

## Enforceable Undertaking

This is an Enforceable Undertaking given under Section 9.5 of the *Environmental Planning and Assessment Act 1979 (NSW)* (**EP&A Act**) by Billinudgel Property Pty Ltd (ACN 121 777 599).

### 1.0 Person(s) giving the Undertaking

This Undertaking is given to the Secretary, Department of Planning and Environment (**the Secretary**) by Billinudgel Property Pty Ltd ACN 121 777 599 (Company), for the purposes of section 9.5 of the EP & A Act .

### 2.0 Background

Billinudgel Property owns and operates a cultural arts and music venue trading as North Byron Parklands in Byron Shire, Northern NSW. The venue hosts outdoor events with ancillary camping and car parking including two large events called Splendour in the Grass and Falls Festival Byron.

In relation to the most recent Splendour in the Grass event, on the afternoon and evening of Thursday 21 July 2022 camper traffic queues exceeded the onsite venue traffic queuing capacities resulting in traffic congestion occurring in both directions on Tweed Valley Way and the Yelgun Interchange on and off ramps in both directions. A subsequent Traffic Evaluation Report determined the event did not comply with the traffic requirements stipulated in consent condition D27 (development Consent SSD 8169).

The Company formally notified the Department of this non-compliance as required under consent condition E5 on 9 August 2022. Further, it is acknowledged by the Company that the traffic queuing resulted in short term, but significant traffic delays experienced by the wider local community including school children travelling home from school on Thursday 21 July 2022.

In response to the department's investigation, the Company has:

- a) acknowledged that its conduct contravened Section 9.5 of the *Environmental Planning and Assessment Act 1979 (NSW)*, and
- b) offered this Undertaking to the Secretary and/or the Department.

### 3.0 Commencement of this Undertaking

This Undertaking comes into effect when:

- (a) this Undertaking is executed by the Company, and
  - (b) this Undertaking so executed is accepted by the Planning Secretary of the Department or delegate.
- (the Commencement Date).

## 4.0 Undertaking

The Company undertakes for the purposes of section 9.5 of the Act that it will:

4.1 Donate the sum of \$10,000 to each of the following beneficiaries (primary/secondary schools) located within a 10km radius of the venue. The following beneficiaries fall within this catchment:

- a. Pocket Public School
- b. Brunswick Heads Public School
- c. Mullumbimby Public School
- d. Burringbar Public School
- e. Ocean Shores Public School
- f. Crabbes Creek Public School
- g. Bogangar Public School
- h. St Ambrose Catholic Primary School Pottsville
- i. Shearwater, the Mullumbimby Steiner School
- j. St John's Primary School Mullumbimby

The funds are to be spent at the discretion of each school on goods and services that support and improve learning outcomes for their students.

- I. The payments will be made to each beneficiary within 4 weeks of the commencement of Term 1 2023. This is in accordance with the NSW public school timetable, where Term 1 commences on Friday 27<sup>th</sup> January 2023.
- II. The payments will be made directly into the nominated bank account of the beneficiaries and as detailed in Annexure A.

### *Budgeting and Finance*

- III. The beneficiaries have agreed to produce invoices and/or orders of goods or services as detailed in Annexure A to the Company within 6 months of receipt of funds.
  - IV. The Company shall provide a status report of this Undertaking to the Department within six (6) months of the Commencement Date.
- 4.2 Correspondence from the above beneficiaries is annexed to this Undertaking and marked "Annexure A".

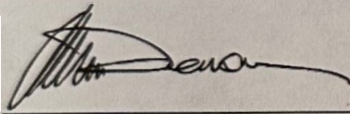
## 5.0 Acknowledgments

The Company acknowledges that:

- a) the Secretary and/or the Department will make this Undertaking publicly available including by publishing it on the Department's public register of section 9.5 undertakings on its website
- b) the Secretary and/or the Department will, from time to time, make public reference to this Undertaking including in news media statements and in department's publications
- c) this Undertaking in no way derogates from the rights and remedies or liabilities available to or affecting any other person arising from the alleged conduct, and
- d) the Department is not barred from future enforcement or other actions arising as a result of any contraventions or incidents in the future, including with respect to the enforcement of this undertaking.

### Executed as an Undertaking

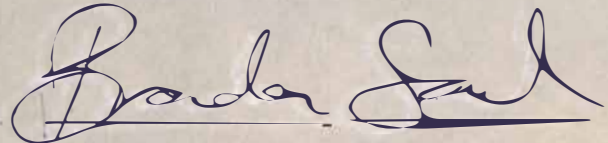
Executed by Billinudgel Property Pty Ltd ATF the Billinudgel Property Trust [121 777 599] pursuant to section 127(1) of the Corporations Act 2001 by:



Signature of Director

JESSICA DUCROU

Print full name



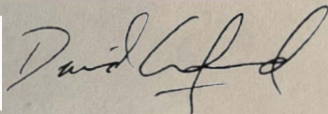
Signature of Director/Company Secretary

BRANDON SAUL

Print full name

Accepted by the Planning Secretary of the Department Planning and Environment pursuant to Section 9.5 of the Environmental Planning and Assessment Act 1979 on

and signed on behalf of the Department:



Planning Secretary or Delegate

Date 15 December 2022



# The Pocket Public School

02 6684 5226  
The Pocket Road  
THE POCKET NSW 2483  
[thepocket-p.school@det.nsw.edu.au](mailto:thepocket-p.school@det.nsw.edu.au)  
[www.thepocket-p.schools.nsw.edu.au](http://www.thepocket-p.schools.nsw.edu.au)

6 December 2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including The Pocket Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress caused to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds The Pocket Public School provides the following details for your records. The Pocket Public School will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

**North Byron Parklands School Donation  
Program 2023**



<b>School Name</b>	The Pocket Public School
<b>School Address</b>	541 The Pocket Road, The Pocket 2483
<b>Contact Person</b>	Will Glasson
<b>Email Address</b>	<a href="mailto:thepocket-p.school@det.nsw.edu.au">thepocket-p.school@det.nsw.edu.au</a>
<b>Phone Number</b>	02 6684 5226
<b>Bank Account Name</b>	TBA
<b>BSB and Account</b>	TBA

Yours Sincerely

Pauline Ryan  
School Administrative Manager



**Ocean Shores Public School**

166 Shara Boulevard , Ocean Shores North, NSW 2483

Tel: 02 6680 2766 Fax: 02 6680 2764

www.oceanshore-p.schools.nsw.edu.au

Friday 2<sup>nd</sup> December 2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Ocean Shores Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these fund Ocean Shores Public School provides the following details for your records. Ocean Shores Public School will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

**North Byron Parklands School Donation Program 2023**



<b>School Name</b>	Ocean Shores Public School	
<b>School Address</b>	Shara Boulevard, Ocean Shores NSW 2483	
<b>Contact Person</b>	Cindy Sadler	
<b>Email Address</b>	<a href="mailto:Cindy.sadler@det.nsw.edu.au">Cindy.sadler@det.nsw.edu.au</a>	
<b>Phone Number</b>	(02) 66802766	
<b>Bank Account Name</b>	Ocean Shores Public School P&C	
<b>BSB and Account</b>	BSB: 728 728	Account No: 2221 4576

Yours Sincerely

Cindy Sadler  
Principal



MULLUMBIMBY PUBLIC SCHOOL  
Morrison Avenue, (PO Box 122) Mullumbimby, 2482  
Telephone: (02) 6684 2373  
Email: [mullumbimb-p.school@det.nsw.edu.au](mailto:mullumbimb-p.school@det.nsw.edu.au)  
Principal: David Lees

08/12/2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Mullumbimby Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress caused to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds, Mullumbimby Public School provides the following details for your records. Mullumbimby Public School will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

**North Byron Parklands School Donation Program 2023**

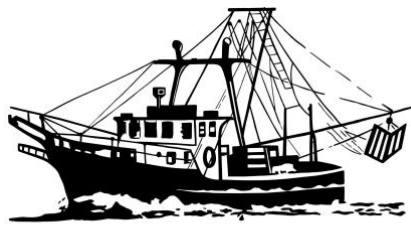


<b>School Name</b>	Mullumbimby Public School
<b>School Address</b>	5 – 21 Morrison Avenue, Mullumbimby, NSW, 2482
<b>Contact Person</b>	David Lees / Tracey Hannon
<b>Email Address</b>	<a href="mailto:mullumbimb-p.school@det.nsw.edu.au">mullumbimb-p.school@det.nsw.edu.au</a>
<b>Phone Number</b>	02 6684 2373
<b>Bank Account Name</b>	Mullumbimby Public School
<b>BSB and Account</b>	

Yours Sincerely,

David Lees  
Principal





I LOVE MY **Brunswick Heads** Public School

**Brunswick Heads Public School**

12 Fingal Street Brunswick Heads 2483 Phone: 6685 1204

[www.brunswickh-p.schools.nsw.edu.au](http://www.brunswickh-p.schools.nsw.edu.au)

email: [brunswickh-p.school@det.nsw.edu.au](mailto:brunswickh-p.school@det.nsw.edu.au)

**Principal:** Jodi Ridgway (Relieving)

2.12.22

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Brunswick Heads Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these fund Brunswick Heads Public School provides the following details for your records. Brunswick Heads Public School will also forward copies of all invoices and/or receipts with respect to good and services purchased with these funds.

**North Byron Parklands School Donation Program 2023**



<b>School Name</b>	Brunswick Heads Public School
<b>School Address</b>	12 Fingal Street, Brunswick Heads
<b>Contact Person</b>	Jodi Lambert
<b>Email Address</b>	Jodi.lambert3@det.nsw.edu.au
<b>Phone Number</b>	0266851204
<b>Bank Account Name</b>	Refer to sales order - 10143667
<b>BSB and Account</b>	Refer to sales order

Yours Sincerely

Jodi Ridgway  
Principal



# St John's Primary School Mullumbimby

11 Murwillumbah Road  
(P.O Box 358) Mullumbimby NSW 2482  
Ph: 0266 842 386  
[sjpmull@lism.catholic.edu.au](mailto:sjpmull@lism.catholic.edu.au)  
[www.mbyplism.catholic.edu.au](http://www.mbyplism.catholic.edu.au)

## Re: Parklands \$10,000 School Donation Program

2/12/2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

Thank you for including St John's Primary School in the Parklands School Donation Program, which acknowledges the inconvenience and stress caused to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds St John's Primary School provides the following details for your records. St John's Primary School will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

North Byron Parklands School Donation Program 2023	
School Name	St John's Primary School
School Address	11 Murwillumbah Rd, Mullumbimby NSW 2482
Contact Person	Dave Bermingham
Email Address	david.bermingham@lism.catholic.edu.au
Phone Number	0266842386
Bank Account Name	St John's Primary School Maintenance Account
BSB and Account	BSB: 062578                      Account: 00900856

Yours Sincerely

David Bermingham  
Principal





6 December 2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Shearwater, the Mullumbimby Steiner School in the Parklands School Donation Program, which acknowledges the inconvenience and stress caused to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds, Shearwater, the Mullumbimby Steiner School provides the following details for your records. Shearwater, the Mullumbimby Steiner School will also forward copies of all invoices and/or receipts with respect to good and services purchased with these funds.

North Byron Parklands School Donation Program 2023	
<b>School Name</b>	Shearwater, the Mullumbimby Steiner School
<b>School Address</b>	349 Left Bank Road, Mullumbimby NSW 2482
<b>Contact Person</b>	James Goodlet
<b>Email Address</b>	<a href="mailto:hos@shearwater.nsw.edu.au">hos@shearwater.nsw.edu.au</a>
<b>Phone Number</b>	02 6684 3223
<b>Bank Account Name</b>	Shearwater Steiner School
<b>BSB and Account</b>	BSB: 082 522 Account: 3893 53348

Yours Sincerely,

James Goodlet  
Head of School



1 Charles Street, Pottsville 2489 | P.O. Box 326, Pottsville NSW 2489  
W: [sapotlism.catholic.edu.au](http://sapotlism.catholic.edu.au) E: [sapot@lism.catholic.edu.au](mailto:sapot@lism.catholic.edu.au) P: (02) 6676 0099

6th December 2022  
North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483  
Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including St Ambrose Catholic Primary School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds St Ambrose provides the following details for your records.

St Ambrose will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

**North Byron Parklands School Donation Program 2023**



<b>School Name</b>	St Ambrose Primary School
<b>School Address</b>	1 Charles Street, Pottsville NSW 2489
<b>Contact Person</b>	Mr Brian Laybutt
<b>Email Address</b>	<a href="mailto:sapot@lism.catholic.edu.au">sapot@lism.catholic.edu.au</a>
<b>Phone Number</b>	02 6676 0099
<b>Bank Account Name</b>	Commonwealth
<b>BSB and Account</b>	BSB: 062-643 Account Number: 10057044

Yours Sincerely

Brian Laybutt  
PRINCIPAL

8 December 2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Bogangar Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these fund Bogangar Public School provides the following details for your records. Bogangar Public School will also forward copies of all invoices and/or receipts with respect to good and services purchased with these funds.

**North Byron Parklands School Donation  
Program 2023**

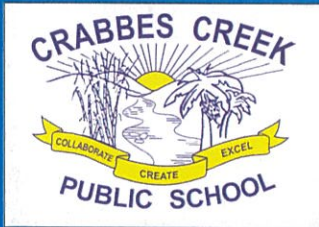


<b>School Name</b>	Bogangar Public School
<b>School Address</b>	123-147 Tweed Coast Road, Bogangar
<b>Contact Person</b>	Muriel Kelly
<b>Email Address</b>	<a href="mailto:Bogangar-p.school@det.nsw.edu.au">Bogangar-p.school@det.nsw.edu.au</a>
<b>Phone Number</b>	02 6676 2755
<b>Bank Account Name</b>	As per phone conversation – Sales Order to be processed
<b>BSB and Account</b>	

Yours Sincerely

A handwritten signature in blue ink that reads "Muriel Kelly".

Mrs Muriel Kelly – Principal



# Crabbes Creek Public School

**Be Proud - Be Respectful - Be a Learner**

8 December 2022

North Byron Parklands  
126 Tweed Valley Way  
Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

**Re: Parklands \$10,000 School Donation Program**

Thank you for including Crabbes Creek Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

To access these funds Crabbes Creek Public School provides the following details for your records. Crabbes Creek Public School will also forward copies of all invoices and/or receipts with respect to goods and services purchased with these funds.

**North Byron Parklands School Donation Program 2023**



<b>School Name</b>	Crabbes Creek Public School
<b>School Address</b>	22 Crabbes Creek Road, Crabbes Creek, NSW 2483.
<b>Contact Person</b>	Brev Belleville
<b>Email Address</b>	crabbescrk-p.school@det.nsw.edu.au
<b>Phone Number</b>	0266 771 125
<b>Bank Account Name</b>	NA
<b>BSB and Account</b>	NA

Yours Sincerely

Brev Belleville – Principal.

*Brev Belleville 8/12/22.*



# Burringbar Public School

Excellence in Education

8 December 2022

North Byron Parklands

126 Tweed Valley Way

Yelgun NSW 2483

Att: Mat Morris

Dear Mat,

## Re: Parklands \$10,000 School Donation Program

Thank you for including Burringbar Public School in the Parklands School Donation Program, which acknowledges the inconvenience and stress causes to some of our students, staff and student parents regarding the traffic congestion caused by Splendour in the Grass 2022 on Thursday 21 July 2022.

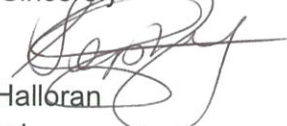
To access these fund Burringbar Public School provides the following details for your records. Burringbar Public School will also forward copies of all invoices and/or receipts with respect to good and services purchased with these funds.

### North Byron Parklands School Donation Program 2023



<b>School Name</b>	Burringbar Public School
<b>School Address</b>	59 Burringbar Road Burringbar
<b>Contact Person</b>	Peter Halloran
<b>Email Address</b>	Burringbar-P.school@det.nsw.edu.au
<b>Phone Number</b>	026677 1469
<b>Bank Account Name</b>	Burringbar Public School
<b>BSB and Account</b>	See <a href="mailto:EdconnectAccountsreceivable@det.nsw.edu.au">EdconnectAccountsreceivable@det.nsw.edu.au</a> - School Code 144901

Yours Sincerely

  
Peter Halloran  
Principal



Billinudgel Property Pty Ltd  
ACN: 121 777 599  
Trading as North Byron Parklands  
Att: Mr Mat Morris  
General Manager  
PO Box 517  
BANGALOW NSW 2479

18 May 2023

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**Subject: North Byron Parklands - SSD-8169 - Enforceable Undertaking**

Dear Mr Morris,

I refer to the Enforceable Undertaking dated 15 December 2022 (**'the EU'**) issued under Section 9.5 of the *Environmental Planning and Assessment Act 1979* by the NSW Department of Planning and Environment (**'NSW Planning'**) to Billinudgel Property Pty Ltd in relation to State Significant Development 8169 (**'the Consent'**) for the North Byron Parklands Cultural Events Site project.

Once accepted by the Planning Secretary, a company or individual is obligated to carry out the specific activities outlined in the EU. Further, an EU will remain in force until such a time as NSW Planning has notified the company or individual in writing that the Planning Secretary is satisfied the specific obligations outlined in the EU have been discharged.

The EU was accepted by NSW Planning as an appropriate regulatory outcome concerning the failure for the Splendour in the Grass 2022 event to comply with the traffic requirements stipulated in Condition D27 of the Consent.

NSW Planning has reviewed the EU and the information provided in the EU status report submitted to NSW Planning on 24 February 2023 and is satisfied that Billinudgel Property Pty Ltd has discharged the specific obligations outlined in the EU.

The EU will remain on the Public Register. A copy of this letter will also be uploaded to the Public Register to inform the community of the status of the the EU.

If you wish to discuss the matter further, please contact me on 02 6670 8652.

Yours sincerely

*Nick Ballard*

Nick Ballard – A/Team Leader Far North Region – Compliance

As nominee of the Planning Secretary