

OUT17/49632

Ms Pamela Morales
Industry Assessments
NSW Department of Planning and Environment

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Dear Ms Morales

**North Byron Parklands Cultural Events Site (SSD 8169 and MP 09_0028 MOD 3)
Comment on the Environmental Impact Statement**

I refer to your email of 14 December 2017 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Crown Lands & Water and Department of Primary Industries.

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The department has reviewed the response to submissions and provides the following recommendations for consideration in assessment of the proposal, with detailed comments provided at **Attachment A**.

Recommendations

Required prior to approval

1. Further details on groundwater quality results, monitoring bore locations and construction should be provided to support the conclusion that there are no impacts from the existing onsite wastewater disposal.
2. A commitment from the proponent to implement a 20 metre vegetated buffer between Yelgun Creek (3rd order stream) and road near south west carpark, and 10 metre buffers between (i) proposed structures and the top water level of the existing dam near the conference centre, (ii) conference centre car park and 2nd order stream, and (iii) proposed amenities near existing bus stop (at western car park) and the top bank of the nearby watercourse.
3. A commitment from the proponent to design waterway crossings and pipe installations, and any associated instream works including stormwater outlets in accordance with the "*Guidelines for Controlled Activities on Waterfront Land* (DPI 2012)".
4. An assessment of the impacts of proposed road construction on flood flows and associated impacts on waterfront land and neighbouring properties.
5. It is recommended that a Land Use Conflict Risk Assessment be undertaken to adequately assess any risk to neighbouring agricultural activities and resources including the provision of adequate land use conflict risk mitigation measures as appropriate, e.g. buffers. The Land Use Conflict Risk Assessment Guide is available at: <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra>
6. Further clarity is required regarding the proposed operation of the Conference facility. It is unclear whether this facility will be operational outside of events.

Not required prior to approval

1. Should any dewatering be required for the placement of infrastructure, an assessment in accordance with the aquifer interference policy shall be undertaken prior to commencement.
2. The proposed updated Wastewater Management Plan including the groundwater management and monitoring program should be referred to DoI Water for review.
3. The proponent must obtain relevant licensing under the *Water Management Act 2000* before commencing any works which intercept or extract surface water.

Yours sincerely



Alex King

Director Cabinet and Legislation Services

16 February 2018

**North Byron Parklands Cultural Events Site (SSD 8169 and MP 09_0028 MOD 3)
Detailed comment on the Environmental Impact Statement**

Water resources

Groundwater

- There has been no requirement for dewatering identified, however, the site has areas of water table close to the surface and as such, the placement of infrastructure may result in the requirement for dewatering.
- It is indicated that the wastewater management system is unlikely to result in any significant groundwater impacts, subject to the continued operation of the site in accordance with the detailed Wastewater Management Plan including groundwater monitoring. Nothing was provided with respect to groundwater in this regard.
- Wastewater generated on site (approx. 15ML/year) will be disposed of through either sand infiltration beds (following secondary treatment through reed beds and chlorination), irrigation, or offsite disposal (approx. 1/3). Whilst it has been reported that the existing activities have not caused impact to groundwater, there appears to be no evidence to show this.
- The sand infiltration beds are located in the north-west corner of the property and are approximately 10m up gradient from the property boundary. This infiltration area appears to have no monitoring wells, no groundwater quality testing, and no water level information provided.

Watercourses

- Some works (e.g. cabins, amenities buildings, roads and road upgrades, carparks) are proposed on waterfront land. No or minimal buffers are proposed between (i) the top bank of Yelgun Creek and the road (near the south west car park), (ii) structures and the top water level of the existing dam near the conference centre, (iii) the conference centre car park below the existing dam and the 2nd order stream, and (iv) proposed amenities near an existing bus stop (at western carpark) and a watercourse. Vegetated buffers are required at these locations to maintain bank stability and protect water quality.
- It is unclear whether works include the construction of stormwater outlets. Outlets are to be constructed in accordance with the “*Guidelines for outlet structures on waterfront land* (DPI 2012)”.
- Construction of roads and pipes across watercourses is proposed. All watercourse crossings must be constructed in accordance with DPI Water’s publication, *Guidelines for watercourse crossings on waterfront land*, dated July 2012. Installation of pipes and cables across watercourses must be carried out in accordance with the “*Guidelines for laying pipes and cables in watercourses on waterfront land* (DPI 2012)”.
- The applicant proposes to update the existing Erosion and Sediment Control Plan to accommodate the proposed development. The updated ESCP will be prepared in accordance with the guideline, “*Managing Urban Stormwater – Soils and Construction* (Landcom 2004)”. No additional actions relating to sediment and erosion control are required for approval of the development.

Flooding

- The proposed structures around the conference centre will all be above the 100 year ARI event level.

- The road connecting the northern part of the site with Wooyung Road will be upgraded (raised) to be entirely above the 100 year ARI event. Event service roads will be formed and compacted with 400mm of gravel. Additional access roads will be raised 100-200mm. A pedestrian walkway connecting event areas and the southern carpark will be raised above the 100 year ARI event level. The impacts of road construction activities on flood flows and associated impacts on waterfront land and neighbouring landholders have not been described.

Agricultural resources and enterprises

- The proposal will remove a large area of land from agricultural production. While the report indicates that the land may still be used for rural activities outside of events, given the permanent infrastructure to be constructed, this is considered unlikely.
- It is important that landowners surrounding the site can continue to undertake agricultural operations without being subject to land use conflict. A Land Use Conflict Risk Assessment was identified in the SEARs as a requirement but has not been provided. General amenity impacts have been identified in separate reports however these do not adequately consider impacts on routine agricultural operations being undertaken by neighbours nor provide appropriate mitigation measures to reduce potential land use conflict risk.
- The construction of a permanent conference facility is a concern particularly if limitations on the use of this facility are not included. The scale of the operation is not considered consistent with the RU1 objectives in particular:

*To enable the provision of tourist accommodation, facilities and other **small-scale rural tourism** uses associated with primary production and environmental conservation consistent with the rural character of the locality.*

It is understood however that the conference facility was approved under the existing concept plan and transitional planning arrangements may override environmental planning instruments.

END ATTACHMENT A