

# *POTTSVILLE COMMUNITY ASSOCIATION INC*

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Industry Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Pamela Morales

2<sup>nd</sup> March 2018

Dear Pamela

**Re: Proposed North Byron Parklands Cultural Event Site (SSD 8169) and modification of the Concept Plan (MP09\_0028 Mod 5 and MP09\_028 MOD3)**

Thank you for the opportunity for Pottsville Community Association Inc. (PCA) to provide feedback on the above-mentioned modifications to the Concept Plan following the completion of the trial Cultural events site at Wooyung / Yelgun. We provide the following comments for consideration:

The original reports written in support of the first application have been reviewed to understand exactly what was said in each case. We are aware and understand, that one side can get a report written in favour of an application and the opposing side can also employ an equally qualified consultant to write the same report to expose the negative nature of the application. The reports read are from experts in their field, as demonstrated by their depth of detail and presentation. Each consultant describes each negative aspect of their area of expertise and then proceeds to produce a very detailed explanation of how those negative aspects can be negated by sophisticated management plans that seem to comply with governing acts of the day, with respect to a development of this type.

What cannot be disputed or overruled in this matter of North Byron Parklands SSD to expand the number of patrons to 50,000 per event, is the site itself and exactly where the site is located. You can have the best consultants in the world writing these reports and even then you will not be able to overcome the realities associated with this site.

In the last 15 years every local government body in each eastern state has had to upgrade the Local Area Plan or Town Plan for their particular shire or city council. This move was to bring some uniformity to the use of land, what land is to be used, and why certain categories of land are not to be developed. When you study the individual town plans for the different regions you notice one very important factor that is common in all cases of recent times, and it is the reason each town plan state for not allowing land to be developed.



To summarise those reasons you do not have to go far. They are all very simple and are all based around the safety of the public in deciding the outcome of a development application. No Council will grant an approval that will endanger the lives of the public at large.

### **Development of a Flood Plain**

The area of development that is considered a big NO now is the development of an active flood plain where the flood plain is going to be the main area used by the public for the actual development or where the event is to be staged.

When you give consent/ license/ approval for the use of a flood plain you open a Pandora's Box. You may have any number of very good reports that say this can be managed effectively, but Murphy's Law says otherwise - if it can happen, then it most probably will. We believe the granting of this approval in the first instance has laid the ground for possibly the biggest class action in the history of this country if ever the emergency provisions are called upon. For example, the Department has presently given license to allow 35,000 patrons plus approximately 3,500 staff to occupy a flood plain.

The applicant is applying for an increase to 50,000 patrons plus staff on the site. The site in the main is a flood plain.

All your reports say this land is a flood plain and tell you it floods frequently. All reports tell you about the 1:5; 1:50 and the 1:100 year floods and the depths, the flow of water, the reaction when the flood is knee deep, and at what point the flood water will float a car. So your reports are very detailed in explaining the high level of risk to the public in an emergency of this type.

The Tweed Shire Council study states it would take 2 exits lanes 12.5 hours and 3 exit lanes 10 hours to clear the site. The expert's reports claim evacuation times are much shorter. In our opinion we doubt the time frames quoted in the expert reports, but you as a governing body who issued the approval accepted the expert's explanation and emergency management plan.

The experts in the case of flooding have advised in their report every aspect of the dangers to the public and the report is written so well that if it does go wrong, the Department who issued the approval to stage these events, will be directly responsible. Your experts are very skilled people and to qualify this point you need to understand that each expert knows without a doubt to develop flood land is a big no and high risk to the public. Therefore, your expert reports have been written in such detail, because it exonerates the consultant from future action because he has declared everything to you, so you can make the decision.

It appears that most of the event site to be used by the patrons during an event is subject to flooding. It is a flood plain, pure and simple. How did this original approval get passed? Wooyung is subject to frequent flash flooding and heavy rain and this places a huge amount of pressure on the operator to maintain the safety of the ticket holders. It is impossible to have a management plan for evacuation of 35,000 patrons let alone 50,000 in a flash flood because we have all seen the situation of blue sky one minute and then a flash flood at Wooyung the next. Local residents can confirm this. You can write all the reports in world



you like, but it is impossible for the applicant to plan for these situations and so the public are at High Risk. Flooding also increases the risk of acid sulphate if the surface of the site is opened for any purpose of the proposed building development in the application.

### **Acid Sulphate Contamination**

The report regarding the acid sulphate water and acid sulphate soil on this site is very interesting. Once again, your consultant has done a very in-depth report and discloses everything to you for consideration by the governing body deciding this application. So, there is nothing you don't know about this massive problem of acid sulphate in this region.

The reports are so in-depth they tell you the number of holes tested and where they were drilled, and they give hole by hole analysis of the samples. The finding of these reports is very simple - this site is a flood plain and from 1.5 metres to 2metres below the surface there is acid sulphate in the soil and the water. If this acid sulphate is exposed to the water ways it becomes an environmental disaster.

An example of this is from 30 years ago. One of the PCA members was asked to be a part of a development at a site at Wooyung. This was approved for a major beach resort on land east of Jones Road through to the beach. The site was investigated, and the land found to be useless because it was covering a huge area of acid sulphate water and someone had dug test holes but never covered them in and so today they still exist. The PCA member looking into them 30 years ago wondered why there was absolutely no life in the water hole. It was from that they discovered the acid sulphate problem.

The same member is now retired on Mooball Creek in Pottsville and advises that when we have a flood, hundreds upon hundreds of fish die from the contamination from that land at Wooyung. The flooding from that site and the site you have approved for this event all drains into Mooball Creek. So when it floods the acid sulphate flows directly into Mooball Creek. In the 5 years the PCA member has lived here this has happened to the fish 2 times.

### **Site based Storm Water Management Plan:**

Because this is a flood plain there are no areas where a proper retention basin or basins can be created, of a size that would be effective in a flash flood or the normal down pour of storm water that this area of Wooyung receives regularly. The other reason you cannot provide effective retention basins is because if you crack the surface and let the acid sulphate water into the above ground water system it will cause a great deal of damage to the environment. The ecology report shows the detail of this problem.

Normally storm water quality is preserved by the provision of storm water storage methods such as dams and or retention basins, but again you do not have the depth of soil to allow this to occur safely.

### **Sewerage Network:**

The council to be responsible must condition the use of an A class on site sewerage system to be built to handle this volume over 5 days. It is the only solution to this problem, but again you cannot dig up this flood plain for reason stated so you are limited to where you dispose of the affluent for recycling. The A class system works but you must have the land around the system to hold the waste water without disturbing the acid sulphate.



The most important thing for Pottsville is the pollution of Mooball Creek from the overflow of raw sewerage, excess waste from flash flooding and the acid sulphate in times of flooding. The Pottsville Community's main assets are the beaches, Council Caravan parks and the thousands of young families who use the Mooball Creek. The pollution of Mooball Creek would be disastrous for the tourism dollars for the Pottsville business community. As late as Thursday 1st March 2018 we have been made aware that the applicant has not complied with the original sewerage conditions. It appears he had to have certain things done in the first five years and has not done so. Now the applicant wants to change the way he provides sewerage.

The consultant for sewerage waste advised that the site does not have power connected and we find that almost impossible to be the case in such a major approval. The consultant explained he had designed a Reed and Pod system to treat sewerage on site (remember the suggestion was to use an A class system). The consultant said this system was equivalent to a B class system. This system is just a more modern version of a giant BIO CYCLE system with irrigation. If the original approval had conditioned the connection of electricity, then the applicant could implement the A Class system. Then this section of the objection would be obsolete.

It does not matter how you try to use BIO CYCLE or how modern you make the system you are not on the soil types in this flood plain that ensures protection of the Pottsville community if the system fails to perform.

For the Minister to give this original approval without the condition for provision of the connection of electricity to the site, to be able to run the required infrastructure, is unheard of in development terms. Especially with the occupation of 50,000 plus patrons on the site.

### **Bushfire Management**

This is a vital section of the application because the evacuation times for an emergency are as follows.

- a. The BEEP notes the evacuation time by vehicle is approximately 4 -5 hours. But the FRMP states 12.5 hours is required for 35,000 patrons if 2 exit lanes are available, 10 hours if 3 lanes are available.
- b. There is no data to compare evacuation times for 50,000 patrons.
- c. The FRMP had noted that evacuation times will be lengthened if the evacuation is carried out at night or patrons are intoxicated or have special needs.
- d. The BEEP does not appear to make allowance for such circumstances.
- e. BEEP does not seem to have taken into consideration the primary assembly area in an emergency and has not consider weather conditions or smoke impact from bush fire.
- f. The question is whether the present road system is capable of such a mass exodus in a fire. Our view is no because the vegetation hangs over each of the evacuation routes in most cases. These notes were extracted from Tweed Shire Council notes on this subject.
- g. Our concern is, where are the safe defendable zones on this site in case of emergency?

Again your written expert reports claim this is manageable. However, 50,000 people on site in a panic do not stop to read the carefully thought out evacuation plan. They panic and then cause a crowd crush. That is not in your management plan. The report does use the example



and mention the situation of the crowd crush at an event in Victoria, so as far as the consultant is concerned he has told you everything in his report. In the case of bushfire you move them from one area to another area on site that would have the same problem as it is a grass paddock. Even if it is mowed and raked it will still burn a flame of 2-3 foot high with a small breeze behind it. The stronger the breeze the faster and bigger the fire becomes. One expert's report states that the on site store would hold supplies for 3 days for 35,000 patrons in an emergency. That would need to be at least a 1000 m2 facility. What would be required for 50,000 patrons?

### **Ecological**

Any infrastructure you put on this site relating to storm water, sewerage or buildings, if it disturbs the soil below 1.5-2.00 metres as per your reports then you place the environment at huge risk. The holes in the next paddock (to the east of Jones Road) are on the surface and this is why we would not like to test the theory of 1.5 - 2.00 metres deep before you strike the acid sulphate problem. Concern is raised over the number and location of the number of holes tested. Further testing should be undertaken within the centre of the main activity area for the proposed events, not just around the fringes. We understand the water table can change its levels within metres with different soils and the known risk of acid sulphate contamination requires further investigation in considering the application.

### **Policing**

Another major issue with the application and the expansion of the population of these events to 50,000 patrons plus staff is the last police report detailing the following;

- A. violence
- B. drug abuse
- C. drunk and disorderly conduct
- D. Police were arresting 1 offender every 1.45 minutes and had to stand the dog squad down so they could assist in processing the offenders.
- E. The report contained warning of High Risk in case of terror attack, lack of ability to attend to an emergency of a large scale was a High Risk.
- F. The inability of the police to efficiently monitor and handle the crowd because of the lack of officers. The documentation states the applicant will bring in additional police officers from all over NSW. We do not accept this as feasible as the budget will not allow it.
- G. 19 bars on site are impossible for the police to control as the crowd become intoxicated.
- H. The traffic review from the police view point is critical as they describe evacuation in any emergency as placing the public at High Risk.**
- I. The patrons of these festivals use Pottsville as a base to catch transport to and from Pottsville. This in its self is producing elements of bad behaviour in our community from high levels of intoxication to discarding of abnormal amounts of waste in our streets during these events.

The police report was far more detailed than outlined here and until there is a formal set of conditions that cover all the requirements of the police department, the Byron Shire Council, The Tweed Shire Council and the Pottsville Community Association Inc. then we object to the extension of the festival approval.

### **Noise:**



It appears Noise monitoring was only done 3 times during the trial period so the evidence to support the applicant is not there. The noise levels were above the approval originally granted and will grossly increase under the new proposal. An expert should be engaged to monitor this area of the application. Strict condition need to be applied to this section of the application in the form of natural barriers such as earth mounds that are vegetated around the events area to cut the noise and remove the negative visual amenity of the event. It is noted that noise levels did not comply in three different sections of the consent

### **Potable water**

We cannot find specific detail with respect to the supply of water to the site patrons. The site does not have its own ability to collect water for that number of people and so it would be required transport on to the site.

### **Incidents and emergencies**

This section should be governed by the police report as it is detailed on this subject and state the number of segments of past performance that are in the High Risk area to the public.

### **In Summary:**

A glaring omission from all the reports is the inclusion of any formal engagement/consultation with the Pottsville community. The Pottsville community is the region that will bear the brunt of all the problems created by any approval.

The site where the event is held for 35,000 patrons is not suitable for this event because it is on a flood plain. Every planning instrument would say this site is wrong for this application. Every section of Town Planning would have trouble giving this an approval with conditions. The site itself does not allow for good management and safe practice because of what it is and where it is. One would have to question how the first approval was ever granted because it goes against all good town planning practices.

The Pottsville Community Association Inc. request the Department absolutely does not increase the number of patrons for all the reasons stated in this objection. If the land on the Eastern side of Jones Road was not suitable 30 years ago for a major tourism approval then this application is not suitable today for all the same reasons. Nothing has changed in the topography of this region, or the planning circumstances, in the last 30 years, so how did this all come about?

This area will always be a very sensitive area because of the acid sulphate. Not even taking into account creating the man-made problems for this site. When you try force a square peg into a round hole it only ends badly for the whole region.

The main point with this extension is that it is **not granted as a permanent approval**. If the applicant complies with the terms and conditions set down by the police, Shire Councils and Pottsville Community Association Inc. then he can have a further 5 years extension to his original agreement. Both the applicant and Council have the option to renew or rescind this license at the end of each five year period. This would be no different to someone leasing a building for 5 years and they have to comply with the lease conditions or they are evicted. This way the pressure is always on the applicant to perform and comply to the conditions set down by the governing bodies.



If the extension is granted in this manner then we as a community still have some control over the future of this operation, the applicant is under pressure to perform because of the rules imposed and the time frames. Should the applicant not perform as per the conditions of approval informed by the Police and Council reports, then the applicant risks losing the license to operate. With this method the applicant is continually under review annually and must perform. If you give the applicant an unconditional approval for events of 50,000 patrons then the community has lost control of the situation.

While there is a limited time frame with the option to renew or rescind at 5 year intervals the applicant will always be mindful and comply to the conditions imposed on the events in order to continue operating.

The community has a great deal to be concerned about over this application and its impact on this region both socially, environmentally and the need for the correct infrastructure and the impact on the existing infrastructure that is required to run a safe operation for 35,000 patrons. On a flood plain it is really not possible to qualify this application at all.

The community of Pottsville has the greatest potential loss in this matter because it receives all the run off from the event site, flood water, waste in flood water, acid sulphate run off all in to Mooball creek and has to deal with the element of intoxicated unruly patrons of the event and the mess they create going to and from the event.

We normally wouldn't stand in the way of a person trying to create and progress and provide employment in an area that needs his ingenuity. However, this site is in the wrong place to do this type of development because it simply cannot comply with the latest Town planning requirements governing everything mentioned in this document. Trying to qualify the correctness of this application with complicated management strategies for the high-risk areas is not the solution as mother nature will do what she likes when she likes, with all the best intentions, no one can plan to manage that.

This approval should never have been granted on this site for all the obvious reasons so please do not compound the error with the approval of this application for 50,000 patrons.

For further information regarding this letter of objection please contact Mr Bruce Brown on 0418 726 629.

Your Sincerely



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