

**APPENDIX A – INSTRUMENT OF MODIFICATION**

# 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 Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

### Member of the Commission

Sydney

### Member of the Commission

2017

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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:
- erection of temporary structures;
  - temporary camping ancillary to the events usage;
  - construction of an administration building;
  - construction of a gatehouse building;
  - temporary toilet and shower facilities;
  - temporary water and wastewater facilities;
  - construction of an internal spine road;
  - construction of a water treatment plant;
  - construction of a wastewater treatment plant;
  - upgrading of local public roads, creation of site access intersections and an underpass beneath Jones Road;
  - construction of event laneways, walkways, car parking areas, drainage improvements and associated works;
  - resource recovery centre and art installations; and,
  - progressive implementation of a vegetation management plan.
- Modification (MOD 4):** MP 09\_0028 MOD 4 modifies conditions to:
- add a definition for 'trial period';
  - modify the dates of the trial period for events;
  - amend the terms to revise the ecological restoration requirements and require the establishment of an agreement to address any change in ownership of land parcels.

## SCHEDULE 2

The above approval is modified as follows:

1. In Schedule 1, 'Part B – Definitions', insert, in alphabetical order, the following:  
***Trial period*** means the period of time when trial events (including small, medium and large trial events) can be held at the site under this Project Approval
2. In Schedule 2, 'Part A – Administrative Conditions', within Term A2 (a) (1) i) replace 'the end of 2017' with '31 August 2019'.
3. In Schedule 2, 'Part A – Administrative Conditions', insert new items (g) and (h) within Term A4 as follows:  
(g) *North Byron Parklands – Trial Period Extension Modification – Environmental Assessment (MOD 4)* prepared by PJ Environmental Planning dated March 2017;  
(h) *North Byron Parklands – Trial Period Extension Modification - Response to Submissions (MOD 4)* prepared by North Byron Parklands (Billinudgel Property Pty Ltd), dated May 2017.
4. In Schedule 2, 'Part B – Trial of Outdoor Events – Parameters', within Term B2 (1), replace 'the end of 2017' with '31 August 2019'.
5. In Schedule 2, 'Part B – Trial of Outdoor Events – Parameters', within Term B2 (2) insert '(and subsequent trial events)' immediately following 'Fifth trial'.
6. In Schedule 2, 'Part C – Conditions that apply to the trial', delete Term C20 and replace with the following:

### **C20      *Flora and Fauna Monitoring and Rehabilitation Program***

Within three months of the determination of MOD 4, a suitably qualified ecologist must prepare a revised Flora and Fauna Monitoring and Rehabilitation Program, to the satisfaction of the Secretary to monitor, assess the impact and specify management and rehabilitation requirements at the site.

The Program must be prepared in consultation with the RWG and shall include, but not necessarily be limited to:

- (a) identification of the baseline condition (prior to the commencement of trial events) and detail of changes that have occurred in regard to flora and fauna within and adjacent the site as a result of the events held to date;
- (b) identification of predictions relating to changes that may occur to flora and fauna within and adjacent the site as a result of the continued operation of the project;
- (c) locations at which monitoring will be undertaken, including a map showing locations, ensuring data collected enables a management response to be implemented, if required. As a minimum, monitoring locations must include areas near amplified sound and lit areas, Billinudgel Nature Reserve and Marshall's Ridge fauna corridor;
- (d) identification of the key performance indicators to be monitored at each location that would determine whether the operation of the project is having a detrimental effect on the flora and fauna;
- (e) procedures and protocols for the sampling and analysis methodology to be undertaken for the monitoring, including sample design, statistical analyses and reporting. Procedures must be consistent with any relevant government publication and/ or Australian Standard; and

- (f) a program for periodic monitoring of the parameters at each of the monitoring locations. As a minimum, monitoring must occur at least twice per year (once in cooler months and once in warmer months).
- (g) a revised ecological structure plan developed in consultation with OEH, incorporating the requirements of Commitment B12. The ecological structure plan must include:
  - i) the full scope of rehabilitation works over the entire North Byron Parklands site;
  - ii) parameters and a map delineating the preferred plant community type(s) to be created over the site, in consultation with OEH;
  - iii) performance based actions, including a staged approach to the rehabilitation, if required, to achieve the preferred plant community type(s);
  - iv) a timeframe to achieve the preferred plant community type(s) to be established within the period of trial events; and
  - v) timing for when the identified parcels of land will be dedicated to the OEH (See **Condition C20A**).

The revised Flora and Fauna Monitoring and Rehabilitation Program must be re-submitted for approval of the Secretary within three months of the approval of MOD 4, or as otherwise agreed by the Secretary.

7. In Schedule 2, 'Part C - Conditions that apply to the trial', insert new Term C20(A) immediately following Term C20(g)iv):

**C20 (A) Dedication of Land**

Prior to 31 December 2017, or as otherwise determined by the Secretary, the Proponent must provide evidence of a signed agreement for the dedication by the Proponent to OEH of land parcels as identified within the ecological structure plan (see **Condition C20** and Schedule 5 of this approval). The agreement should also include reference to the land to be transferred by OEH to the Proponent (in accordance with **Schedule 5**).

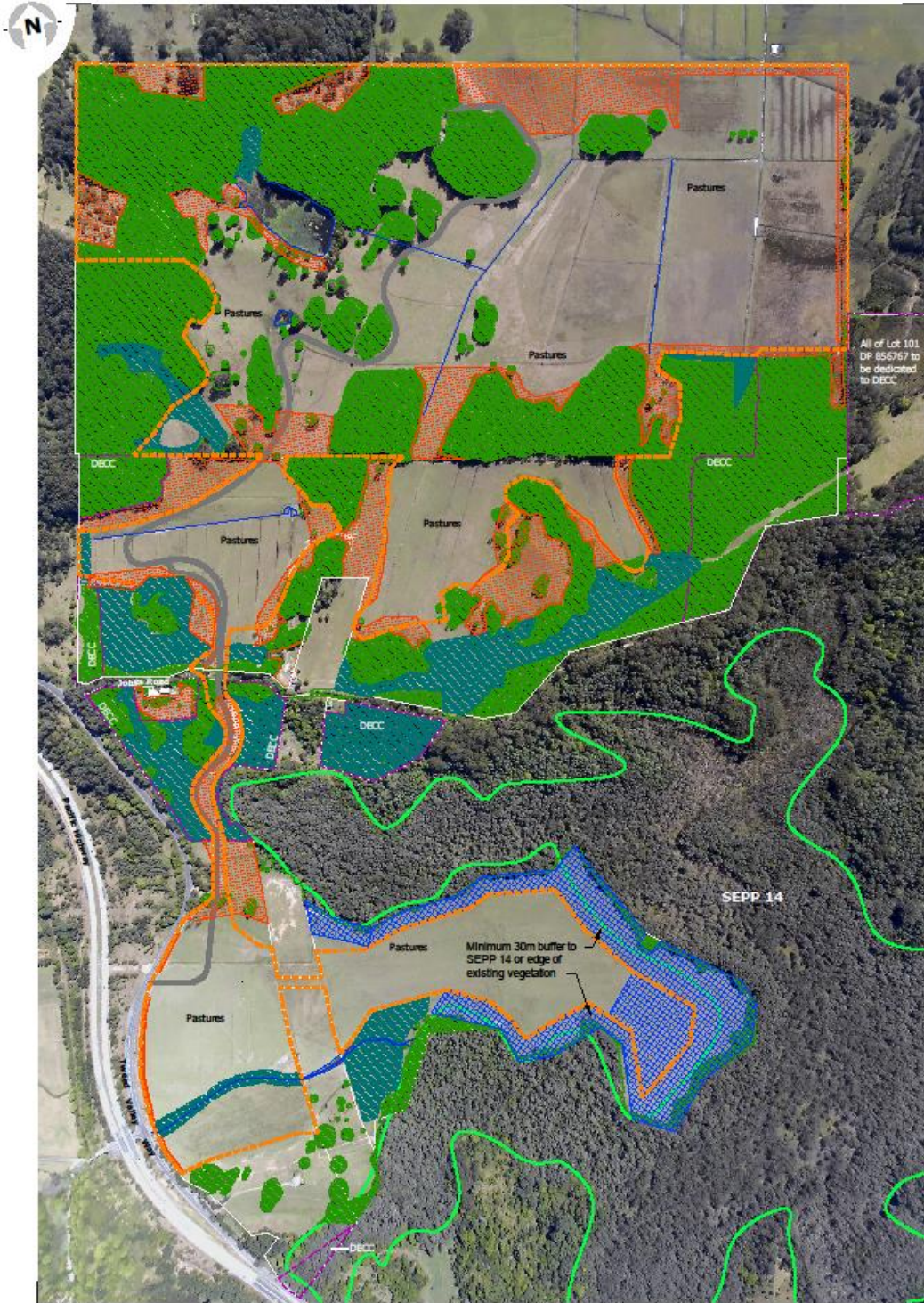
Once dedicated to OEH, the Proponent is not required to manage those lands, however, the Proponent will be required to manage lands transferred to them by OEH.

Such an agreement must set out operative and administrative provisions required to manage and transfer all lands as well as the timing for when parcels will be dedicated to OEH.

Note: The Department may be consulted throughout the development of the agreement, however is not party to this agreement or its implementation.

8. Insert new Schedule 5, immediately following Schedule 4 as follows:





All of Lot 101 DP 856767 to be dedicated to DECC

SEPP 14

Minimum 30m buffer to SEPP 14 or edge of existing vegetation

**Legend:**

- The Site
- Existing vegetation to be protected
- Proposed new habitat area
- Proposed new 'managed parklands'
- Land proposed to be dedicated to DECC
- New habitat with constructed wetlands
- Spine Road



0 100m

Date 14.12.10  
Author Reference SDR\_09\_120

1:8000 (@ A3)

**IMPORTANT NOTE |**  
Cadastral information is subject to survey. The alignment of the aerial photograph and vectorial overlays is approximate only.

Source | Aerial Photography: Bill Mills (2008) | Cadastral: Anzil Payne (2008) | Ecological Values: Mark Fitzgerald (2008)

Prepared by  
design team ink

Plan **EA 1.3**  
**Revised Ecological Structure Plan**  
North Byron Parklands | Tweed Valley Way & Jones Road

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**END OF MODIFICATION 4 TO PROJECT APPROVAL MP 09\_0028**