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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-976702

INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: NORTH BYRON PARKLANDS CULTURAL EVENT SITE MOD 3

PANEL:

**PROF RICHARD MACKAY AM
ANDREW HUTTON
CATHERINE HIRD**

ASSISTING PANEL:

JORGE VAN DEN BRANDE

LOCATION:

**IPC OFFICE
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE:

10.31 AM, MONDAY, 17 DECEMBER 2018

THIS PROCEEDING WAS CONDUCTED BY TELEPHONE CONFERENCE

5 PROF R. MACKAY AM: Mr Brown, it's Richard Mackay here, the chair of the panel. Could you just wait while we do some formalities, and there will be an opportunity to do introductions, please.

MR B. BROWN: No, that's quite okay, Richard. Thank you.

10 PROF MACKAY: Look, thank you. Good morning, all. And can I just note that this session is being recorded, in accordance with IPC standard processes. I begin by acknowledging the traditional owners of the lands on which we're meeting, and paying my respects to their elders past and present, and extending those respects to any Indigenous people in attendance. Could I begin by highlighting who is in on this call, please.

15 MR BROWN: Yes.

20 PROF MACKAY: My name is Professor Richard Mackay, and I'm the chair of this Independent Planning Commission New South Wales panel which has been appointed to determine the proposal we are about to hear about. Joining me in the room is my fellow Commissioner Catherine Hird, as well as Mr Jorge van den Brande from the Commission Secretariat; and on the line, we have the other Commissioner, Andrew Hutton. Would you mind indicating who's present with you, 25 please, Mr Brown, and indicating your full name and the basis on which you are presenting, please, whether that's in a private capacity or on behalf of an organisation.

30 MR BROWN: My name is Bruce Brown. I am a committee member of the Pottsville Community Association, but my initial – my initiatives are as a private citizen. I'm accompanied by Mrs Rita Bircham, who's also a committee person for the Pottsville Community Association. That's our complement.

35 PROF MACKAY: Thank you.

MS R. BIRCHAM: Good morning.

40 PROF MACKAY: Thank you, and welcome. I have some more formalities. This will just take a few minutes, but it's necessary for the published proceedings, please. So welcome to this additional meeting on development application MP 09_0028 MOD 3 and SSD 8169, in relation to the North Byron Parklands Cultural Event Site, from Billinudgel Property Proprietary Limited, the applicant, who seeks approval for the ongoing use of the site for cultural, education and outdoor events for up to 20 event days per year; a concurrent modification request to amend the terms of 45 existing concept plan approval to reflect the types of permanent cultural events that would be held at the site.

Before continuing, I just note quickly that the appointed Commissioners must make an annual declaration of interest identifying potential conflicts with their appointed role, and, for the record, we are unaware of any conflicts in relation to our determination of this proposed modification. And you can find additional

- 5 information on the way we manage potential conflicts in our policy paper, which is available on the Commission website.

- As I've mentioned, in the interests of openness and transparency, today's meeting is being recorded, and a full transcript will be produced and made available on the
- 10 Commission's website. The meeting provides the Commissioners with the opportunity to hear your views on the proposal and on the assessment report prepared by the Department of Planning and Environment before we determine the development application.
- 15 This meeting is one part of our decision-making process. It is not the only meeting that will be held as part of this process. The Commissioners have also been briefed by the Department of Planning and Environment and have met with the proponent. We have conducted a public hearing last week, and we carried out a site inspection. After today's meeting, we will engage further with relevant stakeholders if and
- 20 where clarification or additional information is required on the matters raised.

- Now, as you are aware, it came to our attention that, owing to a technical issue, the email which was sent to all parties who lodged a submission during the exhibition providing details of the public meeting bounced back, and hence we have arranged
- 25 for this additional meeting today. Following today's meeting, we will endeavour to determine the modification application as soon as possible, but there may be delays if we find the need for additional information.

- 30 Please note that any information given to us will be made public. The Commission's privacy statement governs our approach to your information, and if you want a copy of the privacy statement, it is on the website, or you can request one from the Secretariat.

- 35 I think, with those preliminary matters under way – I would highlight that we have all read the submission, and we have access to the graphic material – the various pages that were highlighted. There will be 15 minutes for the presentation, which is the maximum amount of time that anyone presented in the public meeting. And so, Mr Brown, if you're ready, we're ready to listen.

- 40 MR BROWN: Thank you, though – or – I think, before we start, we should do the same as you've done. We have no politic affiliation in this, and we have no beneficial interest in this, other than that we are members of this community, and we felt that this community had been not heard to the fullest in this process, over a long period of time. So that's why our reaction last week to various members of New
- 45 South Wales government was a sort of a desperation to reach out, "Someone please talk to us."

So, from our point of view, we wrote the submission to you to go through all of the obvious things on this site. The most important thing to us, and the most important thing to this whole community, is that – this application was approved five or six years ago, whenever – it's – the horse has bolted, as far as that's concerned. The
5 next concern now is to make this event as safe as possible, with the right infrastructure, as best as possible, while at the same time protecting the economic benefit that that festival provides to this community. So have I made myself clear on those three points?

10 MS C. HIRD: Yes.

MR BROWN: Okay. So, first of all, when you come from a background that you've had a lot of experience in development, you come up against the first thing: that this area is a floodplain. Now, the safety of the public, I believe, on a floodplain,
15 is – is a matter of concern, because is a high risk. All of the maps that I've sent you – there's no need to look at them now; you'll look at them later – they all highlight the depth of water on this site at various – over various years of the – when the one in 100 floods occurred.

20 I spoke to an older local the other day, and it was a very important conversation, because he let me know the history of this over the last 50 years or so. There – when you look at your maps – do you want to go to one map now, just to have a quick look?

25 PROF MACKAY: Yes, which one would you like to take us to, please?

MR BROWN: To – just go to map 76, and the flood study; that'll do. Any one of them will do, but 76 will do.

30 PROF MACKAY: That's in front of us.

MR BROWN: Okay. Now, when you look at 76, go to the word "Wooyung" where it sits on the map.

35 MR J. VAN DEN BRANDE: Yes, "Wooyung Road".

MR BROWN: Do you see the word "Wooyung"?

PROF MACKAY: Yes.

40 MS HIRD: Yes.

MR BROWN: Just to the left of the beach? Okay. Now, you'll notice, there's an area of land – a long finger that is above the Q100, or one in 100 year flood event. If
45 you go down to the bottom of that finger, you'll see a little blue line sneaking across and joining the two masses of water up. Mr Richardson and – this man shouldn't be bothered, because he's very, very old, and it takes him a long time to speak.

So he was pointing out to me that many years ago, this – where the flood crosses the road, on Wooyung Road, used to flood first, and back up in this back section where the event is used to flood second. He says, because of a drain that used to go across that sandy finger that's above the Q100, it's blocked now, apparently, and that adds 5 to the flooding in that event area. And he believes that if that drain was cleaned out, or a new spoon drain was put across that sandy finger, you would lessen the flood risk in that area considerably.

Now, the gentleman made a lot of commonsense to me when we talked about 10 flooding. He also mentioned another section – and we'll just keep on this map, because you can look at the rest of the maps in your own time. When you look at the – the map that shows you the two green dots of the one in 100 year flood event on Wooyung Road, there's one just to the left of the word "Wooyung" on the map you're looking at, and there's one about a kilometre around the road.

15 Now, from the green dot next to the word "Wooyung" to Mooball Creek is a big drain that used to be cleaned out regularly. Now, it's not any more. That drain is silted up, and has got a mass of vegetation in it. That is causing extra flooding back into that area of the event area. Now, the old chap thinks that if that drain was 20 cleaned out properly, that is another thing that would lessen the risk attached to this site. Everyone understand what I'm saying? Yes, no, maybe?

PROF MACKAY: Mr Brown, you need to present to us, I'm afraid; it's not a question/answer session.

25 MR BROWN: Well, I want you to know that – I want to know that you're following me. That's fair enough question, isn't it?

PROF MACKAY: Yes, look - - -

30 MR BROWN: Okay.

PROF MACKAY: Look, Mr Brown, if we're not following you, it's for us to ask you, if you wouldn't mind. Can you please conduct as though you - - -

35 MR BROWN: I will.

PROF MACKAY: - - - were presenting.

40 MR BROWN: Okay. Okay. So this chap reckons that if the drain to the south of that flood-free finger of land was opened up again, that would lessen the flood effect on this site and if the drains to the north that cross this Wooyung Road just to the west of the word "Wooyung", right in the middle of that blue patch, through to Mooball Creek were all clean and kept clean regularly and this drain that reopened to 45 the south kept clean regularly, you would have a substantial lessening of public risk as far as flooding goes. Okay. At this point in time, Tweed Shire Council's study said that the timeframes to get people off this site are quite large. The experts say

they're probably half the timeframe. But it is still not good enough, even if it's not 10 hours or 12 and a half hours, it's only five and six, it's still ridiculous if you've got 35,000 people at risk.

- 5 So, as well as lessening the risk of flooding, you also have to open up excess exit. You can't just have the one main in and out and a circular situation inside the event that takes you back out the same way. You've got one small exit that goes out onto Wooyung Road that's marked on your government map, I think – it's appendix B, I think it is, in your notes, that shows the second exit onto Wooyung Road. It needs to
- 10 have proper exits out to Jones Road on the south side and it needs proper exits to Jones Road to the east of this site. Then you've allowed – you've got two – you've got the Wooyung Road one existing to the north and you've opened up Jones Road to the north – that comes out underneath the word Wooyung on the map you're looking at, and then you have access to the Jones Road to the south. Now, it would be ideal
- 15 if Jones Road was completely opened up all the way around this site but at the moment it only goes from east to west so far on the south side and it only goes from north to south so far on the section closest to the beach. So there's another avenue, if that was addressed, that would lessen the risk to public safety in a flood or a fire we've had enough – we've said enough about that.
- 20
- This acid sulphate contamination – this is a big worry in this particular district because, as your consultants have noted in their reports, they've dug an enormous number of holes, they stay at each hole, they nominated where the tests were and they showed it is from one and a half metres to two metres below the surface, this acid sulphate soil, and the water. We have a problem here with Mooball Creek because of all these cane drains that file into Mooball Creek. As recent as the last month and a half, the sands on the beach stopped the creek flowing which has only happened three times in the last 40 years. So the council had to open the creek up with heavy machinery.
- 25
- 30 Now, whilst there was a little to and fro as to who should do what over this, all of this questionable quality of water was flowing into the creek and damming up. And whilst the council was testing this water and was saying the test was acceptable, it was borderline. Now, if someone happens to crack the surface of that site, like they cracked the surface of the site next door that I mentioned, the one that's on the other side of Jones Road to the east – it goes to the beach – then that acid sulphate is free to flow every time there's a flood. And you note that when we have a serious downpour here, you get a few fish dying in the creek and that. And I've lived here six years and it has happened twice. Now – so this acid sulphate is a problem. And,
- 35 to be quite honest with you, I've searched for a solution and I've spoken to a number of people that used to be consultants with us years ago and there's not really very many solutions to avoid acid sulphate other than don't dig a hole where it is on acid sulphate.
- 40
- 45 The stormwater management plan, again, is a reflection of the acid sulphate. You can't do your retention basins in this area because you can't dig deep enough. Now, another important section – I know I've only got 15 minutes, so I'm going very

- quickly. Another very important section of this is the sewerage network. Now, in the last week, I've gone over a lot of things that we've had experience with ourselves personally in the past. And sewerage in itself is – can be done one of three ways.
- First of all, you can connect three- phase power to the site and then you can use an A
- 5 Class plus sewerage system to handle the raw sewage that you produce and that A Class plus system will allow you to irrigate the fluid back onto site at a quality that they maintain you can drink. Mind you, I've never been game to drink it myself.
- The second situation is a 15 kilowatt solar farm to run the same Class A plus system,
- 10 to handle the sewage.
- 15 The third system is the reed and pond system that they have now, which is just simply in other words, a giant biocycle system that allows the natural land between the site and Mooball Creek to filter and purify. Now, when you look at your local legislation for a biocycle on a rural residential block of land, they nominate that there should be a reasonable – and I can't remember the exact amount. They nominate that there should be a reasonable amount of space between where you put your biocycle and the next watercourse and that house would usually only have a family of two adults, four children on the average – something like that. Now, here,
- 20 we have a situation where we've got 35,000 people using this pond and reed system and using the pond and reed structure to do the main filtration so that we only have fluid going out into the soil.
- Now, to me, it's a huge risk when you're producing that much sewage to rely on natural filtration when you don't have a very big distance at all between your
- 25 localised drains that on the site, the drains that are on the surrounding cane farms and all of these drains feed into a network, into each other, small to big, big to bigger, bigger into Mooball Creek. And I said to one of the old consultants probably as late as Friday – I said, "Is this reed and pond system any good?" He said, "It is the next alternative after the other two I've mentioned". I said, "How do you make sure that
- 30 this reed and pond system will actually work?" He said, "Well, the only other thing you can do to that reed and pond system is to chlorinate the fluid that you produce". Now, the other thing with respect to this reed and pond sewage system is that the flooding situations can you hear the – can you hear the phone at all? I
- 35 PROF MACKAY: Yes, we can hear you.
- MR BROWN: We've got some interference.
- PROF MACKAY: We can hear you clearly.
- 40 MR BROWN: Okay. Good. The flooding of this site would need an engineer to work out whether or not in a flood, this pond and reed system can still be successful because – go back to what I just said. Even on this site, you have shallow – when you did your site inspections, which we're not really privy to – the only time I've
- 45 ever been there was watching my grandson run in a cross-country race. And I noticed these little tiny drains were about two or three foot deep. They had 18 inches of water in them, just sitting there. And I thought to myself this is

PROF MACKAY: Yes. Mr - - -

MR BROWN: farmers

- 5 PROF MACKAY: Well, Mr Brown, you've got – you're at 14 minutes. So we can be a tiny bit flexible, but if you could move towards concluding, please.

10 MR BROWN: Yes. No. Look, the – okay. See, the biocycle at the moment, or the treating pond system, I think, is only effective to a certain point. And I think, after that, the flood takes over. Your bushfire management structure's got to tie in with the way you handle flood management. Your safe zones that you nominate on this site, I don't think are good enough. That's why you have to upgrade your exit points, so that your time to clear this site is vastly reduced.

15 And the last thing I would like to say is that you need to do a whole host more investigation before you can approve this site for 50,000 occupants. It's there for 35,000, and it's handling 35,000 in a – they haven't had any problems yet. If you read the police report, it will give you all the reasons why public safety has to be upgraded vastly: fire, flood, the intoxication of the general public, the drugs that are taken by the general public. An emergency at – no – excuse me – an emergency at night, with smoke-filled are – as I said in the thing, Murphy's law: if it can happen, it will happen.

25 So we have got to produce a safer ground for this site to operate on. And I'm prepared to do a lot more work on that if need be, so that I can help produce a safer situation. The bushfire management plan has to follow those exits I've just spoken about. Your safe zones have to be upgraded, because you're just shifting people from one grass paddock to another grass paddock, and the only way you can protect those people in a grass paddock is if, a month before that festival, you irrigate that land – mow it, irrigate it, and keep mowing it short; and don't leave the dead grass there, because the dead grass burns. You have to rake it after you mow it, and keep it short, and keep it watered. And then the risk of fire is drastically reduced.

30 PROF MACKAY: Okay. All right. Well, Mr Brown, do you have a last sentence, or are you – because we're a little bit over time now.

40 MR BROWN: Mate, I've – I don't know. There's a lot more. But, listen, all I want to get the point to you is, I want to decrease the risk to the public here. And there's some – look, I don't know a bushie – I've had a lot of cattle farms in my life – still got some – and things like flood and bush – and fire management, they're commonsense, you know: any old farmer can go to that site and show you how to do that, without paying 30,000 for a report. So – the rest is up to you guys, I guess.

45 PROF MACKAY: Okay. Well, look, thank you for making the time available to address us today. And, look, our apologies again for the technical glitch which meant you were not directly notified about the public meeting. In view of that circumstance, the other arrangement that has been made is, we have extended the

time for additional submissions until 11 January 2019. I think, at that point, unless there's anything else from anyone on the line who has something to say, I will thank Mr Brown and Councillor Bircham, and declare that the meeting is - - -

5 MR BROWN: Richard, it's Committee Member Bircham, not Councillor.

PROF MACKAY: Committee Member Bircham. Thank you - - -

MR BROWN: Just - - -

10 PROF MACKAY: Thank you for that correction.

15 MR BROWN: May I make one point in closing: if you read the police report very, very closely, and you combine all that I've said about public safety and flooding and bushfire, and you combine what the police are telling you, a sensible resolution can be worked out to make that site really safe.

PROF MACKAY: Okay.

20 MR BROWN: But at the moment it's not, and at the moment if you add 50,000 on top of that, you're just increasing the risk.

PROF MACKAY: Okay. Thank you, and that has been noted. And, I think, with that, I will thank all participants in today's meeting, and declare the meeting closed.

25 MR BROWN: Thank you very much, everybody. Thank you.

PROF MACKAY: Thank you, Mr Brown.

30 MS HIRD: Thank you.

MR BROWN: Bye-bye. Bye-bye.

35 **RECORDING CONCLUDED**

[10.59 am]