

25th 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 the proponents which make this modification unnecessary as there is an appropriate alternative.

**When the proponents accepted the ruling on their DA by the Planning and Assessment Commission (PAC) they were aware that on completion of the trial process 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”.**

**The proponents are requesting to override and sidestep a condition they clearly knew was part of the consent conditions for their trial DA. This request should not be considered by the Minister or the Department of Planning (DOP). When the five year trial DA is completed in December, responsibility for this development must revert to Byron Shire Council by definition of the PAC conditions.**

**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. It is now proposed that there will be up to 20 per year.**

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 biodiversity 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. 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 in the early 1990s over \$13m was spent by the Fahey Government acquiring land to protect the site. The North Byron Parklands is vulnerable to fire and flood, additionally it is isolated from any town in the area and has no public transport available.

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.

The North Byron Parklands (NBP) festival site is of significant ecological importance. The Marshall's Ridge Wildlife Corridor links the World Heritage listed Mount Warning National Park with the Billinudgel Nature Reserve that is adjacent to the NBP, as well as to the Marshall's Creek, Wooyung and Brunswick Heads Nature Reserves. 26 threatened species use the Marshall's Ridge Wildlife Corridor, including the locally threatened species of Koala and Long Nosed Potoroo. The NBP site itself includes high quality Koala habitat. There are less than 100,000 Koalas left in the wild. This development threatens to make them extinct in this locality.

The community of Byron Shire does not want large scale festivals at NBP, with up to 50,000 people per day, 20 days per year. This will be detrimental to the quality of life and the quality of the environment in this area. The proponent's proposals to modify the concept plan and project approval will bring more tourists to this area than it has the infrastructure to cope with. As a ratepayer I am heartily tired of funding the infrastructure of this shire for the two million visitors per annum that the shire is inundated with. It is high time that the State Government put a sustainable cap on the number of tourists and festival patrons who visit Byron Shire & instigate a bed tax or similar, so that the visitors themselves pay for their required amenities and infrastructure. This is needed across the state, as every community in highly visited areas suffers from the same funding problems. In Switzerland this is standard practice.

The ratepayers who have witnessed the exponential decline in the quality of life proportionate to the overwhelming increase in tourist numbers are not prepared to tolerate this situation any longer. It is time for the government of the day to take action to protect the communities who elected them, rather than pandering to the big business operators who exploit the quality of life & the environment that the community has fought to preserve. The consent conditions of the current DA must be adhered to. The stress, disruption and overall impact of this festival site on the environment, wildlife and the local community is unacceptable.