
From: O.T Baggio <thegreatwhiteshark28@gmail.com>
Sent: Saturday, 3 March 2018 4:46 PM
Subject: Notification of Development Notification DA No. 10.2013.128.3
Attachments: Agreement 2017 By A Hill 001.jpg; Letter from Betram reCcompliance 001.jpg

I am in receipt of Notification Of Development application for DA. No. 10.2013.128.3 dated 20 February 2018 proposing an S96 to delete Condition 59 and Permit Paid Parking.

I am also in receipt of a hand delivered undated Notice Letter from the Bluesfest dated which states " Traffic Changes in Tyagarah " for the coming Blues Festival from Thursday 29th March to 2nd of April 2018.

The Byron Notification provides only the information of the S96 requirement to delete **Condition 59** and Permit Paid Parking.

The DA is stated as being placed on public exhibition and available for inspection during the exhibition period or at Council offices.

The DA was placed on exhibition from 1st March to 14 March 2018.

This would mean that between closing the Exhibition Period and the start of the 2018 Bluesfest there are 15 days only. It also means that since the traffic set up has to be arranged some days before the start of the Bluesfest that the 15 days period referred to above would be diminished.

Byron Shire Council had placed **Condition 59** with the **express purpose** of stopping people from avoiding parking within the Bluesfest grounds and dispersing into the close local roads and lanes to park overnight as a number would object to pay parking at the Bluesfest Venue.

The system set up for the 5 year trial period with **Condition 59** and the surveillance guard set up at the Fox Lane roundabout area has worked to diminish somewhat unauthorized vehicles and person from accessing our road, properties and camping overnight where garbage bins have been filled with all sorts of debris, bottles, garbage and feces were distributed along the south leg of Foxs Lane.

In 2016 the guard was removed from the roundabout without authorization in other words the Blues Festival was operating without consent for the Trial Period and this caused the infiltration of gangs with alcohol to occupy the South Foxes Lane driveway. We at the time had two international Architect colleagues residing at our house and that evening returning from a dining out we were confronted by several half naked men with bottles in their hands which showed aggression and greatly frightened our guests. On reaching the house I made two phone calls to Mayor Simon to address the situation, his message was I will call back, but never did. I called the Hotline for the Blues and asked where the Foxes Lane Guard was and was told that it was not required and was replaced by a Flying Patrol Squad. When I asked the Hotline member to call the police as was set out in the security requirements I was told that it was the residents responsibility to call the police and they would not do so. I finally had to call the police who sent

two police cars to the Foxes Lane Roundabout and removed the trespassers from the area.

It was clear that without correct and responsible security there would be no safety on our local which is directly across road from the Bluesfest. I wrote to the BSC Manger for a meeting to have the problem fixed, this last manager unlike the former Mr. Faulkner does not appear to know the rules of engagement relating to councils and did not respond for three months, I then went and had lawyer Mr. Quigley (now deceased) write a letter of explanation for receiving no reply to my letters, a month passed and another letter was sent off, again a month passed and no reply. I decided that the Manager needed to learn some rules and made an application to the Ombudsman to have that done. The result was that the manager was ordered to apologize to me for the noncompliance to the rules of response that Councils have to letters that describe serious problems. I have the letter of apology here dated 21 November 2016 signed not by the Manager but by Wayne Bertram who the manager knew was retiring in the next couple of weeks. This letter from Bertram states that Council would work with the Festival to ensure they comply with the terms of the approval and subsequent Event Management Plan. In other words the letter was saying the Festival was Non Compliant and had to be managed. A copy of that letter is included in this transmission.

From the hand delivered letter it is indicative that the Bluesfest is informing residents that they will implement paid parking at the 2018 Bluesfest and are making arrangements as I write to that end without having approval to remove **Condition 59**. There appears to be no time for the approval to be processed because of the late filing of the DA, and the time required for the matter to go before council for approval. **Furthermore we have been unable to obtain a copy or to read the submitted DA** on public exhibition because the site that BSC has set up is corrupt this has been verified to me on Friday morning by the Lobby Staff manning the temporary lobby in the washroom area of BSC. The staff member had trouble trying to get the DA information on the desktop computer and when I started to read it it suddenly vanished. When I asked for a readable copy of the DA I was told that that was illegal and not possible. Are we supposed to put in a Formal Submission to this proposed DA ? without being capable to view the contents of what we are placing the submission on? This is outrageous with just a week to go before the Public Exhibition terminates. **Most people do not even know what this DA is about or what the Condition 59 is about** and the preparations are already being prepared by the Bluesfest operator. Is there some already done arrangement with Council that this will be approved? Something is wrong with this application, BSC knows no one can get the documents but refuses to provide one when asked even if I agreed to pay for the copying., no attempt that we know has been made to correct the BSC corrupt computer website to date, no attempt has been made to close the

Exhibition Period and have it restarted, and all this with the Bluesfest three (3) weeks away?

I have spoken to my neighbor Robert Bashforth and he instructed me that he had called Council that he could not get into the site to retrieve the DA, he said with that he cannot make a submission and they have to restart the process after they fix the website.

I have contacted the Grey's Lane group who are unaware of this major change to the traffic situation, the spokesman said they are the ones that will feel the change immediately and he said he knew nothing about this DA being on public display, they will motivate on this issue quickly as they are greatly affected as we are here t the Foxes Lane area.

Since the Police have indicated in past reports that they do not have the manpower to patrol and control Bluesfest general area and compliance in the past have been marginal to non existent as per the BSC letter from Wayne Betram and there has been marginal non compliance to the agreed BSC Andrew Hill letter dated 9/02/2017 on Item 2, 4 and 5 it is imperative that the security system has to be **reinforced and not downgraded** by removing the very tool insisted by BSC that has produced some security relief and that tool was and is **Condition 59**.

This is a partial submission as I have not had the opportunity to view the document. I will be providing a further submission when I get the information I require from the DA document that at the moment seems to be encased in concrete and kept out of view.

The way this DA has been advertised and operated with the faulty website and the short notice 4 weeks before the Paid parking is supposed to start at the Bluesfest, has all the ear markings of an successful appeal against BSC should this **Condition 59** be removed.

This DA has to be closed and restarted after all systems are working to ensure everyone can look and digest the information on the DA unless this is the new way to stop ratepayers from speaking out by asking to provide a submission and comment on something they cannot see.

Please ensure that a copy of this gets to the Legal Department as there will be future implications if this application is allowed to proceed given that the viewing period has more than half elapsed without allowing viewing of the DA. This is a step worse than the **Five Minute Clock in the Council Chambers** in destroying democracy in BSC.

O.T. Baggio MIEAust CPEng (Ret)
36 Foxes Lane Tyagarah
NSW
2481



9 February 2017

Mr O T Baggio
Pacific Highway
TYAGARAH NSW 2481

Dear Mr Baggio

Concerns in regards to Bluesfest and the management of Foxes Lane.

At 3pm on Thursday 2 February 2017 you met with Acting Community Enforcement Supervisor Andrew Hill at the Byron Shire Council administration office, 70-90 Station Street Mullumbimby.

During the course of that meeting you were given the opportunity to provide Mr Hill with a list of demands to put to the Bluesfest organisers and that list comprised the following.

- A. The "no parking zone" in Foxes Lane is to be enforced.
- B. Barriers and lighting at the entrance of Foxes Lane.
- C. There must be a presence at the entrance of Foxes Lane between midday and 2am during the course of the festival.

After discussions with Bluesfest organisers the following agreement has been reached.

- 1. Ensure that barriers are placed at the entrance of Foxes Lane during the course of the festival.
- x 2. The barriers will be manned in order to vet motor vehicle access to Foxes Lane between the hours of midday to 2am during the course of the festival.
- 3. Foxes Lane will be a no parking zone.
- 4. Regular security patrols will visit Foxes Lane.
- 5. Council staff will also patrol Foxes Lane during the course of the festival to enforce the no parking zone and check security.

Should you require any further information, please contact the undersigned on Ph (02) 6626 7064 or email council@byron.nsw.gov.au

Yours faithfully

Andrew Hill
Acting Community Enforcement Supervisor
Sustainable Environment & Economy



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
DX20007 Mullumbimby E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
www.byron.nsw.gov.au ABN: 14 472 131 473



BSC File No: #E2016/101503
Your ref: DQ16251

21 November 2016

Darryl Quigley Partners Lawyers
PO BOX 2098
BYRON BAY NSW 2481

Dear Mr Quigley,

Response to concerns - Mr. O.T Baggio Bluesfest 2017 Security Arrangements

First let me apologise for the delay in responding to your correspondence of the 12 September 2016.

Council has reviewed the information provided with your correspondence and the previous development approvals for this property. Where the Festival Organiser continues to use the previous approved Development Consent for the Bluesfest event, Council will work with the Festival Organiser to ensure that they comply with the terms of their approval and the subsequent Event Management Plan.

Where the Festival Organiser proposes to enact Development Application No. 10.2014.753.1 they will be required to provide a new Event Management Plan as required by condition 60 and specifically Clause 60 j) which requires:

Details on a regular security guard surveillance service (day and night) for the Tyagarah airfield, adjoining wreckers yard, Grays Lane, Fox Lane and the site boundary with adjoining properties to the north (Lot 103) and south (Lot 105).

Council has already advised the Bluesfest Management of the community's concerns regarding the provision of security guard surveillance services and requested that they liaise with surrounding residents before the final Event Management Plan is completed to ensure that adequate security services are provided for future events.

I hope that this information meets your needs however should you require any further information regarding this matter please do not hesitate to contact Mr Andrew Hill, Council's Community Enforcement Officer on (02) 6626 7107

Yours sincerely

Wayne Bertram
Manager Sustainable Development.



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