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SUBMISSION

to

**The Federal
Minister for the Environment**

on

**The Referral of Plans to Develop a
Cultural Events Site @ Yelgun**

Compiled by John Edwards
For The Clarence Environment Centre
2nd August 2012

Submission to the Referral for a Proposed Cultural Events Site at Tweed Valley Way and Jones Road, Yelgun.

Introduction

The Clarence Environment Centre has maintained a shop front in Grafton for more than 22 years and has a proud record of advocacy for the environment both locally and across Australia. The above proposal is typical of the never-ending stream of inappropriate proposals that is placing intolerable strains on what little remains of the NSW North Coast's remarkable biodiversity.

History

In May 2009, the Land & Environment Court found that Council's approval to hold a 'trial' Splendour in the Grass festival @ Yelgun was prohibited in a 7(k) Habitat zone under the local LEP and ruled it "invalid and of no effect".

Not only was the proposal previously rejected by the Land and Environment Court, but it failed to meet standards set down in numerous statutory and non-statutory planning laws and strategies, and the Cleland Commission of Inquiry in 1997. These include:

- Byron Flora and Flora Study, BSC, 1999
- Byron Shire Biodiversity Conservation Strategy, 2004
- Far North Coast Regional Strategy, NSW Planning 2006
- The Great Eastern Ranges (GER) Initiative, DECCW, 2007
- Border Ranges Biodiversity Management Plan, DECCW, 2008
- Northern Rivers Biodiversity Management Plan, 2010
- Draft North Coast Regional Conservation Plan, 2010
- Byron Shire Council Events Policy, 2010.

In 2010, despite all of the above, the proponents lodged a new application (for more festivals and a larger no. of patrons) to the State Government for determination.

In early 2011, the Land and Environment Court repeated its earlier finding that the proposal should be rejected on a range of grounds including environmental impacts.

Then, a change to a more developer-friendly Government in 2011, and all of a sudden the environmental impacts are deemed insignificant. It concerns us that the proponents cannot accept this verdict and continue to persist with this proposal, not just in its original form, but vastly expanded.

We should not accept that the now reduced events, "*three events annually, over a five year trial period*", as in any way reducing the impacts from the previous proposal. With a raft of permanent buildings being proposed, this number will be increased over time.

Impacts on Matters of National Significance

One of those identified significant impacts was the disruption of a major wildlife corridor (Scotts, 2010), identified as being part of a 'critical' climate change corridor (DECCW, 2010), linking the Billinudgel Nature Reserve to the World Heritage Rainforests of the Mt. Warning caldera, known to provide habitat for over 50 Threatened species.

From memory, it was just over a decade ago that the Pacific Highway upgrade from Yelgun to Chindera was completed, creating a monstrous 100 metre wide barrier across that wildlife corridor, flanked by animal proof fencing to stop wildlife from straying into the path of vehicles hurtling along at 110 kph.

In a totally inadequate response to the needs of wildlife, that more than 20 kilometre long section of motorway was provided with just 2 wildlife overpasses, one at either end of the section. Now, by approving the festival site right in its path, the NSW planning panel has effectively reduced the southern corridor's ability to provide safe passage for wildlife across the Pacific Highway, impacting a whole range of wildlife species, particularly the nationally significant Koalas which occur at the festival site.

It must be recognised that Koalas on the NSW North Coast are under serious threat of extinction. The Tweed population has been reduced to a level from which many now consider it is unlikely to recover. The Referral document identifies the potential impacts:

Koala <i>Phascolarctos cinereus</i>	Recorded from the site; potential impacts require management. Disturbance by human presence Risk of roadkill
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The simplistic acknowledgment of “*disturbance by human presence*” massively understates the noise impact of a rock concert. We have a proposed development that will drag tens of thousands of people onto the site, with camping set up days in advance and following several days of intense activity, and excessively amplified music. How can they possibly manage noise disturbance? There is no explanation as to how that can be achieved, and we do not believe they can be, and that those impacts can only have a negative impact on the remaining individuals, along with other species living at the site.

In terms of flora, we note that two Threatened Ecological Communities (EEC) are listed in the search report, both listed as Critically Endangered under the EPBC Act:

- Littoral Rainforest and Coastal Vine thickets of Eastern Australia, and;
- Lowland Rainforest of Subtropical Australia,

but the flora report claims that only Lowland Rainforest of Subtropical Australia occurs there, tucked away in the northwest of the site, “*outside the direct approved footprint of the proposal*”.

Our specialists have not had the opportunity to inspect the site, but understand is predominately floodplain. However, submissions presented to the previous development applications, identified the occurrence of **three** EECs on the site. As most remnant floodplain vegetation is now listed as EECs of one type or another, we would be surprised if only Lowland Rainforest occurs there, and believe that all the remnant vegetation should be independently reassessed.

As it is, we also believe that with hundreds, possibly thousands, of campers at the site, that native vegetation is bound to suffer plundering, as it does at any camping ground, for firewood, building material, etc.

While not directly linked to matters of national significance, the fact should not be overlooked that the site:

- was zoned for environmental & agricultural protection (Cleland CoI, 1997)
- is a ridgeline of archaeological significance & is part of a cultural 'precinct'
- has significant bushfire constraints, listed in the NSW FNC Bush Fire Risk Management Plan as 'catastrophic', with widespread, highly inflammable peat soils existing on site
- has significant flooding problems meaning evacuation of patrons from the site will not be possible in a flood event (Tech. Paper WI), with the proponent's hydrologist (for 'Trial' event) admitting there would be only a 20 minute warning of flash flooding.

On the social side the proposed event

- will permanently change the coastal & rural amenity north of Brunswick River
- will create traffic gridlock at the Yelgun Interchange extending for kilometres during events
- and will cost taxpayers millions of dollars.

In conclusion

The Clarence Environment Centre fully supports the previous determinations by the Land and Environment Court in respect to the development of the 'events' site.

Therefore we call on the Minister to fully consider the impacts on species of national significance that we have identified above, and reject this proposal.

Thank you for the opportunity to comment

Yours sincerely
John Edwards
Honorary Secretary.