

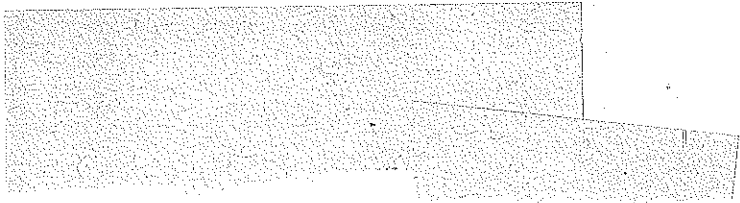
To: Major Projects, NSW Department of Planning
From: The Coalition for Festival Sanity (Byron Shire)
Re: Submission regarding Project Application and Concept Plan 09-0028
“Cultural Events Site at Yelgun”
Date: 18 November 2010

The Coalition for Festival Sanity (CFFS) is a Byron Shire group that includes representatives from several community associations. We have worked together to review the proposal and prepare this group submission in response.

First, we would like to point out our concern that we have had only six weeks to read, interpret, and digest the information contained in the 2,205 pages of the Environmental Assessment (EA). In fact, that has proved impossible, even for a group of knowledgeable and dedicated individuals. We have devoted as much time as possible to this, but we feel that we have only scratched the surface and have not been able to respond to every aspect of the proposal. We also feel that we need expert opinion to answer a great number of outstanding questions, but our time has run out.

Second, we point out that we have found all sections of the EA to be filled with inconsistencies, confusions, omitted information, and claims that are not adequately supported with clear, realistic assumptions and data. We have detailed as many of these issues as possible in the short time available to us but are quite sure that we have not covered all that need to be addressed.

Third, we note that in several instances, relevant information about a topic is scattered across several sections of the report so that only those who have read all the pages will have a reasonably complete picture of what is being proposed. For example, critical details of traffic management and flow during a flood emergency are contained in Technical Paper W1 (Evacuation Flood Assessment) but are not mentioned in Technical Paper C1 (Traffic Impact Assessment) even though they are relevant to traffic impacts. Also, proposed bonfires are not mentioned in Technical Paper L (Bushfire Hazard Assessment) but are mentioned in passing in Technical Paper E (Ecological Assessment). This would not be a problem if the document had contained cross-referencing, but it does not. Those individuals and agencies that are concerned with traffic or bonfires (and other issues) may not even realise that they should be looking at more than one Technical Paper. There does not appear to be a concerted effort in the EA to synthesize details across the many technical papers so as to present a fully integrated picture of intentions and implications. A very general synthesis, without details, is provided in the EA's introductory pages, but the details in the Technical Papers are critical to understanding the proposal.



NOTE: Please do not publish my name and contact information when this submission is posted on the NSW Department of Planning website. The members of CFFS want the submission to come from the group, not any one individual.

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Summary of Key Concerns

- Key features of the proposal do not align with Byron Shire Council's Events Policy, Byron Shire Council's Tourism Management Plan, the May 2009 decision of the NSW Land and Environment Court with regard to a related proposal, and other key government policies, regulations, and findings. Furthermore, it does not clearly meet the criteria for a Part 3A Major Project, especially in terms of deliverable economic benefits.
- The proposed development will have substantial negative impacts on the ecology of Billinudgel Nature Reserve and the adjacent Wildlife Corridor, prime biodiversity assets of New South Wales with a long history of strict state and local government protection.
- The proposed development will have substantial negative impacts on the local community, especially the residential communities nearest the site. The traffic, crowds, noise and other significant disturbances will be unacceptably disruptive, interfering with residents' existing use of their properties and posing health and safety risks.
- Proposed solutions to traffic snarls, bushfire risks, flash floods, noise disturbance, and other such issues are consistently impractical, inadequate, and/or unenforceable. The proposed "management" includes questionable strategies for responding to problems and crises when they arise and often shows little understanding of the local area. The great number of unknowns and uncertainties reveal a serious lack of careful forethought about quite a number of issues.
- Because of the applicants' inadequate consultation, the community learned of many specific details of this proposal only when the Department of Planning put it on public exhibition on 7 October 2010. And many critical details are omitted from the EA. Those who would be most affected by the development do not know what to expect with regard to a number of specific issues.
- It is not clear that the applicants have undertaken appropriate consultation with relevant agencies concerning the proposal. Mentioned consultations appear to relate to two now-defunct proposals, but the nature and scale of those earlier proposals were so different to this one that consultations regarding the earlier proposals are not relevant here. In several cases, it appears that relevant agencies were not consulted about plans in the current proposal that call for their direct involvement.
- The overall concept of a year-round site for events such as large music festivals is inappropriate for the location. The development is by no means necessary to the shire and should not be foisted upon it. The applicants should find another suitable site in NSW for their venture.

Specific comments follow, organised according to different Technical Papers of the EA. As noted above, the details of the proposal are critical, and that's what we focused on.

Response from CFFS to Technical Paper B: Economic Impact Assessment

- A key assumption here is that the proponents will actually be able to stage the many events that they claim they will be staging on their site. Mat Morris, one of the proponents, stated: "Splendour in the Grass is the only confirmed event that will definitely take place, however we envisage that in the following years we would be able to secure one or two other events for the venue" (<http://www.abc.net.au/news/stories/2010/10/29/3051966.htm>). Thus, it is by no means certain that the proponents will actually be able to deliver on the many economic promises made in this Technical Paper.

Their unsupported claims of economic benefits are comparable to any hopeful financial estimates: They sound great, especially when increased with multipliers, but unless they are firmly grounded in reality, they cannot be taken seriously. In fact, the applicants' estimates of benefits should be completely recalculated, using the *one* known event as the base: Splendour in the Grass (SITG).

- To claim 210 permanent jobs and a net economic benefit of \$192m over five years of operations using economic modelling requires details about the modelling program utilised by the consultancy and proof of authenticity of figures that were fed into the program. These are not stated, except for some very general assumptions that are not directly relevant to the site in question. For example, expected expenditures are derived from average visitor expenditures in Byron Bay and in the Northern Rivers region, not known expenditures from specific events on the site in question or even from specific SITG events (p. 20/37). Also, to claim net benefit using figures that return an outcome which in truth amounts to a form of gross product is not a true indicator of net benefit. Furthermore, this modeling is not based on the reality that they have only *one* confirmed event on their calendar.

- The economic benefit claim requires but lacks comparison and peer assessment and criticism of the economic modelling program/calculations used by the consultants. For example, as stated on page 28/45, "regional multipliers ... have been adjusted based on Byron Shire's economic base, including industry capacity and activity and well as household expenditure by industry sector." What were the initial figures that were then adjusted? What year/years do the initial figures represent? What exact "adjustments" were made to the initial figures? What assumptions were used in making the adjustments? And what relevancy do figures on household expenditure have for estimating how much money these promoters will be bringing to the local area, the region, and the state? The reasoning should be much clearer than it is, and the calculations should be based on the assumption of only one event per year.

- The economic benefit claim requires but lacks an appropriately detailed analysis of the actual net benefit to specific governmental areas, i.e., specific to National, State and Local net benefit. The benefits stated for these entities in the Benefit Assessment (Section 4) are confusing and unsupported. For example, the writer states that Byron Shire will have a "nett benefit of approximately \$6 million ... in the first year of operation". (How the figure was derived is not explained.)

In the next section, the writer claims a "nett benefit of approximately \$9 million to the Northern Rivers regional economy". (Does that \$9 million include the \$6 already noted

for the shire? Or is this an *additional* \$9 million for the region beyond the \$6 million for the shire?) In the next section is the claim that the state will have a "nett benefit of approximately \$8.1 million" in the first year. (How does this relate to the previously-mentioned \$6 million and \$9 million?) All of these estimates are based on pie-in-the-sky assumptions about four major events a year and other, smaller events. All must be recalculated to reflect the existing reality of only *one* event per year.

- To assess net national economic benefit, consideration must be given to the percentage of international visitor (income) attendees as against percentage of international performers (loss). It is our estimation that the percentage of international attendees is just 1% as against the percentage of international performers estimated at 30%. This means considerable net loss. The actual figures require further and thorough investigation by the state with specific input provided by the applicants.

- In order to fully justify the applicants being assessed under Part 3A, there must be a comprehensive and proper analysis of economic benefit to the State of NSW and a comprehensive and thorough assessment and subsequent justification of job creation as a direct result of the project in question. Within the body of the DA available for scrutiny we see no evidence of any quantifiable research data beyond a leap of blind faith in one consultancy's economic modelling without any information on the modelling program/calculations or the input data and only very general statements about assumptions. The assumption that the applicants will be able to create the jobs they promise is especially questionable, given that they have no specific, confirmed plans for any activity beyond one music festival.

- To assess true net State economic benefit there needs to be a division of percentage of attendees from NSW as against attendees from interstate. There needs to be a division of percentage of commercial operators between those that reside and pay taxes in NSW and those that reside and pay taxes interstate. There needs to be a division by percentage of performers that reside and pay taxes in NSW and those that reside and pay taxes interstate.

Our estimate of the percentage of attendees is that about 60% are from interstate and 40% from NSW, which gives a net gain in ticket sales. Our estimation of the percentage of commercial operators is about the same. However, the actual net gain derived from commercial operators undertaking commercial operations within the festival site is likely to be further negated by the location and ownership of those businesses from where the products are sourced (i.e, imports from overseas and interstate). The percentage of State-based performers will be around 25% based on the diminished percentage of Australian performers after taking into consideration that 30% of acts would be international. The actual figures require further and thorough investigation by the state with specific input provided by the applicants.

- To assess the true net Local economic benefit the same divisions and investigations need to be applied as per State.

- In properly assessing the net economic benefit to the state it is vital to know not only the number of attendees at each specific, confirmed festival or other event but also the

demographic of those attendees. For example, the one known festival that will be held if the proposal is approved, SITG, attracts a demographic of very young attendees who would spend an estimated 50% of their money on alcohol and other mostly illicit substances and a very low percentage on hotel accommodation uptake. By comparison, the Council-approved Bluesfest attracts a wider demographic which results in a greater percentage of accommodation uptake. No assessment of this sort appears to have been undertaken by the applicants (presumably because they have no other events lined up), and once again no information is given on inputs into the modelling. Further analysis is required of demographic attendance and expected net outcomes as a result of the differences noted here.

- As an extension of and related to, the last point, consideration of any net economic benefit analysis must be given to the economic losses incurred due to negative social impact and negative health effects from both alcohol and drug intake by attendees and social impact on local residents. Consideration must be given to the what-if alternatives to spending money on goods that produce negative health and social outcomes. For example, what if that money had been spent within the State of NSW on entertainment where alcohol was not sold? Further analysis regarding losses on correcting negative health and social outcomes is required for the known SITG festival and all the other major and moderate events the proponents claim they will hold.

Also important to consider is the business lost to local firms because of residents' decisions to stay home or go out of town during festivals to avoid crowds and traffic snarls, thereby reducing the business that local firms get from their regular customers. Many of these losses will not be made up by increased business from festival goers, especially since so many goods and services are to be provided by the applicants on their site and since many of the businesses frequented by local regulars will not be patronised by festival goers.

- Byron Bay has been identified as a prime location for attracting international and national tourism. While the economic benefits of attracting young party goers and backpackers to the area have been identified, an effort has simultaneously been undertaken to attract a greater number of high-end tourists and to maintain and increase the flow of families that visit and stay in the area. We note, for example, Byron Shire's Tourism Management Plan of 2009 that has as a main goal overcoming the party image of the shire.

There is one very obvious outcome of dramatically increasing the numbers of young partygoers to an area and that is the loss of the high-end and family markets. This loss can already be seen in the recent closing down of the long established and popular Dish restaurant in Byron Bay after being bought out by the youth-oriented Cheeky Monkeys nightclub.

The approval of this proposal will result in a quantifiable shift in the demographic of tourist visitors to the region. This will have particularly negative effects on Brunswick Heads, which has traditionally been the center of family tourism in the Shire. Further investigation is required into the possible/likely negative effects on high-end and family tourism if approval is given.

- There is no evidence of the economic impact on housing values having been considered by this Economic Impact Assessment. We estimate that approval of this

development will result in a twin negative effect on housing values and net economic benefit to the State.

Firstly, approval will result in loss of amenity because of noise, crowds, increased traffic, and abuse of public places and infrastructure. Secondly, approval will lead to a highly significant increase in holiday letting, where the norm in such cases is for houses to be let to large groups of festival attendees. This has a negative impact on available permanent rental stocks and leads to further loss of neighbourhood amenity and community cohesion. Holiday letting is known to lead to higher percentages of interstate house owners and losses of permanent residents, leading to a net economic loss to the state and the shire.

It must be noted that a change in demographics within a locality will also lead to a change in the nature of goods sold. In fact, it can be expected that traditional businesses will lose income to those catering for short-term partygoers. High business turnover and dislocation amongst residents in addition to loss of amenity are also likely to result and generate a likely net economic loss. This, in turn, will impact both the local community and net State economic benefit. We believe that while some permanent jobs will probably be created, the claims made by the applicants through their consultants are likely to be highly exaggerated and in any case do not include the jobs that will be lost as a result of the change in demographics.

Another clear risk is that manufacture and sales of illicit drugs in the area are very likely to increase if this proposal is approved. The applicants will probably not engage in such activity (they focus on alcohol sales), but opportunistic dealers will almost surely move into the area to take advantage of increasingly high concentrations of party goers. This, too, will ultimately result in a net economic loss to the area as higher percentages of disposable income go to drug manufacturers and dealers rather than to legitimate businesses.

In sum, it is our view that the economic benefit analysis undertaken by the applicants is woefully short on both broad economic considerations and on the critical specific details referred to above. Importantly, the consultants would appear to have grossly exaggerated the job creation numbers. Their findings are not credible when taking into account the absence of considerations and flow-on effects noted above, even if it is accepted that the economic modelling is sound within its limitations. Of particular concern is the absence of any detail about the specific festivals other than SITG that the proponents claim they will be staging.

Also, much analysis done by consultants on behalf of paying clients has a tendency to reflect the desired outcomes of the clients. For this reason, independent consultants must review this Technical Paper, taking into consideration all of the above mentioned issues. A fair, comprehensive, and independent assessment of the true economic benefit or otherwise of this proposal is needed, including modelling based on the assumption of only one festival per year. Economic cons as well as pros must also be considered.

We believe that without an independent assessment based on the assumption of one festival per year, the proposal cannot legitimately be accepted as meeting the requirements of Part 3A Planning legislation. Such an independent assessment is also vital for the future health and social well being of the local community as well as the economic benefits.

Response from CFFS to Technical Paper C1: Traffic Impact Assessment

The proposed NBSP development will have negative impacts on the functionality and viability of the local road network. The Pacific Highway is a road of national significance; Tweed Valley Way/ Brunswick Valley Way is a road of regional/local significance. The Yelgun interchange of the Pacific Highway is also a critical feature, given that it is identified as the major limiting factor to the amount of traffic that can be safely handled by events at the site.

p vii/68, Road network

The proposal states: "The road network [surrounding the site] currently has spare capacity." The new Pacific Highway may have spare capacity, but the key road in question is the two-lane bitumen road known as Tweed Valley Way/Brunswick Valley Way, and that does not have spare capacity. Nor does the unpaved Jones Road that bisects the property.

p vii/68, Community survey

A survey from 2007 regarding festival-goers' transportation is not relevant to this proposal. The SITG festival at that time was much smaller than the current proposal calls for and was located in a different place altogether.

p. ix/70, Traffic impact

Regarding the Yelgun interchange capacity, the proponents claim to have calculated "limits on the amount of traffic generated by the site". However, these are estimates only, based on a much smaller festival that was held in 2007. It is not at all certain that the assumptions from that festival will hold true for the much larger festivals proposed for Yelgun. In fact, because the Yelgun site is much more remote than Belongil Fields in Byron Bay (the 2007 site), it is likely that many more people will bring their own vehicles so as not to have to rely on shuttles or taxis.

Furthermore, it is unrealistic for the proponents to claim they can control the number of occupants in cars. People may or may not carpool; it is their choice. It is thus far better to underestimate the per-car occupancy and prepare for the worst than to assume a particular per-car occupancy target will be achieved.

p. x/71, Events at holiday times

A statement about "events held at Easter" deserves comment: In Byron Shire, the large BluesFest has been held at Easter for many years. It is inappropriate for another festival, even larger than BluesFest, to be held at the same time. The reference on this page to holding an event at Easter is thus alarming. Byron Shire cannot cope with two major music festivals held at the same time of year. On that same page is reference to events held during the Christmas holidays, end of university break, etc. These, too, are times that tourists pile into Byron Shire. The additional impacts at those times of major events with 30,000 - 50,000 people would make shire life unbearable.

To properly assess this proposal, the community needs to know the calendar of events. However, the proposed calendar is mostly of a very general nature (EA Section 3, Table 3.1), so it is impossible to tell just when they intend to stage various events. This

vagueness is in the applicants' interests but puts the community at a distinct disadvantage: what is being proposed, specifically, is not spelled out. The community do not even know for sure when the many proposed events would occur.

p. 1/72, section 1.1

As stated in this section, parts of the proposed development (the Spine Road connecting the two parts of the site) were deemed illegal by the Land and Environment Court in May 2009.

Specifically, the Court found that the proposed road, to be built in a 7(k) habitat zone, was integral to the proposed "place of assembly" and since that use is not allowed in a 7(k) habitat zone, Byron Shire Council's approval of the proposed development was declared "invalid and of no effect". It should be noted that the Court further cautioned these proponents about any future road building (see page 64 of this submission for details).

A related but equally important issue is the history of RTA involvement with this part of the site. In the late 1990s, the RTA was involved in planning the new Yelgun to Chinderah section of the Pacific Highway. At that time, they considered making use of an existing road corridor on the site, crossing Jones Road near Tweed Valley Way and thus cutting through the Marshalls Ridge Wildlife Corridor. However, investigation led them to realise the cultural and ecological significance of that corridor. As a result, they moved the location of the highway to the west, expressly to preserve the corridor from development. Their decision was based on the findings of the 1997 Cleland Commission of Inquiry concerning conflicting land uses in that area and on the protective zoning that resulted from that commission. It would not be appropriate now to allow the proposed development on the same site, which remains culturally and ecologically significant.

p. 2/73, Section 1.3

The proponents acknowledge the development has to overcome several issues:

a) "The limited number of access points to the site": These all are located along a 1km section of Tweed Valley Way and are only 1.3km from the closest freeway interchange (the Yelgun Interchange). Unless queue lengths are extremely limited, backed-up traffic will affect the function and safety of the interchange and thus the Pacific Highway as well as Tweed Valley Way.

b) "The limited number of public transport options". Currently, no established public transport serves the site. Low patron take-up of a shuttle bus option for a 70% capacity event (35,000 attendees) would mean 330 new bus trips per day to and from the site; 100% capacity (50,000 attendees) would mean 472 new bus trips to and from the site each day. A higher patron shuttle bus take-up rate would increase that to 546 and 780 new bus trips a day, respectively. Also, we note that the expected route times shown in 4.7 for these buses are wildly optimistic, given the level of traffic expected to be encountered the closer buses get to the event site.

c) "The remoteness of major townships to the site limits connections for pedestrians and cyclists". This is mentioned throughout, e.g. at 2.9.2 "there are no pedestrian facilities connecting these townships to the site". Yet in Table 3.2 it shows that for the

2007 SITG event in Byron Bay 31% of patrons walked to the site, implying that people would walk to the Yelgun site as well. Yet the winding, hilly Tweed Valley Way has no pedestrian walkway and is not at all conducive to walking.

The comprehensive cycle networks as described in 2.9.1 exist on paper only. Most of the roads mentioned have neither dedicated cycle lanes nor off-road cycle ways and are known to be dangerous to traverse. Even so, the maximum expected cyclist attendance is assumed to be 1%. That would be 500 cyclists (out of 50,000 patrons), yet the plans call for bike racks accommodating only 300 bicycles. Of course, it is quite optimistic to think even that many people would cycle to the site, but the proposed rack capacity does not match the expected numbers.

p. 74, Section 2.1, Existing situation

On page 74, the statement that the site is served by "public transport services" is misleading, suggesting that people will use a "connecting bus service" to get to the site. However, people cannot hop on a public bus at the Gold Coast or Ballina airport, or anywhere else, and go directly to the site. They will have to hire cars or arrange for charter buses. (This is noted on pp 23/94 - 24/95). Also, although the site is within cycling distance of nearby townships, as stated, the narrow two-lane roads are not safe for cycling, and it cannot be assumed that many people will arrive at the site on push bikes. And, as noted on page 27/98, attendees also cannot be expected to walk to and from the site.

p. 83, Section 2.6.1, Traffic volumes and seasonal variation

Traffic data and seasonal variations are from 2004 *before the opening of the Yelgun to Brunswick bypass*. The applicants acknowledge that "anecdotal evidence suggests that traffic increases in Brunswick Heads and surrounding suburbs over holiday periods" but claim that "the site is not located on the main tourist access to the Brunswick Heads area".

In truth, great numbers of southbound vehicles leave the Pacific Highway at the Yelgun Interchange to access the family-oriented tourist areas of North Ocean Shores, South Golden Beach, and New Brighton as well as Brunswick Heads. This well-used interchange will almost certainly be gridlocked by festival goers heading to NBSP, affecting this other, non-festival traffic.

p. 85, Section 2.6.1, Traffic data

Data from Minjungbal Drive in Tweed Heads South and Lismore/Byron Bay Road are not relevant to this proposal. Tables 2.6 and 2.7 show only the percentage of change in comparison to the average daily traffic, showing that traffic is fairly steady on those roads all year long. However, those roads are nowhere near Tweed Valley Way, are very different to Tweed Valley Way, and cannot be validly compared to Tweed Valley Way.

Also, what actually counts is the *volume* of traffic on Tweed Valley Way in comparison to the volume expected when festivals and festival-related activities are going on. For this analysis, Figure 2.11 on p 17/88 is instructive. Weekday and weekend averages of vehicles per hour on this two-lane road range from a handful of vehicles to just under 200. However, using the proponents' estimate of 3.2 people per car and the percentages in Table 3.2, we see that anywhere from 5,000 to 8,000 cars would be on Tweed Valley Way during major events (conservatively assuming that anywhere from 17,500 to 25,000 attendees were to arrive by car; the actual numbers could be much greater). These figures do not include the

additional traffic created by shuttle buses, taxis, and other cars, trucks, vans, campers, etc. on the road, including local traffic not associated with the festival.

The estimates of event traffic volume on Tweed Valley Way should not be assumed accurate, however. They are derived from a survey of "member subscribers" to which under 15% of the subscribers responded in 2007. And of these respondents, 34% did not even attend the festival that year. So these estimates are not trustworthy. In fact, it is a leap of faith to assume that the responses of these 3,330 people in 2007, with reference to their actions at Belongil Fields just outside Byron Bay, can accurately predict the behaviour of 50,000 people some years later at Yelgun.

More to the point are these comments posted on the Triple J website in August 2010, regarding travel to the SITG event that was held at Woodford in Queensland:

"Getting into the festival on Thursday took 6 hours from 4km out of Woodford to getting to our camp site. Leaving today at 8:15am we sat in the same spot for 2 hours and 10 minutes until someone knocked down a fence 100's of cars drove through a padock along a dirt road back to the main road."

(<http://www.abc.net.au/triplej/events/splendour/10/yourshout>)

The same is very likely to happen on Tweed Valley Way, as the proponents concede: "...queues of vehicles could block back from Tweed Valley Way, through the roundabout and affect the safety of vehicles using the Pacific Highway off-ramps" (p ix/70).

Significantly, the proponents have no way of controlling how many people will decide to drive to the site, so they cannot know for sure how many cars will be on the road before, during, and after events, impeding non-festival traffic. And their proposed traffic-easing solutions for the Yelgun interchange (p. ix/70) are not promising:

- > holding north-bound traffic on Brunswick Valley Way (affecting hundreds of people from getting in and out of Ocean Shores or proceeding to other destinations along this two-lane roadway)
- > holding traffic on the north-bound ramp of the Pacific Highway at the Yelgun interchange (also affecting non-festival drivers from going about their business and almost certainly causing back-ups on the Pacific Highway itself)
- > closing the north-bound ramp of the Pacific Highway at the Yelgun interchange and imposing a detour via the exit at Brunswick and Brunswick Valley Way (causing traffic back-ups further south of the site and affecting still more local traffic)

Furthermore, the plan to get people off the site at the end of the performances (p. ix/70) is not at all clear. Proponents claim that they will "divert northbound traffic along Tweed Valley Way, increasing the capacity of the site exits." What does this mean? The main road into and out of the site is *already* Tweed Valley Way, so what this says is that traffic will be *diverted* from Tweed Valley Way onto Tweed Valley Way. In what way will this "increase the capacity of the site exits"?

p. 87, Sections 2.6.3 and 2.6.4

These pages show that approximately 3,500 vehicles a day already pass the proposed site entrances (even more than implied by Table 2.11). The conclusion is that Tweed Valley

Way/Brunswick Valley Way is already an essential and busy local arterial road connecting the north of Byron Shire with the southern end of the Tweed Shire.

Traffic flow patterns show that the largest existing traffic flows occur on weekday afternoons and mornings with little daily variation in numbers. Friday afternoons and Monday mornings will see the largest flows to and from the proposed site—ordinarily the times of greatest traffic.

p. 99, Section 2.11

Whereis.com is used as the reference for expected travel times to and from the festival site for various towns and centres. These figures are questionable. For example, “21 minutes to Byron Bay” and “1hr 18 minutes to Casino” are very optimistic and significantly less than the times already experienced by locals to/from these destinations on ordinary days. Significantly, they take into consideration none of the expected additional traffic generated by the development and should thus be disregarded.

p. 99, Section 2.12

The document states there are no other local “proposed developments” that would impact on traffic flows in the area. However, an upgrade to the Ocean Shores Shopping Centre and a service station on Tweed Valley Way are both being planned. The results of both will increase traffic on Tweed Valley Way. In addition, numerous huge developments are taking place along the Tweed Coast, and the populations of South East Queensland and Tweed Shire are rapidly increasing. The people in these areas frequently travel to Byron Shire for work and entertainment purposes, and many prefer to use the coast road in Tweed Shire and connect to Tweed Valley Way in Byron Shire.

p. 100, Section 3.1.1

Online survey results from SITG 2007 (17,500 patrons) show that only 4% (600) of the attendees were from Byron Shire and only 17% of those (102) were from the 2483 postcode that contains the proposed festival site. Thus, the large majority of attendees come from out of town. Of the 17,500 surveyed in 2007:

- 71% came by car to Byron.
- 31% then walked to the site.
- 30% were from other areas of NSW.
- 49% were from Queensland.
- 21% stayed in “Apartments/Holiday Houses”
- 53% stayed in the town of Byron Bay

Using these percentages and expected attendance of 50,000 indicates that 35,500 visitors would come to the location by car.

Table 3.11 shows results of a survey asking what transport modes patrons would use to access a future event site. However, *How would you get to a future event?* is far too broad and open a question for use as evidence of what people would actually do to get to NBSP. Without respondents knowing the details of the event, including the location and the travel options, their responses must be considered unreliable and largely irrelevant to this proposal.

p. 34/105, Section 3.2 "Sustainable transport"

What other events do in order to decrease traffic is not relevant because the proponents do not intend to do these things on their proposed site. In fact, statements here are thus contradictory to the statements in the previous section. For example, on page 40/111, is reference to a "multimodal approach" (buses, charter coaches, taxis, cycling). However, cycling has already been rejected as viable alternative, and a local transport hub that would enable pedestrian traffic to the site does not exist. Woodford (SITG 2010) is serviced by a train station, and shuttle buses run a short distance to the festival site, but this is not an option at NBSP.

p. 40/111, Section 3.3, "Parking"

Applicants state here that patrons will be charged a premium for parking and will have restricted day parking, the assumption being that people will compliantly take taxis, pay for charter buses, or find some other way to get to the site. However, it is much more likely that people will park their cars as close to the site as they can get and walk in. That means cars parked all along Tweed Valley Way, Yelgun Road, at Wooyung and The Pocket, all through North Ocean Shores, etc. The claim that the promoters will "restrict on-street parking in the vicinity of Parklands" is naïve, as are the restrictions shown in Figure 4.6. Who will monitor this extensive area of streets to prevent festival goers from parking on them? Where will the monitors be placed? What authority will they have to issue fines and force people to move their cars along? Who will follow-up to ensure that the fines are paid? If attendees have left their cars in dangerous or inconvenient places, who will move them; who will pay for those moves; and where will the cars be moved to?

People will find ways around premium fees for parking, parking restrictions, and the promoters' urgings to "use public transportation". For example, if Tweed Valley Way and Yelgun Road are not strictly monitored, festival goers will ignore the restrictions and park there. Or they will simply park further west on Yelgun Road, further south on Tweed Valley Way, along Shara Blvd, in the streets of North Ocean Shores and South Golden Beach etc. Walking along the beach and through Billinudgel Nature Reserve to Jones Road will be a preferred option for many. Or they will use motorbikes in Billinudgel Nature Reserve. (Motorbikes are often ridden on Reserve trails, illegal though the action is.)

p. 113, Sections 4.1.3 and 4.1.4 "Duration" and "Frequency"

Larger events will run for longer than 3-4 festival days because of a 3 week "bump in" period and a 1 week "bump out". This will mean loss of amenity for residents for an extended period for *each* festival. Given the stated number of event days *and* the bump-in and bump-out days, and considering the character and usage and safety, perceived and real, of the local road network, we note that the area will be adversely affected *all year round*.

When the Pacific Highway upgrade in this area was completed, Tweed Valley Way/Brunswick Valley Way (the old highway) was designated for use by local traffic, including those non-festival tourists who visit the area throughout the year. The formerly heavy traffic volumes and the presence of heavy vehicles (trucks, etc.) were removed from this road by the upgrade and various bypasses. Bringing hundreds of trucks and buses and thousands of cars back onto this road is neither fair nor sustainable for the several thousand locals and visitors who already use the road every day.

p. 43/114, Section 4.1.7 "Emergency access"

A planned emergency access road in from Wooyung Road is flood prone and will result in much longer arrival times for emergency services. That's because this road is accessed only from the south via Tweed Valley Way (the road that will likely be blocked by festival traffic) or down the old coast road from the north. Taking either route will add long delays to arrival or evacuation of patrons or the arrival of services like fire fighting, SES etc.

NBSP claims that "emergency vehicles will bypass any queue of vehicles". However, Tweed Valley Way has many areas between the Yelgun interchange and the site entrances that are of minimum width and are bordered by concrete walls and wire rope barriers on both sides; "bypassing" is difficult to impossible. The potential for this route to be completely blocked is severe, and the consequences to emergency vehicles could easily be devastating.

p. 43/114, Section 4.1.8, "Resident access"

Here is stated: "Residents of Jones and Yelgun Road will be issued with passes and have to pass through checkpoints" to get in and out of their streets. This assumes that for many periods throughout the year these people will have no unexpected visitors (who are unaware of festivals), no need to dash out to get milk, no other unexpected travel needs or emergencies. This is ludicrous and unacceptable. The residents who would be subjected to such restrictions and inconveniences will (and do!) object most vigourously.

p. 43/114, Section 4.1.9, "Through traffic"

Here is stated that through traffic "will be able to bypass any queue of vehicles turning into site". This is a claim easily made but, as with the emergency access claims, any deviation from a perfect world (e.g., when traffic grinds to a halt) will be felt immediately and have major ramifications for the Yelgun Interchange and the Pacific Highway as well as Tweed Valley Way/Brunswick Valley Way.

p. 47/118, Section 4.3.4, "Jones Road"

The applicants propose to widen Jones Road to 6 metres and bitumen-seal it for 340 metres eastward, starting at intersection of Tweed Valley Way. This will cause major disturbances to the Marshalls Ridge Wildlife Corridor; unwarranted, unnecessary, and unwanted permanent changes to the nature of the road and adjacent farm lands will result.

p. 48/119, Section 4.4, "Internal circulation"

The proposed internal road speed is 30kmh. This is far too high through the sensitive wildlife corridors and land on which stock may be wandering.

The pivotal piece of internal road structure is the proposed Spine Road that would join the north and south sections of the proposed development. It would cross Jones Road, either at grade or through a "cut and fill" tunnel underneath, and would be between 6 and 9 metres wide. *This is the same road, in the same location, that was deemed illegal in a 7(k) habitat zone by the Land and Environment Court (see page 64 of this submission for details).*

p. 54/124, Section 4.5.2, "On-street parking"

The statement that "uncontrolled parking in the surrounding streets" ought to be "prevented" and that doing so will "enhance access for patrons who have parking within the venue" is in direct contradiction to what is stated on page 105, where it says the proponents

will *restrict* parking on site to encourage use of whatever public transportation might be available. *Which is it?*

Special event clear-ways are proposed to prevent parking in Yelgun and along Tweed Valley Way. Billinudgel Road is not mentioned although it is between the Yelgun Interchange and the proposed site. These local roads are used and needed by the local community. For example, Fastaways Couriers use Billinudgel Road as a meeting point for transfer of goods between drivers from the North to South, and parents park their cars on the road waiting for children to get off the school bus.

It is quite unreasonable for NBSP to impose on permanent residents the proposed restrictions because of a festival site the residents do not need and do not want.

p. 54/125, Section 4.5.3, "Drop-off/pick-up zone"

On page 125 is a confusing statement that "a drop-off zone has been established inside the site to actively manage this demand [for parking illegally outside the venue]". The question is, who will drop off whom? And where will the drivers then leave their cars before heading onto the festival grounds? Simply having a place to drop off passengers will not prevent people from parking off site!

p. 55/126, Section 4.7, "Event shuttle buses"

Event shuttle buses are proposed to operate only for festivals over 10,000 patrons. For smaller events, no other public transport options will be available. With private vehicles the only way to access the site, we should expect to see many thousands of cars on Tweed Valley Way/Brunswick Valley Way for what are described as "small" events. They may be small in comparison to events drawing 50,000 people, but thousands of cars will nevertheless be quite intrusive to the permanent residents and non-festival tourists in the area.

The numbers that are proposed to be moved by shuttle buses for larger events are staggering: 50 people per bus for 7,000 -10,000 patrons = 150-200 buses each way, per day. *That's 300 - 400 bus journeys along Tweed Valley Way per day, many times a year.* The presence of these large vehicles on the road will be highly intrusive in terms of noise and emissions as well as numbers.

p. 56/127, Section 4.8, "Cycling"

As previously established, the potential for cycling to the site is extremely limited. At best the figure is 1% of all patrons. The provision of 300 bike racks for a festival of 50,000 attendees shows the folly of even mentioning this transport mode as a way of limiting the traffic impacts expected for the proposed site.

p. 57/128, Section 4.10, "Non event activity"

It is stated: "During non event times the site may also be used for farming and the Spine Road used for farm vehicles". We note the use of the word *may*. In fact, the proposal has always relied upon the sham that the rest of the year the land will be used for farming. However, the scale and number of events belie this suggestion. The Spine Road clearly serves no purpose other than to facilitate movement on the proposed festival site. See comments on page 64 of this submission regarding the highly inappropriate characterisation of this Spine Road in this proposal.

p. 67/138, Section 5.13, "Estimated turn volumes"

Turn volumes from the Yelgun Interchange left onto the Tweed Valley way for expected peak arrival time 4-5pm Friday are as follows.

Moderate Event: 387 per hour (vph) or 1 every 9 seconds

70% capacity event (35,000): 803 vph or 1 every 4.5 seconds

100% capacity event (50,000): 1,148 vph or 1 every 3.1 seconds

Turn Volumes out Monday Morning 10-11am

Right turn from Tweed Valley Way back into Yelgun Interchange to Pacific Highway

Moderate event: 784 vph or 1 every 4.6 seconds

70% capacity event (35,000): 1,407 vph or 1 every 2.6 seconds

100% capacity event (50,000): 2,010 vph or 1 every 1.8 seconds

Ordinarily it takes, on average, 11 seconds to transit this intersection as stated in Table 2.7 (p 92), and this ordinary traffic typically flows through the intersection with little or no delay caused by other traffic. This 11-second time should be seen as the minimum safe time taken to exit onto Tweed Valley Way/Brunswick Valley Way. Claiming that during periods of heavy festival traffic, vehicles light and heavy will take on average less than half this time defies logic and strains belief!

At current numbers provided by Appendix A - The Tweed/Brunswick Valley Way Intersection and Interchange already have over 1000 vehicles passing an hour during peak times 3-30-4.30pm Friday afternoon, so adding this festival traffic will create enormous difficulties.

p. 73/144, Section 6.1.1, "Network capacity, Tweed Valley Way"

On this page is the statement "Current Level Of Service (LOS) for the Tweed and Brunswick valley ways is 'A' highest level". That means traffic is free flowing and levels of driver comfort and convenience is excellent.

Byron Shire Council predicts that the LOS will drop to 'C' by 2015 even without the proposed events site. LOS 'C' traffic is close to the limit of stable flow, approaching unstable flow. Drivers are not able to choose speed or manoeuvre within the traffic stream. Levels of driver comfort and convenience are perceived to be significantly lower.

With regard to this proposal, we see that LOS will drop considerably. For example, Moderate events will lead to an immediate drop in LOS to level 'C', and 70% capacity events will see the LOS level drop to 'D' by 2015. (LOS 'D' is described as "Close to the limit of stable flow approaching unstable (traffic jams). All drivers severely restricted in their ability to manoeuvre within the traffic stream. Small increases in traffic flow will cause operational problems."

For 100% capacity events: "The capacity of the Tweed Valley Way would be exceeded for the 2.5 car occupancy and low public transport mode share" (not an unreasonable scenario). That means the road ceases to function completely unless untried and unproved strategies like added bus usage or increased car sharing are implemented and actually work.

As expected non-festival site traffic increases (e.g., more residents using the roads, more non-festival tourists in the area), the local road network becomes even less viable. By

2030, car usage will have to be reduced by over half for the road to function at all during festival times. *This is not the mark of a "sustainable festival site".*

p. 147, Section 6.3, "Other road users"

A key proposed solution to the traffic problems caused by festival activity is for non-festival goers to "consider delaying their journey or using an alternate route to avoid the area", but this is quite unreasonable. Tweed Valley Way is an established, essential road for the day-to-day lives of Tweed and Byron Shire residents and the year-round non-festival tourist trade. It is the only viable route for the townships of Mooball, Burringbar, Crabbes Creek, Yelgun, Ocean Shores, and many other towns and hamlets in the area. This road is *the* service road for thousands of people. *An "alternative route" does not exist.*

p. 81/152, Section 6.4.4, "Yelgun Interchange"

The suggestion that closing off ramps on the Yelgun interchange will manage the traffic onto the site without adversely affecting the Pacific Highway is pure fantasy.

The proposed safe queueing distance of 97 metres along the southbound off ramp and 247 metres on the northbound ramp will take a matter of seconds to reach. Traffic will then quickly extend out onto the Pacific Highway, endangering lives and creating chaotic traffic delays.

Peak festival traffic volumes for the southbound ramp have cars exiting the highway at 6.8 second intervals for a 70% capacity event and at 4.8 second intervals for a 100% capacity event. 97 metres divided by 6 metres per car gives a time from no queue to maximum of 97m in 1.8 minutes for 70% and 1.2 minutes for 100% capacity events. (No explanation is given as why to cars will move faster as their numbers increase.)

Total length for the exit ramps is 450 metres southbound and 600 metres northbound.

Within 4 minutes of traffic unpredictably stopping at the Interchange roundabouts, the cars will be at the limit of the southbound ramp and backing onto the freeway and almost at the end of the northbound ramp onto the freeway.

To avoid this they propose to close the northbound off-ramp, which will force cars out onto the highway as not all will see the signs advising so, nor will they pay attention if their GPS says otherwise.

The proposal is then to direct traffic instead to use the Brunswick North exit and travel up Brunswick Valley Way, *where it has to pass the Yelgun interchange that is already not functioning due to the overwhelming traffic that led to the closing of the off-ramps.*

Proposed options also include blocking Tweed Valley Way to allow cars to exit the freeway, thus backing up traffic for non-festival goers who are trying to use the local road.

And all this is presented as going quite smoothly, with everything happening in minutes. No allowance is made for accidents, breakdowns, or other unforeseen situations. In a perfect world, perhaps, but plans for dealing with this amount of traffic should not start with perfect-world assumptions.

p. 87/158, Section 6.5.2, "Yelgun interchange capacity"

The applicants' own traffic modelling says that traffic will be an issue unless there are fewer cars. The solution: Presto! Reduce the numbers of cars! That is, "...providing that the overall traffic generation is reduced by at least 68% of the 100% capacity event scenario, the queue should not exceed the safe distances." First, this statement is confusing: reduced by

68% or to 68%? It is also an if-then statement rather than a solution for reducing the traffic to a level that will not lead to chaos.

p. 89/160, Section 6.7.1, "Departures"

Night time post-festival closing for day visitors and Monday morning camper departures could see patrons who wish to go north directed to use the Old Pacific Highway (Tweed Valley Way) northbound instead of the Pacific Highway—if the queue inside the event site is taking longer than 30mins to cycle through. This will force thousands of cars (an expected 49% from Queensland) into the village of Mooball and over the dangerous Burringbar range or onto the Mooball-Pottsville Road. Those leaving at night (1-3AM), after a hard day of partying or in the morning after a long party weekend will be sent on their way along unfamiliar, two-lane, local roads. The potential for accidents is tremendous.

p. 90/161, Section 6.7.2, "Internal circulation and leaving the festival"

The planned numbers leaving the festival site on Monday morning onto Tweed Valley Way are 1,350 per hour. That's 23 vehicles per minute or 2-3 vehicles per second. This is another optimistic scenario. The car parks are expected to take 3 hours to empty at their best estimation. It is far more likely that they will take much longer—unless absolutely no other traffic is allowed on Tweed Valley Way.

p. 92/162, Section 6.8, "Carpark"

Proposed car parking capacity is 12,628 vehicles. This is close to more than all of the cars in Byron Shire put together and is far less than the total number of cars that are estimated to show up under 100% capacity, low-public-transport conditions. (Also, the cars are to be parked on a flood plain; see p. 30 of this submission for important details about traffic not included here.)

To resolve this potential undercapacity for cars, the applicants propose booking parking spaces at the time of ticket purchase on a "first-come, first-serve basis". That sounds good. However, people will almost certainly show up on site in their vehicles without booked parking spaces, hopeful they will find something. When they are turned away, they will park as close as they can to the site, illegally if need be. The turned-away cars will add to the existing traffic coming onto the site and will make it worse when they drive against the traffic flow in search of a place to leave their vehicles.

p. 94/165, Section 7.6, "Ride sharing"

Throughout, ride sharing is presented as the necessary component for reasonable traffic flows to be maintained on Tweed/Brunswick Valley Way. The minimum average private car occupancy is never modelled for anything lower than 2.5 persons per vehicle, but the applicants actually need to dramatically increase this per-car occupancy figure if they are to maintain the function of intersections and local roads at any reasonable flowing standard.

The "younger demographic" patrons are expected to embrace ride-sharing more easily than "others". However, the actual events have not been specified in this proposal, other than the youth-oriented SITG. The assumption is that all the patrons for all the events will be young and that these attendees will readily reach the required high-occupancy rates, but nowhere is there evidence that ride sharing is a permanent, sustainable, or enforceable solution to the obvious traffic issues.

p. 95/166, Section 8.1, "Vehicle inspections"

It is proposed that all camper vehicles will be inspected for alcohol and illicit substances on site before the vehicles are allowed to enter the camping carpark. This raises privacy issues for the patrons and at the same time is not likely to have any real impact on the incidence of drug and alcohol abuse at these events. However, the inspection process is very likely to back traffic up and lead to frayed tempers.

p. 96/167, Section 8.5, "Pedestrians and cyclists"

As previously stated by the applicants, there are very limited possibilities for cycle or pedestrian traffic to and from the proposed site. And here it states that "pedestrian access will be discouraged". Yet 31% were able to walk to the 2007 SITG festival in Byron Bay. The Yelgun site is clearly far less advantageous in terms of reducing carbon emissions, reducing traffic, and encouraging pedestrian traffic.

p. 97/168, Section 8.8.1, "Yelgun interchange"

To prevent queueing onto the Pacific Highway these measures are proposed:

- > If the southbound off-ramp queue reaches 147 metres (approx 24 cars) from the interchange roundabout, Tweed Valley Way will be closed for up to 2 minutes or until the traffic "dissipates".
- > The northbound ramp will be closed temporarily until congestion eases.
- > If necessary, the northbound ramp will be closed altogether and patrons will be forced to exit at Brunswick Heads and travel north along Tweed Valley Way. As mentioned earlier, that will bring them back to the same place where queueing has caused the congestion in the first place.

These ineffective solutions assume that they will all happen with a matter of minutes and that all cars will travel smoothly, at regular spacing. Nothing is mentioned, though, about non-festival goers who will not be pleased with off-ramp closures, detentions, and detours.

p. 98/169, Section 9, "Conclusions"

The applicants conclude that the Yelgun interchange is the greatest limiting factor in these traffic management plans and that in order to meet even very low standards of traffic flow, these criteria must be met:

- A) Cars must have an average of 2.9 - 3.5 people per vehicle.
- B) A great proportion of patrons must come by buses.
- C) Camping numbers should be increased to 29,000.

The first two will be exceedingly difficult to enforce. The third has serious implications for other aspects of the proposal. For example, increasing by 4,000 or more the number of campers onsite will increase fire risks, evacuation risks (in the event of emergencies), and risks to the environment.

p. 101/172, Section 9.1.3, "Traffic generation, event size"

The applicants state: "Traffic generated by the event can be accommodated on the road network provided peak traffic generation can be reduced by increasing the mode share of public transport or increase the average car occupancy" or by increasing the number of campers. As already noted, such increases are largely beyond the control of the promoters because they involve thousands of individual decisions that the festival goers will make before they arrive on site.

p. 191, Appendix D

The shown expected left-turn delay from the Yelgun interchange onto Tweed Valley Way for a major event is 20.7 seconds. This is 6.6 times slower than their projected traffic-flow numbers travelling through this intersection in Table 5.11 for a 100% capacity event. *The discrepancy is not explained.*

Their own SIDRA Sunday arrival peak for a 2011 100% capacity event creates an "F" Level Of Service to the road network. This is the worst level, non functional. Plus a queue distance from the entrance to the site of 1.2 kilometres.

All SIDRA modelling shows a 100% capacity event results in an "F" Level Of Service for the road network, worst level.

The final small print states: "All queue lengths considered in isolation". That is, they have not considered the impacts of simultaneous traffic issues across different parts of the road network. Believing that only one piece of the road network will be under stress at a time while the rest function perfectly is absurd. It shows the lack of detailed investigation, modelling, and real thought that is apparent throughout this document.

In sum, we maintain that there are too many unknowns, maybes, what-ifs, and if-thens within the proposal for mode sharing, time to enter and leave the site, the ability of the Yelgun Interchange to handle the traffic, and other details. Most serious of all is the downplaying of the negative effects on local residents and road users and the great potential for tragedy through road trauma and chaos. The traffic issues alone indicate that this proposal should not be approved.

Response from CFFS to Technical Paper D1: Noise Impact Assessment (Events)

The applicants propose staging multiple large events on the site, at least one of which is the music festival known as SITG. Since this is the key event referenced as an example (p i/240), we assume that the other large events will be comparable in terms of the noise generated. This noise involves amplified music for many hours of the day and night. As proposed, each festival would involve amplified music playing from 11AM until 3AM the following morning for several days in a row (live until midnight, then recorded), and there would be multiple festivals throughout the year that would generate such noise. Even the smaller proposed festivals (e.g., 300 - 10,000 attendees) have the potential to generate substantial noise from amplified music.

We note that regardless of the specific decibel levels festival noise may reach, the difference between that noise and the usual ambient noise in the area will be significant. The people within several kilometres of the site in all directions will be affected because of the noise, so it is important to note that noise does not have to be deafening to be highly intrusive.

The overall approach taken by the consultant who prepared this Technical Paper is to describe the excessive noise that will be generated at various times and present a number of strategies for getting the neighbours to accept it. This is a singularly unacceptable approach, especially since this development is not a necessity for the community but is simply something the developers want to do on land that is in the middle of a quiet, residential area immediately adjacent to a state-protected wildlife corridor and nature reserve.

We raise a few specific issues to illustrate our concerns:

p. i/240 - iii/242 "Level of noise"

On this page is the statement: "The Site has several immediate residences that are in conflict with the proposed development. Experience at other major greenfield sites has shown that this is to be expected and respected."

To show respect for neighbours ordinarily means not engaging in actions that cause them distress. Yet there is no indication that the applicants will show such respect to their neighbours. In fact, the applicants apparently intend to generate whatever noise they deem as "the level of music needed for patrons" as stated on page ii/241. CFFS notes that "need" is not an appropriate term to describe noise levels that are simply preferred by attendees at a rock music festival.

The applicants state: "The music levels will alter the lifestyle of the nearest affected residents ... and the conflict with their lifestyle is unable to be completely resolved".

If unwanted noise levels cannot be resolved, the applicants should not be allowed to proceed. They should not be allowed to create repeatedly distressing situations for neighbours that, by their own reckoning, cannot be resolved. They should be saying to themselves, "Look, we shouldn't be doing this. It's going to disturb far too many people." Or, "Let's find another place to do what we want, one that's a lot farther away from all these residential areas." (CFFS notes that although the applicants have focused primarily on the residents along Jones Road, plenty of people in Yelgun, Wooyung, North Ocean Shores, and elsewhere are also quite concerned about this level of noise.)

The consultant who prepared this assessment writes: "The number of large scale events needs to be kept in context. It is proposed that 12 days per year will be occupied by these events. This from the author's experience is not significant" (p. iii/242). This is the author's opinion, however. Others most certainly do not share that opinion.

p. 1/243, "Assisting residents" (and p. 39/281)

Reference is made to a plan "... to assist residents with the change in noise levels that are to be expected..."

The applicants are proposing to disturb residents substantially by their actions for long hours, especially during the hours that the residents expect to be sleeping. It is naïve to claim that they can do anything to "assist" residents in this situation. In fact, it is clear they do not have a way to do this because they claim they will have a noise management strategy "finalised during the assessment of the development application". This strategy should have been completed *before the proposal was put on public exhibition* so that residents would have known just what the promised "assistance" would be and had agreed to it.

On page 39/281 is another mention of "assisting" residents: "The community will need a lot of assistance during the sleep sensitive period to accept the intrusion. There will potentially be many residents who would usually complain. A strong pre-event one on one consultation program is recommended".

This is a singularly obtuse statement, suggesting as it does that there exists a specific form of assistance that will allow people to accept intrusive noise that prevents them from sleeping for several nights in a row, multiple times throughout the year. If there is, then that form of assistance should be specified here. This statement also assumes that the very loud noise generated by the event will be acceptable at other times during the day, with the only really problematic time being from 11PM to 3AM. This, too, shows considerable disregard for the disturbance that these actions would cause to people who are living in the area expressly because of its peace and quiet throughout the day as well as at night.

p. 11/253, "Ongoing consultation"

An example of the issues at stake is the statement on this page about a nearby resident: "This residence will be exposed to high music noise levels due to its position near the roadway that overlooks the parkland site. This situation is clearly understood by all parties and consultation with the residents is ongoing".

To *understand* that one will be exposed to high levels of noise does not mean that one *accepts* it or is happy about it. No evidence is presented that these residents welcome the prospect (in fact, CFFS has evidence that they do not), so it is difficult to see what kind of "consultation" will ameliorate the situation to the satisfaction of the residents.

p. 20/262, "Acoustic criteria and required amounts of noise"

On this page is a reference to noise monitoring for the purpose of deciding what kind of "acoustic criteria are reasonable to consider" since the noise will be at a disturbing level for residents and yet at a level "required to make the venue financially viable".

This shows that the proponents clearly see their commercial success as the top priority and that they assume existing residential amenity must be sacrificed to that end. It should be noted, again, however, that the proponents do not *have to* stage large, amplified music festivals on this property. They only *wish to*. They have options for staging

commercially successful events elsewhere in NSW. In fact, given the extent of opposition in the shire to their plans, it is surprising that they have not concluded that they should be looking elsewhere in the state for a place to use as a year-round, permanent venue.

p. 45/287-46/288, "Levels of noise"

The proposed levels of noise at the stages is from 95-100 dB(A) to 103-108 dB(A). These are at a "very loud" level, close to "deafening" (<http://home.earthlink.net/~dnitzer/4HaasEaton/Decibel.html>). There is no way of knowing just how this sound will carry from the sound stages outward; despite the applicants' claims to be able to control the noise.

If residents find the noise too much to bear, they reportedly will have to call a telephone number, at which point a "noise consultant will judge whether or not adjustment to the music level is needed". This is an unsatisfactory solution to what will almost certainly be an ongoing problem during festivals. It is highly likely that quite a number of people, at different locations, will be disturbed. Are they all to call one consultant? Who will the consultant be? How will that person decide if adjustments are "needed"? Isn't a complaint enough to indicate that an adjustment is needed? If adjustments are made, who will determine that they have satisfactorily dealt with the issue so that the complainants are no longer disturbed? Anyone who has been disturbed by loud noises from a neighbouring property knows that the only desired "adjustment" is cessation of the noise, yet this does not appear to be a mitigation strategy.

p. 78/320, "Acoustic insulation"

The consultant states confidently that three of the nearby dwellings that will be most affected "all lend themselves to architecturally appealing treatments that during night time would achieve a low level of music inside the residences so that sleep disturbance issues would not arise". These treatments are presumably the double-glazing and French doors mentioned elsewhere. The statement implies that these changes will be considered appealing by the residents themselves. Has that been confirmed? Or it is only the consultant who considers them appealing? Not everyone will want such changes made to their dwellings, especially when the purpose is to ameliorate a situation that is being forced upon them. Nor will the measures necessarily provide the needed amelioration. For example, double-glazed windows reduce noise only if they are closed, and people may not be able to keep their windows closed during festival hours, especially when the weather is warm.

It is also important to note that these adjustments are offered only to correct the problem at night. Nothing is said about intrusive and unwanted noise during the day.

p. 105/347, "Conclusions"

This section states that the noise criteria "may not be met at all times" and that noise levels "may differ for each performance". Thus, considerable uncertainty is involved as to just what residents can expect. Nevertheless, the author states confidently that it will be possible to "effectively manage noise levels during events to assist the local community".

This again raises a question about the nature of "assistance" that will be offered in the face of disturbing noise. It is difficult to understand what kind of assistance will adequately alleviate the disturbance, short of shutting off all the amplifiers, stopping the performers, and telling thousands of festival goers to be quiet.

Of additional concern is the statement that the goal is "satisfactory night time noise levels for potentially affected residents". The term satisfactory is subjective; what may be considered satisfactory by the proponents may be quite unsatisfactory to affected residents. Also, daytime noise levels are also important; simply promising "satisfactory" noise levels at night is not good enough.

Besides almost certain serious disturbance to the human residents in the area, the proposed activities will also affect the wildlife in the area. A 2010 paper by ecology experts A. Benwell and D. Scotts is of particular relevance here ("Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun, NSW"). As these experts point out, noise and other human disturbances affect wildlife in subtle ways that are not always readily noted. Thus, just because humans are not aware of impacts on wildlife does not mean the impacts do not exist. Also, the authors point out that the type of intermittent, irregular disturbance generated by loud music is the most difficult for wildlife to get used to. It is not at all certain that they will. Even the applicants concede the uncertainty:

"The episodic nature of event-related disturbances punctuated by longer periods of inactivity makes impact assessment particularly complicated. Whether particular fauna will tolerate, become habituated or sensitised to elements of the disturbance regime is unpredictable" (Technical Paper E, p 20/627).

The applicants elsewhere state that the effects of noise and other disturbances on wildlife will be "temporary" or will have no effects (Technical Paper E, p 29/636). However, these optimistic assurances are not backed by data. In fact, the effects of noise on wildlife are being studied with increasing interest in the wider scientific community, and recent findings must be considered in assessing this proposal. See <http://www.wildsanctuary.com/> for additional information and Appendix A of this submission for a statement about the devastating effects of noise on wildlife.

Response from CFFS to Technical Paper E: Ecological Assessment

The proposed festival site is in an important wildlife corridor that has been the subject of considerable interest to the NSW government for many years and has been the target of millions of dollars of investment to conserve the ecology of the area (see Appendix C of this submission for a chronology). In particular, the 1997 Cleland Inquiry identified the area as being of particular importance for its ecological and cultural significance and for its connection to the existing Billinudgel Nature Reserve and rezoned the land to protect it from environmental damage. These rezonings have provided consistent protection to the flora and fauna in the area. Part of this protected area is a ridgeline of archaeological significance that is part of an important cultural 'precinct'.

Most recently, the Land & Environment Court maintained this consistency of protection in its judicial review of a decision by Byron Shire Council to approve a 'trial' SITG music festival. In May 2009, the judge declared Council's decision to be "invalid and of no effect" because the proposal included plans to build a road on part of the land that was zoned 7(k) Habitat in Byron's LEP. The judge pointed out that said road was an integral part of the proposed "place of assembly" and since "place of assembly" is not an allowed activity in 7(k) habitat zones, Council should not have approved the proposal. Furthermore, and significantly for this proposal, the judge cautioned the landowners not to attempt at some later time to build roads supposedly for another (allowable) purpose when the real intent was to use them for a disallowed "place of assembly" (see page 64 of this submission for details).

The court case and the previous history clearly show the ongoing value of the site to the state of NSW and the community of north Byron Shire/south Tweed Shire and demonstrate that NBSP is not suitable for activities that will almost certainly threaten a long-protected prime biodiversity state asset. Yet the applicants intend to have ongoing activity on the site that will almost certainly be disturbing to the environment.

We note that although elsewhere in the EA and in public announcements, the applicants have stated they intend to have 4 major events each year, here the number is given as 3. See, for example, the table on page 21/628.)

This Ecological Assessment downplays or does not address many issues related to this site that have been recognised for many years. In particular:

- **Threatened Species**

The site has over 50 recognised threatened species of plants and animals, including the Koala. It also has three Ecological Endangered Communities (EEC). But the proponents' records of threatened fauna species do not match other findings. For example, on page 10/617 of this Technical Paper is the claim that on "the grazed pastoral area south of Jones Road ... fauna surveys have not been carried out ... due to generally low habitat values". However, records exist of a Black Bittern in cane drains in the Yelgun Catchment—records that belie the statement. Such discrepancies call into question the reliability of the threatened-species data in this Technical Paper.

It should be recognized that the Quoll, a nationally-recognised endangered species, has a presence in the nature reserve and that the Conservation of North Ocean Shores (CONOS, Inc.) has other records of fauna in the area that were given to DECCW. CONOS also has 30 years of detailed records of Koalas in the Jones Road wildlife corridor.

CFFS notes that the author of this Technical Paper states that the some effects of festival disturbance are “unpredictable” (p 20/627) and that “the staging of any large scale musical event at the suite will bring unprecedented noise levels and a novel disturbance regime” (p 42/649). Several other comments by this author suggest that the effects of the proposed activity on threatened and non-threatened species alike cannot adequately be determined.

Furthermore, the author states on page 25/632 that the only way to predict cumulative and interactive effects in the future is through careful monitoring, presumably over the course of years. However, CFFS notes that if the proposed activity is allowed to proceed, serious damage may well be done if “monitoring” is used as the only strategy for protecting the wildlife. Very real risks would be (1) that monitoring will show that the increased activity on the site leads to a steady decline of the wildlife that now make their homes in the area and (2) that the decline will be too severe to be reversed once the cumulative results are perceived.

We also note that the “Management Manual” included in Appendix M of this Technical Paper contains primarily assertions about the property and about the importance of managing it. Detailed descriptions of specific management and evaluation strategies are conspicuously absent. We note, for example, that no mention is made of the state’s procedures for monitoring, evaluation, reporting, and implementation (MERI framework) that would show the applicants’ clear understanding of how to manage the site effectively.

- **Specific Threats from Festival Activity**

The 2010 Benwell and Scotts paper details potential and likely threats to fauna in Billinudgel Nature Reserve that would result from festival activity on NBSP. The study’s authors stress that the buffer zones proposed by NBSP between event areas and wildlife habitats are not large enough. They also say that the nature of the events will bring a “massive increase in human disturbance” (noise, artificial lights, etc.), posing significant risks to the wildlife in the area. This research provides ample justification for invoking the precautionary principle. In fact, that principle, well established as a guideline in NSW, is highly relevant to this proposal, given both the known and unknown impacts to the environment. For a detailed statement of this principle, see Appendix B of this submission.

Known impacts include disruptions to breeding, foraging, and other behaviour of a number of animals as detailed throughout this Technical Paper. Most of these are downplayed with statements that they will have little effect on the animals or that the animals will move temporarily to the adjacent Reserve.

However, we note that the supportive reasoning put forth is often questionable. For example, there is the statement that because Little Lorikeets are noisy birds “diurnal disturbances from musical events are unlikely to affect them” (p 54/935). So 90dB+ amplified music during the day will not affect the birds because they will be chattering so loudly? This strains belief. Worse, the author neglects to mention that the noise will continue well into the night when the Little Lorikeets are ordinarily quiet and resting and will almost certainly disturb them then. Or is significant *nocturnal* disturbance acceptable for Little Lorikeets because *diurnal* disturbance is assumed not to be an issue?

The unknowns pose even greater concern because they are met with such exaggerated confidence. For example, with regard to noise, there is the statement “if consistent adverse effects are identified, then noise barriers, visual screening or other mitigatory measures may

need to be deployed" (p 24/1067). We ask: How are "consistent" and "adverse" to be defined and measured? Who will do the defining and measuring? When will the measurements occur? Who will determine if the effects are present? Who will decide when mitigatory measures will be deployed? Who will decide what the measures should be? Who will monitor the effectiveness of the deployment? When will that monitoring take place? And so on. The same kinds of questions can be raised about all the proposed "management" measures discussed here. Of greatest concern is that there is no mention whatsoever of the precautionary principle. Yet, given the sensitive nature of the environment in and around the site, that principle ought to be used as a guiding force under these conditions of applicant-admitted uncertainty.

Byron Shire Council possesses Noise Reports from past SITG festivals that, until recently, have not been accessible by the public. They are reportedly now available as Open Access documents, but we have not had time to get them and study them, given the time we are devoting to the proposal. On at least one occasion, SITG did breach their Noise Protocol, so it is worth DoP's efforts to acquire all the Noise Reports that SITG filed to judge the extent to which they met (or failed to meet) previous DA conditions.

- **Climate Change Corridor**

In 2010, NBSP was considered part of what is described as a 'critical' climate change corridor identified by DECCW. NBSP is also a critical link between Billinudgel Nature Reserve and the rainforests of the Mt. Warning caldera, rainforests that are considered "world heritage". These recognised environments are likely to be affected quite negatively by the development proposed here.

- **High Fire Risk**

The Bush Fire Risk Management Plan for the Far North Coast describes the Jones Road area as having an 'almost certain' likelihood of fire with 'catastrophic' consequences. It is well known that highly inflammable peat soils exist on the site, and the area has a history of long-lasting peat fires that have created health hazards. The presence of tens of thousands of party-goers, including smokers and campers, on the property is a recipe for fire disaster that will have serious negative affects on the flora and fauna on the property, in Billinudgel Nature Reserve, and in the surrounding areas. (See also CFFS's response to Technical Paper L: Bushfire Hazard Assessment in this submission.)

- **Camping**

There is reason for concern about 'caravan parks' and 'primitive' camping on site, and the planning requirements relevant to this are not at all clear. Under the Byron LEP, 'caravan parks' are prohibited in 1(a) General Rural, 1(b)1 Agricultural Protection and 7(k) Habitat zones. Furthermore, 'Primitive Camping Ground' refers to Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005. It is not clear that the camping provisions in this proposal meet these requirements, and it is a concern that the proposed camping will have additional negative effects on the environment.

- **Contradicts Various Government Policies**

In one way or another, the proposed development contradicts the following government actions/policies that have provided guidelines for planning and development, in particular guidelines relating to ecological protection of the area:

Australian Heritage Commission Register of National Estate "Natural and Cultural Area" (1994)

Cleland Commission of Inquiry (1997)

Byron Flora and Fauna Study (Byron Shire Council, 1999)

Key Habitat and Wildlife Corridor (NPWS, 2003)

Byron Shire Biodiversity Conservation Strategy (Byron Shire Council, 2004)

Far North Coast Regional Strategy (NSW Planning, 2006)

The Great Eastern Ranges (GER) Initiative (DECCW, 2007)

Border Ranges Biodiversity Management Plan (DECCW, 2008)

Climate Change Corridors (DECCW, 2009)

Byron Shire Council Events Policy (2010)

Draft North Coast Regional Conservation Plan (DECCW/Dept of Planning, 2010)

Northern Rivers Biodiversity Management Plan (DECCW, 2010)

Also, Byron Shire Council voted on 21 October 2010 to proceed with an amendment to the Byron LEP that will include a clause limiting Major Events in the shire to two per year, thereby strengthening Council's existing Events Policy.

- **The 'Need' for the Development**

One issue that is highly relevant to environmental issues is the degree to which this development is necessary. In the early pages of their Environmental Assessment, the applicants claim necessity on two grounds: (1) the land where they used to stage music festivals is no longer available (page i), and (2) "no dedicated, multi-use site for hosting larger events is available in the Shire" (page 3).

However, both statements reflect the *desire* of the applicants rather than any *need* within the community. In fact, quite a number of events, including music festivals, are staged successfully by others at a variety of venues throughout the shire. The Byron Bay Writers' Festival and the Mullumbimby Music Festival are two examples. These, and other events, are not seeking larger quarters because their scale suits the scale of the shire. Sporting events and a variety of cultural events will also soon have the new Sports and Cultural Centre now under construction on Ewingsdale Road in the shire, supported by funds from the NSW government. BluesFest, a large music festival, is staged on dedicated land at Tyagarah that could, with permission of the owners and Council, be used for other large festivals.

The "need" that the promoters claim is thus actually *ex post facto*. Only when their first efforts for a trial event were thwarted locally did they generate a new proposal, aimed at the state, and claim a "need" for the development. It also appears that their "need" has increased as the details of their proposal have come to light and objections have mounted.

In fact, the applicants have options. They could scale down their events to suit existing venues in Byron Shire or nearby areas. ("That Festival" in Cabarita, with a limit of 5,000 attendees, is another good example of how the scale of a music festival can fit the scale of an area and also be commercially viable.) Or they could find a more suitable site outside Byron Shire. Woodfordia in Queensland is a model for the kind of site they could establish in

New South Wales in an area that has plenty of room and is suitably distant from both ecologically sensitive areas and residential areas. Or they could redesign their business plan to focus exclusively on the kinds of ecological activities that would be suited to the property, e.g., bird-watching ventures or plant-identification tours for small groups. In fact, if the promoters were genuinely interested in protecting the environment, they would never have purchased the property with the intention of staging mega festivals on it, having realised how ecologically unsound those activities would be in that location. It should also be noted that the applicants purchased their property without any guarantees that they would be able to do what they wanted with it. To claim now that they "need" to develop it in the way they wish is inappropriate.

The "need" for this development is part of the spin being generated by the promoters and does not stand up to critical examination, given that the applicants have options for being commercially successful elsewhere. But the flora and fauna in Billinudgel Nature Reserve do not have options. They need the protection the government has provided for many years against the intrusions of private development that would almost certainly destroy their environment and their lives.

- **Concept Plan Issues**

The Concept Plan (Section 3.3) for a conference centre and cultural centre raises several concerns. For one, the proposed location for the cultural centre is in a 1(b)1 Agricultural Protection zone; clause 38A applies. Also, no building entitlements exist for Lot 46, DP755687, which is where the proposed location for the cultural centre is. Furthermore, the proposed location for the conference centre is on 1(a) General Rural zone, hatched. Moreover, there is no certainty that there is a building entitlement for Lot 403 DP755687, which is the proposed location for the conference centre.

- **Broader Perspectives**

We think it is critical to consider the history of protection that local and state governments have provided to the site. This clearly shows the importance consistently accorded the site by the state government. See Appendix C of this submission for a brief chronology of events relating to government protection of the site.

We also think it is important to consider this proposal in light of broader environmental concerns. The ecology of the site itself is important, but it is even more important when considered in a broader context. See Appendix D of this submission for a statement about this broader context.

**Response from CFFS to
Technical Paper G: Flooding Impact Assessment**

We note that Clause 24 of Byron Shire Council's 1988 LEP does not allow increase in the level of flooding in surrounding land. Because both the southern and northern sections of the property are identified as flood liable land on that LEP, development in the area must conform to the NSW Floodplain Development Manual (2005) and the Floodplain Risk Management Guideline (DECC, Oct 2007). Besides noting these points, we have the following concerns:

- **p 1350, Fast onset of flooding**

On this page: "The project site is affected by both local catchment flow and flooding from the broader catchment. Due to the fast onset of local flooding, this type of flooding is most likely to enforce constraints on the use of the site."

Yet the massive scale of the project suggests no such constraints.

- **Floodplain locations**

The northern end of the site (event sites, camping areas and carpark) are in the Crabbes Creek Floodplain and the Mooball Creek Catchment. The southern side (carpark area) is in the Yelgun Creek Floodplain and Marshall's Creek catchment. The entire area gets frequent and unpredictable rain and is subject to flooding whenever significant rainfall occurs. It is an exceedingly poor choice of an area for staging events that involve thousands of people, vehicles, and equipment.

- **Modelling of flood impacts**

The consultants admit more modelling is needed upstream of the proposed Spine Road and say they have provided no modelling of flooding impacts on northern side of site on Crabbes Creek due to limitations of the hydrological model used (p 1352).

Yet this is the same company that completed the Tweed/Byron Coastal Creeks Floodplain Study in 2009. They should therefore have access to information about flows from Crabbes Creek. This information is necessary to assess the impact of the proposed development adequately and has the potential to increase flooding estimates on the northern side of the property (event site and camping area). This must also be modelled.

On page 1372 is this statement that "... culverts under the spine road have not been considered in the analysis." The applicants lodged their initial application with the DoP in April, 2009. They had time before then to complete this modelling and have had plenty of time after that initial lodgment to do it in conjunction with preparing this EA. There is no reason for this important analysis to have been neglected. We note also that this is a very contentious area between Tweed and Byron Councils with regard to floodwater management and should have been very thoroughly detailed by the applicants.

> We note that maps made by BMT WBM all clearly show flow to the event site from Crabbes Creek catchment, yet this has not been included in the model. *Why not?* Flows from Crabbes Creek will obviously increase flooding in northern part of site (p 1350, p 1367, Figure 5.12).

> Carpark, event areas, and camping areas on the site are all identified as flood-prone land in various ARI events:

In 5 yr ARI, the event area is 2-3m AHD Peak Flood Level

In 5 yr ARI, the carpark area is 3-3.5m AHD Peak Flood Level

In 10 yr ARI, the event area is 3-3.75m AHD Peak Flood Level

In 10 yr ARI, the carpark area is 3-3.75m AHD Peak Flood Level

In 100 yr ARI, the event area is 3.75-4.25m AHD Peak Flood Level

In 100 yr ARI, the carpark area is 3.75 -4.25m AHD Peak Flood Level

Combined Event PMF Fig 5.5 shows the carpark area 5-5.25m deep and the event area 6-7m deep.

These are all serious indications of flood risk and reveal that this is not an appropriate site for the proposed development. In the event of fast-onset floods (likely on the site), the massive numbers of people and vehicles that would be need to be evacuated would create chaos. It is specifically stated that the car parking area and the event area are both on flood-prone land and that two locations along the proposed Spine Road are overtopped in all events that have been modelled.

RE SEPP 14 Wetlands: In the event of flooding, fuels, oils, and other pollutants would be washed into SEPP 14 wetlands and Billinudgel Nature Reserve. Also, the proposed effluent irrigation area at the western end of the Yelgun catchment is quite near to Yelgun Creek. This is regionally significant farmland (FNCAg Lands, 2005).

- **Spine Road construction**

A Spine Road is proposed across the site, joining Wooyung Rd for northern access. This road is to be 250-300mm above the existing ground level and made of 300mm compacted gravel, with event laneways 100mm above existing ground level and 200mm of compacted gravel. The Spine Road shows some changes in ground level of 1.6m in sensitive flood prone areas. We note that this Spine Road would need to be at 3.7 AHD to be flood immune.

The extension of the Spine Road to meet with Wooyung Rd is not discussed here although it is clear from current flooding maps that this road is also subject to flooding and would need to be raised to be an appropriate evacuation route. Discussions of this or the effects this would have on upstream water flows are omitted.

In the conclusions on page 1372 is the claim that development of the Spine Road will cause no adverse site impacts, but that statement blatantly disregards the effect on the Crabbes Creek Floodplain that was not modelled due to limitations of the model. This is simply not good enough on a project of this size and supposed significance. Modelling of *all* potential impacts is needed before appropriate assessment can be made.

- **Flooding and power supplies**

Flooding to the event area is obviously a major consideration, given that substantial power is to be supplied to the site and that there is a large risk to electrical equipment of inundation and submersion.

- **Evacuation issues**

Although most of the site is classified low-hazard (p 1364, section 5.2) and recommendations are made to avoid fast-flowing areas during evacuation, a more important point is not mentioned: When the carpark is inundated and people are given only a few minutes' warning time (see below), many will panic and try to get out as quickly as possible any way they can to protect themselves and their possessions.

- **High flow areas**

According to Figure 5.11, a combined event flood hazard shows areas in the carpark and event areas identified as high flood flow areas.

Climate Change effects on flooding are shown on p 1369, section 5.4. These show carpark flooding levels increased by 1.15–1.29m and flooding in event areas increased 1.46 – 1.62m. This is a significant impact with 5.25–5.5m of water on site in 100yr ARI Combined Event.

- **Must make comparison with earlier study**

The information presented here must be compared to the flooding study provided to Byron Shire Council in one of the promoters' previous DAs regarding the same site. Section 3.6 of this Flood Study (H.J Fiander, April 2007) states "it is estimated that there would be approximately 20-30 minutes warning time available from the beginning of the rainfall burst." This crucial detail appears not to have been included in the present study. The omission may have been made to reduce the public's perception of risk, but it is a significant omission that borders on deliberate deception.

- **Stormwater runoff and turning lanes**

The consultants have proposed cutting open drains around a bus turnaround area for stormwater runoff. This runoff will need collection as it will contain a lot of pollutants that should not be allowed to contaminate neighbouring wetlands. No provision is made for this.

An aside concerning buses: A right turning lane is proposed on Tweed Valley Way from the south for cars, but no turning lane has been proposed for bus entry gate B. Are they not expecting many buses with 40% assumed to be using non-car transport to the site?

- **Scheduling events to avoid floods**

It is noteworthy that the Flooding Constraints Calendar (Technical Paper W2, p 2190) indicates that October would be the ideal time for major events due to the unlikelihood of flood events. However, the events site and carpark area were heavily flooded and rendered unusable for days at a stretch twice during the month of October 2010. As noted elsewhere, this area is subject to unpredictable serious flooding throughout the year, depending on rainfall.

- **DGR 6.5 ("adequate egress and safety in a flood event")**

This requirement must be met. Yet in the Evacuation Technical Paper, the proponents' flood study shows flood warning times of under one hour and show evacuation rates ranging from 3 hours to 4.5 hours when the site is at only 40% capacity (Technical Paper W2, p 2195).

As noted earlier (p 32 in this submission), a flood study from 2007 states that there

would be about a 20-30 minute warning from the beginning of the rainfall burst to flood conditions.

We also note that the evacuation plan provided by the current proponents for a trial event in 2008 indicated that the site would be unusable if a flood event occurred at any time during the three weeks before a major event. The plan, provided by Mark Norris and Associates in 2008, states on page 3:

“In the scenario that both the carpark and event site are flooded three weeks before the start of the event, the SITG management will not be able to access the site to set up the event, as the Event Assembly Period (bump in) is within this period. In this scenario, the site would not be used until the flood waters clear.”

The frequent and rapid flooding that occurs on the site would undoubtedly affect a number of the proposed events and could easily affect adequate egress during an event. These risks strongly suggest that this is not the right place for the proposed development.

- **Alignment with the NSW Floodplain Development Manual 2005 and Floodplain Risk Management Guideline (DECC, Oct, 2007)**

These documents specifically state in section 66.1 Determining Reasonable Flood Related Development Limits: “There are certain areas where development would reasonably be excluded, areas where hazard is too high and cannot effectively be reduced to acceptable levels by management measures.”

We strongly believe this is one of them.

See further comments regarding flood risks and evacuation issues below in our response to Technical Papers W1 and W2.

Response from CFFS to Technical Paper I: Social Impact Assessment

Citizens should expect over time that government at all levels will make decisions and form policy to maintain or gradually improve living standards for existing communities. This Technical Paper must be assessed with that in mind. It raises a number of issues that would clearly reduce living standards for existing communities, and the communities are looking to the state government to protect them from these threats. Here are some general issues to consider:

- The current shire-wide population is about 29,000. Daily crowds of 30,000-50,000 will have massive negative ramifications throughout the shire particularly on communities in the north, e.g., Yelgun, Ocean Shores, New Brighton, South Golden Beach, Brunswick Heads.
- No disrespect to young adults, but a main purpose of going to a mega music festival is to party. This site is within 2,000 metres of high-density residential areas, (e.g., Ocean Shores), and those residents will be inundated with intoxicated, noisy, inconsiderate, anti social, potentially destructive patrons. This will lead to property damage, verbal and physical conflict, and interruptions to privacy and peace, including late night incidents. Residents will also be forced to endure music noise all day long and well into the night. (The history of SITG festivals at Belongil Fields clearly shows what the north of the shire would be up against in terms of anti-social patron behaviour.)
- The camping allowance means that only a fraction of the festival goers will remain on site. Where do the thousands of others go after midnight when the live music is finished? Most will spread out between Ocean Shores and Byron Bay. Many will be intoxicated, thus vulnerable to serious road accidents as they move from the site to their accommodations. When they reach their destination, they will create major disturbances throughout residential precincts. Byron Shire residents see illegal camping regularly within residential streets now. This unauthorized activity will only increase when thousands of festival goers seek a cheap place to continue partying or sleep for a few hours near the site. The streets of North Ocean Shores, Billinudgel, Brunswick Heads, etc. could easily be lined with cars and vans, disrupting neighbourhoods late at night and making travel more difficult and dangerous during the day.
- People have invested and lived in North Byron because they desire the quiet, peaceful lifestyle it offers, and the goal posts should not be moved on them now. Also, they do not want to see their property values negatively affected by such an intrusive development. Most important, it is wrong to take away individuals' comfort, peace, and familiar environment. That has a soul-destroying effect for most. Many residents are already anxious and disillusioned at the thought of this development, and their health could well be affected by the significant changes to their way of life that the development would bring. This is especially true because the disruptions would not be once a year but multiple times throughout the year.

For these reasons, Yelgun is simply an inappropriate site for this development. The promoters, perhaps with the help of the state, need to identify a suitable location well away from established residential areas.

Additional comments about specific elements of this Technical Paper are below, with page/section references cited.

Section 2, Assessment Methodology

The proponents state that they did a number of things to determine the likely social impacts of their proposed development, including a "review of new community consultation report contained within Technical Paper J of the EA" (p 12/1468). However, this so-called new consultation was inadequate in the extreme, relying as it did on previous input concerning a now-defunct proposal that is quite different from the current proposal. (See CFFS's comments on Technical Paper J.)

p. 1472, Section 3, Community Profile

It is misleading to suggest that immediate neighbours and nearby communities have been consulted. See the CFFS comments relating to Technical Paper J: Community Consultation for details.

Section 4, Consultation

This section simply repeats the information contained in Technical Paper J, Community Consultation. Please see CFFS's comments relating to that Technical Paper.

Section 5, Potential Impacts and Opportunities

p. 1483, top: Reference here is made to Appendix C of the proposal, where submissions are reported that relate to an earlier, now-defunct DA for a one-off trial event on the Yelgun site.

However, since the proponents included the material in Appendix C, CFFS will note that 540 letters of objection were received by Council. Of the 540, 227 (42%) are described as "standard letters" (a standard letter being one that several people used as their own, agreeing with the points but not feeling confident about writing an original letter), and 313 (58%) are described as "other" (i.e., original) letters. In contrast, 404 letters were received in support of the proposal; 270 (61%) were "standard" letters and 33% were "other" letters.

The rest of the support for the proposal was in the form of signatures on petitions. However, no information is provided about the content of these petitions (e.g., the questions or statements included), where and when the signatures were collected, and who signed them. It is almost certain that most or all of these came from customers who wanted to show support for the SITG festival but were not making an informed judgment about the proposal for a year-round permanent festival site at Yelgun. If these petitions are to be considered by the Department of Planning, the validity of the signatures should be verified.

Putting aside the responses on petitions, we can see that although 404 supported the proposal in their submissions, 540 people objected to it.

However, the most important issue with the data in Appendix C is that *the reported submissions related to the earlier proposal for a one-off trial festival*. They are thus not relevant to the current proposal. The two proposals must be considered as entirely separate. That's because a one-off trial festival with attendance of around 20,000 is not at all the same as festivals with attendance of 30,000 - 50,000 staged at least four times a year and numerous other festivals staged at other times throughout the year.

p. 1484, 5.2 Potential Adverse Impacts

The summary of adverse impacts is general, understated, and does not accurately represent the many concerns community members have raised about the current proposal. For example, not mentioned here are the following grave concerns:

- ***Alcohol and drugs.*** Frequent reports in the NSW and national media reveal growing problems with binge drinking, alcohol-related violence and anti-social behaviour, and the manufacture, sales, and ingestion of illegal drugs in NSW, especially in conjunction with events such as music festivals that attract large numbers of young people eager to party. As reported recently in local papers with regard to large festivals, "visitors may be responsible for making Byron Bay the cocaine capital of regional NSW" (<http://www.northernstar.com.au/story/2010/10/14/byron-high-on-cocaine-list>).

Heavy drinking and drug taking are closely associated with SITG. For many in the community, this is their primary concern about this proposal. They see the promoters as contributing to this growing social problem and as developers who are putting their greed for profits ahead of the well-being of their patrons, especially young people. When community members have asked the promoters to hold alcohol-free festivals, they have said they will not consider it because they would lose too much money.

It should be noted that one of the key promoters claimed that it was "incredibly disappointing" to have to adhere to Queensland's mid-strength alcohol laws when staging SITG at Woodford in 2010. Remarking further on the need to follow Queensland laws, this promoter stated: "... we've had some really great wins, like at the wine bar, you can buy a bottle of wine, and we've been able to operate quite late hours, as well. In many ways, we're running longer hours than we were at Belongil Fields. But yeah, it's a pain in the arse" (<http://www.messandnoise.com/articles/4026422>). This attitude clearly shows the promoters' priorities.

- ***Abuse of holiday letting and its affect on residents.*** The Yelgun site is surrounded by residential areas of Byron Shire in which holiday letting is illegal. Yet some property owners still rent houses to party goers, avoiding detection. These and others will jump at the chance to rent their properties more frequently to festival goers because they can command premium prices.

The increase in such party rentals will have severe negative impacts on the residential amenity in neighbourhoods of owner-occupied dwellings. These people moved to the area to have a quiet, peaceful life and do not want to be subjected to regular all-night drinking and partying before, during, and after festivals. These residents include families with young children, working adults of all ages, and retired people. Byron Shire Council has not been able to cope with the abuse of holiday letting in the shire to date. They will be quite unable to deal with what will be a significant increase in this behaviour if this proposal is approved.

- ***Almost certain damage to Billinudgel Nature Reserve.*** Festival goers cannot be prevented from leaving the site and making their way into and through Billinudgel Nature Reserve. A primary destination will be the beach that is part of the Reserve. A typical scenario: People who have been drinking late into the night and are quite intoxicated will head to the beach through the Reserve to make a fire and continue partying. They will toss bottles and cigarette butts along the way as they trample the undergrowth and disturb the wildlife. In fact, this happens now! Morning beach walkers in the area regularly find

evidence of fires on the beach and regularly pick up empty alcohol bottles and cigarette butts that have been left on the beach. Walkers in the Reserve also see bottles, cigarette butts, and other evidence of damaging and potentially dangerous activity. If this happens now, it can be expected to happen with much greater frequency when 30,000 - 50,000 people are present in the area, especially when alcohol and drugs have lowered their inhibitions and affected their judgment. It will be impossible to control the movement of every patron, every moment day and night, and only a few can cause considerable damage.

- ***Risk that emergency services will be unavailable when needed.*** Residents in areas near the site have voiced to CFFS worries about ambulance and other emergency services. For example, one elderly resident in North Ocean Shores said, "What will happen if I have a heart attack and an ambulance isn't available because of festival emergencies or can't get to me because of backed-up festival traffic?" (This is a concern at least equal to the concern listed on p. 1485 of the EA about impacts on local hospitals.)

- ***Noise throughout the area.*** The table on p. 1484 implies that noise will be a concern only to residents on Jones Road and in Yelgun and "nearby rural areas" (which are unspecified). However, CFFS has had many people in North Ocean Shores, Billinudgel, The Pocket, Crabbes Creek, South Golden Beach, New Brighton, and elsewhere express concerns about the noise that will be generated by festivals on the property.

Music noise from the site carried quite clearly into North Ocean Shores in the middle of the afternoon on one of the developers' Community Open Days. And that was noise only from a small set of speakers attached to a CD player. Those who heard it could easily imagine how amplified music from sound stages and screaming crowds would carry through the much quieter night air into their homes. It must be realized that in those quiet residential areas, the sound of insistent dog barking at 1AM is enough to wake people up and make it difficult for them to get back to sleep. Their sleep will be severely affected by the sound of amplified music and crowds of 30,000 - 50,000. Traffic noise as people enter and leave the site at all hours and drive into residential areas will also affect residents beyond the immediate vicinity of the site.

CFFS notes that the proponents have never surveyed the community about the current proposal. They have provided general information to the community about their plans (devoid of important specifics until the EA was put on exhibition) but have not properly obtained input from the community about those plans. See CFFS's response to Technical Paper J, Community Consultation, for details about the inadequacy of the consultation process.

Section 6, Management and Mitigation Assessment

p. 1486, Have large events at all?

In this section, the proponents suggest that the reasons for being against amplified music events centre on anti-social behaviour. This is a misinterpretation of the objections expressed by the community since this proposal was lodged with the NSW DoP in April 2009. Those who are against the proposal object on many grounds, not just because of the anti-social behaviour of attendees.

The mitigation measures described in Appendix B, referenced in this paragraph, all have to do with preventing underage drinking. Although underage drinking is certainly a

concern, far greater concerns have to do with those who are old enough to drink, who drink heavily as an integral part of their attendance at large music festivals, and who leave the events in an inebriated state to drive and/or to enter private property and/or intrude in nature reserves and other areas where they should not be.

This section gives no specific indication of what measures will be taken to prevent such occurrences. The only thing mentioned here are "measures [that] are *proposed* to mitigate any anti-social behaviour by event attendees outside of the event area in local communities." So what are these *proposed* measures? And what assurance will the community have that they will be acted upon *and* that they will work? Both the measures and the criteria for their success should have been specified in this EA so that the DoP and the community would be able to assess and comment on their appropriateness and adequacy. It is reasonable to conclude, though, that the applicants will have no way of controlling the large numbers of people they will attract to their site. Underage drinking is only one of the many issues that will arise.

p. 1487, Continue to have large events?

The section about whether or not to continue having events in the shire is irrelevant to the expected social impact of the events proposed in this Project Application.

The criteria for a viable events site are also irrelevant to the social impacts expected from the events proposed in this project application. It is not clear why this material was included in this Technical Paper.

p. 1488, Greenfields site

The reference to the BluesFest site here is not relevant to this project application because the BluesFest site at Tyagarah is very different to the Yelgun site. For example, the BluesFest site is a simple, rectangular shape. It can be secured fairly easily with fencing and can be patrolled easily, too. In contrast, NBSP has a very irregular, multi-kilometer boundary and includes two catchments. The perimeter cannot be secured, and that lack of security will bring serious risks to the Billinudgel Nature Reserve and to festival goers who wander off site, as they will surely do.

Other major differences between the two situations include the frequency of events (only one event per year at Tyagarah) and the scale (daily BluesFest attendance of under 20,000 in 2010 and proposed attendance of only slightly higher for 2011). The owner of the BluesFest site has also been considerably more attentive to the concerns of both Council and the community and most importantly has not asked the NSW DoP to become the consent authority, seeing the value in working with Byron Council and the community.

p. 1488, Frequency of large events

The statement about frequency of events is highly misleading, suggesting that only 20 days out of 365 will see activity on the site and that only 12 of these will be of particular concern. In fact, the promoters will be engaging in weeks of activity on the site at least four times a year. As they said in an interview about their preparation for SITG, "There's people doing works out here, prepping, weeks and weeks in advance. I mean, it's a mini-city. We have a police station, we have a fire brigade base here, we have a couple of ambulances. We have 38 electricians, 22 plumbers. It's a city..." (<http://www.messandnoise.com/articles/4026422>).

Pre- and post-festival activity will also be of concern to the community. For example, sound and lighting systems will need to be tested thoroughly before the event and will create disturbances. Pre- and post-festival traffic going in and out of the site will also be intrusive and create inconveniences. Festival goers will make their way to the site to scope it out. Yet the promoters continue to imply that the *only* disturbance will be for a very few days every year, claiming that the rest of the time the area will be a blissfully quiet rural property. This is a serious misrepresentation of what will actually be going on.

p. 1489, Balanced calendar

The sentiments expressed under this bullet are contradictory. For example, the proponents stress that they will have "limited" large commercial events on their site and yet will provide substantial employment for local youth. They can't have it both ways. Either there will be enough activity to provide considerable full-time employment or the activity will be too limited to provide more than occasional part-time employment at scattered times during the year.

In this Technical Paper, there is no detailing of expected employment that will result from an approval of this proposal and no indication of how many *new* full time jobs will be added to the local economy as opposed to some increases in casual work for existing casual workers or from backpackers who come into the area just for festivals and want to pick up a little casual work to help pay for their tickets.

To adequately assess the proposed days of operation and employment opportunities, the community needs to see a detailed calendar of events for the next several years, including specifics about the nature and duration of jobs that will be offered. Details should include specifications for full-time and part-time jobs. Only then will the community be able to judge the validity of the promoters' claims about providing substantial employment opportunities. (The calendar provided in Table 3.1 in Section 3 is too general; it does not specify days of preparation, operation, and clean-up for each event listed.)

Also, this section mentions "training" that will be provided for "local youth and young adults." What is the nature of the training? How long is it expected to last? What will it prepare the trainees to do? How many trainees will benefit? What would be their next step in a career path that the training would enable them to take?

Simply saying the project will generate "employment and training" is not enough for a project of such supposed significance that it requires assessment under Part 3A.

A detailed calendar of events for the next five years, including specific days of preparation, operation, and clean-up, is also needed so that the community can judge the extent to which the intended activity will interfere with their lives at different times of the year and the extent to which the plans are in accord with Byron Shire Council's Events Policy. Without such a detailed calendar, Council and the community cannot know what to expect, and that puts both at a distinct disadvantage.

p. 1490, Community services and facilities

This section is misnamed. The contents have little to do with how community services and facilities might be affected by year-long festival activity in the area. Rather, it boasts of the money donated by the proponents in the past and indicates that more handouts will be forthcoming if the proposal is approved. Specifics about these handouts, however, are not given.

This mention of give-aways assumes that the many serious concerns within the community can be effectively mitigated by handing out money to other parts of the community. That's like saying it's all right to disturb your neighbours and trash their property if you give enough money to other people on the other side of the shire.

It is particularly unclear how this handout strategy will be a "significant ongoing benefit to the local community in the north of Byron Shire." What groups in the north of the shire are to be targeted for beneficial handouts? The people in the north should know exactly what handouts are proposed so that they can decide if, indeed, they will satisfactorily compensate them for the negative impacts that year-round festival activity will have on their lives.

As to the actual effect of mega festivals on essential facilities (rangers, police, fire fighters, power, waste disposal, shopping centres, etc.), there's a good chance these critical basics will be left severely affected or unable to cope with the increased pressure.

p. 1491, Demand for accommodation

This section first states that accommodation providers will benefit "from SITG, which occurs in a traditionally quiet time of year." However, SITG is only one of at least four major events proposed for a calendar year. So to suggest here that the site will see activity only once a year is highly misleading and contradictory to the heart of the proposal.

Furthermore, the threat of increased short-term holiday letting is very real, especially in the north of the shire. As the proponents mention elsewhere in their EA, festival goers come days before an event and stay days after. In fact, this is a primary argument they give for why this proposal will be such a boon to local businesses. If festivals are allowed to go on all year long, it is highly likely that dwellings suitable for long-term rental will be converted into more lucrative short-term festival rentals throughout the shire and most especially in the north of the shire. The increase in the activity will not, of course, make the activity legal, but it will create additional headaches for Council, which will have to respond to the increased complaints of permanent residents.

To say that increased camping will solve the demand for accommodation is also highly misleading. Camping numbers are directly related to total attendance numbers. So, for example, when daily attendance is at 50,000, space will supposedly be provided for 25,000 campers. That means 25,000 *others* will need to arrange accommodation elsewhere, far more than any SITG festival has had in Byron in the past. The increased demand will most assuredly lead to increased short-term letting that will have severe negative impacts on the amenity of residents in the area and on the availability long-term rentals.

p. 1491, Demand on beaches

The bullet point relating to demand on local beaches and other neighbourhood facilities includes a particularly naïve statement that festival goers will not overwhelm the beaches of the area because the promoters will ensure that "all event-related literature does not identify or promote areas such as New Brighton or South Golden Beach." This suggests that festival goers will simply not notice that the site is quite close to these beaches.

We note that festival goers look at maps and communicate with one another via social networking sites and forums, mobile phones, and other means. Those who are familiar with the site will almost surely inform others that the beaches in the north of the shire are quite close, despite what the event literature says or does not say. A stretch of beach owned

by National Parks and Wildlife, part of Billinudgel Nature Reserve, will most certainly be visited by numbers of festival goers day and night, before, during, and after events. They just have to walk through the Reserve to get there. South Golden Beach and New Brighton Beach, which include nesting areas for endangered species, are a short walk from there. In fact, the proponents are being silly when they say festival goers are more likely to visit the beaches of Tweed or Byron Bay than beaches that are within walking distance of the site.

p. 1491, Increased crowds

A key mitigation strategy suggested here is "continued consultation" to determine if locals want reduced tourist numbers or if they welcome "increased patronage to their businesses". First, this is implying that if the promoters keep asking people if they like having more tourists in their area, all will be well simply because the promoters keep asking. Second, this strategy pits residents against business owners, which, over time, will destroy the community.

The comment (again) that event literature will not mention New Brighton or South Golden Beach is again naïve, as is the statement that "these areas are not significant destinations for visitors." In fact, these two beach communities are favoured destination spots for families on holiday. Several lawful holiday rental properties are popular accommodations. Both communities are quite small, however, so an influx of an additional 30,000 - 50,000 party-minded festival goers regularly throughout the year will have negative impacts on their quiet, family-oriented character.

It is also naïve to suggest that 30,00 - 50,000 people can easily be prevented from going into Brunswick Heads in the evening by "attracting patrons for lunch but not for evenings" or by "not mentioning Brunswick Heads as providing nighttime attractions". The promoters want us to believe that if they guide patrons into Brunswick Heads for lunch, the patrons will simply not think about returning in the evening because the event literature does not mention evening activities. This is absurd. Of course, the promoters intend to provide for virtually all their customers' needs onsite to begin with, so it is unlikely that they will be purposely sending them anywhere else for breakfast, lunch, or dinner during events. But the festival-goers themselves may well have other ideas about Brunswick Heads or other nearby places before, during, and after events.

Brunswick Heads and Billinudgel, as the closest communities with pubs, are likely to be inundated day and night with people intent on partying, before, during, and after the various proposed festivals. South Golden Beach, New Brighton, and North Ocean Shores will very likely be chosen by some patrons for off-site accommodation (as suggested under "Demand for Accommodation" above), and those holiday letters are more than likely to invite other festival attendees to their places of accommodation and the nearby beaches.

The truth is that such large numbers of people pouring into the area simply cannot be controlled. The promoters should be straightforward about this fact instead of suggesting impractical, ineffective, and unenforceable "mitigation strategies".

p. 1492, Illegal camping and littering

What is the Off-site Response Strategy referred to here as a way to deal with illegal camping and littering in the area? This Strategy should be explained to the community in detail, not simply mentioned in passing, as it is here.

Also, in what ways would Council rangers and NPWS officers actually be engaged to handle these problems? Both offices have such limited staff that they are unable to deal with ongoing problems, such as illegal motorbikes in the Reserve, uncontrolled dogs, and parking infractions. The applicants are making unwarranted and extravagant assumptions about how these busy offices will cope with the illegal camping, litter, and other issues that will result from festival activities on site and from festival-goers' actions off the site.

More importantly, the information under this bullet point is too vague even to be assessed. Exactly how many *extra* Council rangers will be on duty when activity is occurring on the festival site? Or is it assumed that all of Council's rangers will be dedicated to festival issues? How many *extra* NPWS rangers and officers will be on duty during these times? Or is it assumed that all NPWS resources will be dedicated to festival issues? Have Council and NPWS agreed to release their rangers for this duty?

Furthermore, what will be these rangers' hours of service? For example, will NPWS rangers be patrolling Billinudgel Nature Reserve in the evening, at midnight, and in the early hours of the morning, when festival goers are likely to be roaming in that area? Where will Council rangers be assigned for duty to ensure that festival goers are not camping illegally on shire beaches, on Crown Lands, and on people's property? Who will pay for the extra (overtime?) services of the NPWS and Council? Ratepayers? If so, this should be made clear by the proponents.

Then, too, who will be manning the hot lines referred to in this section? When will these people be on duty? How many will be on duty at different times during the day and night? Who will manage the "web-based message system" mentioned here? Who will be leaving messages for whom on that system? Can residents leave a message about illegal camping or littering and expect a quick response? What will be the hours of operation of these communication systems? Who will be responding to complaints? Council or NPWS rangers again? Local police? The promoters themselves?

To say that surveillance and response will be increased during festival times requires the ability and willingness of relevant agencies to provide for such increases. This section does not in any way indicate that both ability and willingness will be there when needed by the community. There is not even an indication that Byron Shire Council and NPWS are aware of this plan to use their resources and have agreed to it.

All these details, and others, should be spelled out so that the community knows exactly what to expect, and the community should then have a chance to respond to the specific plans.

p. 1492, Demand on emergency services

The provision for on-site medical services is welcome. However, the community remains concerned about how ambulances and other emergency vehicles will maneuver on the local streets and roads when festival traffic pours into and out of the area and clogs the few roads and streets that service areas closest to the site. The Traffic Impact Assessment should be reviewed with this issue clearly in mind.

p. 1494, Cultural Plan

It is instructive that despite the proponents' claim to be sensitive to the concerns and culture of the indigenous people in the area, quite a number of indigenous people in the area

have never been involved in consultation with the promoters and have not had a voice in what the promoters intend to do on their land, some of which is of grave concern to them.

Section 7, Conclusions and Recommendations

This section includes issues not mentioned in the earlier sections of this Social Impact Assessment. It appears to be a tacked-on section that doesn't go with what comes before. Specific comments follow.

p. 1498, Comparisons: Belongil Fields

This section glosses over important points that should be considered in assessing this application. For example, the description of Belongil Fields as a former site for SITG makes no mention whatsoever of the severely negative impacts neighbouring communities experienced as a result of that festival through the years. As many Sunrise Beach residents stated, year after year, they were heartily sick of the noise, disturbance, and trashing of their properties. If the proponents are so knowledgeable about these impacts, as they state in this section, they should spell them out here with regard to their current proposal and should provide strategies for dealing with them effectively. Holding debriefings and "encouraging patrons to act appropriately" were not particularly effective at Belongil Fields and are likely to be even less effective at Yelgun, given the vast increase in attendance. As to the proponents' claims that they have "developed competent risk management and mitigation procedures," they should have listed them here along with an indication of how successful they actually have been in the past, quantitatively and qualitatively. Only then can the community judge how reasonable the efforts have been and might be in future.

p. 1500, Comparisons: Woodfordia

The fact that Woodfordia was opposed 16 years ago and is now "largely embraced" by its local community is a statement unsupported by data. However, since this site was mentioned for comparison, the proponents should have stated the social impacts that resulted *from their own presence at this site in 2010*. A number of reports raised serious concerns. For example:

- "As a resident/neighbour of the festival site I was not impressed by the latest festival held in our backyard starting with the traffic disaster which took 4 hours to get home on Thursday"
- "Thank God there is someone else who would like to see splendour in the grass "pain in the A****" go somewhere else I thought I was the only one to have a horror experience of this events impact on the locals of Woodford. I also am and will continue to protest against them" (Source: <http://www.abc.net.au/triplej/events/splendour/10/yourshout/>)

However, the main point is that Woodfordia is not NBSP and should not be used as a comparison to it for the purposes of this proposal. What matters here is what is being proposed for the *Yelgun* property, not what is going on in Woodford.

p. 1502, 7.3 Evaluation, Closest impacted residents

The material in this section downplays quite a lot and includes inaccuracies. First of all, the communities of Yelgun, Crabbes Creek, Billinudgel, Wooyung, The Pocket, North Ocean Shores, South Golden Beach, and New Brighton will all be affected by this development. They are all close neighbours. However, this section suggests that just four *houses* and a few other dwellings will be affected.

Mention is made of a "priority lane" on Tweed Valley Way for local residents to get in and out of their neighbourhoods. Just where will this priority lane be located along this two-lane road? Will there be one for southbound traffic and one for northbound traffic? Which people will be considered "local" enough to receive a sticker that will allow access to this priority lane? Who will patrol this lane, check for stickers, and control access to the priority lane? During what specific hours will priority lane(s) be in operation during the day and night? A detailed map of these lanes should have been provided so that the community could assess the ease with which they will be able to travel to and from their properties during events. (We note that no mention is made of this priority lane in Technical Paper C1.) The proposal should not be assessed by the DoP until residents have been given a clear idea as to just what they would face and have had a chance to respond.

Mention is also made of controlling traffic on Jones Road. Who will provide the personnel to manage this control? Who will pay the personnel? What hours of the day and night will the patrols be on duty? Where will the patrols be located so as to ensure that festival goers and others on the site will be prevented from entering Billinudgel Nature Reserve? A detailed description, with maps, of this patrolling strategy should have been provided so that residents in the area could determine how well their access would be provided for and have a chance to respond.

It is interesting to note that on this page is the first mention of the need to "restrict access opportunities into the Billinudgel Nature Reserve". This should have clearly been listed earlier as a major issue, which it is for a great number of community members.

It is also interesting that the promoters have clearly not yet consulted with Jones Road residents about any of this. The statement here indicates that they "*would* consult with residents" (italics added). Under what circumstances might they do this? In fact, the residents of Jones Road have never been consulted about how access to their properties will be affected by this development and what the promoters intend to do to make sure their access is unimpeded. The project application should not be assessed until every property owner on that road has been consulted about the proposed measures and finds them satisfactory. They should not have to be content with the thought that they "*would*" be consulted at some point in the future if certain (unspecified) conditions arise.

Similarly, the residents of Yelgun should have been consulted about the same issue before this EA was lodged with the DoP. Instead, this section states that they "*could*" be consulted "*if they supported such an approach*". Well, who will decide whether or not the Yelgun people will be consulted? If they are consulted, what will they be asked? And when will they have a chance to express their opinions about the proposed actions? Who will determine when their concerns have adequately been addressed?

The statement here about rangers and police is also noteworthy. Which rangers will be patrolling in Yelgun? Byron Shire Council Rangers? NPWS rangers? Free-lance rangers? And which police will patrol Yelgun? Will they be taken away from the regular duties for this patrol? Or will they be working overtime? Who will pay rangers and police when they are on duty at festivals? All this should be specified in detail. In particular, shire ratepayers should know if the proponents are expecting them to foot the bill for such increased security.

This section suggests that residents' lives will be affected "for a limited number of times per year". That is a highly subjective statement. What is considered "limited" by the proponents is considered "far too much and too often" by the residents who moved to the area expressly to lead a quiet life.

p. 1503, Nearby urban centres...

What are again described as "nearby urban centres and rural communities" are much closer to the site than the proponents seem to realise. Their assurance that negative impacts will be "limited occurrences" seriously downplays the disturbance that these residents will experience multiple times throughout the year, sometimes for weeks at a stretch, from pre-festival, festival, and post-festival activity on the site and spillover effects (traffic, noise, intrusions into neighbourhoods, etc.).

p. 1503, Users of Tweed Valley Way

The proponents' blithe assurances that traffic impacts will be "short term" and infrequent are misleading. They suggest here that the only times of day that matter are when people are moving about "for work and school purposes" as if other motives for driving are inconsequential and that traffic snarls at other times are therefore acceptable. See CFFS's response to the Traffic Impact Assessment, a Technical Paper that has many questionable assumptions and misleading statements.

p. 1504, Employees, service providers, and local economic stimulus

The proponents' claims about economic benefits are unsupported by credible data and are most likely exaggerated. See CFFS's comments on the proponents' Economic Impact Assessment (Technical Paper B).

p. 1504, Event patrons

The claims made here are not supported by data.

No mention previously has been made in this section of "cultural events" involving arts, food, or technology. The focus has been on SITG, a rock music festival.

Here is a particularly odd statement: "The use of the site as a cultural events site strongly assists the relevant social indicator of culture." What does this mean? What is a "relevant social indicator of culture"? For that matter, what is an *irrelevant* social indicator of culture? Culture exists simply because people exist; it is difficult to see how it and its "relevant indicators" need "assistance".

The statement that the "overall community will experience positive social change by a wide range of cultural experiences that will be available locally at Parklands" is a sweeping generalization that, at best, is an opinion held by the proponents. No operational definition is provided for "positive social change"; no criteria are suggested for measuring it; no strategies are described for measuring an increase in it as the result of the presence of Parklands in Byron Shire. Also, no details are provided about the "wide range of cultural experiences" that will be provided. All that we know for sure is that one pop music festival will be staged on the site. This statement about positive social change cannot be accepted as factual.

p. 1504, Recommendations and Conclusion

At the beginning of this Technical Paper, on page 1468, the proponents mention that the paper will provide a number of specific recommendations. CFFS notes that none of these promised recommendations are mentioned in this section of the paper.

The claim that the proponents will maintain "ongoing consultation with the local community" is not at all reassuring, given the dreadfully inadequate job of community consultation they have done so far regarding this proposal. Just what do they intend to do in

an *ongoing* consultation? CFFS suspects that they will continue simply to tell the community what they are going to do and will deflect any objections by offering empty assurances that all will be well.

More importantly, "consultation" (talking to people) is not a strategy for ensuring that a development is benign in terms of its social impact. Real action is required that reflects response to the actual concerns of the people who will be affected and that reflects genuine modification of the plans to alleviate those concerns. This Technical Paper does not show evidence of such real action.

The use of the future tense in the second bulleted item is unnerving. Operational standards to address traffic impacts, environmental impacts, noise impacts, and off-site impacts *should have been thought through and put in place already*, using the most conservative judgments as to what might be necessary to ensure that negative social impacts do not occur. The proponents seem to be saying that they intend to proceed as they wish, see what goes wrong, and then figure out how to fix things up—if fix-ups are possible. That's not good enough for development on this scale that promises to disrupt lives so severely throughout the year.

The strategy of handing out grants to selected groups in the community is not a strategy for ensuring that negative social impacts will be reduced or eliminated. Presented in the context of this Social Impact Assessment, it sounds as if the proponents' assume that if they hand out enough money, people will be happy with what they're doing. This is far from true and is insulting to the community.

The final paragraph of this paper suggests that adverse impacts will relate only to the immediate locality of the site, which is not at all true. Worse, this paragraph describes the serious concerns held by the community as "*perceived environmental and amenity of lifestyle impacts*"—as if the people in the community are somehow delusional, seeing things that are not really there. This shows a distinct lack of understanding of the community's very real concerns and a distinct lack of respect for the community.

In sum, if this proposal is approved by the NSW Department of Planning, there will be a significant deterioration in local residential amenity and severely compromised lifestyles. No government should allow development that is far from essential, benefits only a few, and is a detriment of the vast majority.

Response from CFFS to Section J: Community Consultation

With regard to the first three sections of the proposal (Executive summary, Background, Objectives), we raise these issues:

• Issue: Reliance on earlier, irrelevant community response

The applicants refer to community consultation having been “undertaken over the past four years” (p. 1/1531), to people who “had been hearing about the proposal for years” (p. 2/1532), and to “extensive community consultation undertaken ... between 2006 and 2009” (p. 3/1533). These statements refer to consultations related to *three entirely different proposals*.

The first event-oriented proposal (DA 2006.750.1) was an application to Byron Shire Council for a Music Festival to be held in August 2007 at the Yelgun site. This application was subsequently withdrawn by the proponents. The second proposal (DA 10.2007.462.1) was submitted to Byron Shire Council for a one-off trial event at the site on a scale similar to earlier SITG events. Council approved that proposal with conditions, including a limit on daily attendance of 15,000 on each of the two days and midnight closing times. In May 2009, that approval was declared “invalid and of no effect” by the NSW Land and Environment Court. In April 2009, just before the Court announced that decision, the promoters took a third proposal to the NSW Planning Department for a year-long permanent festival site.

The earlier consultations related to the previous DAs and cannot be considered relevant to the current proposal. Indeed, there is considerable evidence from public community meetings, community association meetings, and letters to editors to show that that although some in the community were agreeable to a low-key or trial event, sentiments are strongly negative to having a year-round, permanent festival site at the Yelgun location. People who supported the earlier proposals (with letters to local newspapers, in community meetings, and earlier submissions to Byron Council) are now appalled at the substantial increase in the number of events now proposed and at the massive increase in proposed daily attendance revealed in the current proposal.

For these reasons, Section J must be considered highly misleading because reference is repeatedly made to all the proposals together, as if they are essentially the same, rather than to the current proposal only.

• Issue: Vague, unsupported, and misleading statements

Such words as “most” and “many” are used loosely without supporting evidence. An example is the statement “it appears that from most stakeholder groups there is either passive or active support for the proposal” (p. 1/1531). What is the total population of stakeholder groups to which this statement refers? How many of the total are the proponents including in the term “most”? This is not made clear, either here or further on in the report when stakeholders are again mentioned in more detail.

Also on this first page is the statement “some people have outlined that they believe their way of life is under threat” and these people are referred to as “at or near retirement age” without supporting evidence. To which specific groups or individuals do these statements refer? That is not clear here, nor is it clarified elsewhere in Section J. Contrary to what is implied here, plenty of young people and adults who are nowhere near retirement age

are gravely concerned about this proposal. It is misleading to imply that only "old fogies" are against the idea.

The applicants mention people who "expressed fear of speaking out" in support of the proposal, but they do not provide any specifics about who these people are, when they have feared speaking out, or why they fear expressing their opinions. (Nor is this clarified further on when it is mentioned again.) This statement implies that opponents of the proposal have been threatening others and that many more people are in favour of the proposal than have voiced an opinion. Both are unsupported and unwarranted statements.

Furthermore, the statement that there has been a "bias toward inaction for supporters of the proposal" (p. 2/1532) is a questionable conclusion, given that it is based on the vague assertion that "most individuals and groups consulted who chose to give feedback were supportive of the proposal." Specific, quantitative data should be provided to support these assertions here and elsewhere in this section. We also note that there is just as likely to have been a bias toward inaction for *objectors* to the proposal. In fact, CFFS has had a number of people express the opinion that it won't do any good to object because large developers will inevitably win, but we can't be sure how many people fall in that "silent objector" category.

At the top of page 2/1532 is the statement that although "local residents voiced environmental concerns ... only one of these was interested in seeing the site and going through their concerns with the ... ecologist." No supporting evidence is provided for this statement here or elsewhere in this section. However, CFFS knows quite a number of locals who did not need to go through their concerns with an ecologist on site because they are already quite familiar with the site and with its history and knew enough of what was being proposed to be able to form an opinion about the idea without first conversing with the NBSP ecologist.

These are only a few examples of the vague, unsupported, and misleading statements in this section. They must not be accepted as evidence of substantial community support for the proposal.

• ***Issue: Lack of interest in hearing objections***

When the proponents were considering the purchase of the property in 2006, two of them met with nearby residents on the site. These residents were given a cursory look at the property and told in very general terms of the intentions to use the site for a music festival. The residents asked specific questions, but the proponents either ignored the questions or gave general, sometimes evasive answers. Because of the minimal information provided and the lack of specifics, the residents did not feel they could take the proponents seriously. That was the last time the residents were approached by any of the proponents or their associates until a technician spoke to them about placing a noise monitor on their property in the late summer of 2010.

When the DA relating to a trial event was lodged with Byron Shire Council, the proponents were invited to meet with local groups and individuals. They refused to come, claiming that they didn't want to hear negative opinions. For example, the promoters were invited to a community meeting scheduled for 28 September 2007 to hear community concerns about the one-off trial festival. They at first agreed, but they pulled out when they heard attendees intended to raise objections and protests. On another occasion several months later, the proponents invited the public to a Community Open Day on the site, implying that they would be open to questions about their plans, so a number of residents

went, hoping to raise their concerns. However, they were discouraged from doing so by the set up. The promoters chatted with supporters, played music, gave speeches to tell what they would be doing on the site, and lamented objections that had been voiced to their plans. In speaking to the assemblage, one of the promoters repeatedly and impatiently introduced statements about the plans by saying, "Where is the crime in...?" This implied both that objectors were accusing the promoters of nefarious activity and that objections would not be taken seriously. After several hours of this, those who had come for serious conversations about the proposal left in disgust.

Since then, the impression within the community, as noted by CFFS, has been that the proponents do not want to hear objections, will control their interactions with the community to avoid hearing objections, and will dismiss any objections that are raised by stating that they will deal with them in time.

• Issue: Minimal consultation regarding the current proposal

Limited community consultation about the proposal for a one-off trial event continued until the current proposal was lodged with the state. From that point on (April 2009), the community saw nothing in the way of real consultation concerning the current proposal. In fact, the only contact that the promoters had with the community (outside of a few press releases) was in the form of a small flyer that was placed in some letter boxes in North Ocean Shores in May 2010, well over a year after the proponents had first lodged their application with the state. The flyer provided general information about the proposed permanent festival site and directed people to NBSP's website and phone number if they wanted to provide "input." Ten days after the proposal was put on public exhibition by the State, some people received a second flyer in their letter boxes providing somewhat more detail and telling people to get in touch with NBSP if they had questions. This is community consultation at its most minimal. Yet the plans, if approved, will have massive impacts on the lives of the people in North Ocean Shores and other nearby communities.

We must note that as we have been reading the proposal during the public exhibition period (7/10/10 - 19/11/10), we have been discussing various points with family, friends, neighbours, and other interested people. The most consistent response we have received has been one of surprise that the application is for more than one festival a year. A great number of people believe that the proponents have simply gone to the state to get permission to hold SITG at Yelgun. When they learn the full extent of the plans, including the plans for a much enlarged SITG, they become alarmed and ask why the applicants didn't make that clear a long time ago to the community. For example, we set up an information booth at a North Ocean Shores market on Tuesday, 16 November, to help people understand the proposal. We spoke to dozens of people that day who still were not aware of the intentions of the proponents beyond a single "Splendour at Yelgun".

The proper course of action would have been for the proponents to make clear distinctions between their earlier proposal for a one-off trial event and the current proposal for a year-round multiple-festival site. Yet the tactics since April 2009 have been to downplay the differences or provide only the most general information about the current proposal, couched in terms that will make the idea seem innocuous. For example, the May 2010 informational flyer refers to "12 event days per year" and daily attendance of "over 10,000" without being clear about the total number of days of activity on the site or the actual attendance goals.

Specific questions must be raised about the following statements in section 2.1:

Statement	Issue or Question
<p>“Consultation occurred with Byron Shire Council senior staff and Councillors prior to the purchase of the site as an events site” (p 3/1533).</p>	<p>Did Council indicate approval for a permanent festival site on the scale currently being proposed <i>before the land was even purchased in 2006 and before a DA was lodged</i>? Did Council also indicate approval prior to 2006 for year-long festival activity with daily attendance far exceeding the entire population of the shire? If so, Council was out of line.</p> <p>Importantly, this statement ignores the point that the current proposal is quite different from the earlier one that Council approved. Also, this statement makes it seem as if Council has been agreeable to the current proposal for over 4 years, despite the fact that an intervening election changed the complexion of Council. The Yelgun festival site was a major election issue in the shire, and the fact that Council now comprises a majority of councillors who are not in favour of festivals at Yelgun must be noted.</p>
<p>“Meeting with adjoining and nearby neighbours (including meetings prior to the purchase of the site) (p 3/1533).</p>	<p>Several residents on Jones Road were not consulted in person about a one-off trial event and have never been consulted about a permanent event site. In fact, these residents did not know the details of what was being proposed until the proposal was put on public exhibition on 7 October 2010.</p>
<p>“Meetings with relevant government agencies such as National Parks and Wildlife Service” (p 3/1533)</p>	<p>When did these meetings take place? Which agencies were represented? Did the agendas involve the earlier proposal for a one-off trial event or the current proposal for a permanent festival site? Such vital details are not made clear.</p>
<p>“Discussions with the National Parks and Wildlife Advisory Committee including attendance at their meeting in August 2007” (p 3/1533)</p>	<p>This reference is clearly to the earlier DA to Byron Shire Council for a one-off trial event. It is not relevant to the current proposal. Or were the proponents talking at that earlier time about a permanent festival site in the absence of any DA to that effect?</p>
<p>“Contacting over twenty-five regional environmental and community groups to discuss the proposed plans including inviting members to attend a guided site tour” (p 3/1533)</p>	<p>Which groups were contacted and when were they contacted? Did the contact have to do with the proposal for a one-off trial event or the current proposal?</p> <p>This statement sounds as if there has been broad involvement of community groups with the current proposal, but that is an unsupported claim. In the absence of supporting evidence, this statement is highly misleading and is in any case irrelevant if it refers to the earlier proposal for a one-off trial festival.</p>

<p>"Attending the meetings of local community groups...to discuss specific questions, concerns and opportunities" (p 3/1533)</p>	<p>When did these meetings occur? Did the agendas have to do with the proposal for a one-off trial event or the current proposal? It is a fact that the promoters refused to attend community meetings when the DA for a one-off trial event was under consideration by Byron Shire Council, as mentioned above.</p> <p>Since the permanent-festival-site proposal was lodged with the state, the promoters have sent only one letter to CFFS and to other community groups that have spoken out against a permanent festival site at Yelgun, and they have attended no meetings called by these groups. At best, this can be considered minimal contact with the community.</p>
<p>Bullet points 7-10, page 3/1533: Meeting in Sept 2007, site tours, forum in Sept 2007, and the public meeting at Byron Council chambers.</p>	<p>These points all relate to the earlier proposal for a one-off trial event at Yelgun, not to the current proposal for a permanent festival site. They are not relevant to the current proposal.</p>
<p>Provision of a website from April 2007 to present (3/1533)</p>	<p>This statement muddies the waters by combining communications related to the one-off trial event with communications related to the proposal for a permanent festival site. Also, the number of hits at the website should not be construed as support for the proposal.</p> <p>More significant is the fact that people contacted the website in June 2007 and asked to be kept informed via email newsletter (as invited by NBSP) but never received a single promised newsletter after having their interest acknowledged by return email and having been told they had been placed on the mailing list.</p>
<p>Reference to Community Open Days, tree planting, barbecues, etc. that took place in 2007.</p>	<p>In 2007, the promoters had an active DA for a one-off trial event and repeatedly assured the community that they were focusing entirely on staging a single event. Thus, none of this community contact or consultation is relevant to the current proposal.</p>
<p>Researching the indigenous significance of the property and engaging in discussions with local aboriginal people (4/1434)</p>	<p>A number of indigenous people who live in or near Yelgun were never consulted about either a one-off trial event or the establishment of a permanent festival site. (Evidence will be provided on request.)</p>
<p>Reference to a telephone survey (4/1534 and Appendix B)</p>	<p>This survey contains some references to a permanent festival site (p 1558, 1563, 1566+) but was done in conjunction with the proposal for a one-off trial event. The questions were very general, not containing any of the details about frequency, scale, duration, etc. These survey results are thus not relevant to the current proposal and should not be construed as supportive of the current proposal. However, it is still noted that many more people were supportive of a permanent festival site in Byron Shire (in general) than were supportive of one at Yelgun, indicating that people early on questioned the Yelgun site being used for this purpose.</p>

Meetings from 2006 onward with Council staff and councilors (p 4/1534)	<p>Meetings prior to April 2009 cannot be considered relevant to the current proposal since before that time the only active proposal was a DA for a one-off trial event, with Byron Shire Council as the consent authority.</p> <p>Any meetings with Council after April 2009 are irrelevant because the promoters bypassed Council at that time and lodged a proposal for a permanent festival site with the NSW Planning Department.</p>
3.0 Consultation Objectives (5/1535)	
• Update stakeholders regarding the proposal	The current proposal is so different from the earlier proposal for a trial event that the phrase "update stakeholders" is highly inappropriate.
• Consult with individuals and groups that had not been previously personally contacted	Any "previous contact" must be considered irrelevant to this proposal. The applicants should have undertaken a from-scratch community consultation of depth and thoroughness, one that clearly dealt with the specifics of the <i>new</i> proposal most likely to cause concern to the community, e.g. closing times of 3AM, expected daily attendance of 50,000, traffic jams, noise, etc.
• Broaden the geographic scope of the consultation	From what to what? And for what purpose was this broadening?
• Ensure that detailed information reached individuals and groups...	What evidence is there that this was accomplished? The only information received by the community before the Environmental Assessment was made public by the State was the small flyer circulated in May 2010. Details in this flyer were glossed over, as they were in press releases and other communications issued from NBSP. To meet this objective, the proponents should have made the details about their plans crystal clear.

4.1 Personal contact

Despite the expansive claims in this section, key people closest to the site have not been contacted. Members of CFFS, based in the north of the shire, can themselves personally attest to this. They also have many neighbours and friends in the shire who have never heard a word from NBSP. The "personal contact" claimed by the applicants has not been systematic or thorough, especially in the areas closest to the site. Also of concern is that a number of people who live closest to the property (in Yelgun) did not receive any specific notification that the proposal was put on public exhibition in October by the NSW DoP.

4.2 Letterbox drop

The proponents filed their application with the state in April 2009. Over a year later (May 2010) they circulated the flyer referred to here, but the flyer did not provide an honest and accurate picture of the scale of the events. For example, it claims daily attendance of "more than 10,000", seriously downplaying the actual figure of 50,000 per day stated in the EA. Also, the flyer states that activity will be limited to "20 event days per year", seriously understating expected activity. A new flyer was placed in mailboxes about ten days *after* the proposal was put on public exhibition by the NSW DoP. This provides a bit more detail, but it is too late in coming for the large majority of people in the area to get their hands on the proposal and digest key points before the public exhibition period is over.

In contrast to the sketchy flyers, the proposal points out that each major event will require bump in and bump out activity of around 28 days. Even this seems an understatement, given what the promoters described in an interview with the press about their festival at Woodford in 2010. (See the interview reported here: <http://www.messandnoise.com/articles/4026422>). They stated that by the time they opened the doors to 32,000 attendees, they had been on site for 3 weeks, overseeing the construction of the "little city" that was required. They also claimed they would need time to take it all down at the end. Conservatively assuming a total of 5 weeks of set-up and take-down time for each major event (3 weeks before, 2 weeks after), four events would involve a total of 20 weeks (140 days) of set-up and take-down activity on site as well as 12 days of actual event activity. And that's just for major events. Four "moderate" events are also planned, each with its own set-up and take-down time, and the number of small events would be unlimited.

The flyers seriously misrepresented to immediate neighbours the true extent and duration of on-site activity, all of which will involve noise, people and vehicle movements, extra traffic, and other risks and disturbances before and after actual festival days.

4.3 Mail out of personal letters

The "extensive mail out" claimed for March-June of 2010 is exaggerated. As with the personal contact claims above, members of the CFFS can personally attest to the fact that they never received the letter shown in Appendix D and have many neighbours who did not receive the letter. If the intention was to contact neighbours in the north of the shire, the attempt was woefully inadequate. This is especially disturbing in light of the nature of the massive proposed development. Every single household in *all* the communities closest to the shire should have received multiple communications detailing the full intentions and expectations of the promoters so that there would be no mistake in their minds as to what they potentially faced.

4.4.2 Private site tours

The proponents state that only 79 people were interested in site tours since March 2010 and conclude that this low demand indicates lack of concern about the proposed plans. This is an unwarranted conclusion. In fact, the groups and individuals represented by the CFFS were against the one-off trial event and are even more strongly opposed to a permanent festival site of the scale proposed. The fact that they did not attend a tour after the proposal was lodged with the state should not be construed to mean that they now accept the proposal as a good idea. Also, quite a number of people felt it would do no good to arrange a tour because they would simply be told what the promoters would be doing, not listened to.

4.5 Advertisements in local media

The advertisement in Appendix F is inaccurate and misleading. First, the tourism industry had plenty of input into Council's Draft Events Policy. Council sought input from commercial interests and residents equally, and both had opportunities to make submissions to express their opinions and discuss their concerns with Council.

Also, it was entirely incorrect and misleading for NBSP to say in these ads that "any event smaller than Splendour will struggle to operate under the draft event policy guidelines". In truth, the Events Policy encourages a multiplicity of smaller events while

placing reasonable limits on mega music events (like SITG) that generate the most negative impacts on the community.

Also, this ad states that NBSP Parklands seeks approval for 12 days of major events per year with "over 10,000 patrons". This is a repeat of this misleading statement.

Finally, this ad, run in early December 2009 states clearly "We are one event in winter, the quietest possible time to stage an event." This, too, is misleading in that many months before, NBSP lodged an application with the state for permission to hold multiple major events throughout the year on their property. This much-expanded intention should have been made crystal clear to the community both in this ad and long before the ad appeared. Or the proponents should have made clear to the NSW DoP that they intended to stage only one event per year and should have admitted that they would thus not have the capacity to generate the jobs and economic benefits that they had implied they would deliver.

4.6 NBSP website

The proponents' website has been used to promote the earlier one-off trial event *and* the current proposal for a permanent events site. An important question is: of the 11,500 unique hits to the site claimed by the proponents here, how many are related to the earlier proposal and how many to the current proposal? This blurring of the two, once again, is misleading, because the statement here implies that the 11,500 people who accessed the website since it was set up are fully knowledgeable about and supportive of the current proposal. In fact, that current proposal was made public only on 7 October 2010, so the "research" that the promoters claim could be done by going to their website could not, in fact, be done until 7 October 2010.

4.8 Letters to the editor

It is curious that this section refers to the effort Mat Morris has had to exert to respond to "incorrect or misleading information" contained in letters to editors from opponents of this proposal while making no mention of the incorrect and misleading information the proponents themselves have circulated. A prime example is proponents' characterisation of the Land and Environment Court's ruling against them. The court overturned Byron Council's approval of the earlier proposal for a one-off trial event, pointing out that Council did not have the authority to grant permission for a place of assembly on land that was zoned 7(k) habitat because such activity is not allowed in that zone. This is how the promoters described the situation on their website at the time:

On 6 May 2009 Justice Brian Preston found fault with Council's technical processing of the application and revoked Byron Shire Council's approval for the trial event. He said that Council should have issued consent for both use of roads and a place of assembly, whereas they only issued consent for a place of assembly".

A careful reading of the Court's decision shows that this is an inaccurate and misleading characterisation of that decision. First, the Court did not judge what Council "should have" done; the judge's role was only to review what they had done, in terms of the law. Next, the judge declared that Council's approval was invalid because they had approved actions that are illegal. This was not a mere "technicality". Nevertheless, reference to Council's "technical processing" of the application was repeated in the media inappropriately for weeks, despite others publicly calling attention to the inaccuracy. The proponents appeared

to want to downplay the significance of the Court's decision. Other examples of misleading information provided by the promoters are cited above.

Many more letters to editors raised a host of accurate and significant objections to the one-off trial proposal and the current proposal, but Mat Morris and others chose not to respond to them. In the interests of fairness and accuracy, these other letters should have been included in this section of the EA to present a full picture of letters to editors.

5.0 and 6.0 Consultation methodology and stakeholders

The reference to "previous market research" here is confusing. When did that research occur? Was it related to the now defunct proposal for a one-off trial festival or the current proposal for a permanent festival site? If the former, then the research cannot be considered relevant to this proposal.

The reference to "numerous group meetings prior to 2010" also appears to relate to the now-defunct proposal and thus is irrelevant because those earlier meetings were focused on the one-off trial event, not on a year-long permanent festival site.

The reference to "stakeholder" consultation is also curious. The table on page 10/1540 implies that consultation with these various groups has been extensive and thorough. In fact, the contact regarding the current proposal has been almost entirely one-way, with NBSP issuing a few press releases, sending letters to targeted groups, and doing one letter-box drop in the north of the shire prior to the proposal going on exhibition.

The promoters were willing to "consult" with interested individuals on their terms: in small groups on their property. They expressed no interest or willingness to meet with groups at other locations to listen to the numerous concerns people had about the current proposal. As a result, this supposed stakeholder consultation was spotty and ineffective. The CFFS can name numerous people in the immediate area of the site who have never heard from NBSP and have no idea what the proponents are planning. For a Major Project (according to state criteria), much more thorough outreach to the community must be expected, most especially to those community members who live and work closest to the site.

The statement that "documentation was considered so that it contained sufficient detail to be transparent and thorough yet not too much detail so as to be overwhelming" is misleading. In fact, key details were routinely omitted from the documentation about the permanent festival site in what seems to be an attempt to downplay the promoter's real intentions. The repeated references to "only 12 major event days per year" with "over 10,000 patrons" are examples, as noted above.

A reference here to feedback being "documented" is also curious. Where is that documentation? It should have been included in this section if it has been kept.

7.0 Feedback

Before the Environmental Assessment was made public by the NSW Planning Department on 7 October 2010, most of the public was simply not aware of the full scope of the proposal or the many specific details associated with it. So whatever "feedback" was obtained by the promoters before 7 October 2010 was related only to the very general information they provided, much of which was incomplete and misleading, as noted above. Thus the only feedback that can be considered valid at this point is the feedback that the NSW Planning Department will receive via submissions. Unfortunately, the large majority of people in the community will not have the time to review the very lengthy proposal and

prepare submissions. Simply getting their hands on it has proved difficult, especially for people without high-speed Internet connections and facility downloading large documents.

Thus, the Planning Department should recognise that whatever comments are received by 19 November represent only a fraction of the sentiments that would have been expressed if people had had the details in hand several months ago. The community is in the position of having a massive EA to obtain, plow through, interpret, and respond to in a few weeks whereas the proponents have had their specific intentions in mind for many months.

7.1 Summary of feedback

The first statement in this section is not supported by data. How many stakeholders altogether were asked their opinion? What were they asked? How did they respond, specifically, to each of the questions?

The statements in this section are also vague and general in nature ("many comments," "many people", "most", etc.). These cannot be verified independently.

The reference to people who "strongly object to the proposal" and who "have been consistent for the past four years" again reveals a merging of response to the earlier proposal for a one-off trial event and response to the current proposal. In addition, there is no detailed enumeration of the specific concerns that these objectors have raised. Only one sentence, and an incomplete one at that, makes reference to a few of these concerns:

"Specifically, further detail regarding mitigation measures for issues such as young people wandering the streets, traffic management, illegal camping, holiday letting, noise and the amount of events held each year."

What is the verb in that sentence? The intended meaning is quite unclear. Here is another curious statement:

"There has been pressure on the community from some objectors to object to the proposal and this has engendered fear of discussing the proposal publicly. It has also caused some disdain amongst the community."

Of course the people who object to this proposal want to persuade others to object as well! As long as this is a democracy, people have the right to express their opinion and persuade others to hold the same opinion. The claim that such behaviour has induced fear is unsupported. As to disdain, any disdain that has been generated within the community has to do entirely with the proponents' intentions and actions, not with the objectors. The objectors are simply raising concerns about the development and calling other people's attention to those concerns and to the promoters' inadequate response to them.

Not mentioned here is the fact that the promoters and their supporters have exerted considerable pressure on the community to *support* the proposal, implying that unless it is approved, hundreds of millions of dollars and numerous jobs will be lost, the youth in the area will be sorely disadvantaged for lack of entertainment, Byron Shire businesses will have to close, Byron will lose its reputation as a cultural centre, and so on. We consider these claims to be exaggerated and misleading.

The promoters' tactics have also led many to feel disdain for *them*. For example, the promoters expressed contempt for Byron Council and the community of Byron Shire by

going over their heads to lodge an application with the state. CFFS, representing numerous community groups and individuals, considers that action an insult to the community, especially when it is implied that the applicants were passive recipients of State action:

“A State Environmental Planning Policy (SEPP) decrees what applications MUST be processed by the State Government. A proponent does not get to pick or choose its approval authority”. (In an ad purchased by NBSP, *The Byron Shire Echo*, 2 November 2010, p 13).

The fact is that the applicants chose to submit several DAs to the local council over the course of several years. When that did not produce the desired outcome, they turned to the state by recharacterising their proposal as a Part 3A Major Project. *Their actions show that they did, indeed, focus on choosing a consent authority.*

Another important point: CFFS knows, from personal communications, that many opponents of this proposal are against the development because it will encourage excessive alcohol and drug consumption by the young people in attendance, especially since the proponents intend to sell alcohol throughout the long hours of operation. The SITG festival, in particular, is notorious for the amount of alcohol and drugs consumed by attendees and the anti-social behaviour that the drunk and stoned patrons display during and after the event. Yet there are only a very few statements about alcohol or drugs in the summary of feedback or, indeed, in the entire community consultation section. This is quite an interesting oversight. CFFS knows for a fact that the issue of alcohol and drugs was raised numerous times by the public in their response to the earlier proposal for a one-off trial event and was raised face-to-face with the proponents as a key issue. In fact, a number of people consider this a major reason for objecting to this proposal.

7.2 Immediate neighbours

The information about the immediate neighbours on Jones Road does not align with the information about those neighbours obtained by the CFFS. CFFS knows, from personal communications, that five households/property owners on the road are opposed to the proposal. This is in direct contradiction to what is reported in this section. Thus the claims of support in this section cannot be assumed to be accurate or complete.

7.3 Residents in surrounding areas

It would have been better for the promoters to have listed all of the feedback received instead of selecting responses to quote. The public and the proposal's assessors ought to have all the feedback that has been generated.

One statement here is of particular concern: “A number of residents responded to an email sent out by the CFFS requesting emails objecting to the proposal, however the majority of responses received from this process were generic so unfortunately it was difficult to gauge specific concerns.” What CFFS would like to know is: To which email are the applicants referring? When was it sent? Who collected and analyzed the responses from the group's membership? This reference to responses from another group's membership cannot be taken seriously if details are not provided. We do know that the proponents never got in touch with CFFS to clarify any points or find out just what their specific concerns were.

7.4 Businesses

Local businesses have claimed loss of business when SITG moved to Woodford in 2010. However, 2010 has been a terrible year for business in general, and tourism statistics show that tourism in the area has been in a gradual decline for a few years. The global financial crisis and the rising Aussie dollar are also affecting tourism. SITG's move to Woodford is part of an overall decline in area tourism, not the sole or even the main cause.

A point not mentioned here is that the plans for the permanent festival site include the intention to keep the patrons on site and supply their every need on site (food, alcohol, souvenirs and clothes, massages, and other goods and services, along with accommodation for campers). The site is also far enough from Byron Bay that the town is likely to benefit much less than it did when SITG was held at Belongil Fields, except for those businesses who manage to establish concessions on site or who supply the site with goods by means of licencing arrangements with the promoters.

7.5-7.7 Various associations

The public and the proposal's assessors ought to have all the feedback that has been generated instead of selected responses.

7.8 Environment groups

Although environment groups may not have provided specific feedback to the proponents, the following groups strongly object to this proposal, as stated to CFFS: Conservation of North Ocean Shores, Caldera Environment Centre, Byron Greens, Byron Environment Centre, Byron Environment and Conservation Organisation, Friends of the Koala, Australians for Animals, National Parks Association, Nature Conservation Council of New South Wales, North Coast Environment Council, Total Environment Centre.

Furthermore, an independent environmental assessment relating to the proposal was undertaken by Andrew Benwell and David Scotts. ("A Review of the Effects of Human Intrusion and Disturbance on Wildlife; Reference to a Proposed Permanent Cultural Events Site at Yelgun", April 2010). That report raises a number of substantive concerns about impacts on the environment and should be seriously considered by the DoP.

7.9-7.12 Other groups

The public and the proposal's assessors ought to have all the feedback that has been generated instead of only selected responses.

8.0 Recommendations

It is disturbing to see here that the promoters apparently have no specific plans to deal with the many negative impacts that their development would have on the community. They say only that they will put flyers in letter boxes to tell "how potential negative impacts would be mitigated" and how "proposed measures [will] be fine tuned, if required, following feedback from the community". This suggests that the promoters intend to proceed at will, taking action to address concerns only "if required" at some unspecified later time. But who will determine if such action is required? When will they make the determination? Who will judge when the promoters have responded appropriately?

The recommendation that objectors be involved in "ongoing environmental management of the site" is silly. The people who are strongly opposed to this development

will not willingly work for the promoters to "manage" the site. Indeed, it is not at all clear how such an arrangement would even work. Would the objectors be expected to work for free? They are not likely to agree to that. Or would they be offered employment? If so, it would smack of payoffs in exchange for no further objections.

CFFS Conclusions

In sum, the community consultation described in this section has been gravely inadequate, relying, as it does, on various activities and responses that related to earlier, now-defunct, proposals for rezoning and a one-off trial event. In fact, *a proper consultation has not been undertaken for the current proposal.*

In addition, the information provided to the community about the current proposal has been too general and vague to have provided a clear picture of the proposed development. It was only when the Environmental Assessment was made public on 7 October 2010 that the community was able to learn the full extent of the plans.

With only six weeks to read and digest the lengthy Environmental Assessment, a great number of people in the community will still not be aware of the plans when the exhibition period is over. Concerned individuals and groups, such as CFFS, will do their best to circulate the details that the proponents have not circulated in the past year. But they, too, will be working against the clock and have no guarantee of success.

Far better should be expected of the proponents, given that they are seeking approval under Part 3A of the Planning Act. The proponents should have undertaken proper community consultation that would at the very least have included these steps:

1. Community meetings in various locations that were convenient to residents in order to (a) provide full and specific details about key aspects of the proposal, (b) encourage people to raise concerns about those specific details, and (c) show evidence that the concerns will be specifically addressed.

Good community consultation takes the consultation to the people instead of insisting that the people go out of their way to go to where the applicants are. Having site tours is fine, but the promoters should also have made themselves available at locations throughout the community so as to have maximum contact with the community. This is a Major 3A Project; proper and widespread consultation should have been undertaken.

2. Surveys of the population of Byron Shire properly with questions relating to the specifics of this proposal, e.g., the number of attendees expected, the traffic impacts expected, the flood and fire risks, etc.

No proper survey of the community was done to gauge the response of the community to the actual facts of *this* proposal and to key issues relating to the proposal. A proper survey would have included correct sampling techniques, with Byron Shire residents and property owners being considered the population from which respondents are selected at random, and with correct survey methods, data analysis, and interpretation techniques. Separate surveys of residents in the north of the shire should have been undertaken. Both written and oral surveys should be expected with regard to both groups. Again, for a proposal in the Major 3A Project category, it is only reasonable for the proponents to have done professional surveys of the community with regard to the important details *of the actual proposal.*

3. Distribution of multiple flyers and other information with accurate and complete information about key aspects of the proposal, e.g., actual expected attendance at 100% capacity, total number of activity days (event days + set-up and take-down days), calendars for several years containing specific events, expected traffic impacts and restrictions, etc. These should have been circulated throughout the shire but most especially in the neighbourhoods closest to the event site (e.g., Yelgun, Crabbes Creek, Billinudgel, Wooyung, North Ocean Shores, South Golden Beach, New Brighton).

4. Revision to the Community Consultation section of the EA to remove references to the community consultation related to the now-defunct proposal for a one-off trial event. The promoters should have included information and community response dating from April 2009 that relates *only* to the current proposal for a year-round permanent event site. April 2009 should have been considered the "start date" for this proposal because that's when the proposal was lodged with the NSW Planning Department.

5. Public exhibition of the revised Community Consultation section for at least 30 days so that the public could have seen what was done in the way of community consultation and could provide feedback on this to the NSW Planning Department.

Response from CFFS to Section L: Bushfire Hazard Assessment

We note that there is no mention of smoking *not* being allowed on site, so presumably people will be free to smoke while there, as they have been at SITG festivals in the past. No mention is made in this Technical Paper of campfires, either, although camping is to be allowed for many thousands of people. No mention of bonfires is made in this Technical Paper, either, but "managed bonfires" are mentioned in Technical Paper E (p 17/624). Thus, it would seem there are ample opportunities throughout an event on site for unintentional fires to start as a result of intentional uses of fire. The risk is heightened because the presence of thousands of people on site will make monitoring quite difficult. The likelihood that people will leave the site and light cigarettes or campfires nearby is also quite great. Billinudgel Nature Reserve is at particular risk of this behaviour.

p. 6/1637, Section 1.2, Bushfire Legislation in NSW

Under this heading the assessment states: "In correspondence dated 5 October 2007 the NSW Rural Fire Service (RFS) issued a Bushfire Safety Authority in respect of an application for a single festival event with camping on the site subject to the following conditions". (This statement is referred to again in *Recommendations* and in *Conclusions*.) From this statement, we see that the entire bush fire assessment for this proposal is based on an earlier (2007) DA for a single event involving 17,500 patrons. There is no clear evidence in the current EA that the Bushfire Safety Authority document was revised or updated to cover the multiple major events of up to 50,000 patrons that are part of the current proposal. Yet the changed circumstances demand further assessment by the NSW Rural Fire Service. In addition:

1. Level of Risk

It is not specified anywhere in this Technical Paper how the site is classified in terms of its level of fire risk, yet this classification is a key detail that should be used in determining if appropriate measures are planned with regard to fire risk on the site. There is also no GIS mapping in this assessment to show land zoning and bushfire categories. However, the Draft Bush Fire Risk Management Plan of July 2009, devised by the Far North Coast Bush Fire Management Committee and recently adopted by the RFS, lists the likelihood of fire at Wooyung/Yelgun to be "almost certain", the consequence to be "catastrophic", and the risk to be "extreme." These ratings should be taken into consideration in this Technical Paper. In addition, the properties at the end of Jones Road are classified as an area of High Fire Risk. In response, the property owners must maintain the property in certain, specified ways.

The risk level/levels of NBSP should be specified here and used as the basis for the hazard assessment so that the community (and the state) can properly assess this section of the EA.

2. p ii, Access/Property Access (Bush Fires Protection Measures table)

This states "Comply, with the exception of alternative access to sites beyond 200m from a through road." This can only mean that the plan does not comply because a major

event with tens of thousands of people must have an alternative access to a through road within 200 metres.

The statements in columns 2 and 3 under this heading are not at all clear. It seems that they mean the landowners are exempt from the requirement of alternative access to the property for the reasons stated in column 3, "Due to the area of the site and being landlocked with predominantly grassland vegetation and larger than required APZ's an alternative access is not considered necessary in the circumstance".

In fact, large areas of landlocked (no escape) grassland with large asset protection zones cannot possibly be used as an excuse to not have an alternative access to a through road within 200 metres. This must particularly apply with a proposal to hold events for tens of thousands of people who have access to several bars and consequently are likely to be under the influence of alcohol and possibly illegal drugs and therefore not acting especially responsibly with matches, cigarettes, and campfires.

3. p ii, Fire trails/Not Required (Bush Fires Protection Measures table)

The statement in column 3 states that asset protection zones will be around any buildings on the site but not in other areas, despite the fact that the site is immediately adjacent to Billinudgel Nature Reserve and several private properties. Shouldn't the Reserve and the private properties be considered assets that ought to be protected with APZs?

4. p. 7/1637 and 1638 Asset Protection Zones *Water and Utilities:*

The statement at the top of this page mentions locating gas and electricity in ways to reduce risks to buildings in the event of a fire, but no mention is made of gas and electricity in point 2 underneath this statement. It only mentions water: In point 2, the proposal states "In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply shall be provided during periods of occupation for each stage and camping area."

This seems quite inadequate. A resident on Jones Road a 10,000-litre dedicated supply requirement for the *single private dwelling* that is on the property.

Also, there is no indication that areas outside the camping areas and stage areas would have a dedicated water supply for fighting fires. And there is no provision for dedicated water supplies for generators, staff offices and accommodation, conference and cultural centres, parking areas, and the areas bordering the Billinudgel Nature Reserve. In the event of a bush fire, provision for more dedicated water would seem essential, particularly with a proposal to hold events for tens of thousands of people.

We note that DECCW and the RFS would also be dependent on dedicated-water requirements. The resident with the 10,000 litre tank can service only one property with that supply.

5. p. 7/1637 and 1638 Asset Protection Zones *Access*

In point 3, the proposal states "Access shall be available to the site and to dwellings on Jones Road for emergency vehicles at all times."

However, there is only one entrance to Jones Road, off Tweed Valley Way. At the other end of Jones Road is a locked gate. And there are two locked gates along Jones Road to the Wooyung "track". For this reason, Jones Road is an inadequate access point for emergency vehicles. What happens if an accident and/or fire occurs at the entrance to Jones Road during a bush fire emergency on another part of Jones Road?

Thus, this statement can only mean that the proposal does not comply because a major event with tens of thousands of people must have an alternative access to a through road within 200 metres.

6. p. 18, Plan 3.10, Proposed Area for Emergency Assembly

Emergency assembly areas are not close enough to the spine road to get people out once they are assembled in the event of an emergency. Details of evacuation and emergency management are not provided here, nor are there references to such details elsewhere in the EA. The only statement here is that the proponents intend to develop a plan. The plan should have been included here. Residents near the site, such as those on Jones Road, do not at this point have a clear idea of what they would be dealing with in the event of a fire or other emergency during a staged event.

We also note that 2.4m chain-wire fences, 4m apart, will encompass the majority of the site. All fences have to be at or below ground level with no access to fauna. (See the Police Report for the trial event.)

7. p. 8/1639, Site Assessment

Here, the proposal states: "The overall project is intended to be carried out in 3 stages" and specifies Stage 1 as "Low Scale Infrastructure Implementation & Environmental Repair Works" going on to say "With respect to events it is only intended to construct the required amount of infrastructure such as event laneways to cater for the few years of usage with the remainder of the event laneways being built over time".

The proponents propose to hold a mega festival in the first year and if the Bushfire Safety Authority application is approved, we will not know if 50,000 patrons are adequately protected as not all laneways and water supply will be completed by Stage 1.

Stages 2 and 3 are described as follows:

Stage 2 – Advanced Infrastructure Installation & Environmental Repair/Habitat Protection Plan Works Implemented

Stage 3 – Finalisation of all site Infrastructure / Environmental Repair Works and development of dedicated Conference Facilities

What is the construction schedule for all three stages described here? What implications does this building-in-stages have for staging major events? For example, there is a vague statement that all necessary laneways will be built "over time". More detail is needed for the community to know just what the plans are and what the timeline is.

8. p. 13/1644, Bushfire Risk Assessment, 3.3 Asset Protection Zone

Without knowing how the property is classified in terms of fire risk, it is impossible to know if the APZs described here are properly designed.

9. p. 14/1645, 3.5 Fire Fighting Personnel Access

No mention is made of turning circles for emergency vehicles and fire trucks and no indication of these is given in the maps. No detailed descriptions of "laneways" for vehicles are provided, either. This lack of detail is of great concern to those whose properties are

immediately adjacent to the site and should be of great concern to the people who will be on the property in the event of a bushfire.

10. p. 15/1646, Access for emergency vehicles

The proposal states "Access shall be available to the site and to dwellings on Jones Road for emergency vehicles at all times".

The access road for emergency is designated as Jones Road with no mention of the occupants on Jones Road and how an emergency might affect them. Or how Jones Road would be used for emergency purposes. It seems that the proponents are assuming that they will commandeer Jones Road for their emergencies and that their use of the road will take precedent over the use of the road by those who reside on the road.

11. p. 15/1646, Spine road

The proposal states: "The Spine Road connecting the northern property with the southern property and with Wooyung Road to be used for 'road' purposes relevant to the continuing use of the land for agriculture and the efficient use of the 2 existing farms and for connection to Wooyung Road. This road will also be used to provide access to place of assembly."

We note that this Spine Road would cut through the 7(k) habitat zone north and south of Jones Road.

A mention of the Spine Road here appears to have nothing to do with access to the site or to emergency services. However, the statement warrants comment here because it flies in the face of the Land & Environment Court decision that stopped the proponents in May 2009 from moving ahead with their plans for a one-off trial event. The Court stated the following in its decision:

"Clause 71. If a development application were to be made in the future to carry out development for the purpose of roads or agriculture or other purpose permissible with consent on the land in the 7(k) Habitat Zone, the Council [or another consent authority] will need to consider whether, having regard to all of the facts disclosed in the development application then made and applying proper principles for the characterisation of the purpose of development, the proposed development can be characterised as being for the purpose of roads, agriculture or any other permissible purpose and not subordinated to the purpose of place of assembly. Such characterisation would be a jurisdictional fact able to be reviewed by the Court, but that is a matter for the future. The current development consent is a determination of the current development application. Neither dealt with development for the purpose of roads or agriculture or any purpose permissible in the 7(k) Habitat Zone."

In other words, the Court made it clear that the proponents could not at a later time purport to build roads for some purpose other than "place of assembly" in order to get around this judgment of the court when their true intent was "place of assembly". Since this entire proposal is for a permanent festival site and thus has "place of assembly" as its primary purpose, this caution issued by the Court is highly relevant. *In fact, it appears that the proponents are intending do exactly what the Court cautioned them not to do in the future.*

12. p. 15/1646, 3.6 Electricity Supply

The proposal states: "It is preferable that transmission lines providing power to the proposed development should be installed underground. However, due to the size and topography of the site underground transmission lines are not possible".

With the intention of having so many people on the site, electrical lines should most definitely be underground. However, digging trenches would very likely disturb acid sulphate soils.

We also note that if the electricity supply is cut, all fire-fighting equipment will be solely dependent on other sources of power, i.e., fuel.

13. p. 18/1649, Conclusions

The proposal states: "Provided that the recommendations stated above are implemented in full, Barrie Eadie Consulting Pty Ltd is of the opinion that the proposal will comply with the relevant legislation and the requirements of the NSW Rural Fire Service".

In our opinion, the statements in this Bushfire Hazard Assessment leave a lot to be desired for attendees at events, residents in the area, and the larger community. Because of its shortcomings, the hazard assessment lacks an adequate level of risk mitigation that will maximise the safety of all.

We also include here a brief history of fire on and near the site from 1981 to 2004 to make the point that this is, indeed, a fire prone area with dire consequences should a fire begin:

1981 Fire ignites on Central Trail in BNR and burns for one week. Residents are evacuated; hundreds of hectares are burned and native wildlife perishes.

1986 Fire ignites on Optus Trail in BNR and quickly escape north towards Wooyung and west along the Jones Road ridge. The fire is extinguished after several days by the local bushfire brigade.

* The RFS almost loses one of their Strikers when it comes close to disappearing in the deep peat deposits. Residents are warned of the danger and told to keep children away.

1992 Fire ignites on the Central Trail in BNR. Hundreds of hectares are burned and native wildlife perishes.

1995 A lightning strike ignites a fire in BNR south of Jones Road residences. Due to inaccessibility and strong southerly winds, NPWS advises residents to evacuate.

1999/00 Fire escapes into peat deposits north of Jones Road. The fire burns underground for months, emitting toxic smoke and causing much distress. Cases of respiratory problems, headaches, and asthma are reported.

2004 May Fire escapes into peat during clearing operations north of Jones Road. Fire burns underground for 3 months (RFS, 2004). Toxic smoke is reported kilometres away, and cases of respiratory problems, headaches, and asthma are reported to the NSW Health Department NRPB & DOCS, 2004). Due to health issues, a number of residents

have to find alternative accommodation.

2004 Aug The peat fire of May is ignited by strong westerly winds and engulfs properties at the eastern end of Jones Road. Extensive damage is caused to one home and cottage whilst the occupants, including children, escaped with their lives. All three properties are damaged, fire fighting equipment is burned, and the lives of rural fire fighters are put at risk. Residents are evacuated.

* During the clearing operations, a large excavator sinks and disappears into deep peat deposits. Large earthmoving equipment has to be brought in from Queensland to retrieve the excavator.

2004 Oct Prolonged drought and unfavourable conditions sparks the peat fire, which jumps Jones Road and spreads south to the BNR. Fifty fire units, five helibombers, and 120 fire-fighters, including crews from the mid-north coast, battle the fire for three days. NSW Police request nearby residents, a primary school, and a housing estate to evacuate. A Declaration of Emergency [Section 44] is issued by the Minister of Emergency Services. The cost to the State is in excess of \$1 million. Hundreds of hectares are burned out and native wildlife perishes. Consecutive days of heavy rain finally extinguishes the main blaze.

On the proposed venue, the danger of fire and the difficulty of putting fires out are so high that it would be quite reckless to allow the proposed activity to occur on the site. Thousands of people will be smoking; sparks from vehicles will be present; electrical equipment will be in use; bonfires will be lit. The risk of disaster is great.

**Response from CFFS to
Technical Papers M1 & M2: Acid Sulfate Soils**

Technical Paper M1: Acid Sulfate Soils Assessment

We note firstly that this is described as a *preliminary* assessment. The authors note that further investigation is needed. The authors also say that the report was prepared for a “proposed temporary place of assembly, camping and associated infrastructure”. This is misleading in that the proposal is for a year-round festival site that would see considerable usage, not “temporary” usage. Areas of concern include:

- **p 1660, Acid Sulfate Soils (ASS)**

The site contains Class 2 and 3 ASS. These were previously reported by Coffey Geotechnics in 2007, and highly acidic soil samples were again found in this preliminary investigation with most soils showing pH of 4.6 – 3.8. See also p 1670, reporting that all bores showed the presence of ASS and noting that specific treatment measures would be required during any construction on the site.

- **p 1662, Groundwater depth**

Groundwater was found to be less than 1m down in the low-lying alluvial and aeolian plains on the site. Because the groundwater is so close to the surface, the potential to contaminate groundwater through fairly shallow excavation of acid-sulphate soils is high. As stated on p 1672, “The excavations proposed as part of the NBP development would result in the intersection and excavation of large quantities of actual acid sulfate materials (ASM)”. This, in turn could generate “chronically acidic groundwater’s and acidification by-products”.

- **p 1664, Topsoils**

Topsoils were found to be 0.2 – 0.7m deep only. Any works removing more than this will require management and treatment actions.

- **p 1671, Potential Peat Fire Hazard**

“Peat soils...may represent considerable fire risk. The high organic matter content of these soils increases the risk of ignition, with such materials capable of concealed and continued burning of the significant fuel loads.” In fact, the bushfire risk in these areas is great, with some peat soils containing 32% carbon content and 56% organic matter. Figure 10 (p 1686) identifies highly organic peat soils existing across the majority of the site north of Jones Road.

This area of high risk for ignition and concealed burning is the area proposed for camping for up to 25,000 people. Peat fires have occurred in this exact area previously. A repetition could lead to mass panic in crowds of this size.

- **p 1671, Utilities**

This page shows it is expected that sewer, power and telecommunications utilities on this site would interfere with ASS soils and have the potential to discharge acid, aluminium,

and cadmium into sensitive neighbouring sites. Damage to construction through acidic corrosion may also occur. As noted: "Elevated levels of mobilised trace heavy metals in soil and water can be toxic to aquatic life if released into the drainage system during flood events".

Given that this site is so often inundated from rain, it would seem that a very high risk of contamination is also present. It would be difficult to implement management of excavation due to frequency of on-site flooding and erratic flood behaviour. For example, the site flooded heavily twice in October 2010, which is typically the driest month of the year.

Technical Paper M2: Acid Sulphate Management Plan

- Most service trenches will be less than 1m down. Some excavation is required on site but will be localised for collection wells etc.
- There is a high risk that groundwater will be encountered during installation of utilities (p 1726), and this poses potential danger during and after installation.
- Bunding of all areas that require excavation would require large amounts of fill to be brought in to create bunds and would interfere with natural flood flows.
- We find no indication of the extent or height of bunding being proposed and as such no consideration of site-specific flooding or viability of the standard management plan presented. In a site as sensitive as this, it would seem grossly negligent to have such a cavalier approach to the great potential risks of contamination from disturbing the soils in this area.

In general, we find this Management Plan to be unaccountably vague and are concerned that it relies on the Report by EAL Consulting (Technical Paper M1). That report stated clearly that their results were *preliminary* and that more detailed investigation was necessary.

Response from CFFS to Technical Paper O: Construction Management Works

A major issue with NBSP's earlier DA for a one-off trial festival at the site was the construction of a tunnel/underpass underneath Jones Road to facilitate the passage of pedestrians and vehicles between the north and south sections of the site. This feature is mentioned in this EA in several places. On p. 110 and p. 126 is the statement: "...the proposed spine road cut and overfill tunnel across Marshalls Ridge would not compromise the values attributed to the wider ridgeline." (This is in response to DGR 8.1.) References to an underpass can be found in the Technical Papers, e.g., E, H, I, K, L, M2, O, P, and T. And several of the Plan Sets appear to show the tunnel in drawings, pages: 31, 32, 33, 35, 38, 42, 43, 44, 45, and 46.

Yet there is no description in this Technical Paper about the details of this feature, and we cannot find details elsewhere in the EA. *This is a serious omission, given the proposed location for the tunnel/overpass.* The Spine Road associated with the underpass has been proposed in a 7(k) habitat zone. In fact, all the zonings along the Jones Road wildlife corridor have been established to protect this area from inappropriate development. The ridgeline and associated aboriginal archaeological sites meet the criteria for a "heritage precinct" (Heritage Act of 1977).

Given the existing major restrictions on construction along Jones Road, it is shocking that the applicants continue to propose such an unsuitable structure that would effectively destroy a large chunk of this highly protected area simply to move people and vehicles back and forth. This should not be allowed.

It should be noted, however, that Byron Shire Council restriction also exists with regard to this proposed tunnel/underpass. In July 2008, when Council approved a trial event on this site, Council also noted:

"A resolution of Council is required to authorise the General Manager to enter into negotiations, and if appropriate agreements, with the applicant in relation to a lease of land below the public road, a boundary adjustment to widen the road reserve and a strata subdivision of the road reserve. A resolution of council is also required to apply the seal of council to any documentation relating to the boundary adjustment, strata subdivision or lease." (BSC Ord. Mtg. 31 July 2008)

Given that Council voted in October 2010 to formally object to this permanent-festival-site proposal (in its submission to the State), it is unlikely that they would authorise such a lease in order to allow the construction of a tunnel under Jones Road.

Further study of this Technical Paper cannot be done. We have run out of time; the deadline for submissions is upon us.

Response from CFFS to Technical Papers W1 & W2: Evacuation

p. 2191, Section 2.3, "Recommendations"

This section suggests that September to November have the fewest instances of flooding and the constraints calendar can be used for scheduling events to reduce the need for evacuation. Yet the area had two significant flood events in October 2010 on this site. Both would have rendered any event on the site impossible for at least two weeks following each flood as waters took days to recede and many more days were needed for the ground to dry out enough to drive on.

It is also noteworthy that the most intense rainfall event recorded on this site in the last 10 years occurred in June 2005, contrary to the claims on this page of "late summer" being most likely for flood events.

As mentioned on preceding pages, flooding is frequent and unpredictable on this site and in the area surrounding it. The property is simply not a good choice for events attracting thousands of people and vehicles.

p. 2192, Section 3.1, "Tweed Valley Way"

A statement on this page suggests that cars in southern carpark should be evacuated south along Tweed Valley Way to the Yelgun interchange, yet the flood report for the one-off trial SITG event showed this carpark area has a 20 minute flood-warning time (see p 32 of this submission). This is hardly enough for the evacuation of thousands of cars. In fact, the figures provided show that at 40% capacity, the site would contain 7,000 cars and the time needed to evacuate would be approximately 4 hours. At 100% capacity, the evacuation time required would be as long as 10 hours (Tables 3.1 and 3.2).

It should be noted with regard to Table 3.2 that if the southern car park takes 10 hours to evacuate at 100% capacity, then the total time to get everyone out would be no less than 10 hours. Averaging north carpark and south carpark numbers in this table, as appears to have been done, is misleading.

p. 2193, Section 3.2, "Evacuation routes"

Jones Rd is identified in this section as an emergency exit although it is subject to flooding itself. Cudgera Creek Road is also given as an emergency exit route, but this displays an alarming lack of local knowledge: Cudgera Creek Road is nearly impassable by ordinary (non 4WD) vehicles even in dry conditions.

Ocean Shores Country Club is noted as an "evacuation centre" despite the fact that it is at least 6km south of the site and accessible mainly by vehicle. If attendees were able to get their cars out, they would have little reason to go to the country club, most likely choosing to return to where they came from. If they could not get their cars out but could get out on foot, they could not easily walk to the country club, given the very hilly terrain. So it is not clear why this location was designated as an evacuation centre. Also, the country club appears not to have been asked if they would be able to serve in such a capacity as the management was quite surprised when they were called and asked that question. The more important question is: *Where could evacuees from a flood reasonably go?*

The answer is that these plans for evacuation are woefully inadequate and do not appear to have been thought out with any real care.

p. 2196, Section 3.4, "Warnings"

In this section is the recommendation that patrons be advised that car parks are on flood prone land. Although this may go some way to satisfying their insurer, it is not a protection strategy for the people who are parked on site in the event of a flood.

p. 2196, Section 3.5, "Scenarios"

Both scenarios call for people to abandon their vehicles, camping equipment, and supplies and proceed on foot to Jones Road or some other flood-free area on the site. If people have begun evacuating in their cars and flood waters are rising, they will be directed to leave their cars (wherever they are) and proceed on foot to a flood-free area, if one exists. Both scenarios depend on people willingly and ably moving on foot to a new area and, if necessary, leaving their cars where the cars are likely to be inundated with water. These are not practical or realistic scenarios as the applicants cannot guarantee that people will follow these directions.

It is unclear at what point an event would be cancelled. Every time a flood warning is issued perhaps? A lot of money is at stake, both for the proponents and for the people who purchased tickets, so cancellations would most likely be avoided if at all possible until, very possibly, it would be too late. This year alone the site would have to have been evacuated twice and last year it would have been three times. Again, these emergency plans do not appear to have been based on actual knowledge of the site.

p. 2202, Section 4.5, "Decision Matrix"

Table 4.3 on page 2202 shows a sample Decision Matrix that might be used to make evacuation decisions. The fact that this is left incomplete is telling. Completed matrices should have been presented for several likely scenarios so that the public would be fully informed as to exactly when evacuation plans would be initiated and could form their own opinion as to the reasonableness of the decision-making process.

Relevant to this Flood Assessment are the following extracts from a flood study that was completed by the applicants to Byron Shire Council in 2007 in conjunction with their proposal to hold a one-off trial festival on this site:

"Greg Alderson & Associates P/L has been engaged by Splendour In the Grass Pty Ltd to prepare a Preliminary Flood Assessment for the proposed Splendour In the Grass Festival, to be held in August 2008. The proposed Festival is to be located at the North Byron Shire Parklands (NBSF) site at Tweed Valley Way/Jones Road, North Ocean Shores/Wooyung."

"6.4 Warning Times: The proposed use of the land involves a car park, which would only be used for a relatively small period of time each year. The warning time for the local catchment is short, probably less than 1 hour. Although the 2 hour event is the critical event, the 1 hour event has a similar peak discharge. The volume of water of short storm events is a significant factor because a significant volume of water is stored on the surface of the ground".

This again makes clear that the flood-prone site is a singularly poor choice for events of the type proposed here. Fast-moving flood waters are certain to ravage people, cars, and equipment with little warning.

An added complication of having 10,000 - 50,000 patrons on this site, along with their vehicles, equipment, and belongings is that the people who would be caught up in a fast-building flood are very likely to have their judgment and physical agility impaired by alcohol or drugs or to be surrounded by people who are so impaired. If they can even get to their cars when flood waters are rising rapidly, a great many will be unable to drive due to intoxication and panic.

At what point do we put economic gain over human safety? The recent tragic experience in Germany at a festival site, where a death resulted from a large crowd stuck in a tunnel and unable to move, highlights the need for caution and meticulous plans that will ensure the safety of patrons even in the worst-case scenario. Bringing even 10,000 people and vehicles into this flood-prone area, to say nothing of 50,000 is to knowingly place people in danger. Even small gatherings would very likely pose risks to attendees, given the unpredictability of the site during heavy rain events. If this highly questionable proposal is approved, it will only be a matter of time before flood disaster strikes.

Appendix A

Anthrophony Rapidly Obliterating the Biophony*

by Gary Opit & Carmel Daoud

Recent studies have proven the shocking revelation that whole ecosystems including iconic endangered wildlife protected within national parks and other reserves are dying because of the sounds produced by the ever-increasing noise generated by modern machinery. The sound from vehicles, aircraft, generators and loud music, known as anthrophony, coined by 69-year old field recording scientist Bernie Krause to describe human-made noise, is rapidly obliterating the biophony, the pristine acoustics of nature. Consequently, animal populations are failing to breed and being decimated by predators. Google Earth features Bernie Krause's Wild Sanctuary (<http://wildsanctuary.com>).

Walk into any natural environment away from the noise of modern civilisation and you will experience the wonderfully complex orchestral sounds of nature. No two species use the same frequency and mating calls and warning cries are not masked by the noises of other animals. Scientists such as Bernie Krause have mapped the component noises according to pitch and the resulting spectrogram looks like the musical score for an orchestra with each instrument in its place.

The animals that communicate using sound, some mammals and most birds, frogs and insects, divide the acoustic spectrum into harmonic sound scapes so that they do not interfere with one another's voices. Sound for these species is essential because they use their voices to proclaim their territories and advertise for mates and warn one another on the approach of predators. Even species that do not use sound are dependent on a quiet habitat so that they can listen to the approach of predators.

It has long been noticed that few birds live near large waterfalls where the continuous sound of the water masks the contact calls and warning calls that they depend on. Now it has been discovered that the continuous roar of traffic is doing the same thing.

On Tamborine Mountain from 1975 to 1995 I recorded dozens of bird species that are now close to extinction in the national parks since human populations increased from hundreds to thousands. The air was full of the calls of lyrebirds, rifle birds of paradise, parrots, bowerbirds, whipbirds, log runners, tree creepers and whistlers. Now the forests are almost empty, rarely are birds heard calling and only human sounds, particularly the roar of traffic, can be heard amongst the trees.

Ornithologists have noticed a collapse of bird numbers at O'Reillys in Lamington N.P. as visitor numbers have increased dramatically. Recent news reports on a scientific symposium in Brisbane described how researchers have recorded a decline in frog species in Melbourne and an increase in pitch in the calls of surviving species as frogs have responded to traffic noise drowning out their mating calls.

Now in Byron Shire the owners of the proposed NBSP have asked the NSW State Government to approve a permanent festival site where the Splendour in the Grass rock music festival is proposed to be held. The proposal is to hold four festivals a year at the site with weeks of preparation in between, plus smaller festivals. The site is adjacent the Billinudgel Nature Reserve and within the last wildlife corridor in northern NSW that connects the world heritage listed mountain rainforests with the coastal reserves. The forest

birds in particular seasonally migrate along this route to access the warmer coastal habitats during the winter months.

It is feared that the massive disturbance within the NSW State Government recognised regionally significant wildlife corridor will not only effect the lowland species but will devastate the mountain rainforest species as well during their altitudinal movements as anthropony, vehicles, generators and loud music will replace the last sounds of nature in one of the last surviving wildlife corridors.

As development intrudes into previously quiet rural localities adjacent natural habitat remnants increasing human noise may change fauna species composition within the nature reserves. Introduced pest species adapted to noisy humans, black rats, Indian mynas, foxes & cane toads are likely to replace native species susceptible to noise pollution and eventually koalas, wallabies, parrots, native song-birds and much of the rest of our biologically diverse fauna will go extinct or live on only in zoos.

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Appendix B

The Precautionary Principle*

by Gary Opit

The precautionary principle became internationally recognised at the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992. Principle 15 of the Rio Declaration on Environment and Development described the principle as:

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

In 1992, the Commonwealth government, all State and Territory governments, and the Australian Local Government Association agreed to the Intergovernmental Agreement on the Environment. Section 3.5 of the Agreement states that the precautionary principle should inform government decision-making processes. This formulation is similar to the Rio Declaration, except that it replaces 'cost-effective' with 'practicable':

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- ii. an assessment of the risk-weighted consequences of various options.

The Precautionary Principle in Commonwealth Legislation

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) sets out five 'principles of ecologically sustainable development', among which is the precautionary principle (section 3A).

Section 391 obligates the Environment Minister to consider the precautionary principle when making certain decisions (but not all decisions) under the Act. Generally, the relevant decisions relate to the approval of development plans or to environment management plans.

The Precautionary Principle in State Legislation

State legislation also includes the precautionary principle.

In Australia, the precautionary principle has received most attention in the NSW case *Telstra Corporation Limited v Hornsby Shire Council* in the NSW Land and Environment Court, which concerned potential health impacts from a telephone signal tower. In that case, Chief Justice Preston considered the precautionary principle at length.

Earlier cases had also applied the precautionary principle. In *Leatch v Director-General of National Parks and Wildlife Service* (1993) 81 LGERA 270]] Shoalhaven City Council was planning to build a new road. It applied for a licence to take or kill endangered fauna in the building process. The Director-General granted the licence under the *National Parks and Wildlife Act 1974* (NSW). Ms Leatch, a concerned citizen, contested the licence.

Stein J held that the precise impact on endangered fauna was unknown, but may result in extinction. His Honour refused the licence by applying the precautionary principle. While there was no explicit provision for the precautionary principle in the Act, his Honour held that the principle was relevant to the subject matter, scope and purpose of the Act.

Likely to have a significant impact on a matter of National Environmental Significance: The Environment Protection and Biodiversity Conservation Act 1999 (Cth) ('EPBC Act') environment impact assessment process applies to actions that have a significant impact on a matter of national environmental significance.

What does "likely to have a significant impact" mean?

Impact

The EPBC Act does not define "significant" although "impact" is defined in section 527E of the EPBC Act to include:

- events or circumstances that are a direct consequence of the action; and
- the event is a secondary consequence of the action and the requirements in section 527E(2) are met.

The Minister for the Environment Protection, Heritage and the Arts ("the Minister") has issued Administrative Guidelines For Determining Whether An Action Has, Will Have, Or Is Likely To Have A Significant Impact On A Matter Of National Environmental Significance Under the EPBC Act 1999 ("the Guidelines").

The Guidelines set out criteria by which to assess the impact a development may have on each matter of national environmental significance under the EPBC Act. The Guidelines state that in order to decide whether an action is "likely to have a significant impact" it is necessary to take into account the nature and magnitude of potential impacts.

Significant

In determining the nature and magnitude of an action's impact, it is important to consider matters such as:

- all on-site and off-site impacts;
- all direct and indirect impacts;
- the frequency and duration of the action;
- the total impact which can be attributed to that action over the entire geographic area affected, and over time;
- the sensitivity of the receiving environment; and
- the degree of confidence with which the impacts of the action are known and understood.

"Likely" is described in the Guidelines as:

- *not* necessarily a more than 50% chance of occurring; rather
- a real or not remote chance or possibility.

Using The Precautionary Principle

The Minister must take into account the Precautionary Principle in deciding whether an action is likely to have a significant impact on a matter of national environmental significance.

The EPBC Act definition of the "Precautionary Principle" is that lack of full scientific certainty is *not* a valid reason for refusing to prevent degradation of the environment where there are threats of serious or irreversible environmental damage; (section 391 of the EPBC Act).

The Precautionary Principle is highly relevant to the determination of this proposal, given the number of unknowns associated with risks to the flora and fauna in the area from construction, noise, artificial lights, crowds, potential fires, etc.

* Used with the author's permission.

Appendix C

Chronology of NSW Government's Protection of the North Ocean Shores/Yelgun site

1985 SEPP 14 Wetlands No. 57 gazetted by NSW Dept. of Planning.

1987 NSW Labor Minister for Planning & Environment places Interim Conservation Order (ICO) over lands at North Ocean Shores/Yelgun following the bulldozing of culturally significant coastal lands.

1989 Large areas of North Ocean Shores/Yelgun Referenced by NPWS.
N.B. Only areas of high conservation value meet this criteria.

1990 Commission of Inquiry (COI) into Rezoning of Lands at Ocean Shores, North. Commissioner Simpson recommends the majority of lands be zoned for environmental protection due to the areas natural and cultural values.

1990 Survey uncovers 22 Aboriginal Archaeological sites & defines Marshalls Ridge (Jones Road) as a Ridge of 'High Archaeological Sensitivity' (Navin, Canb.)

1994 The Natural and Cultural Values of the North Ocean Shores/Yelgun are listed on the Register of the National Estate, Canberra, as an 'Indicative Place'.

1995 NSW Coalition Government acquires 325 ha of SEPP 14 Wetlands and the Billinudgel Nature Reserve is created.

1995 NSW Labor Government places a 12 month Interim Protection Order over environmentally-sensitive lands at North Ocean Shores/Yelgun.

1995 NSW NPWS Satellite Imagery highlights the Marshalls Ridge wildlife corridor as the only substantial link of native vegetation connecting coastal remnants through to the hinterland and World Heritage rainforests of the Mount Warning caldera.

1996 NSW Labor Government purchases a further 350 ha of environmentally sensitive lands at North Ocean Shores/Yelgun for additions to the Billinudgel Nature Reserve.

1996 NSW Labor Minister for Environment extends IPO for a further 12 months over North Ocean Shores/Wooyung lands.

1997 NSW Labor Government purchases a further 40 ha of culturally significant land at Wooyung for additions to the Billinudgel Nature Reserve.

1997 RTA redrafts section of Pacific Highway Upgrade at Yelgun to avoid impact on SEPP 14 Wetlands and the Billinudgel Nature Reserve.

1997 NSW Minister of Planning places a 'Stop-Work Order' over lands in the Marshalls Ridge (Jones Road) wildlife corridor to halt clearing in habitat areas.

1997 NSW Minister of Planning calls a Commission of Inquiry into the Rezoning of Lands at North Ocean Shores to resolve issues surrounding conflicting land uses i.e. environmental & agriculture.

N.B. Commissioner Cleland acknowledges the scientific information supporting the environmental and cultural significance of Marshalls Ridge (Jones Road) wildlife corridor, despite its partial degradation. The Commissioner strengthens and expands Byron Council's draft environmental zonings to prevent inappropriate development.

1998 NSW Minister of Planning adopts Commissioner Cleland's recommended zonings for North Ocean Shores/Yelgun and Amendment 51 of the Byron LEP is gazetted.

1998 RTA recognises the findings of Cleland COI and invests \$3.5 million for a 'Cut and Cover' overpass to maintain connectivity to the Marshalls Ridge (Jones Road) wildlife corridor to enable a safe passage for fauna. This initiative was the first of its kind in NSW, possibly Australia. RTA invests a further \$1 million on fauna mitigation devices, i.e. underpasses.

2002 RTA acquires additional lands as 'Compensatory Habitat' in the Marshall's Ridge (Jones Road) locality to enhance the wildlife corridor servicing the Billinudgel Nature Reserve.

2002 A regionally significant Aboriginal archaeological site is discovered (Piper, 2002*), bringing the total of registered sites with NPWS to 32 for this precinct.

2002 NSW Labor Minister for Environment issues a 'Stop-Work Order' over the Marshalls Ridge (Jones Road) wildlife corridor to stop unauthorised clearing.

2002 NSW Labor Minister for Environment issues another 12 months Interim Protection Order over the Marshalls Ridge (Jones Road) wildlife corridor.

N.B. IPO's & ICO's are rarely enacted; however, NSW Labor Ministers have enacted this legislation on numerous occasions at North Ocean Shores/Yelgun.

2002 NSW Labor Minister for Environment writes to Byron Council reminding it to enforce Amendment No 51 of its Local Environment Plan.

2002 NSW Fisheries takes landowner to court over the clearing and pollution of Yelgun Creek. Landowner is convicted and ordered to rehabilitate.

N.B. Government agencies, e.g. Byron Council, NPWS, Dept. of Agriculture & NSW Fisheries, have spent valuable resources in numerous court battles defending the high conservation values of the site.

2004 Fire escapes into peat deposits along Marshalls Ridge and burns underground for months (RFS, 2004). Toxic smoke is reported kilometres away and cases of respiratory problems, headaches, and asthma are recorded by the NSW Health Department (NRPH & DOCS, 2004).

2004 A second fire escapes into Reserve lands. A Declaration of Emergency [Sec. 44] is issued by the NSW Fire Service and costs the State over \$1 million. Fifty fire units, 5 helibombers, and 120 firefighters, including crews from the mid-north coast, battled the fire for 3 days until heavy rain extinguished the main blaze. An adjacent primary school and housing estate were evacuated.

2004 Byron Council incorporates all forested areas and intervening pasture along Marshall Ridge (Jones Road) in their wildlife corridor mapping (BSC, 2004).

In addition, all forest blocks are mapped as High Conservation Value, Koala Habitat, and Threatened Fauna Habitat (BSC, 2004).

2005 Director General of the NPWS places a 'Stop-Work Order' on lands within the Marshalls Ridge (Jones Road) wildlife corridor at North Ocean Shores/Yelgun. Landowner ordered to rehabilitate.

2006 Billinudgel Property Pty. Ltd. purchases 2 adjoining properties (256 ha) at North Ocean Shores/Yelgun and names the site North Byron Shire Parklands. Billinudgel Property Pty. Ltd. is a consortium of 14 people. One is the Owner/Director of 'Splendour in the Grass', another is the Executive Producer of 'Loud' & 'Noise' festivals, Sydney.

2008 Byron Council grants approval to hold a one-off 'Trial' festival for a Splendour in the Grass festival (DA No. 10.2007.462.1) at Yelgun (1,000+ submissions received).

2009 Appeal lodged in the Land & Environment Court against Byron Council's approval for a 'Trial' Splendour in the Grass festival.

2009 Judge Preston of the Land & Environment Court rules on legal grounds that Byron Council's approval of the DA is 'invalid and of no effect'.

2009 Northern Rivers Regional Biodiversity Management Plan (DECC May 2009) identifies Marshalls Ridge as part of an important Climate Change Corridor.

2009 Billinudgel Property Pty. Ltd. submits a proposal to the NSW Department of Planning to establish a permanent 'Cultural Events' site at North Byron Shire Parklands (Yelgun). The proposal is lodged as a Major Project, subject to the guidelines of Part 3A of the Planning Act. (Later in the year, the promoters announce that they will temporarily relocate their 2010 music festival to Woodford, Queensland.)

2009 In the Draft Far North Coast Regional Conservation Plan (DECC 2009), the Billinudgel Range is identified as a rare east-west escarpment that 'will be critical in terms of Climate Change and linkages with the Great Eastern Ranges corridor'.

* "An Archaeological Assessment, Greenfields Mountain Pty. Ltd. Yelgun - North Ocean Shores, North Coast NSW" by A. Piper (2002).

Appendix D

Memo from The Wildlife Preservation Society Queensland

From: The Wildlife Preservation Society Queensland, Gold Coast and Hinterland Branch
To: Whom it May Concern

* This Branch represents the sixth largest City in Australia and has had, for the past forty years, a custodial interest in the mountainous area (including the Springbrook World Heritage National Park) which forms a backdrop to the City. It is part of the system, once intensively logged, extending over the border, that is now a priceless witness to, and protection for, a remaining biodiversity that is not only extraordinarily precious in itself, but may ensure the future of life on earth.

* Any activity which impinges on the fragile ecological stability of this Eastern Rainforest Reserve Area and its protective periphery should be re-located. Corridors, connectivity, sheltering fringes and the extraordinarily valuable remnant heritage, it is obvious, cannot be put at impactful risk by any activity whatsoever, and most particularly one which could be quite successfully celebrated at some alternative venue.

* It should be noted that the ethos of this proposed gathering, the nature of the attendees, and the culture of the area would ensure that such a gathering, if held in so controversial an area, would, in the short term and most definitely, if it survived over a slightly longer term, be dogged by controversy inevitably attendant upon a decision perceived to imperil an area as sensitive as the one proposed. This would be an obvious consequence, in view of any dispassionate observer, if such an ill-advised, vulnerable and unsuitable site were chosen.

* In terms of the Governmental obligations re sustainability and the obviously negotiable prospects of securing a less fragile, irreplaceable and sensitive venue this Society, in view of the nature of the Internationally and Nationally valuable natural assets of the region courteously and definitively suggests an alternative site be found for this meritorious celebration venue,

Yours faithfully,

Sally Spain, President
WPSQ, GC&H

* Used with the author's permission.

Appendix E

Supporting Groups

The following community groups and other associations support CFFS in their objection to this proposal:

South Golden Beach Progress Association, Inc.
New Brighton Village Association, Inc.
Yelgun/Middle Pocket Progress Association
Pottsville Community Association
Wooyung Action Group
Conservation of North Ocean Shores, Inc.
Byron Greens Party
Byron Ratepayers Association
Caldera Environment Centre
Byron Environment Centre
Byron Environment and Conservation Organisation
Friends of the Koala
Australians for Animals
National Parks Association
Nature Conservation Council of New South Wales
North Coast Environment Council
Total Environment Centre
Wildlife Preservation Society Queensland, Gold Coast and Hinterland Branch

Approximately 15 other community groups in the Byron/Tweed area supported CFFS in their objection to the earlier DA (10.2007.462.1) and may support CFFS's objections to this DA. As this submission period closes, we are still in the process of contacting them, making sure they understand the proposal, and determining their level of support for CFFS this time around. We think it is likely that they will voice support, given the significant increase in what is being proposed.

We include this page to point out that our perspective is not that of a "small minority" but of a significant number of people in the area and knowledgeable others who are concerned about the area.