

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Independent Planning Commission (the Commission) of New South Wales, approves the modification of the concept approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Prof Richard Mackay AM (Chair)
Commission Member

Andrew Hutton
Commission Member

Catherine Hird
Commission Member

Sydney

13 March 2019

File: OBJ16/16117

SCHEDULE 1

Concept Approval:	MP 09_0028 granted by the Minister for Planning on 24 April 2012
For the following:	Cultural Events Site, comprising: <ul style="list-style-type: none">• use of the site for cultural, educational and outdoor events with ancillary camping and car parking;• temporary event infrastructure;• a spine road;• a water treatment plant;• a wastewater treatment plant;• a cultural centre;• a conference centre and associated accommodation; and• a comprehensive vegetation management plan.
Proponent:	Billinudgel Property Pty Ltd
Consent Authority:	Minister for Planning
Land:	Tweed Valley Way and Jones Road, Yelgun
Modification (MOD 3):	Minor amendments to accommodate SSD 8169 and facilitate the continued use of the site for cultural, educational and outdoor events following the trial period.

SCHEDULE 2

This approval is modified as follows:

In Schedule 1

1. Delete the "Land:" section and replace with the following:

Land: 126 Tweed Valley Way, Yelgun
Lot 1 DP 1145020; Lot 46, 402, 403, 404 & 410 DP 755687; Lot 2 & 12 DP 848618; Lot 101 DP 856767; Lot 30 DP 880376; Lot 100 & 101 DP 1178907; Lot 101, 102 & 107 DP 1001878; Lot 12 & 14 DP 875112; Lot 312 DP 1163830; Lot 21 DP 1169952; Lot 4 DP 821947; Lot 11 DP 1192842; Lot 34 DP 755721 – Byron and Tweed local government areas

2. Delete "Part B – Definitions" and replace with the following:

PART B – DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Camper arrival day for a trial event means the day immediately before the first event day, being a day on which camper patrons are permitted to arrive at the site.

Camper departure day for a trial event means the day immediately after the last event day, being a day on which camper patrons are permitted to depart from the site.

Council means Byron Shire Council.

Department means the NSW Department of Planning and Environment.

Event Day means an advertised date on the face of an outdoor event entry ticket (or other advertised event date in the case of minor community events).

Large trial event is an outdoor trial event with between 25,000 and 35,000 patrons.

Medium trial event is an outdoor trial event with between 15,000 and 25,000 patrons.

Minister means the NSW Minister for Planning (or delegate).

Minor community event is an outdoor trial event of up to 1,500 patrons that is non-music focussed, provides an educational purpose or cultural experience for the community, is consistent with the Parklands general management controls and the terms and conditions of this Concept Plan and Project Approval MP 09_0028, and operates between the hours of 9:00am to 10:30pm. Minor Community Events do not include motocross, monster trucks and similar motorised racing events.

Patron means anyone who holds a ticket to attend an outdoor event, excluding complimentary tickets.

Project means the project as described in Schedule 1 of this approval.

Proponent means Billinudgel Property Pty Ltd, or any person carrying out any development to which this approval applies.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Secretary means the Planning Secretary under the Act, or nominee.

Site has the same meaning as the land identified in Schedule A of this approval.

Small trial event is an outdoor trial event with between 10,000 and 15,000 patrons.

Trial period means the period of time when trial events (including small, medium and large trial events) can be held at the site in accordance with Term B2 1) of this approval.

In Schedule 2: Part A – Terms of Approval

3. Delete Term A1 and replace with the following:

A1 Concept plan approval

- 1) Concept approval is granted to use the site for the following:
- (a) outdoor, cultural or educational events with ancillary event camping and car parking;
 - (b) temporary event infrastructure;
 - (c) a cultural centre;
 - (d) a conference centre and associated accommodation, including:
 - i) a capacity of up to 180 attendees per day; and
 - ii) accommodation for up to 120 guests per day;
 - (e) an administration building;
 - (f) a spine road;
 - (g) a water treatment system;
 - (h) a wastewater treatment system; and
 - (i) a comprehensive vegetation management plan.
4. Insert new items (i), (j) and (k) within Term A2 as follows:
- (i) *North Byron Parklands Cultural Events Site – Environmental Impact Statement*, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated December 2017;
 - (j) *North Byron Parklands Cultural Events Site – Response to Submissions*, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated July 2018; and
 - (k) *North Byron Parklands Cultural Events Site – Response to Submissions Addendum*, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated September 2018.
5. Delete Term A3 and replace with the following:

The Proponent must carry out the concept plan and all related future development applications in accordance with the plans outlined in **Table 1**.

Table 1: Structure Plans

Structure Plans prepared by Design Team Ink, updated by Planners North		
Job No.	Title	Date
1287.1694	Proposed Land Use Structure Plan	November 2017
1287.1694	Proposed Ecological Structure Plan	November 2017

6. In Term A4, delete item c) and replace with the following:
- c) this approval and the Management and Mitigation Measures (at Schedule 3), this approval prevails to the extent of the inconsistency.

In Schedule 2: Part B – Modifications to the Concept Plan

7. Delete Term B4.

In Schedule 2: Part C – Requirements for Future Applications

8. Delete Term C1 and replace with the following:

C1 Future outdoor events

- 1) Concept approval is given for future outdoor events for up to 50,000 patrons per event day.
- 2) The performance of previous outdoor events held at the site must be addressed as part of any development application under Part 4 for future outdoor events.
- 3) Any development application for future outdoor events under Part 4 must be accompanied by an environmental management and monitoring plan that details the management strategies, monitoring regimes and regular reporting on the following matters:
 - noise
 - traffic and transport
 - flora and fauna
 - bushfire
 - flood
 - surface water
 - event management.

In Schedule 3

9. Delete Schedule 3 and replace with the following:

**SCHEDULE 3
MANAGEMENT AND MITIGATION MEASURES**

Source: *North Byron Parklands Cultural Events Site – Response to Submissions*, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated July 2018

Table 2: Management and mitigation measures

Aspect	Mitigation Measure
<p><i>Environmental, Health & Safety (EH&S) Management</i></p>	<ul style="list-style-type: none"> • Update and subsequently implement the Environmental Health and Safety Management System/Manual (EHSMS/EHSMM). The manual would include (amongst other things): <ul style="list-style-type: none"> ○ EH&S policy; ○ EH&S aspects and risk assessment; ○ legislative and other requirements; ○ objectives, targets and key performance indicators (KPIs); ○ management plans and standards; ○ roles and responsibilities; ○ training and awareness; ○ non-conformance and corrective action; ○ reporting and auditing; and ○ management review; • Update and subsequently implement the Event Management Plan¹, to manage events and associated social issues. The plan would include (amongst other things): <ul style="list-style-type: none"> ○ Occupational Health & Safety (OH&S) Management Plan; ○ Event Emergency Evacuation Plan; ○ Medical Plan; ○ Camping Management Plan (for applicable events); and ○ Temporary Structures Plan; • Continue to prepare annual Performance Reports, and to publish the reports on Parklands' website. The reports would include detail on: <ul style="list-style-type: none"> ○ events held during the reporting period; ○ monitoring results; ○ complaints to the Community Hotline; ○ compliance with the consent conditions; ○ measures that have or will be undertaken to address identified issues and/or improve environmental performance; • Update and subsequently implement all management plans and monitoring programs (see above and below) in consultation with applicable authorities and the Regulatory Working Group (RWG), and to the satisfaction of the Department; • Undertake regular independent audits of the EHSMS and development, in accordance with the provisions of the EHSMS and/or the development consent; • Notify the Department and any other relevant agencies of any incident that occurs in relation to events or operation of the site. Such incidents would include any set of circumstances that breaches or exceeds the limits or criteria in the development consent, or that otherwise causes (or threatens to cause) material harm to the environment; • Maintain the RWG to oversee and advise on the performance of the events. The RWG would comprise representatives from applicable government authorities and the community, and an independent chairperson. The RWG would meet at least twice per year, and the minutes of RWG meetings would continue to be published on Parklands' website; • Increase capacity of the proposed large event (ie. Splendour in the Grass) to 42,500 patrons and then 50,000 patrons, only following demonstrated compliance with the traffic-related KPIs (see below) to the satisfaction of the Department.
<p><i>Noise and Vibration</i></p>	<ul style="list-style-type: none"> • Manage the noise emissions from the project to comply with the existing noise limits at all times (as identified in Table 6.3 of the EIS), for all receivers apart from those with negotiated noise agreements;

¹ A master Event Management Plan is proposed to be developed, with event-based plans to be prepared for each event based on the approved master plan.

Aspect	Mitigation Measure
	<ul style="list-style-type: none"> • Update and subsequently implement the Noise Management Plan, to minimise and manage noise impacts associated with the project. The plan would include a range of noise mitigation and management measures, including: <ul style="list-style-type: none"> ○ at-source acoustic attenuation measures; ○ speaker array controls; ○ adaptive noise management via the Noise Control Coordination Centre (NCCC); ○ noise complaint monitoring and response via the Community Hotline; and ○ noise impact reporting; • Update and subsequently implement the Acoustic Monitoring Program, that includes amongst other things: <ul style="list-style-type: none"> ○ attended monitoring at sensitive receiver locations for all medium and large events, and/or in response to calls to the Community Hotline; ○ continuous unattended monitoring before, during and after all medium and large events (unless otherwise authorised by the Department); ○ implementation of the NCCC for all medium and large events, which includes: <ul style="list-style-type: none"> ▪ real-time monitoring of noise levels for all stages; ▪ monitoring of local meteorological conditions; and ▪ liaison between the NCCC, Community Hotline personnel, stage managers and production personnel.
<i>Visual and Lighting</i>	<ul style="list-style-type: none"> • Continue implementation of the habitat restoration and revegetation works under the Ecological Structure Plan (as part of the Flora and Fauna Management Plan), with revegetation to focus (in part) on screening views from sensitive receiver locations to the event areas; • Paint the proposed reservoir and other associated infrastructure in forest tones to blend in with surrounding vegetation, and minimise vegetation clearing around the infrastructure; • Manage external lighting in accordance with <i>AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting</i> (or its latest version); • Manage external lighting to minimise direct lighting of surrounding bushland areas as far as practicable and within public safety constraints; and • Consult closely with surrounding landowners in relation to outdoor events on site, in accordance with the Community Engagement Plan.
<i>Air Quality and Greenhouse Gases (GHG)</i>	<ul style="list-style-type: none"> • Update and subsequently implement the: <ul style="list-style-type: none"> ○ Construction Environmental Management Plan, including measures to minimise dust emissions during construction works; ○ Event Management Plan, including measures to minimise dust and air emissions during events, including continued use of water carts; ○ Wastewater Management Plan, including measures to ensure the appropriate management of wastewater and minimise generation of odours; and ○ Waste Management Plan, including measures to ensure the appropriate management of solid waste; and • Implement measures to minimise GHG emissions, including: <ul style="list-style-type: none"> ○ minimising traffic (especially single occupant car travel) as far as practicable, in accordance with the Transport Management Plan; ○ continuing on-site tree planting and vegetation management programs, in accordance with the Flora and Fauna Management Plan; and ○ continuing to encourage GHG offsetting options for events, in accordance with the Event Management Plan.
<i>Ecology</i>	<ul style="list-style-type: none"> • Update and subsequently implement the Flora and Fauna Management Plan, to manage direct and indirect impacts on biodiversity². The plan would include (amongst other things):

² It is proposed to consolidate the existing Flora and Fauna Management Plan, and Vegetation and Biodiversity Management Plan, into a single management plan.

Aspect	Mitigation Measure
	<ul style="list-style-type: none"> ○ a habitat restoration program in accordance with a detailed Ecological Structure Plan, which would complete and/or maintain: <ul style="list-style-type: none"> ▪ 5.9 hectares of habitat connecting forest blocks north of Jones Road and improving the Marshalls Ridge wildlife corridor; ▪ 12.9 hectares of habitat with constructed wetlands in the southern car park providing a buffer to the Billinudgel Nature Reserve and the SEPP-listed wetland; and ▪ a 10 metre vegetated buffer around the southern side of the farm dam in the vicinity of the conference centre and car park (where this does not affect bushfire hazard); ○ a weed removal program; and ○ a strategy for minimising impacts on Billinudgel Mature Reserve and the SEPP (Coastal Management) 2018 listed wetland; • Update and subsequently implement the Koala Plan of Management (KPoM), in a manner that is consistent with the <i>Byron Coast Comprehensive KPoM</i> and SEPP 44; • Update and subsequently implement the Flora and Fauna Monitoring Program, to monitor incremental and cumulative impacts of events on biodiversity. The monitoring program would be generally consistent with the program identified in the Biodiversity Assessment (see Appendix C of the RTS); • Undertake further targeted surveys for the Eastern Grass Owl prior to construction of the south-east car park, and undertake incremental slashing of this area to allow any animals to escape; • Undertake pre-clearance surveys in the proposed road widening area associated with the conference centre development; and • Design and construct the permanent security fence in a manner that allows fauna movement, including hinged panels (every 5 or 6 panels), and a minimum 100 mm gap at the bottom of the fence.
<i>Heritage</i>	<ul style="list-style-type: none"> • Update and subsequently implement the: <ul style="list-style-type: none"> ○ Construction Environmental Management Plan, including measures to minimise and manage potential impacts on heritage sites during construction works; and ○ Event Management Plan, including measures to minimise and manage potential impacts on heritage sites during events; • Measures to be included in these plans would include: <ul style="list-style-type: none"> ○ protection of Aboriginal sites in proximity to the disturbance areas with human exclusion fencing during events, with appropriate security inspection/monitoring; ○ any signage referring to Aboriginal sites to be minimised, and undertaken only with the agreement of Aboriginal stakeholders; ○ appropriate training and induction of personnel; and ○ procedures for managing the discovery of any previously unidentified Aboriginal sites/objects.
<i>Traffic and Transport</i>	<ul style="list-style-type: none"> • Update and subsequently implement the: <ul style="list-style-type: none"> ○ Transport Management Plan, which would address all events on the site – from minor community events (ie. up to 1,500 patrons) to large events (ie. Up to 50,000 patrons) – as well as the operation of the conference centre, general site operations between events, and construction works (including the need for Roads Act approvals for external road works); ○ Traffic Monitoring Program, which would include provisions for monitoring of all large events; and ○ Traffic Control Plans, which would be prepared for each specific event, for all events from small community events to large events. • The plans would include detailed traffic and transport-related information and mitigation measures, including: <ul style="list-style-type: none"> ○ traffic generation; ○ access, internal circulation and parking; ○ on-site and off-site speed limits; ○ parking restrictions;

Aspect	Mitigation Measure
	<ul style="list-style-type: none"> ○ coming and going restrictions, particularly between 12pm and 5pm during large events; ○ directional signage; ○ traffic diversion, including promoting use of the Cudgera Creek and Brunswick Head Interchanges; ○ demand management, including transport incentives consistent with the existing measures and investigation of additional measures as outlined in Section 6.9.7 of the EIS; ○ bus services and facilities; ○ off-site traffic control, including on Jones Road and access gates, and the Link Road roundabouts for large events; ○ minimising impacts on local residents' access and local bus services and bus stop arrangements; ○ on-site traffic control; ○ monitoring of key roads and intersections, including the Yelgun Interchange; ○ monitoring of mode share; ○ consideration of traffic KPIs (see below); ○ communications and notifications, including for patrons, authorities, local residents and the general public; and ○ contingency plans, such as roundabout metering of the Yelgun Interchange during large events, or restrictions on camper departure rates; ● The plans would include, and be assessed against, a number of traffic-related KPIs, including: <ul style="list-style-type: none"> ○ minimum Level of Service (LoS) of C to be maintained at the Yelgun Interchange; ○ minimum LoS of D to be maintained along Tweed Valley Way in general across the day, with a maximum LoS of E for no more than 4 hours a day; ○ queue lengths on the link road between Tweed Valley Way and the Yelgun Interchange to be limited to a maximum of 60 metres; ○ queue lengths on the northbound off-ramp to be limited to a maximum of 210 metres (from the give way yield line); ○ on-site queuing is not to extend onto Tweed Valley Way or the Pacific Motorway; and ○ no appreciable impact on through traffic travel times on the Pacific Motorway.
<p><i>Infrastructure, Services and Waste</i></p>	<ul style="list-style-type: none"> ● Update and subsequently implement the Potable Water Management Plan, to manage and monitor potable water supply. The plan would include (amongst other things): <ul style="list-style-type: none"> ○ a description of the potable water supply system; ○ procedures for treating water in accordance with applicable drinking water standards; ○ a quality assurance program for monitoring water quality; and ○ measures for minimising water use on site; ● Update and subsequently implement the Wastewater Management Plan, to manage the onsite sewage management system. The plan would include (amongst other things): <ul style="list-style-type: none"> ○ a description of the on-site sewage management system, and effluent irrigation system; ○ procedures for treating and disposing wastewater in accordance with applicable standards and guidelines; ○ a wastewater and effluent irrigation monitoring program, including provision for continuous monitoring of wastewater quantity and quality; ○ a groundwater monitoring program, including provision for continuous monitoring during irrigation activities; and ○ an irrigation management plan ● Update and subsequently implement the Waste Management Plan, to minimise and manage waste generation (other than sewage waste) associated with the proposal; and ● Implement the proposed infrastructure and services upgrades in accordance with the staging as outlined in Section 4.1.6 of the RTS.

Aspect	Mitigation Measure
Hazards	<ul style="list-style-type: none"> • Update and subsequently implement the: <ul style="list-style-type: none"> ○ Event Management Plan, to manage events and associated hazards and risks. The plan would include (amongst other things): <ul style="list-style-type: none"> ▪ OH&S Management Plan; ▪ Event Emergency Evacuation Plan; ▪ Medical Plan; ▪ Camping Management Plan (for applicable events); and ▪ Temporary Structures Plan; ○ Fire Management Plan, Bushfire Management Plan and Bushfire Emergency Evacuation Plan, to manage structural and bushfire hazards and risks; and ○ Flood Risk Management Plan and Flood Evacuation Plan, to manage flood related hazards and risks; • Maintain asset protection zones (APZs) of at least 10 metres to unmanaged bushland on site; • Ensure dangerous goods and hazardous substances storage and handling on site is undertaken in accordance with the Dangerous Goods Code and <i>AS 1940-2004: The storage and handling of flammable and combustible liquids</i>; • Continue to monitor hazards and risks through the RWG, which includes representatives from the RFS, SES and NSW Police; • Continue to undertake hazards and incident simulations and exercises, in collaboration with emergency services authorities; and • Provide detailed security, medical, police and emergency service personnel during events (in accordance with the Event Management Plan), which would be funded by Parklands on a pay-for-service basis as required.
Social and Economics	<ul style="list-style-type: none"> • Update and subsequently implement the: <ul style="list-style-type: none"> ○ Event Management Plan, to manage events and associated social issues. The plan would include (amongst other things): <ul style="list-style-type: none"> ▪ OH&S Management Plan; ▪ Event Emergency Evacuation Plan; ▪ Medical Plan; ▪ Camping Management Plan (for applicable events); and ▪ Temporary Structures Plan; • Prepare and subsequently implement a Community Engagement Plan, to manage community stakeholder engagement and response. Amongst other things, the plan would include measures for improving the spread of patron visitation in local communities; • Maintain the RWG, including community representatives, to oversee and advise on the performance of the events. The minutes of RWG meetings would continue to be published on Parklands' website; • Provide detailed security, medical, police and emergency service personnel during events (in accordance with the Event Management Plan), which would be funded by Parklands on a pay-for-service basis as required; • Maintain the Community Hotline for managing and responding to complaints and enquiries; • Maintain the Litter Response Team for all medium and large events; • Continue to employ an environmental representative, community advocate and a community manager before, during and after each large and medium event; • Continue to prepare annual Performance Reports, and to publish the reports on Parklands' website; • Continue notifying and keeping the community and relevant authorities up to date about each event; • Continue to provide support for immediate neighbours, such as provision of complimentary tickets to applicable events (at the discretion of the event promoter); • Maintain the Parklands Community Grants Fund, to provide funding and in-kind support to community organisations and services; and

Aspect	Mitigation Measure
	<ul style="list-style-type: none"> • Provide contributions to Byron Shire Council in accordance with Council's planned 'Better Byron Fund'. To facilitate the contribution, Parklands proposes to enter into a Voluntary Planning Agreement (VPA) with Council (or other equivalent arrangement). The VPA is proposed to cover: <ul style="list-style-type: none"> ○ an ongoing contribution in the style of the visitor levy applicable to camping patrons. It is anticipated that funds generated from this arrangement would be expended in the northern part of Byron Shire, with the expenditure of such funds guided by the proposed panel type approach; and ○ service arrangements for assistance for Council ranger and inspection personnel.