waste on the site by burying and spraying are highly questionable. The comments of the independent experts who reviewed Parklands' plans for the Department of Planning are unsettling. They indicate grave concerns for the groundwater and vegetation on the land, and we can see from reading their reports that the risks to public health will not easily be "managed". And those reports do not even mention that the water from Parklands drains into the ecologically sensitive areas adjacent to the site and the nearby local waterways, such as Mooball Creek—drainage that poses significant risks to areas adjacent to the site.
- If any further approvals are given, compliance monitoring should be done collaboratively by Byron Council, Tweed Council, and the Planning Department's compliance division, with the judicious use of commissioned independent experts. Parklands' self-monitoring and self-reporting must be augmented by neutral observers. We are very surprised that the Department has recommended such high degrees of self-monitoring in its Assessment Report, especially since the Department's own monitoring has been sporadic and highly ineffective during the trial. We note that the Department did not even attend the first two events on the site and only spot checked after that, issuing only one compliance report during the entire trial period. The compliance records have also been so poorly maintained that it appears impossible for the Department to provide a clear, neutral perspective to Byron and Tweed councils and the general public on compliance during the trial period.
- If any further approvals are given, the Regulatory Working Group needs to be chaired by an individual who is not connected to Parklands but who is accountable instead to Byron Council, Tweed Council, and the Planning Secretary. Also, Tweed Council should be represented on the RWG (as Byron Council is), and Community Representatives are needed from Tweed Shire as well as Byron Shire, especially since the development's proposed plans will have significantly increased impacts on both shires. In addition, we believe a representative from the Department should be in attendance at all RWG meetings.
- During the trial period, the consent conditions provided protection for the sensitive receivers closest to the festival site with regard to noise, security, and other issues, but these protections have been removed from the recommended consent conditions even though the proposal calls for significantly increased activity on the site and numerous unknowns for the nearest residents. For example, noise emissions could easily change as stages are added or moved to new locations. In addition, the operation of even more festivals on the site, if approved, will bring more dust, increased risks of fire, increased security risks for those sensitive receivers, and other issues. The nearest neighbours should be given full consideration and should continue to be protected from the intrusions and negative impacts that the festivals bring to their lives.

- We are concerned about the proposed year-round operation of the conference centre, accommodations, and bar, especially since the plan calls for amplified music from 11AM to 2AM or later (see EIS section 3.2.3, Conferences and Functions and 3.2.4 Hours of Operation). We see this as further, objectionable intensification of activity on the site.

When a member of our community recently expressed concerns about the year-round operation of the bar to the Department, the Department replied that the bar is to be used only during festivals and only by festival attendees. However, nowhere in the applicant's proposal or in the Department's Assessment Report is that intention stated. In fact, the bar is described as a permanent installation that is adjacent to the year-round conference centre. A variety of functions, not connected to music festivals, is being proposed for the conference centre, and the use of amplified music from 11AM to 2AM or later at the centre is proposed in association with those events. It is quite reasonable to assume that the permanent bar will be open at the very least whenever the conference centre is open, but it could also be open at other times when festivals or functions are not in operation. (Nothing in the proposal or in the Department's Assessment Report suggests otherwise.) Thus, concerns about crowd noise and amplified music on a year-round basis are very real to residents of this area—an area that is especially quiet at night.

- In looking over the Recommended Development Consent issued by the Department, we saw many issues that would need to be addressed if further approvals are given. The consent conditions have been recommended with the assumption that the IPC will give consent and the Department will administer the consent. However, as we noted above, the existing approval calls for Council to grant further approval for any events following the trial period. We would like to see local control re-established, with references to *the Planning Secretary* changed to *Council* throughout. Other specific comments about the consent conditions follow:

A21(b) Planning Agreement: The amount of money suggested for the Planning Agreement with Council, as noted in Appendix 3 of the Recommended Development Consent, is too low. With the social impacts on the villages closest to the site, Council needs monetary support for:

- additional infrastructure (more public toilets, potable water, etc.),
- additional ranger patrols in residential areas,
- a key staff person to be the go-to Council person for issues relating to Parklands,

A larger contribution is needed to help the overly-burdened Council and local residents. We suggest that at least \$3 per ticket sold per festival, without a maximum, would be far better than the recommended \$1 per *camping* patron with a maximum of \$120,000 per year.

B4(c) Lighting: Search lights have been used in the past and need to be strictly forbidden in future to protect the wildlife and nearby residents from such intrusive lights. This clause should be added: *does not involve any search lights at any time, before, during, or after events*. We also think this condition should specifically forbid the use of any laser lights on the site.

B10 Fire Management:

Several conditions recommended by the RFS are not included in the DOP's consent conditions. We would like to see them included. These are:

> a FMP that addresses both structural and bush fire response mechanisms for each 'scale' of events proposed for the calendar year. (This is needed only if festivals are allowed to grow in size, which we hope will not be the case.)

> a bush fire prone land map prepared by Byron and Tweed Shire Councils for the development land (The recommended condition specifies only "bush fire prone land maps" without reference to Councils.)

> a detailed camping plan, identifying both vehicle and pedestrian pathways around and through each camping area. The plan should also include proposed fire fighting water supply to each camping area and a fire fighting operation plan to address potential structural fires within the camping area. (The proposed condition omits reference to vehicle and pedestrian pathways and requires only a general "fire-fighting water supply" rather than the water supply to each area AND the recommended operation plan.)

> an asset protection zone plan (APZ) that identifies all land to be managed as an APZ before, during, and after an event (The recommended condition is only "detail APZs".)

> a defensible space plan (trafficable and non-trafficable) that identifies the location of a minimum 10 metre setback for event infrastructure including camping areas to the nominated hazard (The recommended condition is only "defensible space plan".)

> a bonfire location plan including radiant heat contour plan and management actions (The recommended condition is only "outline bonfire management procedures and controls".)

Another issue has to do with the use of fireworks on the site. Nearby residents have recorded multiple incidents of fireworks during festivals since the beginning (Falls 2018/19 was the latest). These have been repeated breaches in Statement of Commitment C9-11 ("No use of fireworks"), which is part of the Project Approval. Because of the extreme risk of fire danger in the area, the use of fireworks on the site is highly inappropriate, so a condition should be added that clearly bans the use of fireworks at any time by any person on the site.

C11(c) Fill: Knowing the type and extent of fill that is brought onto the site is important for Council to understand how the site continues being altered over time and how the alterations impact the soil, waterways, and flora and fauna in the area. This condition should read: *make these records available to the Department and to Council and should also be detailed in the annual Performance Evaluation Report.*

C14 Wastewater: It is important for Byron Council to be kept informed of the management and mitigation measures related to wastewater on site. The words *and to Council* should be added to this condition after *to the Planning Secretary*.

C16 Wastewater: Certain inclusions into the Wastewater Management Plan recommended by the independent reviewer (GHD) are not included here. We would like to see them included. They are:

- > environmental policy and organisational roles, responsibilities, and authorities
- > environmental and health risk assessment
- > compliance obligations
- > competence and awareness
- > internal and external communications and reporting
- > operational planning and controls
- > emergency preparedness and response
- > management review and continuous improvement
- > monthly reed bed harvesting to demonstrate compliance (recommended condition says only “regular harvesting”)

(See the GHD report dated 1 Nov 2018 for the specific recommended conditions.)

C19 Wastewater: Certain inclusions into the Irrigation Management Plan recommended by the independent reviewer (GHD) are not included here. We would like to see them included. They are:

- > required soil, groundwater and recycled water testing and limits based on guideline values
- > scheduled testing and maintenance of the system
- > mitigation measures to protect the soil, groundwater and public health based on relevant guidelines
- > records of irrigation monitoring and scheduling to be maintained and made available to the Council, DPE, EPA on request

C24 Wastewater: This condition should involve both reporting and independent auditing. A key condition regarding *reporting* of wastewater treatment that was recommended by the independent reviewer (GHD) should be included here:

- > The Proponent must prepare an annual report for Council and DPE related to the operation of the on-site treatment system and recycled water scheme. The annual report must detail irrigation volumes, findings of any soil, water or groundwater monitoring, incidents and complaints and mitigation measures applied and an assessment of compliance against the requirements of plans or programs required by this approval.

A key condition regarding the *independent auditing* of the wastewater treatment that was recommended by GHD was not included here. We think it should be included:

- > recommend the frequency of any future audits for approval by DPE

C26 Protection of Riparian Corridors: Since the conference centre and bar is proposed for the area where koalas have recently been sighted, Council and the Planning Secretary should assess the proposed plans in terms of koala habitat as well as riparian protection.

C27 Pre-clearing survey: This condition should require the applicant to consult with the OEH in delineating proposed areas for clearing and should require the applicant to submit the survey results to the OEH for review and include OEH comments when submitting the survey results to the Planning Secretary.

C32 Vegetation Management Plan: Because koalas have been recently sighted in the area where the conference centre is proposed, the required Vegetation Management Plan should be synchronized with the required Koala Plan of Management and should be developed in consultation with OEH and Council. Adding those requirements to this condition would be prudent.

D13(a) Progression Requirements: If any progression is allowed, *Tweed Shire Council* should be added to this list since Tweed residents and businesses are also affected.

D16 Key Performance Indicators:

> Use of the Yelgun Rest Stop by festival goers has become a regular occurrence. They camp there or park there and walk to the festival. Traffic KPIs should include reference to keeping the Yelgun Rest Stop free from festival goers so that it will be fully available to ordinary users of the Pacific Highway. We are sure that the RMS would be in agreement with this.

> Noise KPIs should be more specific than requiring “overall compliance” and being “effective”. Both terms are too vague. If noise limits are imposed, then any exceedance should be considered a reportable breach although that has not been the case in the past. The noise KPI should be written so that non-compliance can be readily determined by any monitoring entity, and the rigor of compliance expectations should be high.

Also, the current noise limits are too high. As noted in numerous submissions in past years, if people are being disturbed by noise then the noise is a problem even if a noise engineer claims that the noise is within the approved limits. This is especially a concern given the proposed increase in patron numbers, duration of festivals, numbers of festival stages that will be in operation, and the proposed year-round operation of a separate large event centre.

> KPIs with regard to ecological monitoring should be included here. Criticisms of Parklands’ ecological monitoring have been noted by RWG members and by OEH and NPWS staff. Detailed critiques have also been included in several submissions in the past, yet all of the concerns that arose during the trial period are ignored by the Department in its Assessment Report. That major omission should be rectified. Independent monitoring of ecological impacts is also needed so that the same inadequate ecological monitoring is not allowed to continue.

D17 Performance Evaluation Reports: PERs should not reflect only Parklands' perspectives. Byron and Tweed Councils should also have input into performance evaluations. One way to do this is to require each Performance Evaluation Report to include comments from each Council that reflect their own perspective on Parklands' performance. This will enable local authorities and the community (via their council) to have input into Parklands' performance if the Department is charged with overseeing the development. Such a requirement should be clearly specified in this consent condition.

D18 (b) Regulatory Working Group: This condition should make clear that Council has the final say on who is to serve as the community representatives on the RWG. Since this development has significant impacts on Tweed Shire residents as well as Byron Shire residents, at least two community representatives from Tweed Shire should be on the RWG as well as at least two from Byron Shire. And, as noted above, we believe a representative from the Department should be in attendance at all RWG meetings.

D18 (c) Regulatory Working Group: The RWG chair should not be accountable only to Parklands, as has been the case in the past. The chair needs to be a neutral force. During the trial, the RWG chair acted under the direction of Parklands rather than as an individual free from Parklands control. This should be rectified if further approval is given for this development. So, this condition should read: *be chaired by an independent chairperson whose appointment has been made by Byron and Tweed Councils in collaboration with the Planning Secretary, who reports to the Planning Secretary, and who is accountable to the Planning Secretary and both Councils.*

D18(f) Regulatory Working Group: All RWG members should be allowed to inspect all areas of the site rather than having their access restricted by Parklands as was the case during the trial. For example, Community Representatives were not allowed to enter the camping area. So, this condition should read: *undertake periodic inspections of all parts of the site when requested by any of the members of the RWG.*

D19(d) Regulatory Working Group: This should read *arrange site inspections for the RWG as requested* rather than "if necessary" so as to enable the RWG members to determine the necessity of inspections.

D19(e) Regulatory Working Group: This should read *take minutes of the RWG meetings, revise the minutes for accuracy and clarity as requested by group members, and make the minutes available publicly.*

D20 Community Consultation: Community consultation has been minimal during the trial, consisting primarily of Parklands informing the community of its plans rather than engaging in ongoing dialogue with the community and being genuinely and consistently responsive to their concerns. Since the traditional custodians of the land are concerned about this development, they, too, should be specifically included in any community consultation plan that is prepared by Parklands,

So, this condition should read: *A draft Community Consultation Plan should be reviewed by Byron and Tweed Councils, the existing RWG, and the full range of traditional*

custodians of the land, revised in light of their input, and sent to the Planning Secretary for approval.

D20(b) Community Consultation: A central contact person should do much more than inform the closest neighbours what Parklands intends to do. So, this condition should read: *assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development, to respond to questions and concerns posed by other members of the community, and to engage regularly with Byron and Tweed Councils regarding their concerns.*

D20(c) Community Consultation: This procedure has to involve two-way communication between Parklands and the community. So, this condition should read: *detail a procedure for consulting with nearby sensitive receivers and other members of the community to learn about and respond to traffic disruptions during events.*

D20(e)(ii) Community Consultation: This should read: *advertising the contact details for complaints prior to, during, and after operation via the letterbox drops required by Condition D22, the newspaper notices required by Condition D23, and through on-site signage.*

D20(e)(iii) Community Consultation: This should read: *a complaint's register of all complaints (whether received by phone, email, or letter), along with the date, time, and nature of the complaint, details of the complainant, and any actions taken to address the complaint.*

D21 Community Consultation: This should read: *not carry out a large or medium event until the Community Consultation Plan is approved by Byron and Tweed Councils and the Planning Secretary.*

D22 Community Notification: Letterbox drop should mean exactly that: actual letters placed in letterboxes. Festival notifications should not be rolled up in bundles of advertising circulars and tossed onto driveways, as has been the practice during the trial period. Many people either do not get these bundles or they put the bundles straight into the recycling bin, assuming that they contain only junk mail. Also, a 10km radius is a more reasonable distance for notifying people. Mooball, which is often badly affected by noise is at least 7km from the site, as is New Brighton and central Ocean Shores, which are also affected by noise and illegal camping. Newspaper announcements are not enough for adequate notification because the local papers are delivered irregularly and are also haphazardly tossed onto driveways.

So, this condition should read: *At least two weeks prior to the commencement of a large or medium event, the Applicant must notify all local residents and businesses within a 10 kilometre radius of the site via a letter placed in all residential and business letterboxes.*

D22(d) Community Notification: Giving the contact details of the coordinator is not the same as providing details for making complaints. So, this condition should be added: *how*

complaints can be made in accordance with the complaint's procedure required by Condition D20.

D25(c) Event Management Plan: Tweed Shire will be affected by any emergency evacuation plan because of the planned gate on Wooyung Road. Unauthorised camping along Wooyung Road and other issues related to that shire also require input from Tweed Council. So, this condition should read: *be prepared in consultation with Byron and Tweed Councils, the NSWPF, and the RFS.*

D25(h) Event Management Plan: This clause does not include arrangements for council rangers to patrol nearby areas for illegal camping and other anti-social behaviour, yet arrangements need to be made for that critical council service. That service should be provided on a Parklands-pay basis.

D27(b) Traffic Management Plan: Tweed Shire Council is significantly affected by traffic during events and should be involved in traffic management plans. So, this condition should read: *be prepared in consultation with Byron Council, Tweed Council, and the RMS.*

D27(e)(ii) Traffic Management Plan: At a recent event, some young visitors expected to be dropped off at a bus stop in South Golden Beach but instead were dropped off in New Brighton, too far for them to walk to their accommodations in Ocean Shores North. They said the driver would not stop in South Golden. Others who have depended on buses to get to and from events have had to wait for many hours to be picked up or dropped off. Attendees, their families, and their hosts, need much more certainty concerning bus services than have been provided during the trial. This condition should read: *patronage of bus services, including bus occupancy rates, arrival and departure times, and designated pick-up and drop-off points along the bus routes.*

D27(e)(iv) Traffic Management Plan: This should read: *queue monitoring, background travel counts on the Pacific Highway, Tweed Valley Way, and Wooyung Road and vehicle volumes at the Yelgun Interchange.* (This is needed because Wooyung Road gets significant use as a route to and from the site, and traffic in Tweed Shire is duly affected.)

D27(f) Traffic Management Plan: This should be added: *contain procedures and protocols for preventing pedestrian festival-goers from entering and leaving the grounds at Tweed Valley Way and on Wooyung Road, including monitoring and reporting of pedestrians throughout festival operation.*

D27(g) Traffic Management Plan: This should be added: *contain procedures and protocols for preventing vehicle parking along Tweed Valley Way and Wooyung Road, including monitoring and reporting of vehicle parking along both roads.*

D29(b) Traffic Control Plan: This should read: *be submitted to the Local Traffic Committee for endorsement and submitted to Byron Council and Tweed Council for approval.* (This is needed because Wooyung Road gets significant use as a route to and from the site, and traffic in Tweed Shire is duly affected.)

D30 Hours of Operation: A clause should be added that prohibits amplified music of any kind after midnight, including the use of speakers at bars, cafes, and dance floors. The initial approval for this venue stated: “The Commission accepted the proponent’s operational requirement that some level of music is required after midnight to allow a gradual dispersal of patrons....” The Commission imposed noise limits of background+5dB for this “after-hours” noise. However, when background+ was abandoned and the noise limits were raised, the limits from midnight to 2AM were increased. The experience of the trial has shown that the use of amplified music at bars, cafes, and dance floors is primarily for the purpose of extending the operating hours, not to facilitate crowd dispersal.

D31 Operational Noise Limits: The noise criteria that were allowed by MOD3 of the Project Approval are still inadequate. Many residents are still disturbed by the noise because the area is so very quiet to begin with. In the first few years, when they called to complain, they were told that the noise was within the allowable limits—not a helpful response when they were unable to sleep. Eventually, many people gave up calling in complaints although the noise was still disturbing. “What good does it do to complain?” was the thinking. A good start would be to lower all the A-weighted and C-weighted noise limits by 5-10dB.

D32 Amending the Noise Limits: Problems have existed from the beginning with the Noise Impact Reports that Parklands has submitted with the help of the consultants they employ. Past submissions have detailed numerous problems with the monitoring that has been done by those employed consultants. Additional monitoring is needed in future that is done by a neutral party, such as Byron Council. So this condition should read: *The Planning Secretary may amend the noise limits imposed under Condition D31 for future events after considering the results of the Noise Impact Report required by Condition D48 or any other relevant noise report that Council may provide to the Secretary.*

D33 Noise Management Plan: Parklands’ self-monitoring of noise has been problematic from the beginning, as has been documented in RWG documents and in numerous submissions to the Department. These revisions should be made to the conditions:

D33(d)(ii): *includes a program for monitoring noise at each monitoring location before, during, and after each event, with the locations to include key points in Billinudgel Nature Reserve and the dwellings of all sensitive receivers who do not have “neighbourhood agreements” with Parklands.*

D33(d)(iii): *includes additional monitoring that is paid for by Parklands but is done by engineers who are unconnected to Parklands and who report to Byron Council and the DOP rather than Parklands.*

D33(f): The terms “*procedure for implementing noise mitigation measures*” and “*non-compliance*” are too vague to serve as effective conditions.

The first part of this condition should read: “*include a procedure for implementing noise mitigation measures, such a double-glazing or insulation or other comparable*

measures on a dwelling, in consultation with the homeowner..." (Such specificity is needed in the consent conditions because noise mitigation, if required, should not be left up to the discretion and judgment of the applicant. The affected homeowner should play an integral role in deciding what needs to be done.)

The term *non-compliance* should be clearly defined here as *any non-compliance with the established noise limits during any of the hours that a festival is in operation*. (We note that the existing approval requires specifying "measures to be undertaken if any non-compliance is detected" so our recommended revision is in line with the trial approval but provides more specificity.)

D33(g): *include the program for monitoring that is required under condition D33(d)(iii).*

Note: These suggested revisions are to ensure that key details from consent conditions C16 and C18 from the original Project Approval are included here to protect the sensitive receivers who have not signed "noise agreements" with Parklands. The sensitive receivers (including Billinudgel Nature Reserve) should be identified in the conditions.

D35(c)(ii) Social Impact Management Plan: This should read: *anti-social behaviour, noise, access to housing, and effects of public infrastructure and services in South Golden Beach, Ocean Shores North, New Brighton, Ocean Shores, Billinudgel, and other nearby communities.*

(These specific impacts also affect the communities near to South Golden Beach, and they should also be acknowledged in the conditions.)

D35(c)(iii) Social Impact Management Plan: This should read: *noise at Wooyung, Yelgun, Crabbes Creek, Mooball, and other hamlets within a 10km radius of the site.*

(Wooyung and Yelgun are not the only residential areas to the north and west of the site that are affected by festival noise. Consideration should be given to all the affected areas.)

D36(a) Social Impact Management Plan: Local council should have significant impact into the Social Impact Management Plan. This condition should read: *not carry out a medium or large event until the Social Management Plan required by Condition D35 is approved by Byron Council and the Planning Secretary.*

D38(c) Koala Plan of Management: To achieve a full picture of Koala behaviour in this sensitive area, Koala monitoring at Parklands should be done in collaboration with OEH koala monitoring in Billinudgel Nature Reserve and should take into account sightings of Koalas in the area reported to Byron Council and OEH/NPWS. This condition should read: *include a detailed procedure for detecting and managing koalas within the securely fenced precinct during an outdoor event, coordinating the procedure with OEH koala monitoring and taking into account other sightings of koalas in the immediate vicinity...*

D39(a) Flora and Fauna Plan: This condition makes no reference to the KPIs that the OEH asked for in 2013 and no reference to the KPIs created in 2015 with the help of OEH. Parklands' past Performance Reports also make no mention of any KPIs related to flora and

fauna monitoring. In addition, significant criticisms of the ecological monitoring to date were raised in several submissions to the DOP. All appear to have been ignored. This lax monitoring should not be allowed to continue. An independent ecologist needs to be commissioned to be involved in planning the flora and fauna monitoring on the site and in overseeing its execution. This condition should read: *be prepared in consultation with the OEH and with at least one qualified, experienced ecologist who is not connected to Parklands.*

D46 and 47 Waste Management: See the comments above regarding waste management conditions.

D48 Noise Impact Report: The Secretary should not have to request a Noise Impact Report, as has been the case during the trial. That report should be generated as a matter of course. This condition should read: *Within two months of the conclusion of each bump-out period for any event with over 5,000 attendees, the Applicant must submit a Noise Impact Report detailing the results of the noise monitoring required under Condition D33.*

D49 Patron Numbers: The words *and to Byron Council* should be added following *to the Planning Secretary* so that Council is informed of the same information about patron numbers.

E4-E9 Compliance Notification and Reporting

The Department is recommending self-monitoring and self-reporting of compliance with the consent conditions, which is not prudent as the only way to ensure compliance with the conditions. Independent monitoring by Council, funded by Parklands, is also needed. Council should not be pushed aside as it has been during the trial, and the community needs to have its local authorities fully aware of the issues they face.

E10 Independent Audit: The development has many critical aspects—too many for the self-monitoring that is being recommended in this approval to go on without an annual independent check on that self-monitoring. This condition should read: *Within 12 months of the date of this consent and every year thereafter, the Proponent must carry out an Independent Audit of the development...*

Mitigation Measures (Table 2 of Document 3, Recommended Instrument of Modification):

EH&S Management:

- 6th bullet point: (Notify the Department of breaches or exceedances to established limits.)

Such notifications should be made public by the DOP so that the surrounding community is aware of the breaches and exceedances that Parklands discovers. Also, besides the self-monitoring that Parklands may be expected to do, strict compliance oversight must also be provided by experts and agencies that are not connected to Parklands.

- 7th bullet point: (RWG)

A key issue is that the RWG chair should be accountable to the DOP, which is supposed to be the recipient of the group's advice. The current chairman was appointed by Parklands and has been controlled by Parklands. If approval is granted, that should change. The term "independent chair" should be clearly defined in terms of the individual's selection and responsibilities and the entity to whom the individual reports. If the RWG chair continues being an extension of Parklands, the RWG's credibility will continue to be at stake. (This can be addressed by revising D18 as indicated above.)

Noise and vibration

- Provision needs to be made for noise monitoring that's independent of the monitoring done by Parklands' paid consultants. As we have seen in the past, qualified noise engineers commissioned by sensitive receivers have recorded breaches that were not noted by Parklands' paid noise consultants. But ordinary residents should not have to pay out of pocket to provide a check on the Parklands monitoring. Byron Council should be able to conduct its own monitoring, using a qualified engineer that is not associated with Parklands, and should have that monitoring accepted by the Department's compliance division. The DOP should accept the results of such adjunct monitoring in order to get a fuller picture of the noise impacts. (This can be addressed by revising D33 as indicated above.)

Visual and Lighting

- Parklands needs to commit to eliminating search lights and laser lights from the site at all times. Both have been recurring problems across multiple festivals.

Ecology

- See suggested revisions to D39 above.

Heritage

The IPC hearing on 10 Dec 2018 revealed that traditional custodians of the land had not been consulted about any of the proposed actions. That oversight should be rectified before any further approvals are considered.

Social and Economics

- 2nd bullet: How does Parklands proposed Community Engagement Plan relate to the Community Consultation Plan described in D20? This should be made clear here.
- 7th bullet: The existing environmental representative, community advocate, and community manager are uncomfortably close to the owners and managers of Parklands. They function as advocates for Parklands rather than as conduits bringing information from the community to Parklands and the authorities. Their credibility is not high within substantial segments of the community who have given up trying to deal with them. This

cozy relationship needs to change. Ideally, a neutral party, such as a council staff member, should be the designated community liaison, funded by Parklands but accountable to Council's GM and the elected councillors.

- 12th bullet (dollar contributions to Council): See A21(b) above.

We trust that you will give serious consideration to our comments and recommendations regarding this proposal.

Yours sincerely,

Angela Dunlop

Secretary, Community Alliance for Byron Shire Inc (CABS)

On behalf of CABS Executive and member groups listed below:

Bangalow Progress Association

Brunswick Foreshore Protection Group

Brunswick Heads Progress Association

Butler Street Community Network Inc.

Byron Bird Buddies

Byron Environment Centre

Byron Resident's Group

Conservation of North Ocean Shores Inc.

Main Arm Resident's & Ratepayer's Association

Middle Pocket/Yelgun Association

Mullumbimby Resident's Association

Saddle Ridge Local Area Management Planning Association

South Golden Beach Community Association Inc.

Suffolk Park Progress Association

Sunrise Progress Association