

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the Concept Plan referred to in Schedule 1, subject to the conditions in Schedule 2.

**Member of the Commission**

Sydney

**Member of the Commission**

2016

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### SCHEDULE 1

- Application No:** MP 09\_0028 granted by the Minister for Planning on 24 April 2012.
- Proponent:** Billinudgel Property Pty Ltd
- For the following:** Cultural Events Site, comprising:
- 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.
- Modification:** MP09\_0028 MOD 3 modifies conditions to:
- amend the definitions to align with the Project Approval;
  - amend the conditions to allow minor community, non-music focussed events; and
  - other administrative amendments, including update of definitions and agency references.

## SCHEDULE 2

The above approval is modified as follows:

1. In Schedule 1, 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.

**BCA** means Building Code of Australia.

**Bump in** means a period in which temporary infrastructure is assembled prior to the commencement of an event.

**Bump out** means the period in which temporary infrastructure is dismantled at the conclusion of an event.

**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. .

**Complaints Register** means the complaints register established under Condition C5.

**Construction Certificate** means a construction certificate for bulk earthworks or civil works unless specified otherwise.

**Council** means Byron Shire Council.

**CPI** means Consumer Price Index.

**Department** means the Department of Planning and Infrastructure or its successors.

**EMC** Emergency Management Centre is the central emergency coordination centre for emergency management for larger events.

**Environmental Assessment** means the Environmental Assessment prepared by SJ Connelly CPP Pty Ltd and dated August 2010, including all appendices.

**Event Day** means an advertised date on the face of an event entry ticket. This does not include minor community events.

**Feasible and Reasonable** Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. **Feasible** relates to the capability of a work practice or abatement measure being put into practice (or of being engineered) and whether that measure is practical to build given project constraints such as safety and maintenance requirements. **Reasonable** relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements. These terms are further defined in OEH's *Noise Guide for Local Government 2010*.

**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 Minister for Planning and Infrastructure.

**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 and operates between the hours of 9:00am to 10:30pm.

**MOD 3 Application** means the Modification Application prepared by Planners North dated May 2015, including all appendices.

**MOD 3 Response to Submissions** means the Response to Submissions prepared by North Byron Parklands dated October 2015, including all appendices.

**OEH** means Office of the Environment and Heritage.

**Patron** means anyone who holds a ticket to attend an outdoor event;

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

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report** means the Preferred Project Report prepared by SJ Connelly CPP Pty Ltd dated February 2011.

**Proponent** means Billinudgel Property Pty Ltd or any party acting upon this approval.

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

**Regulatory Working Group and RWG** means the Group established in accordance with Condition C2.

**RFS** means Rural Fire Service.

**Secretary** means the Secretary of the Department of Planning and Environment.

**Sensitive Receiver** means a residence, education institution, health care facility and/or religious facility.

**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.

**Zone 1** as shown in Schedule 4 of this approval.

**Zone 2** as shown in Schedule 4 of this approval.

2. In Schedule 2, 'Part A – Terms of Approval', delete Condition A2 and replace with the following:

**A2 Project in Accordance with Documents**

The project is to be undertaken generally in accordance with the following documents:

- (a) *Environmental Assessment* prepared by SJ Connelly CPP Pty Ltd on behalf of Billinudgel Property Pty Ltd, dated August 2010;
- (b) *Reply to Submissions and Preferred Project Report* prepared by SJ Connelly CPP Pty Ltd on behalf of Billinudgel Property Pty Ltd, dated February 2011;
- (c) *Flood Risk Management Plan* prepared by Molino Stewart on behalf of North Byron Parklands (Billinudgel Property Pty Ltd), dated June 2011;
- (d) *Environmental Health and Safety Management Manual* prepared by North Byron Parklands, dated August 2010;
- (e) *S.75W Modification Application – North Byron Parklands – Modification Application in relation to Concept & Project Approval MP 09\_0028* prepared by Planners North on behalf of North Byron Parklands (Billinudgel Property Pty Ltd), dated May 2015; and
- (f) *North Byron Parklands – Response to Submissions* prepared by North Byron Parklands (Billinudgel Property Pty Ltd), dated October 2015.

3. In Schedule 2, 'Part A – Terms of Approval', delete Condition A3 and replace with the following:

**A3 Project in Accordance with Plans**

The proponent shall carry out the concept plan and all related future project applications generally in accordance with the following plans:

Design Drawings prepared by Design Team Ink			
Drawing No.	Revision	Name of Plan	Date
1.2		Event Area and Land Use Structure	13.10.14
1.3		Revised Ecological Structure Plan	14.12.10

4. In Schedule 2, replace all references to 'Director-General' with 'Secretary'.
5. In Schedule 2 'Part B – Modifications to the Concept Plan', delete Condition B1.
6. In Schedule 2, Condition B2, insert the following new conditions immediately after part 4):
  - 5) This approval permits FIVE minor community events within 12 months following the determination date of MOD 3.
  - 6) The approval of ongoing minor community events during the trial period is subject to the Proponent obtaining a further approval of the Secretary, following the consideration of the 'Performance Report for Minor Events' report required by Condition B7(7).

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**END OF MODIFICATION TO CONCEPT PLAN MP 09\_0028**