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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-970218

INDEPENDENT PLANNING COMMISSION

MEETING WITH COUNCIL

RE: NORTH BYRON PARKLANDS CULTURAL EVENT SITE MOD 3

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

ASSISTING PANEL: **DAVID KOPPERS
JORGE VAN DEN BRANDE**

COUNCIL: **COLLEEN FORBES
ANGELA THYMAN
CHRIS LARKIN
TIM FITZROY
RAY CLARK
JACQUI CORD
GRANT MALCOLMSON
LEON McLEAN**

LOCATION: **TWEED SHIRE & BYRON SHIRE COUNCIL OFFICE
10-14 TUMBULGUM ROAD
MURWILLUMBAH, NEW SOUTH WALES**

DATE: **10.56 AM, TUESDAY, 11 DECEMBER 2018**

PROF R. MACKAY: Well, good morning, ladies and gentlemen, and thank you for your attendance this morning. Before we begin, I would like to acknowledge the Traditional Owners of the land on which we meet, and pay my respects to their Elders past and present, extending those respects to any Indigenous People who are
5 in attendance today. Welcome to this meeting on development application MP090028 MOD 3, and SSD8169 in relation to the North Byron Parklands Cultural Events 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, and concurrent modification requests to amend the
10 terms of the existing concept plan approval to reflect the types of permanent cultural events that would be held at the site.

I am Professor Richard Mackay, and I am the chair of this Independent Planning Commission panel, and joining me are my fellow commissioners, Catherine Hird and
15 Andrew Hutton. And from the IPC Secretariat, we have Mr David Koppers and Mr Jorge Van Den Brande. I would be grateful if we could just go around the room, please, and if the other attendees could identify themselves by name and title, please, perhaps commencing here.

20 MR T. FITZROY: Tim Fitzroy, Byron Shire Council, Environmental Health Officer.

MR C. LARKIN: Chris Larkin, Manager of Sustainable Development, Bryon Shire Council.
25

MS A. THYMAN: Angela Thyman. I'm the trade waste officer for Bryon Shire Council.

30 MS C. FORBES: Colleen Forbes, Team Leader of Development Assessment of Tweed Shire Council.

MR G. MALCOLMSON: Grant Malcolmson, Environmental Health Officer, Tweed Shire Council.

35 MR R. CLARK: Ray Clark, Traffic Engineer, Tweed Shire Council.

MR L. McLEAN: Leon McLean, Flooding and Stormwater Engineer, Tweed Shire Council.

40 MS J. CORD: Jacqui Cord, Environmental Health Officer at Tweed Shire Council.

PROF MACKAY: Thank you. And thank you for assembling together to help the IPC program. In the interests of openness and transparency, and to ensure the full
45 capture of information, today's meeting is being recorded, and a full transcript will be produced and made available on the Commission's website. And the meeting is one part of the Commissioner's decision-making process that is taking place at a

preliminary stage of the process, and will form one of several sources of information upon which the Commission will base its decision.

5 It's important for the Commissioners to ask questions of attendees and to clarify
issues whenever considered appropriate, and if you're asked a question and not in a
position to answer, please feel free to take a question on notice and provide any
additional information in writing, and anything that we receive will also be published
on our website. Are there any questions about the process for today? If not, then I
10 think we can begin, and it's probably best – I was going to suggest we hear from
each of the councils seriatim. I don't mind if you chop and change and want to deal
with that on an issues basis, so we deal with waste then deal with something else, or
whether we would perhaps just like to have Byron Shire first and then - - -

15 MR LARKIN: Yes, sure.

PROF MACKAY: - - - Tweed second.

MR LARKIN: I think we've both got similar concerns there.

20 PROF MACKAY: Yes.

MR LARKIN: So we'll start off on the wastewater. So the proposed wastewater
assessment relies on, you know, the following fundamentals, being very low
wastewater generation rates, state upgrade of the onsite system, as budgeting allows,
25 the continued burial of human compost onsite, the nutrient build-up on dispersal
areas over time, the use of flood-prone land areas for the surface spray irrigation of
treated effluent via the incorporation of quite a complicated integrated system of
sensors, pumps, timers, etcetera, and the continued transportation of kitchen and
festival sullage, eg, trade waste or other Byron and Ballina STPs.

30 As a fallback position, and the conditions of concern reflect this, if they're unable to
carry out these works onsite or if the system doesn't work onsite, there's ongoing
reference that they'll take it to a municipal sewage treatment plant. Council has
concerns about the ability for the wastewater system to work onsite, and Tim Fitzroy
35 will talk to that in a minute. The other issue we've got is Bryon Shire Council has no
capacity to take the sewage to any of the Bryon treatment plants at this point in time.
To date, we have taken waste at times, and Angela will talk to that, but the quality of
the waste we've received at times puts out plant at jeopardy in Bryon Bay, and, in
fact, we've probably breached our licence arrangements - - -

40 MS THYMAN: We have already - - -

MR LARKIN: - - - with the EPA.

45 MS THYMAN: - - - Yes.

MR LARKIN: Yes.

MS THYMAN: We've had exceedances with waste.

MR LARKIN: From a planning point of view, in both Byron LEP '88 and the
Byron LEP 2014, the need for arrangements, in my mind, hasn't been properly
5 addressed. The way the conditions have been worded and the way the GHD reports
have been worded up, it seems to be it might work. I'm not too sure. So it's a really
a trial by error in that regard, with the fallback being to take it to a STP, whether that
be in Tweed, Byron, Ballina, or across the border into Queensland, but we just don't
10 know. No arrangements have been put in place at this point in time with Byron Shire
Council to do that as a fallback position.

MS THYMAN: No approach at all, yep.

MR LARKIN: So that's that in a nutshell to start with.

15 PROF MACKAY: It's a good place to start. Thank you.

MS HIRD: Could I clarify, the waste that was not compliant, what was the source
of that? Was it kitchen sullage waste or - - -

20 MS THYMAN: No, we don't take the kitchen sullage waste, nor ever have.

MS HIRD: Yes.

25 MS THYMAN: We don't have the facilities to treat that. That has gone to Byron –
sorry to Ballina - - -

MS HIRD: Yes.

30 MS THYMAN: so this is a mixture of grey and blackwater.

MS HIRD: From the composting toilet system or from the - - -

35 MS THYMAN: So yes, to some extent, because I do believe that the greywater
used to mix with the blackwater – the urinals has got the from the compost toilets
and although we've not tested that directly, anecdotally, we think that that is part of
the issue why we've had such strong waste coming.

40 MS HIRD: And so the strength was – what was the measurement that you took to
get the strength?

MS THYMAN: So we went across the board, actually. We did quite a few
parameters - - -

45 MS HIRD: Yes.

MS THYMAN: - - - but the key one was ammonia.

MS HIRD: Right. Okay. Yes.

MS THYMAN: And that's what we've had exceedances from on a number of occasions. So yes, that's essentially our biggest issue.

5

PROF MACKAY: Okay. So just – well, breaking that down, and I should say, please don't read anything into our questions, because our questions are about understanding the issues. Sometimes if we already understand them – the fact that we ask a question doesn't mean we've got an opinion, if you get my drift. If Byron Shire Council is not able to receive, particularly, the blackwater, the applicant – the proponent has said in a meeting which will be transcribed and on our website, that they have a receiver available in Queensland. Would that solve the issue as far as Byron Shire Council's concern about the blackwater, leaving aside the irrigation for a minute?

15

MR LARKIN: Yep. In terms of – council's concern is that once this approval gets out there, it all falls over in Queensland or elsewhere, the pressure will be put on Bryon Shire Council to take the waste in some form or shape. It's just a – you know, I can just see that - - -

20

PROF MACKAY: Flicks back under section 68.

MR LARKIN: Or whatever. And the pressure will be put on our Infrastructure Services division to accept the waste due to the - - -

25

PROF MACKAY: Okay.

MS THYMAN: Logistics, traffic.

30

MR LARKIN: Yeah.

MS THYMAN: Whatever - - -

35

MR LARKIN: Yeah.

MS THYMAN: - - - reason they can't get it offsite somewhere.

MR LARKIN: If they've got a more concrete site to send it to, and they've got some arrangement in place for the next 20 years or whatever it might be, or even if it's only for a five-year period, and the consent was structured in such way to ensure that was to – you know, that mechanism was to continue into the future, that would be – well, that addresses that major concern, yep.

40

PROF MACKAY: All right.

45

MS HIRD: It's sort of a five-year - - -

PROF MACKAY: And would it be possible for one of you to just unpack the irrigation issue a little for us, please. I think it would be helpful to hear a bit more about that, please.

5 MR FITZROY: Yeah. Tim Fitzroy speaking. In terms of the irrigation system and how it's proposed conceptually, our major concern relates to the location in which that's going to occur, and the fact that the area for irrigation is flood-prone, and that's been provided in the information. And, therefore, in the guidelines that council currently have – and I appreciate the EPA have other guidelines for the irrigation of
10 flood-prone land for the guidelines that have been in place since 2001 and now in 2004 – that's the Byron Shire Onsite Wastewater Guidelines for Residential Use, not for commercial application, it's been – and I believe it's similar in Tweed – I can't be sure – but the application of treated effluent in a flood plain is not something we normally accept, because of problems when it does flood, and obviously controls
15 around that.

Now, I appreciate that the applicant has gone to great lengths to try and justify how that will happen, but with any of those – whenever those systems – they're reliant on a number of different mechanisms in place, including both the moisture content in
20 the air, the moisture content in the soil, the variation in water table. I note that the applicant was suggesting with the MEDLI modelling that the effluent could be applied in the flood-prone area to levels where the groundwater was up to .6 metres below ground level. I note GHD has taken that point and reflected that in trying to put it in an area that maximises the depth to one metre.

25 And even then, I've got concerns, depending on the quality of the treatment, and this is the real deal, and the opportunity there is for nutrient overflow into the system. The applicant, as a consequence of a review by Headley, increased the area of the reed bed by 450 per cent, as opposed to the original application, and that going
30 towards trying to reduce the nutrient flow in terms of N – Nitrogen, and that that won't have much effect on phosphorus at all, although the native soils there have a propensity to actually deal with the phosphorus over time. So it's a combination, I think, of the volume of the effluent to be applied, and in the location in which it's applied. I'm not arguing around the ability of the MEDLI model to provide
35 information on that. However, it's more a function of hydraulics. MEDLI seems to deal with hydraulics better than nutrient flow.

So the other issue that goes back to the start in terms of the irrigation is that the hydraulic flow that's estimated – it's been in place for five years and there's been
40 some measurement done on the flow of wastewater that's generated from the development, and if the flow generated from the development is significantly or predicted to generate into the future is significantly lower – significantly lower than any standard or guideline that applies for wastewater generation, and that's – I haven't personally seen the data that supports that. I know that it's been referred to
45 in the GHD report, but it's critical that the basis upon which the irrigation is designed is obviously dependant on both the hydraulic flow and the nutrient generation. So those things combined in an area which is prone to flooding, obviously prone to wet

weather – anyone who comes from this area knows the amount of water we get, and it's not just the amount. It's the time when it occurs. So for those reasons, that's why we're concerned about that.

5 PROF MACKAY: Just a couple of related questions, we were shown some images at the public meeting yesterday that seemed to suggest that the area does get inundated reasonably frequently. I think we were shown three different instances over the last 10 years. Is that council's experience?

10 MR LARKIN: Last year, when we had the cyclone – was it Debbie?

MS HIRD: Debbie.

MR LARKIN: Debbie. In 2005, there was a major – major flood event, which hit
15 the – the Byron coast and the Tweed coast, without knowing exact numbers, you know, I have heard of, some areas, it was like a one in 500 year flood event. That's how torrential it was and – and sustained it was, but it was quite a limited sort of flood event. I'm sure between that 2005 event and the – and the Cyclone Debbie,
20 I'm sure there has been other flood events on that site, so – and within those flood events, which probably go to some of the Tweed Shire Council's issues, run off from the site will, you know, move either to the north, into the Wooyung catchment and – and into the Mooball Creek area or, alternatively, because it is so flat, once it gets around the Jones Road ridgeline, it'll – it'll go south into the – through the
25 Billinudgel Nature Reserve and find its way into the Marshalls Creek catchment. So – so it's – yeah, it is low-lying. It's flood prone. It's – previously, it has been old cattle country and – and I think, previous – previous farmers have probably even tried to grow cane on there at various times, but without much success, but – yep.

PROF MACKAY: And – and just back on the irrigation – I mean, all of that, I
30 guess, is commentary about water quality and environment. Are there public health issues? I mean, the proponents' proposal, I think, is that they will cease irrigation 48 hours before festival use.

MR FITZROY: I – well, I couldn't comment specifically on that, apart – apart from
35 to say that – that the nature of the event lends itself to people – huge numbers of people being potentially in contact with – with waste water, which may – may – may still have protozoa and viruses that they could come in contact with. I think that's fair. I don't think – the system proposed is not – I wouldn't define it as tertiary treatment. It's secondary treatment at best and, therefore, while – whilst it's
40 chlorinated, the – the – the challenge of a reed bed system to adequately treat the water – this is the challenge with – with a reed bed system, to provide enough clarity of the water, to decrease the to a level that the chlorine is effective.

Often, it it's not clear enough, the water – the chlorine won't – will – won't be able
45 to – will be masked, if there's – if there's any sediment in there, and therefore, protozoans and viruses can get through. And if that's the case, then – then the chlorine is not as effective and, therefore, there is potential for viruses. So there is a

potential conflict there. Obviously, you know, it's acknowledged that – that there's – there's proposals to cease irrigation prior to people being there, so the – the greatest risk is probably from aerosols. If people are exposed to aerosols from spray – spray irrigation, so that ought not be the case, based on what's proposed. So that's a good thing but there's – there is a risk and to – I couldn't quantify that risk.

PROF MACKAY: Thanks. Is – and is there anything else on waste water?

MS HIRD: I was just – in the proposed irrigation, there are a number of shallow drains which today were holding water in them. Do you see this as adding to the risk
- - -

MR FITZROY: Yeah, I see that as adding to the risk and I note in the – in the site inspection, the GHD, in their report, reflect that. If grounds – if it's holding water and there is a conduit for that water to get away, there's a potential for environmental health risk with receiving waters. And I think the important thing – and that's why the – the estimated volumes, even the reduced numbers, are huge, you know, I – that's why we're here, because it's a big show, you know. It's not – it's a big show. So the bigger you make the show, the more systems you have to have to maintain that show, the more monitoring is required, the higher level of rigour is required. I think, we've got a 10,000 EP that council run and I'm not sure the size of Tweed's various STPs, which have, effectively, engineers running them full time. And I know these events are, you know, coming and going but – but the level of stewardship required to run a show that – of that size, to ensure that all these things happen, you know, as they should, is – is quite significant. Yeah.

MS HIRD: And there's – I note there's – children attend these things.

MR FITZROY: Yep.

MS HIRD: I'm not – yeah, anyway.

MR FITZROY: Yeah, so, there's – yeah.

MR LARKIN: So one – one of the – they've got some small events and minor community events, up to 1500 people.

MS HIRD: Yeah.

MR LARKIN: I think one of the things they like to run there is the North Ocean Shores school goes out and does a cross country run there - - -

MS HIRD: Yes, yeah, yeah.

MR LARKIN: - - - from time to time, so whether or not the kids are running around through the sort of disposal areas and what not, you know, probably not, but they – they're the – that's the sort of, you know, potential risk to – to health that might

arise. So just – just going forward, what Tim was probably starting to allude to was, you know, going forward with auditing and things like that, if it – if it is approved and – and you want to have in place the, you know, the strong management of the – of the system. There's a condition on there for a – a one year audit after it's set up.
5 We believe that needs to be way stronger and it needs to be on an ongoing basis from here till whenever the event site – the site stops being used as a – as a – as an event site.

MR FITZROY: I think it's my experience as an auditor, I've audited businesses for
10 very – variety of reasons, normally scheduled businesses that require that consent, whether that be a quarry or something similar, all sorts of things, and there's a good reason why there's an independent environmental audit required on a – usually a – initially, then after a – or after a year and then after three years thereafter for the life of the project, because the impacts are really significant and the – the
15 challenge for the operator is to maintain that level of competence over time and – and, well, like any of those, the impacts are significant, therefore – yes, we can spend a lot of effort – time and effort getting an approval that we – and conditions that we think collectively are suitable, but in my experience – I've been doing this job for 30 years, is that it's the ongoing – it's the installation and then ongoing management and
20 the ability to monitor that, that will really come home to roost in terms of how it works.

MS HIRD: Yeah.

MR FITZROY: And sometimes in life, you know, there is a bit of – and it's – and it's reflected in the response from GHD. There's a bit of a suck it and see with this, which concerns me. There's a lot of the words “could” work, and that concerns me. It really does, and – and – and so – sorry, so – so I think you – it needs to have an
ongoing, regular, competent audit in accordance with a standard guide. They've got
30 the environmental health plan, which is based on an EMS, which isn't quite but it's sort of there, and the waste management plan – so you've got to audit against something, and a standard that they've – that's set that's – that everyone's comfortable with the standard. So the scope has been identified, the standard has been identified, and then – then, for the – for the local government, because we –
35 council end up doing the section 68, and also for the – for the regulator, there's an independent review and recommendations and where there's anomalies or failures or shortcomings, then that can be dealt with, but to just do it a one-off, mindful that where council still will regulate the waste water system, is – is not enough.

MS HIRD: On that subject, when I went through – is it the PER or the document that they produce with all their monitoring stuff, that when we got to the sewage treatment system, they noted that you had given them an occupation certificate. So what was the occupation certificate for?

MR FITZROY: I'm not sure what that refers. The – there had been approval to operate under the section 68 for the existing system. Is that – that might be the context, if it's about waste water.

MS HIRD: Yes.

MR FITZROY: There's an existing, obviously, system that operates at the moment, that the – there's a section 68 application, under the Local Government Act, and
5 there's an approval to operate. And I just bring this up while – whilst you've raised that, I've not been involved in the regulation of that particular approval to operate, but I'm advised this morning that there was – there's a five year condition. Approval to operate last – lapses after five years. It lapses for - - -

10 MS HIRD: Yep.

MR FITZROY: - - - the existing situation in February of next year. And one of the conditions in that consent states that a detailed service report is to be provided on a
15 nine month – every nine months, on the – on the operation of the existing system and thereafter, on an – every year thereafter for the five year period. I'm advised this morning that that – none of those reports have been submitted for the existing - - -

MS HIRD: Yeah.

20 MR FITZROY: Yeah.

MS HIRD: And the only other question I've got is the stuff that is not grey water; urine and the rest is the black stuff.

25 MR FITZROY: Yeah.

MS HIRD: That seems to be treated by them as some sort of compost.

MR FITZROY: Compost, yeah.
30

MS HIRD: I've sort of looked at compost guidelines, so I was just wondering whether that's an appropriate classification for what it is, particularly as the amount increases.

MR FITZROY: Yeah, well, that's a good point. I think – like, I – I have a – a view, this is just a personal view, that the use of low tech options is a good thing. I don't – I don't – I think – I know there's a – there's – there's a number of different ways you can deal with waste water. The more we can separate the waste from the water, the
35 better. Environmentally, energy-wise, reuse opportunities – things like that. I think it's all about scale. What concerns me is when we – you know, it might seem, we're
40 at 35,000 already. Another fifteen shouldn't, you know - - -

MS HIRD: Yeah.

MR FITZROY: - - - “should be right, mate,” sort of thing. But the more you get to those huge numbers, the more we need to consider the waste that's generated, because whilst we – whilst there is legitimate engineering solutions to reducing the

amount of water you produce, it's a little bit hard, the other end, you know, like, we can't – you know, can't hand out corks, you know, like, it's – so we're going to generate it. You can't avoid that.

5 MS HIRD: Yeah.

MR FITZROY: And then – so the composting system, the standards to make sure that the viruses etcetera are reduced to acceptable levels before they're utilised is challenging over time, yeah, and that – in the reference to the order that we were just
10 talking about, our suggestion is that, because when you read as written, as a recommendation for auditing, it seems to just relate to wastewater management.

MS HIRD: Yep. Yeah.

15 MR FITZROY: And we've included that it should include a compost management system as well, because, you know, you can think, "Wastewater's" – but wastewater, in my – and I wouldn't include compost as wastewater. It's a solid waste. That's a by-product, biosolid, but not a wastewater, so that would – in the suggested thing that
20 Chris has got there, in terms of an option for a condition, we've included the compost management.

PROF MACKAY: I was about to ask about that. Is council going to put forward some suggested changes to the conditions that have been recommended by the
25 department?

MR LARKIN: Yeah, we can probably – is it best that we furnish you those in writing - - -

30 PROF MACKAY: It is. It is.

MS HIRD: Yes, yes.

MR LARKIN: - - - as opposed to my scribbled notes? Yeah.

35 PROF MACKAY: Look, that makes the process very easy.

MR LARKIN: Yep, yep.

40 MR FITZROY: Yeah, yeah, yeah. We're - - -

PROF MACKAY: If it comes to the secretariat, we post it - - -

MR LARKIN: Yep.

45 PROF MACKAY: - - - then we've actually got it and - - -

MR FITZROY: Yeah, that was - - -

PROF MACKAY: - - - it's much easier to engage with it - - -

MR FITZROY: And that was our intention.

5 PROF MACKAY: - - - that way. I mean, this is really helpful in terms of the context - - -

MR FITZROY: Yeah.

10 PROF MACKAY: - - - and rationale for those changes, but having the specific suggestions worked through is incredibly helpful.

MR LARKIN: So - - -

15 PROF MACKAY: Okay. That's – so that's all Byron and all the wastewater - - -

MR FITZROY: Yep, yep.

20 PROF MACKAY: - - - and I'm not sure whether we started on wastewater or started on Byron, but do we – are there any - - -

MS FORBES: We're happy to go with wastewater. We've got - - -

25 PROF MACKAY: - - - wastewater coming from the Tweed end?

MR FITZROY: We've got our wastewater man.

MR MALCOLMSON: Just relating to the – my name is Grant Malcolmson. I'm at Tweed Shire Council Environmental Health. Just following on from Tim's
30 comments with regard to the waterless compost toilets, one of the issues that's been raised is that it's very difficult to control the composition of material that goes into waterless compost toilets, especially at large events like that. We've had roadside RTA, roadside compost toilets, that have been pretty much a total disaster because of the material that's thrown into them, anything from tin cans, video tapes, old
35 blankets, soiled cloths, female hygienic products, there's a lot of plastics and non-degradable material that gets deposited into those receptacles.

A lot of that really doesn't break down very well, and doesn't become a benign product that's good for the soil. You end up with quite a contaminated landfill
40 situation that you're going to be burying on a site that's going to be intensively used over a long period of time, so that would be my comment about that. Tweed Shire Council does have a couple of quite large, privately-owned wastewater treatment sites. We had one at a service station that services the M1 now. That peaks at about 70,000 litres a day in Christmas periods and regularly runs at about 30 to 40
45 thousand litres a day. That's a very high-tech system. As Tim alluded to, it requires constant maintenance from the engineers that oversee that, and we're lucky that they're very cooperative and that we can get copies of their reports and electronic

monitoring, and it's a very visible site where the land application area is raised above flood level and uses a different type of technology. It's almost a modified version of a Wisconsin mound to get rid of the liquid.

5 MS HIRD: Yep.

MR MALCOLMSON: And it's dosed at a regular dose. It's in an open area with good grass and good exposure to sunlight, and it's above the water table, so this has been operating for just over 12 or 18 months now, and it seems to be operating well,
10 but they do report a lot of issues with keeping the quality of the effluent at a point that it's acceptable to place it, then, into these disposal mounds, so my – and these are the issues that we find with large systems is they do require constant monitoring. They require constant attention, but also, from a regulatory point of view, they require a lot of the regulator's time, so, you know, we have some 6000-odd systems
15 in this shire. We've only got a couple of officers to look after them, so it's very difficult for us to then turn around and dedicate a great period of our day or time to looking after one or two large systems and subsequently, you know, without chasing the proponent constantly for reports and feedback, you tend to not get it, so they're the issues that I see.

20

PROF MACKAY: Thank you, and are the privately-owned wastewater treatment plants an option for this project? I mean, in mentioning them, are you mentioning them as an example of the technology and the monitoring requirement - - -

25 MR MALCOLMSON: Well, this one would be privately-owned.

PROF MACKAY: So it's possible that this proponent could enter into a contractual agreement with them to deal with their wastewater?

30 MR MALCOLMSON: No, no, these plants are on-site sewage management systems - - -

PROF MACKAY: Okay, so they're not - - -

35 MR MALCOLMSON: - - - and they're only - - -

PROF MACKAY: They're not available to third parties?

40 MR MALCOLMSON: No, no, they're only specifically for that.

PROF MACKAY: Which leads to the obvious question, these guys don't want the wastewater. Would you guys take it?

45 MR MALCOLMSON: I couldn't answer that question, I'm sorry.

MS FORBES: I think something like that would need to go to our councillors to make a decision on, and we're not in a position to say yes or no.

PROF MACKAY: Fair enough. Thanks.

MS HIRD: Anywhere in the two shires, is there a major formal composting, like, an ANL run kind of setup?

5 MS FORBES: Not that I'm aware of.

MR FITZROY: Apart from the – at the landfill.

10 MS HIRD: So the landfill operates - - -

MR FITZROY: Yeah. Yeah, yeah. We operate composting at the landfill, yep.

MS HIRD: And would there be a problem in you accepting the composted material to - - -

15 MR FITZROY: I'd have to get the comment of the landfill operator, because – but potentially, yeah.

20 MS THYMAN: It's a potential.

MS HIRD: It's a pretty good attitude

MR FITZROY: Yeah, certainly. It is, yeah.

25 PROF MACKAY: More nitrogen and phosphorous

MR FITZROY: The other comment, sorry, just about – I just wanted to – I think this is really important, that Chris mentioned it earlier, is that to approve the development with that – the conditions in the development appear, and I might be reading this incorrectly, to suggest that the on-site wastewater system is approved subject to compliance with secondary treated effluent quality.

30 If – and if that can't be met, it should be taken to an authorised disposal facility, so I've read all of the stuff, and I haven't, and I might not have seen it, found anywhere where it – there is a contract, an MOU, a commitment from any receival authority to take that wastewater, and I can't for the life of me understand how we, anyone, could approve it unless there is some contractual arrangement for one or many receivers, and this is important because the GHD, who's reviewed it, and I've reviewed it as well, have considerable concerns from the three or four or five reviews they've done, that they're saying that you would use the word "could", it could work, so if there's a view that it could or therefore it may not work, then – and meet the quality criteria required, then there's an expectation it's going to move off-site.

35 40

45 So how could – it could be approved, unless there's a contract for the life of the project at a receiving station, and this is the kicker, as anybody who knows, runs STP will know, is that you've got to have – that's why you pay all this money for them.

5 You've got to have the capacity available to enable someone to take it when they need to take it there, in large volumes, and not only – there's the issue of actually getting it there, like, that's a major issue, but if you did, we're receiving it, like Angela has, and – but at larger volumes, that receival facility would have to have that in place, and most of those places have – charge a premium for the capacity, and that's important.

PROF MACKAY: Yep. Thank you.

10 MR FITZROY: Yeah.

PROF MACKAY: Thank you. I think, absent any further questions, that probably covers wastewater, and we should move on.

15 MS FORBES: Can I just add one thing?

PROF MACKAY: Colleen.

20 MS FORBES: So that – from our point of view, that was Grant's comments, but we've also got some comments from our councillors. One in particular was, going on from what we've already talked about, was the – the – the risks noted by the GHD report and the – the ground level and the potential impact on Mooball Creek area - - -

25 PROF MACKAY: Yeah.

MS FORBES: - - - that kind of thing, so Councillor Cherry - - -

PROF MACKAY: Yep.

30 MS FORBES: - - - wanted me to – to make mention of those, and I'm happy to put those dot points down for you and put them through to the Commission, so that those notes are taken on board.

35 PROF MACKAY: Thank you. Councillor Cherry presented in a personal capacity yesterday, but if council wants to make those as part of – those representations as part of council's position, that would be very helpful to receive that. Thank you.

MS FORBES: Sure.

40 PROF MACKAY: Okay. Moving away from waste.

MR LARKIN: Do - - -

45 MS FORBES: That's it, you're done.

MR LARKIN: We're happy to sit in, though. There may be issues that - - -

PROF MACKAY: I – I think it’s helpful if - - -

MR LARKIN: Yep, yep.

5 PROF MACKAY: - - - if it’s not too much of an imposition on people’s time, because that – that back and forth actually helps us focus on issues, rather than jurisdictions.

10 MR LARKIN: Do you guys want to sit in here and talk about your traffic issues?

MR CLARK: Sure.

MS FORBES: You can stay there. Well just - - -

15 MR LARKIN: Yep. Okay.

PROF MACKAY: Maybe we can just swap around.

20 MR CLARK: I suppose the first thing we need to – to bring to the Commission was the comments from Council that we’ve just received in relation to traffic.

25 MS FORBES: We – I’ll send these on, but on Thursday night, there was a – a council meeting where there was a notice of motion put in, in terms of support of the proposal, and part of that was the – the traffic issues being raised and the concerns with the police submission, that kind of thing. Tell me if I’m missing something here. So the – the large – the main issue is the impact, from Tweed Council’s point of view, is that – the impact on Wooyung Road is a – of a – a major concern, so that the first resolution is that whilst supportive of the economic and social benefits of festivals, Tweed Shire Council does not support a permanent approval at this time, as
30 a traffic impacts have not been trialled in the proposed configuration, including having a patron entrance on Wooyung Road or having one day events larger than 2000 patrons.

35 So I think the – we’ve got a number of suggested amendments to the – the draft conditions, and a lot of that relates to the Wooyung Road and also getting council as one of the consulted – consulting authorities, because most of the – the conditions relate to Byron Shire, as council, not Byron and Tweed Shire, because we’re having to review what’s happening on Wooyung Road, we - - -

40 MR CLARK: Yep.

MS FORBES: - - - we would like to be included in that. But – yes, the – so in terms of the impact on Wooyung Road, there’s – I’ll probably let – let Ray jump in, in
45 terms of potential issues there that we see.

MR CLARK: I suppose my comments were made prior to seeing that council advice, so that's council's advice. So my comments are in relation – well, currently, it's operating as an emergency access to Wooyung Road.

5 MR HUTTON: This is gate E?

MR CLARK: Yeah, gate E.

MS FORBES: Yes.

10

MR HUTTON: E, yep.

MR CLARK: Yes. So the applicant has acknowledged in the report that it's substandard, in relation to site distance and fit for purpose for an access to a development site. So they're proposing to create a new access, not far from – from that site. I think it's 200 metres away, not far away. So I suppose my concern is that the condition saying that – that should not be constructed until an event is over 42 or 40,000 patrons to the site. Will that existing access be used for minor events? It needs to have some sort of condition limiting that use to emergency use, if – if required by the police, say, controlled by the police.

20

MS FORBES: Unless the - - -

MR CLARK: Unless the new - - -

25

MS FORBES: - - - upgrade works are done.

MR CLARK: - - - upgrade has been – I'm talking about the existing - - -

30 MR HUTTON: So that's because patrons will be sharing that access with emergency services staff before it's upgraded. That's the concern?

MS FORBES: No, the – the way the draft conditions are worded is that, at the moment, no upgrade works are required until 40,000 patrons - - -

35

MR HUTTON: Yes.

MS FORBES: - - - are at the site.

40 MR HUTTON: Yep, yep.

MS FORBES: So I think what - - -

45 PROF MACKAY: So they could run a smaller event and only use the north. Is that the - - -

MS FORBES: They - - -

PROF MACKAY: - - - presumption? Just use that Gate A?

MS FORBES: They could use a northern access.

5 PROF MACKAY: Not – not use – not use gate – whatever – C?

MR HUTTON: C.

10 MR CLARK: At the moment, it's operating as emergency access. My understanding is that police do direct the operators to open it up if there's an issue and they need to clear it. And that's a police operational issue that we have no control over.

PROF MACKAY: Yep.

15

MR CLARK: Which could divert significant traffic onto Tweed Shire roads, and that could then direct people to Pottsville or onto Tweed Valley Way. So there needs to be some sort of control over the use of that site and a consent condition limiting to either police control, with suitable traffic control facilities and traffic controllers at that – that site. Because it is a substandard access, which is acknowledged in the report.

20

PROF MACKAY: Right. So – so you – if I could try and reflect that back at you to make sure I have it correct, your concern is that in its current state, it should not be used for patrol access?

25

MR CLARK: Yes.

PROF MACKAY: Other than when directed by the police?

30

MR CLARK: Yes.

MS FORBES: Yes.

35

MR CLARK: Yeah.

PROF MACKAY: Okay. Thank you.

40 MR CLARK: And there is some comments on the – the current condition in terms of – yeah, some recommended condition would be no vehicle access to Wooyung Road is permitted unless directed by police or works as specified under condition C7 are completed.

PROF MACKAY: Yep. Okay.

45

MS FORBES: So, like I said, we're happy to – to put forward those recommended conditions but – yes, the – ultimately, if they're going to want to use gate E from the

– the beginning of the – the proposal, if it was to be approved, we would want those works undertaken at that point.

PROF MACKAY: Yep. All right.

5

MS FORBES: I think that the other traffic issues are just minor amendments to – to some of the conditions, largely in relation to, as I said, allowing council – Tweed Shire to be included as part of the – the agencies that – that sign off on things. And one of the – the issues raised by the councillors was the – the fact that some of the minor events haven't been trialled yet, so that – the – the traffic impact from cars going in and out on that one-day event, hasn't – we're not aware of what that impact will be on – on our local roads, so - - -

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MR HUTTON: So that's specifically through gate E again or in - - -

15

MS FORBES: From Tweed Shire Council's perspective?

MR HUTTON: Yeah. Yes.

20

MS FORBES: It's – the issue is gate E and - - -

MR HUTTON: To confirm - - -

25

MS FORBES: - - - impact on – on Wooyung Road.

MR HUTTON: Yep, yep. To confirm, the local government boundary is this northern - - -

30

MS FORBES: Yes.

MR HUTTON: - - - part that sort of runs through – that's right.

MS FORBES: Yep.

35

MR LARKIN: Yeah, that's my understanding.

MR HUTTON: Roughly through there.

40

MR LARKIN: Yeah.

MR HUTTON: Yep. So the site itself, the footprint, except – with the exception of the access point there is Byron, and then that's Tweed - - -

45

MR LARKIN: May move in around here - - -

MR HUTTON: Okay.

MR LARKIN: - - - but yeah, that's pretty much it.

MR HUTTON: Yep.

5 MS FORBES: So, yeah, Tweed Shire is – has the gate B and also – I can't recall if it's over here, the - - -

PROF MACKAY: Emergency - - -

10 MS FORBES: - - - emergency - - -

PROF MACKAY: - - - assembly area.

MR HUTTON: Yeah, so - - -

15

MS FORBES: - - - evacuation area.

MR HUTTON: Well, that makes sense. That makes sense.

20 PROF MACKAY: In the event of a bushfire or something?

MS FORBES: Yeah.

MR HUTTON: Yep.

25

PROF MACKAY: Okay.

MR CLARK: So, really, for current events, we do get copies of the traffic control plans and basically just directing patrons to the site. So would you like to have comment on that?

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MR HUTTON: All right.

MR CLARK: Previously, they have asked for no stopping signs, for example - - -

35

MS FORBES: Yeah.

MR CLARK: - - - on – on Wooyung Road, which wasn't supported through the traffic – local traffic committee.

40

PROF MACKAY: Okay.

MS FORBES: So a lot of the – the comments that we've made to the department haven't been – we – drilled down enough into those conditions, so I think we'd just like to tweak them a little bit.

45

PROF MACKAY: Yes, well, I think sending a set of suggested conditions and then if – if there’s a need to consult further, we can.

MS FORBES: Sure.

5

PROF MACKAY: Okay. Wast – traffic - - -

MR LARKIN: Just – just on the traffic – traffic control plans, right now, we receive those traffic control plans, because right now all the access and entrance in through –
10 through the Byron Shire side. Do you see a need for that to have two traffic control plans? One for – because you’ve got different traffic committees. They, you know, operate different times and all that sort of thing.

MR CLARK: Well, I think it’s just the ones that are relevant to Tweed Shire should
15 be - - -

MR LARKIN: Yeah, yeah.

MR CLARK: If we’re the road authority for Wooyung Road, and there’s a traffic
20 control plan for that road, then it should be sent to us for - - -

MR LARKIN: Yeah, yeah, okay.

MR CLARK: - - - comment or agree.
25

PROF MACKAY: Okay. Issues other than wastewater and traffic.

MR LARKIN: I’ve got a minor issue in terms of the biodiversity issues and what’s
30 proposed going forward with the site. There’s conditions around the koala plan of management, monitoring plan, etcetera. It’d be useful for Byron Shire Council to be party to receiving those reports and that ongoing monitoring going forward. There’s been questions raised by various councils that, you know, as to what they’ve done on site. I think, to date, they’ve planted a lot of trees there and whatnot, but I think they could be just tidied up a little bit further. We can give you some words around those
35 and how we’d like to see them worded up - - -

PROF MACKAY: Thank you.

MR LARKIN: - - - to give council the ability to be involved with the monitoring
40 going forward with that, whatever’s proposed as part of those plans. In terms of noise management, they have held a number of events there over the last five, six, seven years, I suppose, and they’ve continued to tweak with the noise management over that time with various modifications to the original approval. We don’t seem to have a major issue with that. In fact, it seems to be, you know, it’s obvious to the
45 operators to make sure they run this event without disrupting the neighbourhood and mitigating noise issues as quickly as possible, so my experience to date is that they’re doing that and will probably continue to do that, because – as it’s within their own

interests to make sure the neighbours are happy, so we might just review that a bit further, though, and just come back with some further modifications on that as well.

PROF MACKAY: Okay, are there other issues in play?

5

MS FORBES: I think we're fairly happy with the draft conditions for the noise. Would you like to say anything, Jacqui? I mean, I think, largely, our comments were – to the department were that, given all of the monitoring that's been undertaken, we would see it as a minimum that those same requirements are placed on this.

10

MS CORD: Yeah, I think – and the – I think over the mods, as well, there's been a variation in the noise measures or the actual limits that have been provided, so there was some concern raised by the councillors about, you know, doesn't comply, maybe, with the sleep disturbance criteria or background plus five, things like that.

15

It's acknowledged that the applicant has used quite a variety of measures, documents, overseas examples in trying to not limit so much with the industrial noise policy, which is more for a permanent type of activity, more industrial, but still utilising some of the procedures and processes in those, so yeah, I haven't put any objections to the – as long as the conditions are actually applied as per the current

20

conditions, consent. Do you want to go through those other ones or not?

MS FORBES: No, I don't think so.

MS CORD: Yep.

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MS FORBES: I think just a comment about the background noise, they were some of the concerns that - - -

MS CORD: And even probably some residents are coming to our councillors to say that they're hearing it, they don't know where to call, so maybe just with letterbox drops, notification of contact details and things, if they are having a noise concern. I know there's an opportunity for on-site measurements to be taken, so it may need to extend that area to places like and - - -

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MS FORBES: Yes, where was it?

MS CORD: - - - move all there, so - - -

MS FORBES: Just got a recommendation for a 10-kilometre radius for the notification to reflect the impacts on the Tweed Shire residents as well. We'll put that in - - -

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PROF MACKAY: Thanks.

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MS FORBES: - - - in the list.

PROF MACKAY: Okay. I had one more general question, just about the regulatory working group on which Byron Shire Council is represented, whether council sees that as an effective evaluating mechanism, particularly in terms of the monitoring of the compliance.

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MR LARKIN: I think in terms of – who was saying that? Maybe your constituents aren't being properly represented on that, but in terms of the people living in Yelgun and north Ocean Shores, the community reps on that strongly talk to their issues and, you know, they raise those issues with that working group on a regular basis after the Splendour in the Grass event and also the Falls Festival event, so they meet twice a year at this point in time. As part of that working group, the RFS, the police, turn up as well. There's some councillors on it from Byron Shire Council. I think it would probably be prudent to also include some Tweed Shire councillors, and maybe also
- - -

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MS FORBES: That was going to be a request.

PROF MACKAY: Okay.

20 MR LARKIN: - - - a representative from a third – you know, if there's only two community people on that, then a third person from the Crabbes Creek, Mooball area, for example, representing those residents, so it runs for about two hours, you know, following those events. It seems to be a good way to get together and to talk any issues out. I know the police talk strongly, from time to time, about licensing
25 issues and drugs and things like that, and there's – and the traffic management as well is also something that comes up on a regular basis, and over time they've, you know, changed the way they've done things. They've acknowledged, you know, the bus pickup didn't work for some reason or other, or a lot of kids were getting dropped off by parents up the road at the truck stop and that sort of stuff, and they've
30 – because they couldn't get in and out in a – you know, in a speedy way, so that's allowed them to, you know, change the way they've operated and to, you know, improve the events over time, so I think it's a useful vehicle and I think it needs to be expanded, though.

35 MR FITZROY: Just - - -

PROF MACKAY: Thank you.

40 MR FITZROY: Just on the noise, I take up the point you made, I think that, actually, over the time, reading through the initial complaints and then, as those complaints have reduced is a combination of improved management and monitoring but also the change in criteria. Clearly, the industrial noise policy isn't set up for those sort of events anyway. That's a misuse of that guideline, and – however, they've adapted the Liquor Administration Board criteria of the octave band to suit,
45 to a certain extent, their needs, which is based on the monitoring that they've done, and I'm only going on the reports I've read, so I think, you know, I think there's a compromise had been made there to try to have a criteria to which they're more

likely to comply, because – having said that, from the person sitting in their house, the guideline, the criteria, doesn't matter so much as what impact it's having, so they have changed the criteria to suit compliance, I believe, but also the reality is the numbers have reduced in terms of complaints over time, from what I can see.

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Now, everyone doesn't complain, obviously, and some people will move away and and that's within the – within the realms of possibility under the guidelines to try to, you know, give people a holiday, send them away or whatever. That's all part of the deal, if people do that sort of stuff, so – but yeah, and I think that's the smarter way to go, because they're not going to get compliance with the people who are closest anyway, so as long as they continue to monitor, and I think there's an opportunity there for some independent auditing of that as well.

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We focus on wastewater because I see it as the most critical issue, but, I mean, I don't live there, and if you're at the concert, you're enjoying it, if you're not, you're not, so I think some independent review of compliance, because noise is a complicated, fractious thing, and it may well be – and they have also made a point in the – in their review of the development, in terms of noise options for mitigation, they've gone through all the different ways they could reduce the noise impacts, and there are better ways that they could do it, but they want to have the flexibility to move stages around and have them in different orientations, and that makes it for whatever reason, for all sorts of reasons.

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But, you know, it could be done a different way and have them set in this certain orientation, location, size, relative height, that will reduce the impact, but they've chosen not to do that, so I think, for those reasons and others, it's good to have some independent monitoring of that over time, because they will want to change it around, and we'll have a difference, so you won't – it's not flux, not always the same every year, so if they move it around, it could have an impact on someone over here who it didn't before, and they won't necessarily know that until they've remodelled it and then tested it, so if they don't remodel it before they do it, if they – we're talking, you know, maybe do it for the first couple of years and then just, "We'll just move it this way a bit," and you're getting the noise you never got before. So that's important to consider.

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PROF MACKAY: Thanks. Okay. Anything further

MR LARKIN: I've just gone more thing to raise.

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PROF MACKAY: Yes.

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MR LARKIN: Obviously, this approval also relates to the construction operation of a conference centre with associated accommodation. I can't see any clear conditions of consent in terms of the operation of that building and its facility. If this was a DA that council just dealt with for that component of it, there'd be a range of conditions about hours of operation, amenity impacts and the like. So, if you like, we can also provide you what our recommended conditions of consent would be for that facility

and how it should be run and operated outside of the events. There was accommodation associated with it as well, from recollection, and so I think we just need to – well, I'd like to put forward those conditions.

5 PROF MACKAY: I think that would be helpful.

MS HIRD: Yeah. Yeah. Yeah.

PROF MACKAY: Thank you.

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MR LARKIN: So I think to date, it's all been focused on the event, and, as Tim called it, the "the big show".

PROF MACKAY: Yes. Yes.

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MR LARKIN: But there is the minor sideshow going on as well.

MS HIRD: Yeah. Yeah. Yeah.

20 PROF MACKAY: Very clearly part of the application, that facility.

MR LARKIN: Yep.

25 MS FORBES: One other thing I'd like to raise is an issue from one of the councillors, again, is whether there was an option – if the site gets approval as a permanent events site, if it was an option for each festival to get a temporary licence from the local councils to hold their event. This provides a small bit of security for the community that festivals will still be motivated to obtain compliance with approval conditions. This seems to be the model used in the Domain in Sydney,
30 whereby the festivals, if they don't obtain significant compliance, they don't get their licence renewed.

PROF MACKAY: I think that one we'll have to take on notice, as I don't know the
- - -

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MS FORBES: Yeah.

PROF MACKAY: - - - legal position, given that that sits outside the application that's before us, but we can take - - -

40

MS FORBES: Okay.

PROF MACKAY: We'll take that under advice.

45 MS FORBES: So I don't know whether you wanted me to read through the six reasons for resolutions from council, or whether you're happy to take them on board when I email through the list of things.

PROF MACKAY: I think either. I mean, if you want to them on the record now as part of this meeting - - -

MS FORBES: Sure.

5

PROF MACKAY: - - - it's probably best to read through them and then - - -

MS FORBES: Okay.

10 PROF MACKAY: And then hand them up, but you're welcome to just - - -

MS FORBES: All right.

PROF MACKAY: - - - submit them and you don't have to read them now.

15

MS FORBES: I'll read through them just so it's on record. The first one I've mentioned already about the not being a trial for the Wooyung Road, particularly on events larger than 2000 patrons. Sorry, I'll just read through that again. Number 1:

20 *Whilst supportive of the economic and social benefits of festivals, it does not support a permanent approval at this time, as traffic impacts have not been trialled in the proposed configuration, including a patron entrance at Wooyung Road or having one-day events larger than 2000 patrons. It advises the Independent Planning Commission that it does not support the Department of Planning and Environment's recommendation for approval of permanent*
25 *activity in regard to SSD8169, North Byron Parklands Cultural Events Site.*

Number 3:

30 *Advises the IPC that it supports a further trial period to assess traffic implications of increased numbers of patrons, holding of small, medium, or large one-day events and the proposed northern gate.*

Number 4:

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Continues to hold concerns regarding public safety, particularly in regard to crowd control and evacuation, as expressed in the police submissions.

The fifth resolution was:

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It advises the IPC that the proposed wastewater treatment facility has the potential to adversely impact surrounding flood plains, and that some of the independent consultants' recommendations have not been adopted in the current proposal.

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And the last one being:

Advises the IPC that it reiterates the concerns raised by the OEH in the proposal in adequately addressing the koala plan and management for the site, especially considering the recent documented evidence of koala activity on the site.

5

That's from our - - -

PROF MACKAY: Thank you.

10 MS FORBES: - - - council last Thursday – this Thursday just gone.

PROF MACKAY: Now, can I just whether any of the other Commissioners have
- - -

15 MR HUTTON: Well, I've got one further question, just direct to Byron. We heard
yesterday at the public meeting around the – I guess, the low ratepayer base in the
council and the demands that this event might put on the infrastructure. I understand
that there's a discussion with the applicant around the contribution of – I think it's a
20 dollar per patron up to 120,000. I'm just quite keen to get some feedback on that
arrangement, or updates, if you're aware of where that's up to.

MR LARKIN: So I understand there's been the offer of the Voluntary Planning
Agreement - - -

25 MR HUTTON: Yes.

MR LARKIN: - - - and that's been conditioned consent. So with a cap of
\$120,000 per year. To date, we've received no – there's no contributions directly
30 paid to council from the event to date, so there were never levied section 94s under
the previous approvals or the like. There's a strong feel from the, you know, broader
community, that the event, and tourists in general – we obviously have upwards of
two million visitors a year to Byron Shire – do place a large impact on infrastructure,
whether it be the beachfront, roads and the like, and, I suppose, in particular, day
visitors, you know, don't – may not even spend a dollar in town, for example.

35

So this is a way of, I suppose, for Parklands to, you know, provide a significant
amount of money each year to go into infrastructure. I think they want to try and
corral it into the northern part of the shire, which is fair enough. There needs to be a
nexus with it. It doesn't need to go to the southern end of the shire, for example. So
40 they're looking at around Brunswick Heads and Ocean Shores as to where that
money should be spent. So I think, you know, generally, we're okay with the idea.
More broadly, council is also working on a visitor fund for other tourist operators to
enter into as well. So where we end up on that, that's yet to be seen. Yep.

45 MR HUTTON: Yep. Thank you for the update.

PROF MACKAY: Anything else?

MR HUTTON: I'm fine thanks

5 PROF MACKAY: Anything else from any others present? Well, in that case, I will thank you again. I'm conscious of the amount of time in everybody's day, and thank you to those who have journeyed to be here. That's very helpful for us to have us informed, and it's very beneficial to have both councils in the room together. All right. I thank you and declare the meeting closed.

10 **RECORDING CONCLUDED**

[11.57 am]