

[REDACTED]

20th April 2017

Director Industry Assessments
Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Sir/Madam,

**RE: Billinudgel Property Pty Ltd Exhibition of Modification Request for Cultural Events Site, North Byron
Parklands Yelgun NSW APPLICATION No. MP 09 0028 MOD 4**

I am extremely disappointed that the proponents are making this request for a modification to their TRIAL DEVELOPMENT APPLICATION (DA) for their festivals at Yelgun. I wish to raise the following serious objections to the modifications.

Firstly there are clear alternatives available to PL which make this modification unnecessary as there is an appropriate alternative.

When the proponent accepted the ruling on their DA by the Planning and Assessment Commission (PAC) they were aware that when the trial process was completed in December 2017 the authority for any changes to the DA would revert to Byron Shire Council. The PAC stated clearly that “outdoor events following the trial period will require approval from the council under part 4 of the EP&A ACT”.

There have been too many changes to the consent conditions of this trial DA to the detriment of our community and the environment. When first lodging their DA to hold festivals on this contentious site, the proponents assured the community only ONE festival per year would take place on the site.

The proponents are requesting to override and sidestep a condition they clearly knew were part of the consent conditions for their trial DA. This request should not be considered by the Minister or the Department of Planning (DOP). The developers have shown to be unable to comply with the consent conditions during the five year trial and should not be granted an extension. On completion of the five year trial DA in December, responsibility for this development must revert to Byron Shire Council by definition of the PAC conditions.

The Byron Shire community values our precious environment and many people have sacrificed time, energy and income to protect it for decades. The community has always had serious concerns about the above development in an area that is a bio hotspot, wildlife corridor and sensitive site, part of which is zoned Habitat Protection in Byron Shire Council's LEP, and these concerns were supported by the Land and Environment Court decision in 2009. (see enclosed) The court found that the development is properly characterized as a temporary place of assembly which is prohibited in the habitat zone. The site is also surrounded by the Marshalls Ridge Wildlife Corridor and is vulnerable to fire and flood and isolated from any town with no public transport. In the early 1990s over \$13m was spent by the Fahey Government acquiring land to protect the site.

The proponents were fined for noise pollution after the 2014 and 2015 festivals. Warnings were issued from the Department of Planning after reports of other breaches of consent conditions including: illegal camping outside festival grounds, lack of adequate space between patrons' camps (fire hazard), sediment control (aquatic hazard) and litter control. The organizers have not been fined over the many complaints about traffic congestion, fire hazards, illegal camping and rubbish generated over the five year trial of this festival site. This cannot be allowed to happen again. The department appears not to have enough staff to rigorously monitor the consent conditions of this development as it should, and it is unfair that this onerous task has fallen to the community once again. This festival site has been an environmental and social disaster and the community's concerns have been vindicated.

The actions of the developers to by-pass the community's concerns and the Land and Environment Court decision to lodge another DA with the state government's Planning and Assessment Commission (now the Joint Regional Planning Panel) lacked consideration for the community's concerns and the Land and Environment Court's ruling and treated the community with contempt. As the court found, this type of development is not compatible with a wildlife corridor and should never have been given consent of any kind. This development is not compatible with our quiet rural/residential area. Something is very wrong when noise from the site disturbs thousands of residents over many kilometers and can be heard in my home 6 kilometers from the festival site

There are limited bus services and no rail services to this site. Currently the site has parking capacity for 9,000 vehicles. Up to 32,000 people attended the last Falls Festival in 2016/17, meaning almost 15,000 people could not park on site. This is why there is so much illegal parking on the roads and in sensitive bushland areas during these festivals.

The site can accommodate 20,000 campers on site. Over the Christmas holiday period all accommodation and camping sites in Byron Shire are booked out. With up to 35,000 attending Falls Festival where are 15,000 people going to find accommodation? It's unacceptable to local residents that we have a repeat of the recent December/January holiday season which saw many people camping illegally on the beaches, in Nature Reserves and National Parks, with no facilities. People were lighting fires during a total fire ban, disturbing wildlife, and leaving an awful mess behind for locals and council workers to clean up. Hundreds also camp in their vans on our streets, on beachfronts, using the area as a toilet and garbage tip.

The Tweed Byron Local Area Command (LAC) also have many serious concerns for people's safety at the site. The recent Police Report from the LAC raising concerns about the critical impacts on the resources of the Tweed Byron LAC of this festival at current levels of patrons (32,000 in 2016) is very concerning. (copy enclosed). While drug detection operations ran only during limited hours for 3 of the 5 days of the festival with police unable to cover all entry points, police have reported 322 drug detections, up from 188 in 2015. Given many deaths and serious effects from very toxic substances recently, I am very concerned for the health and safety of these young people. I am also concerned that so many people, who could be under the influence of drugs or alcohol, are driving on our local roads (the nearest town, Brunswick Heads, is at least 10ks from the site) causing danger to themselves and local people.

The LAC are concerned they do not have enough resources to police this event adequately or protect the local community under normal conditions let alone should there be a disaster such as fire or serious weather event, which is putting festival patrons and the local community, as well as members of our police force and emergency services, at risk. It takes 5 hours to clear people and vehicles from the site under normal conditions. Large numbers of people leaving the site also creates traffic congestion. Should there be a flood, fire or other disaster, evacuating people quickly would be impossible. The LAC is spending their global budget on issues generated by the festival.

The proponent needs to be accountable to the local community, as is Blues Festival at Tyagarah. The consent conditions of the current DA must be adhered to. The stress, disruption, the impact of this festival site on the environment, wildlife and the local community is unacceptable.

Given the proponent's record and clear inability to abide by the consent conditions for this festival site, no extension of their trial period should be approved.

Yours Sincerely,



cc Tweed Byron Local Area Command Report
cc EDO report on Land and Environment Court decision

