



NSW Police Force

Our Ref: LEX 22311 D/2018/232677
Your Ref:

28 March 2018

Pamela Morales
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: pamela.morales@planning.nsw.gov.au

Dear Ms Morales

**North Byron Parklands Cultural Events Site, Yelgun – SSD 8169 and MP 09-0028
MOD 3
Feedback - NSW Police Force (“NSWPF”)**

The NSWPF provided initial comments on the proposal via the letter of Brendon Cullen, Crime Manager, Tweed Byron LAC dated 3 January 2016. Those comments continue to remain applicable.

It is our understanding that the State Significant Development (“SSD”) proposal now seeks, amongst other things, to:

“The proposal involves undertaking outdoor events on the site for up to 20 event days per year, comprising:

- 2 large events per year (ie. Splendour in the Grass and Falls Festival) over a maximum of 5 event days each, catering for up to 35,000 patrons per event day;*
- 3 medium event days per year (for other music concerts or cultural events), catering for up to 25,000 patrons per event day;*
- 5 small community event days, catering for up to 5,000 patrons per event day; and*
- 2 minor community event days, catering for up to 1,500 patrons per event day.*

Further, approval is sought for the progressive growth of one of the large events (ie. Splendour in the Grass) to 42,500 patrons and then 50,000 patrons a day, subject to meeting traffic-related key performance indicators (KPIs)”

The NSWPF holds significant concerns regarding its ability to provide adequate levels of policing services if there is:

OFFICE OF THE GENERAL COUNSEL

Locked Bag 5102, PARRAMATTA NSW 2124

T 02 9506 5199 F 02 9506 5111 W www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 409 613 189

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

- (a) any permitted increase in the level of patronage for the large events (ie Splendour in the Grass and Falls Festival); or
- (b) any increase in the number of events per annum.

The concerns of the NSWPF relate not only to the safety and well being of those attending the events, but to our residual capacity to provide policing to the permanent residents of the Tweed-Byron area.

Set out below is a summary of our main concerns with the proposal:

1. Impact on Tweed/ Byron Police District Resources

The Tweed/Byron Police District does not have adequate permanent staffing resources to cater for the larger festivals. Additional officers are sourced from a variety of sources including:

- (a) Statewide specialist and general policing resources.
- (b) User Pays
- (c) Regular Rostered officers
- (d) Overtime

Only limited number of Tweed Byron police can be utilised for User Pays due to local policing commitments and events commitments. The User Pay officers need to be attracted from other police districts and accommodation and associated travel costs can result in difficulties in attracting officers. In addition, the new year period is a busy time state wide for the NSWPF and there is often an organisation wide moratorium on leave. During this period we have already had difficulties in attracting User Pay officers for the Splendour in the Grass Festival. Any increase in crowd numbers, resulting in increased policing demands, would prove very difficult to resource. The unique problem with policing events on a user pays basis in the Tweed Byron PD is that sourcing of user pays police is particularly difficult due to the financial advantage Sydney based events have over Tweed Byron PD. Police attending Sydney based user pays events do not have to pay for travel and accommodation unlike Tweed Byron PD. Tweed Byron PD relies heavily on police from Sydney for user pays.

It should also be noted that rostering to accommodate the needs of a large festival at current has impacts on the Tweed Byron roster for almost 6 months of the year. This has a direct impact on the ability of the command to provide service to the local community.

In addition, during the festival periods the Tweed/Byron Police District has already been short staffed and unable to sufficiently respond to the safety needs of the local community. This continues to remain a concern.

2. Crowd Crush

Police hold grave concerns about crowd surge and crush within the amphitheatre should an unexpected event occur causing an uncontrollable crowd response.

The applicant has indicated to police that the amphitheatre is capable of holding 40 000 people. Police are of the belief that such a crowd would present extreme risk and request that the applicant document in detail how numbers to this area will be monitored, limited and managed to prevent a crowd crush incident from eventuating.

The experience in Victoria at the annual Falls Festival at Lorne in 2016 where crowd crush resulted in multiple casualties shows that mass crowd movement in confined areas is difficult to manage. This aspect of the proposal needs to be detailed in any event

planning. The manner in which a crowd of 40,000 is managed should (for instance a flare or similar start a mass crowd movement) need to be detailed. That is clear instructions need to be given to the crowd from organisers prior to anything happening. Those instructions need to be supported by plans that can be implemented in short time.

3. Traffic

The increased traffic volume as a result of increased numbers at the proposed larger festivals will place enormous strain on Tweed Valley Way between Yelgun and Mooball. In previous years this has led to significant delays on Pottsville Rd, Pottsville. Pottsville Road, is classified as a secondary road and is a vital transport link for the local community.

The Tweed Valley Way is a detour route in case of a major incident on the M1 Motorway. The additional traffic already using this road to access the festival particularly during bump in and bump out, would essentially bring all traffic both north and south to a stand still. This could potentially lead to catastrophic outcomes in an emergency evacuation situation.

Increased congestion with both vehicles and illegal camping within the Yelgun rest area causes issues with general motorists not able to access the rest area. This then forces motorists to continue on past that rest area with the possibility of a fatigue related crash.

4. Drugs

In relation to the use of illicit drugs, seizures by police over a number of years indicate that drug use at the music festivals held at this site is rampant. Despite warnings, and drug detection operations, the seizures by police are significant. In 2015 police made 195 seizures, in 2016 they made 335 seizures and in 2017 they made 295 seizures which included 11 supply prohibited drug matters. It is worth noting that the drug detection operations only operate on a limited basis during the festivals. Even with the current numbers, resources inclusive of police and drug detection dogs are unable to cover the entire time the festival is open to patrons including a number of days. Expansion of the festival will multiply this issue.

As was seen in Melbourne on the 18 February 2017, where 21 people who attended the Electric Parade Music Festival were hospitalised as a result of overdosing on an illicit drug. This was despite organisers having a zero tolerance policy where patrons detected were to be ejected and not allowed to return. Apart from the potential life threatening capabilities of illicit drug overdose, the hospitals and ambulance facilities in the Tweed Byron area would not be able to cope with such an influx of casualties.

5. Safety

The risks to personal safety of patrons from mass levels of alcohol and drug intoxication are currently at high levels. The increase in numbers attending the music festivals again multiplies this effect. The concern police have is that if there is a mass evacuation or even a crowd crush situation that the levels of patron intoxication will exacerbate the levels of harm.

Further to the above, we specifically respond to several issues raised in the Social Impact Assessment:

1. It was noted that the NSW Police identified issues with safety and security, including intoxication, illicit drugs, access, lighting and terrorism; traffic management; and emergency management. NSW Police noted that in order to mitigate identified risks the following measures would be required: police resources would need to be dramatically increased at future events; improvements to road infrastructure would need to be improved prior to any increase in patron numbers; and an audit of the site would be required to ensure the risk of crowd crush is avoided. Have there been any changes to incorporate these recommendations?
2. The comments of police noted in 7.1.8 Crime and safety have been placed out of context. Whilst the police may have been generally pleased with the behaviour of patrons the concerns of the NSWPF remain. The sheer volume of attendees presents significant risk and any increase in numbers merely adds to the issues.
3. We note that Parklands has acknowledged incidents to date and is committed to the following measures:
 - continuing to undertake incident simulation exercises with NSW Police;
 - increasing lighting levels in licensed areas of events;
 - maintaining pay-for-use levels of NSW police force members as determined by NSW Police;
 - improving site layouts in consultation with NSW liquor licensing officers;
 - partnering with Drinkwise Australia to promote a commitment to shaping a healthier, safer drinking culture in Australia;
 - involvement in the STEER Youth Safe Transport Project to assist patrons who are driving to make an informed decision on whether to drive home or not if they may be unsure of their blood alcohol concentration. This program will be expanded into the campgrounds on the Monday morning when campers are departing;
 - partnering with Byron Youth Services, that also operate a free breath-testing service;
 - revision of the ticket terms and conditions, which allow promoters to remove non-compliant patrons from the site; and
 - expanding education programs to patrons surrounding alcohol and drug use through various social and media channels.

We acknowledge and appreciate these commitments but they are simply inadequate to address our primary concerns of crowd crush and the impact on the Tweed/Byron Police District.
4. The statement regarding emergency services in 7.2.7 is inaccurate. The NSWPF resources allocated to festivals go far beyond the User Pay officers. There is a significant drain on the Tweed/Byron Police District resources as noted above which currently impacts for 6 months of the year.
5. The emergency evacuation plan identified in 7.5.4 is inadequate. As noted in comments above, if any major incident were to occur at the site there would be significant delays risking the safety of patrons.

If you have questions regarding this submission, please do not hesitate to contact myself or Brendan Cullen (TEL: 07 5506 9309).

A handwritten signature in black ink, appearing to read 'A. Snedden', with a stylized, cursive script.

Angela Snedden
Senior Solicitor
Commercial and Administrative Law Unit | Office of the General Counsel
NSW Police Force