Submission on North Byron Parklands

I am writing to object to the proposed expansion of the Festival events at North Byron Parklands (NBP), in numbers of patrons and days of operation for large festivals and the expanded events/facilities as outlined below. This site is not suitable for 35,000 people plus workers and should definitely not have its quota increased to 50,000 people plus 7,000 workers plus an unknown number of complimentary tickets.

The trial usage of this site has been for 10 event days for large, medium and small music events. It is proposed that this will increase to 15 days of music events, that is an increase of 50%. The large Splendour Festival days have increased from 3 to 5 days and the total number of people have increased by 15,000 not counting complimentary tickets. The Falls Festival of 35,000 people has also increased by 2 days. There are 3 days proposed with an increase number of people up to 25,000 and 2 days of events for 5,000 people. Only 2 days have been allocated for non-music focussed minor events. This is a huge increase in numbers of people and days. On top of this the organisers are giving away complimentary tickets that are not capped and these tickets should be included in the quota limits of people allowed onsite. Records must be kept by NBP of how many complimentary tickets are given away. The total numbers of tickets should be audited by the Department of Planning’s Compliance Division.

The modification of attendance numbers that is proposed for the Concept Plan (MOD3) should be rejected. The Department of Planning must reject an increase in numbers at this site. It is not suitable for such large crowds of people. The developers have not adequately dealt with safety issues regarding evacuation in case of emergencies, with the ecological impacts on the surrounding Nature Reserve and SEPP 14 Wetlands, the amenity of the local residents and the huge load that these crowds place on the infrastructure of Byron and Tweed Shires.

In the 2016 Census there were 31,556 people living in Byron Shire. The estimated resident population on the 30th June 2017 is 33,987 people, according to https//profile.id.com.au This would have increased to approximately 35,000 people by now. The Falls and Splendour Festival represent a doubling of the entire Byron Shire population while they are occurring. This is a massive load on water, sewerage and rubbish disposal created onsite at NBP and within the Shire at accommodation centres.

The NSW police have highlighted multiple concerns regarding safety with such high numbers of people who are often intoxicated with alcohol or other drugs. Crowd crushes, security breaches, lack of adequate medical resources and drug use and trafficking, are all concerns that are in the police report on the Splendour Festival 2018.

I have seen the amphitheatre surrounding the main stage at NBP. This area of land does not appear to be adequate to hold 35,000 people let alone 50,000 people. Has there been an assessment of the size of this area and the proposed density of people using it? I am unaware of any such survey that has occurred. Are there any controls on the number of people allowed onto this area? By allowing huge numbers of people into this limited space, it is inviting crowd crush incidents such as the one that occurred at the Kendrick Lamar concert at the Splendour festival in 2018. The NSW Police report called it a “crowd collapse in front of the stage on flat ground which allegedly involved 100 patrons”. A collapse of people will occur if the density of numbers and pressure on people is too high and will be exacerbated if the patrons are under the influence of alcohol or drugs. There were 148 drug charges issued by police at Splendour last year. The Department of Planning should monitor the carrying capacity of this site independently from NBP.

I have personally witnessed the drunken behaviour of young people catching buses during daylight hours to the Splendour Festival from the main bus stop in Johnson St, Byron Bay. The festival employs security staff who search the patrons’ bags & prevent them from taking any alcohol on buses or on site. This is done to maximise sales of alcohol at the festival bars, which charge prices far in excess of market price for alcohol sold at pubs and clubs. Personal comments from festival patrons have confirmed this. As a consequence, the young patrons were filling up on as much alcohol as they could imbibe before they boarded the buses. Some of them were leaving what they couldn’t drink behind on the footpath. They were seriously intoxicated in daylight hours. This behaviour is a health risk to patrons and a hazard to local communities.

The Planning Assessment Commission published a Final Determination Report, for the initial (2012) approval. On page 11, the PAC stated: “After the trial period, the Commission considers that a new application should be lodged with Council for events to continue.” also “Outdoor events following the trial period will require further approval from the Council under Part 4 of the EP&A Act.” This statement should be honoured.

The festival site at North Byron Parklands has been running on a trial basis for 6 years and this system of conditional approval should continue. The site should only be given conditional approval by the Department of Planning (DOP) and it should be reviewed annually in consultation with Byron and Tweed Councils, to determine the effects it is having on the environment, the amenity of the area and the social impacts on both the Tweed and Byron Shires.

The festival site should have conditions of operation and consent set by Byron Shire Council, who would coordinate the Regulatory Working Group (RWG). It should be chaired by a person who is appointed by Byron and Tweed Council and is independent of Parklands and who reports directly to the DOP. The RWG should have representatives from both Tweed and Byron Councils represented and a minimum of 2 community representatives from each shire. It should be completely independent of NBP.

No permanent approvals should be given for festivals. Instead there should be an event-specific licence that is renewed before each event by Byron and Tweed Councils. This is the case with any large-scale entertainment event, regardless of whether it is temporary or permanent.

The self-monitoring of compliance by NBP has not proved accurate or reliable in the past. There should be independent monitoring of consent conditions by the DOP, Byron and Tweed Councils, which is paid for by Parklands. This monitoring will include the monitoring of noise levels onsite and needs to be the basis of ongoing assessment of the festivals. There should also be an independent Community Liaison Officer for NBP that is provided by Byron Council & funded by Parklands.

The land at NBP is a biodiversity hotspot, wildlife corridor and sensitive site, part of which is zoned Habitat Protection in Byron Shire Council’s LEP. These concerns were supported by the Land and Environment Court decision in 2009. The court found that the development is properly characterized as a temporary place of assembly which is prohibited in the habitat zone. The site is also surrounded by the Marshalls Ridge Wildlife Corridor and in the early 1990s over $13m was spent by the Fahey NSW Government (Liberal), acquiring land to protect the site due to its ecological significance.

I am extremely concerned and frustrated that the DOP has not taken seriously the concerns of many experts, environment and community groups locally. The ecological self-monitoring of NBP has been inadequate. Critiques of it have been noted by NPWS, OEH staff and RWG members. The OEH has repeatedly called for clear KPIs in the monitoring, the DOP have not required that these be provided. The community is asking why hasn’t this been followed up?

NBP continually claims that there are “no adverse impacts” to the local ecology. NBP have not supplied any reliable evidence to support these claims. There have been serious flaws in the NBP monitoring that have been documented by ecologists who are well regarded in their field. These flaws have been presented repeatedly to the DOP and the Northern Planning Panel, however they appear to have been ignored. There has been an independent review by Dr Martin Denny 26.2.18 and by local ecologist Andrew Benwell presented in a submission to the JRPP in 2017. The DOP should review all of the past monitoring of this site and require thorough monitoring done by experts in the field who will report to Byron Council, before any further approvals are granted.

NBP has proposed the extension of the southern carpark into an area surrounded by SEPP 14 wetlands. This is not an acceptable location for a carpark as this area should be maintained as a buffer to these wetlands which are of a high conservation value. Oil, petrol and other chemical leakages from vehicles over time will have a damaging effect on the wetlands. Wind borne rubbish will also be an ongoing problem.

The Koala population north of the Brunswick River has been classified as endangered, and everything possible should be done to protect it. The Nature Conservation Council has estimated that Koalas may become extinct in NSW within the next 20 years. NBP denies that Koalas occur onsite. This may well be due to inadequate monitoring, as Koala activity has been observed by experts for many years along the wildlife corridor that bisects the site. Koalas were also observed within the Parklands site in 2016 near the proposed conference centre site. This is a prime example of the need for independent ecological monitoring at this site.

The conference centre and proposed bar is an inappropriate development for such an ecologically sensitive site. The size of the proposed conference centre has doubled in size since it was originally approved. Now designed to accommodate 120 people rather than the original 60 and to operate all year. Noise and lighting from the bar and centre will have a damaging effect on the wildlife adjacent to it. It is proposed that amplified music will be allowable at the bar from 11am till 2am. This is unacceptable given the high levels of noise allowed at NBP. It should be stipulated by the DOP that amplified music is only allowable at the bar during festival times and should finish at 12 pm. This centre was originally to be used by staff during festivals and paying guests at other times. It has turned into a de facto hotel. If this Conference Centre is in fact a hotel/ motel it should be controlled by local planning regulations and moved away from Koala habitats.

A completed sewerage treatment system was supposed to be functioning by the end of 2017. The proposed plans for treating sewerage onsite has major risks of polluting the water table and the surface water of the local catchments, especially as this site is subject to flooding. Note the flooding onsite in March 2017. Sewerage would infiltrate the water table and effect the local vegetation, especially the SEPP14 wetland vegetation which is dependent on low nutrient levels as is the majority of Australian native plants.

It is also not acceptable that the excess sewerage from this site is trucked to the sewerage treatment plant in Byron Shires, which is already overloaded by 2 million plus tourists per annum visiting the Shire. Last year it was trucked to West Byron STP. The amount of sewerage is almost double the water of the entire Shire population. It would exceed the EPA license limits of the treatment facility.

Sewerage is an unresolved problem at NBP and it cannot be taken in an ongoing way to West Byron and Brunswick Valley STPs, as they are biological reduction treatment plants, and as such cannot be 'expanded' or 'upgraded'.

The Recommended Development Consent proposed by the DOP recommends money for a Planning Agreement with Byron Council. The amount is $1 per camping patron with a limit of $120,000. This is too low and should be raised to $3 per ticket sold for the festival, without an upper limit. Council needs to provide: extra infrastructure to cope with the demands of the festival (water, sewerage, public toilets and rubbish removal); additional ranger patrols in residential areas; and a Community Liaison Officer (employed by Council) for Parklands, as noted above.

The usage of the site far exceeds the original stated intention of using it for “a few days a year”. With the 2 major festivals and 3 medium sized events each year, the site is already in use for more than half of the year, including set up, dismantling and preparation times. This does not include smaller events of a half day or less and events at the Conference Centre.

Billinudgel Nature Reserve and Marshalls Ridge Wildlife Corridor, will be permanently compromised and the ecology will deteriorate if this proposal goes ahead in its current form. NSW has invested millions of dollars over decades into these state significant assets in the north of Byron Shire. As a priority these reserves must be protected by the DOP.

The residents of Byron Shire are the ones who must live with this development and the undesirable effects of it on our environment and throughout our community. The infrastructure of this Shire cannot cope with the 2 million plus tourists visiting the Shire annually, let alone huge influxes of young people at Festivals. The purpose of festival goers is to party, the participants have no responsibility or commitment towards the area beyond the festival. If the State government wants to increase tourism to this area, it should be financially supporting the infrastructure of the Shire and financially subsidise the negative social consequences of tourism in Byron Shire.

I object to any increase of event days, attendance numbers & types of festivals other than what has been approved to date. There has been an incremental push for more festival days and patron numbers that has misled the community and overreached the capacity of the site & has had a deleterious impact on the local amenity of this area and the shire as a whole.