

## **Submission Objecting to SSD 8169 North Byron Parklands Events Site December 2018**

### **1. Number and Size of Events**

The current approval allows 10 event days for large, medium, and small music events and 10 days for non-music “minor community events” of up to 1,500 people.

The proposed usage has increased substantially and is now:  
 5 days for Splendor (35,000-50,000) instead of the usual 3 days  
 5 days for Falls (35,000) instead of the usual three days  
 3 days for other events up to 25,000 (could be three one-day events)  
 2 days for other events up to 5,000 (could be two one-day events)  
 2 days for non-music focused minor community events

This is a substantial increase in size and number of events to which I object.

The proposed modification (MOD3) to the Concept Plan regarding attendance should be rejected. The current ceiling of 35,000 is already creating serious safety, security, residential, environmental and unacceptable impact on infrastructure.

Good planning should start backwards. Identify the constraints of all variables and develop within those. Thus this application is reduced to being provocative on a number of issues.

Reasons for objecting to the application are as follows and are in random order.

### **2. On Site Management System of Sewage and Wastewater (OSMS)**

Sadly, anything dealing with sewage/wastewater ‘management’ doesn’t get the attention it deserves yet it is basic to public health, particularly when there are concentrated crowds of people on a site located in a sub-tropical environment as is the case here.

Previously, the then application used the technicality that the proposed wastewater/sewage treatment system was outside the jurisdiction of the governance of other authorities, including the EPA. I would hope that in this application that ‘technicality’ is put aside because it previously raised questions and would continue those questions about the transparency and quality of the application and indeed the intent of the applicant?

**The following comments were made in submission January 2018 in relation to the then Whitehead and Associates consultancy report. The page references refer to that report. The comments made then stand for this application and are vindicated and added to by the independent audit report done by GHD and commented upon by Byron Shire Council.**

*The proponents will argue the proposed en-site composting sewage system is world class. However, I am concerned about what part is award winning and world class? If its accolades*

*have honed in on using converted wheelie bins to collect urine and faeces then those accolades are deserved. However, in context of the whole of the system, this is but a part.*

*The concept for OSMS is comprehensive and thorough. However, there are areas that raise substantive concerns about Whitehead Associates report.*

*Foremost, the consultant has underestimated the size for all parts of the entire system. The reason for this is that thousands of clients are bussed off each day to surrounding places. This reduces the volume of urine and faeces collected onsite to what could be construed in support of the proponents' agenda. The reliance on Local Councils to pick up the impact is blatant. The OSMS needs to be recalibrated and increased to the maximum all day attendance at the site. This fact should not be dismissed out of hand, particularly when the impact of the numbers of people bussed into Brunswick Heads/day has been witnessed and indeed speaking with volunteers at the bus stop outside the Tourist Information Centre, Brunswick Heads, the number of festival clients who just want to know where are the public toilets is a constant. The fact that so many are bussed off site would go towards explaining, in part why the waste/unit is decreasing. I would also add that the numbers wanting to be bussed off site/day would vary depending on the weather. Hot, humid weather or wet muddy conditions has, based on experience, made the site not conducive to spending the day there.*

*Is the modeling based on dry weather and/or what soil conditions? The consultant's modeling was done on wet weather data from Byron Shire Council. This raises **major** concerns as the level of competency in BSC's Water and Sewerage is highly questionable. Any climatic and weather data needs to be from the Bureau of Meteorology (BOM). BOM data would have a far higher level of credibility.*

*The consultant to North Byron Parklands has used BSC data to provide a greater area of land for effluent irrigation than would otherwise be required in say a dry climatic regime. It is an imperative that BOM data is used and the area intended for effluent irrigation reassessed. Add into that equation the recalibration of the whole OSMS to include a modeled urine and faeces waste that would be expected if all patrons stayed onsite and were not bussed off.*

*The consultant has acknowledge (page 20), in reference to site assessment, that the average rainfall exceeds evaporation for 7 months of the year (January to July) and the climate is expected to pose a moderate to major limitation for effluent management.*

*The starting point for the proponent's modeling is probably dependent on dry soils. I doubt if BSC provided them with daily data under the heading of 'wet weather data'. If the soils are wet prior to any event, then the modeling is challenged. (see page 26 where reference to the capacity of Effluent Management Area 2 is flood prone, already reliant on surface drains and used for camping at the two big events.)*

*The consultant may argue that wastewater would be stored. What has to be challenged is the capacity to store if the starting point is when soils are wet/waterlogged prior to the two big events in particular and how long are they able to store what quantity of waste before having to irrigate?*

*The consultant's modeling has been done on North Byron Parklands providing him with 5 years of data. Again this would have to be cross referenced with general data figures. (Note in Point 2 he is saying they used wet weather data from BSC. I cannot stress enough that if this data came from BSC's Water and Sewage, then its credibility is questioned! It must be cross referenced with BOM data!)*

*The consultant has stated (page 27) that the unit values of waste were very low compared to published figures reflecting the excellent practices by North Byron Parklands' management. It is imperative that the precautionary principle is adopted particularly when thousands are bussed off site/day.*

*Another serious concern about relying on past figures is that management has been sold to a global festival company. There is no faith/believe that what has been management practices in the past will continue into the future. Everyone is aware that change in management and assuming what has happened in the past will continue into the future is nothing less than 'tricky'.*

*There is a problem with the storage time for composting wheelies. Yet, the existing system is alleged to be 'world class' and awarding!! In one section of the report it talks about 4 months to compost i.e. before been turned out into trenches, and in another it shows in photography 9, page 18, the composting area after 3 months. The consultant is recommending a 5 months storage and 1,019 wheelie bins. (page 36). More wheelie bins are required. I would be adding 615 wheelie bins so that a minimum 5 months+ storage is met. I have used the figure 615 as this was the figure of wheelie bins modeled for a large event. It also represents a built in precaution in case of wet /cool weather causing a slowdown in composting. Wheelie bins converted to composting toilets would not be an onerous cost on the organisers!*

*The numbers of wheelie bins in the aforementioned paragraph need to be recalibrated again to take in the thousands that are bussed off site during each day of the festivals. If the proponents want a credible OSMS, then they cannot dilute their project by impacting on adjoining council's infrastructure and by default demanding the local ratepayers subsidise their commercial venture.*

*Sullage from the conference kitchen, which can be expected to operate for the major part of the year needs to be taken off site in the same way sullage from the festival kitchen is removed from the site. Until such time as existing problems with BSC's sewerage treatment plants are resolved all sullage needs to be taken to Ballina STP, subject to Ballina Council approval. The problems with Brunswick Valley STP and Ocean Shores STP are specifically related but not exclusive to failures in the collection systems of each and hydraulic overloading of the BVSTP during a wet weather event. West Byron STP has flooding problems associated with the discharge of treated effluent and serious questions about the volume of discharge indirectly to the Belongil, disguised as reuse of treated effluent.*

*Waste from the conference centre is to be chlorinated and then irrigated. Plants are to be grown to take up nitrogen and phosphorous but I am unsure of their ammonia take up. In contrast, irrigated effluent on EMA 2 is neither chlorinated nor planted out to take up these chemicals but presents as a major area for irrigation? I am aware that chlorine is a residual the effect is to kill*

*cannot recall what chemical dosing is intended and far more importantly, how the amount required is to be monitored?*

*Irrigated effluent on EMA 2 presents as reliant on natural UV disinfection. This would require a minimum of 4-5 sunlight hours. Since it is adjoining a camping area it needs to be visibly cordoned off as no-one can rely on the good behaviour of patrons to keep off until it is disinfected.*

*Table 23 page 48 is headed 'Monitoring Regime' . This sets a minimum standard for monitoring OSMS. I draw your attention in particular to inorganics. These would occur in the composting wheelie bins in the form of plastics, rags from menstruation tampons etc. It is unreasonable to expect these not to occur. Human behaviour defies it! I have not been able to find reference to how treating inorganics occurs in the intended practice when it comes from all the wheelie bins?*

*The entire concept for OSMS is highly dependent on excellent practice. NBP will have to be exceedingly vigilant in supervising operators. It demands a high standard of staff qualifications, supervisory practices and a transparent monitoring process. NBP must put on its website the daily monitoring of its OSMS i.e. volume of waste collected, volume of irrigated effluent and where it is irrigated and results of testing of irrigated effluent. Critical to any successful OSMS is ground water testing particularly since the site is adjacent to two major catchments."*

In response to this latest application, we now have the GHD report. Its findings are fully embraced and expose what has already been known. Council's comments are fully embraced.

However, in neither GHD nor Council's comments have I been able to pick up on reference to the number of wheelie bins required for the proposed system to work. I have picked up on 3 month period after which compost is buried. I do not believe this is sufficient time and stand by my previous submission's reference to 5+months before burying composted material IF this system goes ahead. The reasons given previously stand. I am also concerned that both GHD and Council may have overlooked reference to the number of wheelie bins needed for larger events with a longer composting period.

Any notion of North Byron Parklands making contributions to the upgrading/enlargement of any STP in Byron Shire is out rightly opposed. NBPL does not determine Council's sewerage strategy!

In fact, it is an impost for NBPL not to take onsite responsibility for all their wastewater with their own STP as opposed to the proposed trucking of 1/3<sup>rd</sup> of generated wastewater off site! This could be done with NBPL buying in influent from Ocean Shores STP to maintain the system in between festival events.....thus keeping the micro-organisms happy!

### **3. Impact on Surrounding Towns and Villages**

It is obvious that the application will have serious impacts, not only on the environment but also but also the surrounding areas of Pottsville, Murwillumbah, Yelgun, Brunswick Heads, Wooyung and Ocean Shores.

Heavy marketing of the Shire as an international tourist destination has been highly successful bringing over 2.1million tourists to the Shire, conservatively estimated at over \$750m/pa. The ratable base in the Shire is 15,600 properties. It cannot finance the existing demands on infrastructure yet the proponents will depend on it.

Brunswick Heads, in particular has been bearing the brunt of festival goers been 'dumped' here on a daily basis during event days. At Falls 2017/18 the numbers bussed into Brunswick Heads were 1,500 on one day and approx 1,000 on other days. This added to the high season tourist population of say 6,000. Census figures would show the place is approx 1800persons. The bussed figures exclude the exponential rise in illegal campers. The applicant will argue they are not responsible for their clients' behaviour once off site. However, what cannot be discounted is the 'syndrome' effect of festival events that brings illegal camping in greater numbers, not only on road reserves but also in nature reserves and on the beach.

Festival goers were similarly bussed to Ocean Shores, Pottsville and Murwillumbah.

### **4. Bush Fire Issues**

Fire hazards, during a total fire ban occur on-site with bonfires in fire-prone areas and repeated illegal use of fireworks. Proponents have not been able to stop this behaviour. The site adjoins invaluable nature reserves!

### **5. Health and Public Safety Issues**

The health hazard of festivals cannot be dismissed. Byron Hospital records will evidence the numbers who experience 'festival 'flu' well known amongst medicos to correlate with festival events in the Shire. This is a festival induced syndrome and cannot be ignored as a random infection.

NSWPF also holds concerns regarding the allocation of medical resources allocated by Splendour. During the 2018 Splendour Festival, NSWPF detained an individual who was under the influence of drugs and had a history of mental illness. NSWPF attempted to arrange for an ambulance to transport the individual to hospital, but were advised that there would be a wait time of 45 minutes before an ambulance would become available.” – NSW Police Force report.

Part of the health issue is the drug-taking induced syndrome of festivals. Police reported 148 drug charges at Splendour in the Grass in 2018. 115 people were issued Field Court Attendance Notices for 148 drug offences, including two people charged with supplying a prohibited drug. A 25-year-old man was allegedly found in possession of 57 MDMA tablets and cash. He was

charged with possess prohibited drug, supply prohibited drug and deal with proceeds of crime. He was refused bail to face Tweed Heads Local Court today (Monday 23 July 2018). Police also issued 38 cannabis cautions and five youth cautions.

This type of behavior extends off site during festival time and while the applicant distances itself from responsibility, the contributory responsibility cannot be dismissed!

Police with sniffer dogs are a must at a festival of any size. In addition, a drug testing facility needs to be part of any festival. Such a facility is now successfully working in the UK. Patrons, who can by-pass a sniffer dog can have their drug of choice tested. UK results, reported on ABC radio in January 2018, were highly successful in mitigating the use of adulterated drugs etc. The model does not purport to decriminalise drug taking but rather reduce the damage and save lives.

I am also aware that festival goers have come up with ingenious ways of getting alcohol onto the premises. The last I heard was taking the top of tinned fruit, removing the liquid and replacing it with spirits then resealing the tin. On a cursory glance by security staff, the tin would pass inspection as 'unopened'.

Additional police resources, including dogs are needed in Brunswick Heads and any other affected township during festival periods. The reason doesn't have to be spelt out it is so blatant, and even moreso at the impact of the Splendor in the Grass festival! The behavior of attendees was so poor in 2017 that no bookings were taken for Massy Greene and the Terrace Reflections Holiday Park. Instead, booking were directed to Ferry Holiday Park and additional security had to be employed at the caravan park. Why should Reflections have to bear additional costs because of the induced behavior of festival goers and the applicant taking any position that distances themselves from that behavior?

Similarly, why should the surrounding communities have to bear the brunt of festival induced behavior in their residential areas while the applicant argues they are not responsible for it when off-site, in full knowledge of their contributory responsibility for it?

## **6. Dependency on Volunteers**

Dependency on "Volunteers" - the past does not extend into the future.

Previously mentioned was the change in management/ownership of the festival business. To date, volunteers on a contras deal have been used in Brunswick Heads to collect rubbish, particularly in the main commercial block and foreshore parklands areas. Multiple bin collections have had to be called upon. The success of this has, in the past been reliant on the good management skills of one woman. No longer can NBP access her services. Consequently, all costs involved in employing people plus additional costs involved in extra bins and bin collection by Byron Shire Council needs to be a condition of any proposal.

The assessors also need to source information as to whether or not NBP has similarly relied on 'volunteers' with contra deals in Murwillumbah, Ocean Shores, Pottsville etc. The same would apply in those locales.

## **7. Rubbish Management**

Rubbish Management: NBP acknowledges this is a continuing problem. It certainly cannot be added to the load for any local Council. If NBP intends to do these festivals then it should incur the total cost of transporting it themselves direct to some accepting Council rubbish dump.

There must be a recycling of waste management system included in any proposal...and that should not be dependent on charity workers coming on site and collecting disused and discarded tents etc.

## **8. Impact on Adjoining Nature Reserves and Wildlife Corridor**

Billinudgel Nature Reserve and Marshalls Ridge Wildlife Corridor, into which NSW has invested millions of dollars over decades, are the most state significant assets in the north of Byron Shire. Approval of this proposal will permanently change the nature of this ecologically-significant area—for the worse e.g. koala sightings in 2016 on the site of the proposed conference centre.

## **9. Independence of a Regulatory Working Group and Its Composition.**

Independence of any regulatory body needs to be seen and function independently. We have seen failures of regulatory bodies APRA and ASIC in the Royal Commission into Banking that has brought havoc to the financial system and a profound lack of trust in it. Consequently, there is a paramount need for ‘proper’ in the legal sense of a regulatory body.

The RWG should be chaired by an individual who is appointed by Byron and Tweed Councils, and who has no connection to Parklands. Accountability must be directly to the Department of Planning and both Councils. A minimum of two community representatives from each Shire who have no conflict of interest with any Chamber of Commerce need to be on the Regulatory Working Group during any trial.

The Department of Planning is recommending that Parklands’ self-monitoring of compliance should continue, but that needs to be augmented with strict independent compliance monitoring that is done collaboratively by the Department of Planning, Byron Council, and Tweed Council and representatives from community groups as stakeholders. Keeping the councils at bay, as has happened during the trial, has to stop. The Councils need to be involved in doing their own monitoring of noise, traffic, and residential amenity issues, and that monitoring needs to be used as part of the Planning Secretary’s ongoing assessment. The additional costs for council monitoring should be borne by Parklands.

## **10. Need for Key Performance Indicators**

Consent conditions should include specific KPIs related to environmental impacts. These indicators need to be set collaboratively with the applicant and local stakeholder groups that are

already acknowledged for their expertise on the local ecology. This also needs to include representation from government environmental and heritage authorities.

Parklands says the festivals cause no impacts or only minor impacts, but experienced ecologists have found serious flaws in Parklands' ecological monitoring. The Planning Department has ignored the criticisms and has accepted Parklands' assurances that no one should be worried about ecological impacts. Meanwhile, plastic glitter, discarded trash, and human waste pile up with each festival.

## **11. Economic Benefit Report**

The Department of Planning commissioned an independent assessment of Parklands' economic benefits report. That assessment dismissed the concern that most of the festival profits go overseas, claiming that Parklands is Australian owned. That assessor clearly doesn't understand that Parklands does not own the festivals. Live Nation, an American company who owns TicketMaster, is the majority owner of Splendour and Falls and thus takes the majority of festival revenues. Live Nation may well be the 100% owner of other events that could be staged at Parklands if this proposal is approved.

A proper economic benefit report is needed in which it is made clear where the profits are transferred and to whom with a clear distinction between (a) event holder (b) property owners with subsets as required to make transparent the allocation of profit distributed within Australia and overseas.

The above cannot be treated/dismissed as 'commercial in confidence' because the applicant will be arguing about the economic benefits to the area without being asked to substantiate it. This should not be ignored by the Independent Planning Commission.

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