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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-984234

INDEPENDENT PLANNING COMMISSION

MEETING WITH NSW HEALTH

RE: NORTH BYRON PARKLANDS CULTURAL EVENT SITE MOD 3

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

ASSISTING PANEL: **JORGE VAN DEN BRANDE**

NSW HEALTH: **DR KATRINA WALL**
MR GREG BELL
MR TONY KOHLENBERG

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

DATE: **10.08 AM, FRIDAY, 18 JANUARY 2019**

PROF R. MACKAY: So I will welcome everybody, declare the meeting open. And I will ask that we go around our respective tables to introduce ourselves, in a moment. So before we begin, I would like to acknowledge the traditional owners of the land on which we're meeting and pay my respects to elders past and present.

5 And welcome, everyone, to a meeting which is on development application MP 09_0028 MOD 3 and SSD 8169, 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 events days per year, a concurrent modification request to amend the terms of the existing concept plan approval to reflect the types of permanent cultural events that would be held at the site.

I'm Professor Richard Mackay and I'm the chair of this Independent Planning Commission panel. And joining me are my fellow commissioners, Andrew Hutton and Catherine Hird. The other attendee, from the Commission Secretariat, is Mr Jorge Van Den Brande. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the commission's website. The meeting is one part of the commission's decision-making process; it's taking place as part of the assessment and will form one of several sources of information upon which the commission will base its decision.

It's important for the commissioners to ask questions and to clarify issues wherever we consider appropriate. So if anyone who's participating is asked a question and is not in a position to answer, please feel free to take the question on notice and provide any additional information subsequently. Could I ask the representatives from the Department of Health, please, to identify your name – yourselves by name and position.

30 MR G. BELL: Okay. Thank you. My name is Greg Bell. I'm the Assistant Director of Public Health, North Coast.

MR T. KOHLENBERG: And Tony Kohlenberg, senior environmental health officer, North Coast Public Health Unit.

35 PROF MACKAY: And at some stage we expect to be joined by Dr Katrina Wall, who's from the Department of Health, central office, in Sydney.

MR BELL: I've just been advised that she is now at her desk, so you can call her in.

40 PROF MACKAY: Okay. So we will just hold things for a moment while we add Katrina to the call. And that can just be incorporated into the transcript.

45 DR K. WALL: Hello, Katrina speaking.

MR J. VAN DEN BRANDE: Katrina, how are you going? This is Jorge from the IPC. We have – you're now in the conference. I will just make sure that everybody else is on line.

5 DR WALL: Okay. Thank you.

MR VAN DEN BRANDE: Greg, are you there?

MR BELL: Yes. We're still here.

10 MR VAN DEN BRANDE: Okay. We're here.

MR BELL: Yes.

15 MR VAN DEN BRANDE: Right.

MR BELL: And Tony is here with me.

DR WALL: Hello.

20 PROF MACKAY: Katrina - - -

MR BELL: Hey, Katrina.

25 MR KOHLENBERG: Hey, Katrina.

DR WALL: Sorry for my lateness.

30 PROF MACKAY: That's no trouble at all, Katrina. My name is Richard Mackay and I'm the chair of the Independent Planning Commission panel that will determine this application. With me as well is Jorge, fellow commissioners Andrew Hutton and Catherine Hird. So that's all that's on line. Greg Bell, Tony Kohlenberg, yourself and the four of us here. And all I – all that has happened so far is we've just commenced the meeting by identifying what the matter is all about and highlighted that there is a transcript being made which will be published on the commission's website. So thank you for joining us. And I think, at this point, the commission has written to the department with some specific questions relating to this application and particularly relating to the health implications of the proposed wastewater treatment arrangements. So I'm presuming everybody has read that letter. Is that

35

40 - - -

MR VAN DEN BRANDE: No. We send the department - - -

PROF MACKAY: Yes.

45 MR VAN DEN BRANDE: - - - an email

PROF MACKAY: Yes.

MR VAN DEN BRANDE: contact.

5 PROF MACKAY: So everyone has read the background information.

MR VAN DEN BRANDE: Yes.

10 PROF MACKAY: So I don't think we need to repeat that. I think the purpose of this meeting is for the commission to hear from the department. So I'm not sure who that is. Tony, you, or Katrina or both?

MR VAN DEN BRANDE: Hello? See that they're speaking but it's not coming through. Hello? Hello?

15 MR BELL: Yes. We're still here.

MR VAN DEN BRANDE: Okay. Sorry. Could you – up to where did you hear?

20 MR BELL: Beg your pardon?

MR VAN DEN BRANDE: Up to what point, were you here? Because at some point we lost contact from you.

25 DR WALL: We haven't heard – I haven't heard anything. It has been silent.

MR BELL: It was – Katrina just said hello and we said hello. We didn't hear any more after that - - -

30 PROF MACKAY: Okay. Look - - -

MR BELL: - - - until now.

PROF MACKAY: Then I will start again. Good morning, Katrina. My name is

35 Richard Mackay and I'm the chair of the panel that's determining this matter. With me - - -

DR WALL: Yes. Hi.

40 PROF MACKAY: With me – g'day. With me are my fellow commissioners, Catherine Hird and Andrew Hutton. So there's four of us here: Jorge is the secretariat, plus the three commissioners. And the others on line are Greg Bell and Tony Kohlenberg, plus yourself. All that has happened so far, for the purposes of the transcript, is a welcome, an outline of – an identification of the matter and just a note

45 that the meeting and the teleconference is being recorded, will be transcribed and the transcription will be published on the commission's website. Okay. Now, I will just check you're still there.

MR BELL: Yes.

DR WALL: Yes.

5 MR KOHLENBERG: Yes.

DR WALL: Still here.

10 PROF MACKAY: Great. Great. So the commission has sent out some information about this proposal. And out specific concern is that in making – you know, in applying to make the North Byron Parklands a permanent music festival site, the application is suggesting that there will be onsite treatment of wastewater. And we have some concerns that we should understand the potential public health issues and risks associated with that. And I would be very grateful if – I'm not sure who, 15 probably Tony or Katrina or both, might say something about that, please.

MR KOHLENBERG: It's Tony here. In regards to, well, what I've read with the submissions – and there seems to be conjecture between the proponent's wastewater report and the independent report that was done, toing and froing, backwards and 20 forwards, with different counter-claims. It was interesting to note that I – from my perspective, Whitehead & Associates have taken a more – a view of – what would you call it – more modern or current contemporary effluent disposal methods, as in, being – having composting toilets, reed beds and then surface irrigation. That is well and good as – provided it can be achieved.

25 I understand the counter-claims from GHD based on, I guess, you would say, traditional methods of treatment and the way they understand that. But – so from an overall perspective, I can see both point of views. But from New South Wales Health, in a regulatory perspective, we don't really have a legislative role that determines an outcome in regard to effluent disposal on this matter. Now, that's just 30 not to say, well, New South Wales Health doesn't want to be involved because there's obviously health – there could be health ramifications or implications in the matter. So I guess I was just, really, concentrating on some of the draft conditions of consent that have been put there. And one of them that jumped out to mind was C16, 35 wastewater management plan. And point C, it says:

To be prepared in accordance with the Interim New South Wales Guidelines for Management of Private Recycled Water Schemes (DWE) 2008 and the Australian Guidelines for Water Recycling (NRMMC) 2006.

40 In my view, this isn't a recycle water scheme. Basically, it's the one ownership of the land or one parcel of the land. The effluent is generated on the land and is being disposed of on the land and so that doesn't fall into a category of recycle water. Katrina, do you want to comment on that?

45 DR WALL: I agree, Tony. It's an application of effluent disposal situation from my reading.

MR KOHLENBERG: So I think it would be more applicable that the guidelines would be the environmental guidelines, use of effluent by irrigation, and I think that's the EPA document. Apart from that, other concerns, it was somewhere in the document that I read was that irrigation on the camping area ceases 48 hours prior to camping and/or use of the site and, for my mind, it just seems a bit thin and that would have to be pretty well monitored to ensure that the quality of the effluent that's going to be irrigated, especially if human contact is going to occur 48 hours after an event, that would need to be closely monitored. Katrina, did you have any comment on that part?

DR WALL: No. I agree.

MR KOHLENBERG: Okay.

MR A. HUTTON: Just a quick question from me; Andrew Hutton speaking. Do you have any thoughts around what period of time would be appropriate if 48 hours is not appropriate, or is it - - -

DR WALL: Hi, it's Katrina here. I think - - -

MR HUTTON: Or is it - - -

DR WALL: - - - we would have to look into that further. Given the site is flood prone and fairly regular rainfall around the time that it's used, it may vary depending on the wetness or how much they've irrigated, so I think it's something that needs further investigation.

MS C. HIRD: Well, there's some special features about the site: it's flood prone and there are open drains, which we described in the letter, where the spray irrigation would get into the open drains and into - and that's within the camping area. Have you got any thoughts on that?

MR KOHLENBERG: Well, the open drains, it's a pollution event, if it is indeed contaminated and doesn't meet water quality guidelines and, well, then, if it is contaminated, well, then, it's potentially a public health event if we have effluent or untreated or not effluent not to a prescribed standard on the site and leaving the site. So the standard and monitoring of the treatment plant, the treatment trial, is very much important obviously on this and any such - if approval was given, it would have to entail monitoring and I believe the regulator, in the instance - in this instance is going to be Local Government, Byron Shire Council. So they're going to have to be heavily involved.

I found it personally a bit taken back when the EPA weren't involved in the effluent disposal. Basically, I think it was on their legislative grounds of the capacity generated on site fell within the requirements of a licensed treatment plant. So the regulatory authority, being Local Government, they will have a lot on their plate to

be dealing with the data from the effluent disposal to be looked at and prior to it being irrigated on the site.

5 PROF MACKAY: Thank you. It's Richard Mackay here. Just so we understand, I mean, drawing that together into a kind of big picture, I think I'm hearing you say – and I don't want to – I'm testing that I've got this right – that the effluent disposal arrangements they have do actually pose some risk to human health and that's why such monitoring and regulatory processes would be necessary.

10 MR KOHLENBERG: Yes, but if according – if the effluent was treated to the standards that they've described in their documents - - -

PROF MACKAY: Yes.

15 MR KOHLENBERG: - - - that wouldn't be a problem, but things can happen, go wrong: weather conditions, overloading of the plant, and other such things. So thence, there's the need for strict monitoring to ensure that the effluent, when it is irrigated, it meets those requirements, especially if people are going to be camping on it or they're saying 48 hours prior to people arriving on the site, so that's not a
20 long time, and I noted in there, there was also mention of soil moisture monitors, so it's a fairly – a highly technical system with monitors that will indicate when they can and can't irrigate. And so if any of those parameters are out of synch or not working correctly there is the potential for a potential public health risk to be present and effluent leaving the site.

25 MR BELL: Greg Bell speaking. Can I just say something too, please?

PROF MACKAY: Please, Greg. Yes.

30 MR BELL: Yes, just from an oversight of festivals and that, as you probably, the group is aware, we do host a fair few festivals and different things up in this area and you must realise that it's like a small town descending on the area at the time and, while it's well and good to have guidelines in place and a whole range of things, when something goes wrong while you've got these people there, it's often very hard
35 to sort of rectify what is happening, and that's why, like, I really agree with what Tony and Katrina are saying, that we need to get it right.

The other point he did raise was with Byron Shire. Byron Shire is one of our 12 shires we deal with and while they – you know, they've got many responsibilities. In
40 some ways, a little bit under-resourced in certain areas, and this is going to put a huge impost upon them and, yes, the group would have to be – the Commission would have to be happy that they could definitely manage any conditions that do go on there, because once something goes wrong and if it's weather conditions, whether it be not enough sunlight at the time or whether it was in flood conditions, or
45 whatever it is, which we do have. At present, it's very dry and everything is wonderful, but what we're a bit concerned, or very concerned about is, yes, there's a

lot of things that aren't – a lot of variables that can't be controlled properly or easily in what is proposed.

5 PROF MACKAY: Just – thank you, Greg. It's Richard again. Just pursuing that for a moment: this application is, firstly, to make this a permanent music festival site and, secondly, to increase the maximum number of attendees at some of those festivals rather substantially from 35,000 to 50,000. And so one of the things to which we are turning our mind is whether, in fact, the whole notion of onsite treatment is a bit undercooked at the moment and whether it might not be better to
10 separate those two things: the permanency of the festival site, you know, with removal of wastewater and effluent for treatment offsite and suggest that if the proponent wanted to pursue onsite treatment, you know, to use some of your words, it's incredibly important to have it thorough and right, and you have got all these parameters of rain and flooding and open drains that – as well as the Byron Council capacity, which are not, you know, perhaps where they should be to do it all at once.
15

MR BELL: Yes. I mean, that's – Greg speaking – that's something you could consider. You know, I sort of once again say that we're really – when you're
20 looking at something that's going to – and the idea is it's going to be an ongoing thing and make it economically viable and, naturally, they will want to use it to the capacity, and I know it's a staged process going upwards, but I guess the group need to really look at – and I'm sure you have – to the fact that it's really very much like dealing with a small town that's being introduced to this area and would you sort of put this type of thing in for a small town or maybe if it's monitored properly you
25 would and, I guess, that's what needs to be grappled with with this group. Tony, have you got anything?

MR KOHLENBERG: I just – just if it was to proceed, I was very glad to see within the conditions and the report about comprehensive and thorough reviews after each
30 event before the population increased – I think it was in 5000 increments – and, I guess, that, in one way, is a method of review and, sure, it's seeing what has happened, what has occurred. It's – the festival has obviously been going for a few years now and to – the have been increasing it to where it is, or what is it, 50,000, is a big jump. But 5000 people increments with comprehensive reviews seems very
35 appropriate if they – if you were going to proceed in this way.

MS HIRD: Can I ask the question here of maybe – Kate, is it? Do you believe the sewerage treatment proposal, as proposed, is able to achieve less than E coli thermo-
40 tolerant coliforms of less than 30 CFU per hundred ml?

MR KOHLENBERG: I'm unsure. I'm only going on their documentation - - -

MS HIRD: Yes. So this is a - - -

45 MR KOHLENBERG: - - - that what – what is written.

MS HIRD: No, this is a reed bed. It – well, you've read the GHC reports.

MR KOHLENBERG: Yes, but - - -

5 MS HIRD: So do you believe that that system can achieve that; that level of disinfection? Do you see any other risks of other infections that aren't necessarily bacterial, Giardia and things like that?

10 DR WALL: Hi, it's Katrina here. I'd say that, in a large gathering such as a festival there's definitely going to be risks from other things that are not controlled by chlorine and the efficacy of retreatment for protozoan is – they'd have to consider that, whether that's going to cover that risk.

15 MS HIRD: So GHC were particularly concerned about the BOD, because unlike a conventional sewage treatment system, there's very little water going through this system, but still all the – you know, the biosolids are still all going – coming in there, so we've got a very high concentration of organics relative to liquids, so that was the main concern of GHC, so that's my question as to whether, given seven days in a reed bed and a few days in some tanks, we were able to – and that's GHC's question – whether that would be able to be effectively chlorinated because of the high BOD.

20 MR BELL: Do you want to – it's a bit of a hard one. Technically, it can.

25 DR WALL: I think, in practice – sorry, it's Katrina here – in practice, people achieving what is technically possible often is not the case. It may be some of the time, but there are achievable log reductions and then there's actual log reductions and whether they match, that's a question that has to be looked at carefully and without it operational, it's hard to say.

30 MS HIRD: Okay. To sum up, it's hard to know whether it would be achieved or not and that we would have to have some sort of separate analysis for protozoans; is that correct?

35 DR WALL: Well, protozoans are not controlled. Well, cryptosporidium is not controlled by chlorine disinfection. The – how well a reed bed works to remove crypto is questionable and that – so that would have to be considered quite closely, because with that large amount of people in close contact and there is human waste, you've got to expect that there's going to be some of these passages.

40 PROF MACKAY: It's Richard Mackay again. Could I ask, I think it's – well, whoever, just the sort of really blunt, simplistic question. In terms of this use on this site, are we likely to get a better public health outcome by trucking the waste offsite or by treating it onsite with the waste water treatment, the irrigation and the burying of the biosolids?

45 MR KOHLENBERG: Well, a better public health outcome is obviously removing effluent from a floodplain. So trucking it off the site would definitely be a better health outcome, however, it doesn't mean the other one can't be achieved, but there's

a lot of testing and proof proving that it actually is satisfactory. It's all right having it in a document. It's all very well and good until it's not.

MR BELL: Greg speaking.

5

PROF MACKAY: Yes.

MR BELL: The issue – we were just talking this morning. This is a little bit off-track for the Commission, but we were just talking about our vaccine fridges across our area and we're getting more and more technical in how we monitor these fridges, and when they – you know, when they go out of temperature and all that we've got these wonderful capacity to go into the cloud and tell people what's happening, but we're still finding that, even with this wonderful monitoring capacity in a certain couple of places, we've had where the machines and the monitoring and it sort of senses there's an issue, but no one responded to it, because other people thought that someone else was. So when you've got something as important as this being tied pretty well to something that needs to be monitored so closely and so, you know, in such a concentrated way, it is a concern to us.

PROF MACKAY: Thank you. Yes, thank you.

MR BELL: That's about all I can say. Yes.

PROF MACKAY: No, no, look, thank you. I am sort of conscious that – I mean, our thinking is that the issue is what's put forward is incredibly reliant on everything going well, everything, including not only their system, but the weather and related infrastructure, and it all being reliant on too many ifs.

MS HIRD: And some unknowns about reed beds, yes.

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PROF MACKAY: Yes.

MR BELL: Yes. No, I think you've gained our thought there. I'm not sure about Katrina, but Tony and I agree with that.

35

DR WALL: It's Katrina here. I agree.

MR KOHLENBERG: Tony here again. Look, I have got a past history in Local Government for many years where we did handle effluent disposal, and especially up here on the north coast. Composting toilets and reed beds have been an evolving beast for many years and they're – you know, they have their purpose and place and there's a lot of them in the domestic environment these days and even some schools, but 50,000 people is a lot of people. It's a big jump from, you know, maybe a small school of 50-odd people to 50,000 people. So you know, I've got to question how well they'll perform under that environment with so much input and its capacity to perform, I guess - - -

45

MR BELL: And it's reliant on very close scrutiny. That's the bit we're worried about as well.

MR KOHLENBERG: Yes.

5

DR WALL: Hi, it's Katrina here. Reed beds are generally used as a way to reduce nutrients in effluent, so it's an environmental concern. I would have to look into how well they work for pathogens.

10 PROF MACKAY: Yes. Okay. Thank you, that's all extremely helpful to us, so that's much appreciated. Can I just check, Andrew, do you have any comments or questions?

MR HUTTON: No, I'm good. Thanks, Richard, yes.

15

PROF MACKAY: Catherine, do you have any comments or questions?

MS HIRD: I'm – yes, I'm - - -

20 PROF MACKAY: I don't have any comments or questions. So can I just check, firstly, do any of the Department of Health reps online have things that – other things that should be said that we haven't asked about. So firstly, Greg.

MR BELL: No. I'm right, thank you.

25

MR KOHLENBERG: Tony here. No, as far as the effluent disposal, I'm okay with that, but I would just like to mention the role that New South Wales Health does have on the site and that is with the potable water supply, and that's our direct responsibility under the Public Health Act, and over the last few years, with the festival management, we have been dealing very closely with the water crew out there, even out on site during the last festival over New Year, and there was a condition, I think condition D45, and so it's good to see that in there, but just to say that that, to date, is going well and there's been a lot of cooperation.

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35 PROF MACKAY: Excellent.

MR BELL: And we do have legislative - - -

MR KOHLENBERG: Yes.

40

MR BELL: - - - control over that.

PROF MACKAY: That's terrific to hear. Thank you. Thank you. Anything else, Tony, from you?

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MR KOHLENBERG: No, that's okay. Thanks.

PROF MACKAY: And Katrina.

DR WALL: Nothing further, thanks.

5 PROF MACKAY: Well, look, can I just conclude by saying that is incredibly
beneficial for us and the ability to have some interaction and direct contact is so
much better than sort of exchanging technical reports and written documents. So
we're very grateful for your time and the benefit of your expertise and experience.
We are currently working to evaluating the issues. We've had a public hearing,
10 we're processing the content from that as well as the very numerous submissions
received. It will be a little time now, I would imagine, before we issue our
determination, but that is a very critical piece of input for which we are very grateful.
Thank you.

15 MR KOHLENBERG: Okay. It's our pleasure.

MR BELL: Yes.

20 DR WALL:

PROF MACKAY: If there's nothing else from anyone in the meeting, then I will
declare the meeting closed and I guess we might be in touch again with something
further if we have a query, but otherwise, thank you.

25 MR KOHLENBERG: Anything you need help with at a local level, just feel free.
Thank you very much.

MR HUTTON: Thank you very much for that.

30 MS HIRD: Thank you very much.

DR WALL: Thank you.

35 PROF MACKAY: Bye-bye.

DR WALL: Bye.

MR KOHLENBERG: Bye.

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[10.39 am]