

To: Independent Planning Commission
From: Ford Newbold
Date: 3 January 2019
RE: North Byron Parklands SSD 8169 and Concept Plan MOD3

I object to this proposed development for several reasons.

1. My first point is that this development never should have been given the approvals it's received from the state. In 2008, over strong objections from people in the north of the shire, Byron Council approved a one-off Splendour in the Grass festival on the Parklands property. That approval was declared invalid by the Land and Environment Court in 2009 because the approval ignored Council's own zoning restrictions. The property owners then applied to the state for assessment of a much more extensive, multi-event proposal under Part 3A. I was astounded when the 2012 PAC chose to bypass the Court ruling and approve the proposal.

From then on, the state has consistently supported this development over ongoing objections from a great many people in the shire and in spite of the many negative impacts that are caused by the festivals. And here we are again...this time facing permanent approval from the state. It's really outrageous that the strong voices of so many directly-affected locals have been so consistently ignored. And this has been happening while the elected officials at the state level have been braying about how important it is to return decision-making power to local authorities. In fact, the existing trial approval states that control of the development is supposed to be returned to Council at the end of the trial period. Why is the Department not recommending this?

2. My second point is that as the existing approval states, any post-trial approvals under Part 4 are supposed to take performance during the trial into account. I hope you realise that many aspects of that performance have not adhered to the consent conditions.

For example, before the end of the trial, Parklands is supposed to have constructed an on-site sewage/wastewater treatment plant, but that is nowhere to be seen. Instead, they got Council's approval to put in some composting toilets. Voila! An important consent condition has now been completely ignored. The proposed plan is to bury or spray all the toilet waste and other wastewater on the site, a scheme that is highly questionable, according to GHD, the independent reviewer of the wastewater plans. Both Byron and Tweed shires have major concerns with the wastewater disposal plans AND on where the sprayed waste will end up as it works its way along the drains and onto adjacent properties, including sensitive ecological areas.

For another example, the ecological monitoring has not yielded valid and reliable data, so there is no way to conclude that the development has had no ecological impacts. The fact that Parklands keeps asserting "no impacts" does not mean it's true. The fact is, as respected ecologists have stated in several previous submissions, the monitoring was too poorly designed and executed to yield useful data. This has been one of the major issues all along with this development: allowing tens of thousands of people and vehicles immediately next to a critical Wildlife Corridor, Nature Reserve, and SEPP wetlands. A great deal of public money was spent establishing those protected areas. We should be doing everything in our power to continue that protection and enhance it, yet the Department seems oblivious to the

ecological issues, fully accepting Parklands' faulty monitoring and their repeated assurances that there are no impacts or that the minimal impacts can be "managed"—assertions that are not supported by the evidence.

Some aspects of performance during the trial have been sub-par and sometimes have been horrifically bad—as when festival goers are stranded without transport on site for 5-6 hours at a stretch or multiple households in numerous neighborhoods can't sleep because of the noise. My own neighbourhood is overrun with illegal campers during festivals (documented festival-goers sleeping in their cars and leaving trash all over the street). Also, hundreds of people are caught with illegal drugs on site at each and every festival—when the police aren't even able to check everyone entering the grounds because there are just too many attendees and too few police. The two deaths that have occurred so far on site will not be the last if this development is allowed to continue. The NSW Police have regularly expressed grave concerns about the safety of attendees, citing the widespread presence of drugs on site, poor security, inadequate emergency evacuation measures, and more and have questioned the wisdom of increasing the scale of the festivals.

I also point to the abysmal job the Department has done in monitoring compliance with the consent conditions. A good bit of monitoring has been done by locals who have observed and kept records of many breaches and who have paid out of pocket for professional monitoring as a check on Parklands' self-monitoring. It has been an ongoing frustration to find the Department so lax in its oversight, so willing to overlook so much. It is also very frustrating for locals to send concerns about the development directly to the Department and not even receive the courtesy of a reply. We can't engage our Council, either, because Council has been kept at arm's length during the entire trial and tells us they have no authority to deal with our concerns about Parklands. Our ongoing concerns about traffic, noise, environmental impacts, pollution (cars, people, massive generators), and numerous off-site impacts on our amenity are all brushed aside or listed in reports with the notation that this will all be "managed" in future as per a "continuous improvement" model of operation.

The Department has ignored the breaches of the consent conditions and is now recommending an INCREASE in the number and scale of festivals. Their strong support for this development, in the face of so many obvious performance problems and issues, is truly astounding.

3. This quiet, residential area is not the right place for the tourist development that's being proposed. We could perhaps put up with one festival a year, but if you approve this, the north of the shire will become a Sydney-sized festival precinct, with ongoing activity either from festivals or the conference centre/bar/hotel all year round. We do not need a Centennial Park in this shire! We have 2 million+ tourists come to the shire every year, and we have dozens of festivals on a smaller scale that engage locals and attract tourists. The owners of Parklands want to cash in on the draw of the Byron brand, but festival fans will go where the festivals are operated, as we've seen in the past. The state should guide these festivals to relocate to other places that could genuinely benefit from increased tourism. Byron Shire, already heavily dependent on tourism, does not need the massive increases in tourists that these festivals bring.

4. I strongly object to the concept of permanent approval for this development. For one thing, the proposal and the Department's Assessment Report do not specify what events will be held on the site, leaving us in the dark as to what is actually being

approved. (Splendour and Falls are commonly mentioned as the festivals that will be operated on the site. However, Live Nation, which holds controlling interest in those two events, does not have an ownership stake in Parklands, according to Parklands. They could take those festivals anywhere. The bottom line is that we don't know just what the operators are planning to do if they receive permanent approval.)

Also, the sought-after permanent approval means that even if many things were to go wrong at an event, it would still have permission to continue operating year after year. A much better arrangement would be for events to be required to obtain an operating licence from Council that could be renewed annually only if past performance had met Council-set expectations. This kind of licencing arrangement was recently recommended by the expert panel that published the NSW-commissioned report *Keeping People Safe At Music Festivals*. With the drug charges and drug-related deaths that occur regularly at music festivals, requiring each festival to acquire an operating licence seems quite reasonable. This is how festivals are managed at the big venues in Sydney.

5. The Department has agreed that because the applicants will “investing” millions, the development is worthy of “state significant” status. However, the money is going to construct on-site roads, on-site stages, and on-site conveniences for festival goers. None of this helps our community or the region. This development is not state significant in the way that a hospital, a research facility, a university campus, or social housing would be. It's extremely frustrating that the applicants have been accorded SSD status for “investment” that will benefit primarily the festival promoters and Live Nation, the overseas company that owns 51% of Splendour and Falls—and may own 100% of other events that are to be operated on the site. In what way is this significant for the state of NSW?

Also, I'd like to point out that the state-significant status of Parklands is based on its expectation of spending about \$40 million in the site. Put that up against the more than \$3 billion that area residents have collectively invested in their properties. Approximately 10,000 people live in Brunswick Heads, Ocean Shores, New Brighton, and South Golden Beach. Assuming 1 property for every 2-3 people, that's approximately 4,000 dwellings in those four communities. With an average property price of \$750,000, that's approximately \$3 billion. This does not include the surrounding farmland or any of the businesses in those communities. If those are added to the mix, the total would far exceed \$3 billion. From my point of view, the investments made by residents, businesses, and farmers in this area are far more significant to the state than Parklands' investments in its property, and it's wrong for the substantial investments of those residents, businesses, and farmers to be adversely affected by such an unsuitable development just because technically it can meet the criterion for SSD status.

6. This shire as a whole has fewer than 32,000 residents. So a large festival at Parklands brings in as many or more people than the entire shire population. This is taking its toll on us, and it will get far worse with the proposed increase in numbers of events, numbers of days per event, and frequency of festival occurrence. Our basic quality of life is being affected now and stands to be affected more severely. I do not want to live in a place where my life revolves around festivals, and that's what will happen if you approve this proposal.