

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, under delegation executed on 26 April 2021, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Joanna Bakopanos  
**Team Leader**  
**Industry Assessments**

Sydney

20 May 2021

File: EF20/29619

### SCHEDULE 1

#### Development Consent

**Development Consent:** SSD 8169 granted by the Independent Planning Commission on 13 March 2019

**For the following:** Construction and operation of the North Byron Parklands Cultural Events Site, comprising:

- ongoing use of the cultural events site for cultural, educational and outdoor events with ancillary camping and car parking;
- ongoing use of existing site infrastructure;
- construction and operation of additional site infrastructure to support the cultural events site; and
- construction and operation of a conference centre with associated accommodation.

#### Modification 2

**Modification Application:** SSD-8169-Mod-2

The modification involves the expansion of the north-eastern camping area.

**Applicant:** Billinudgel Property Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

**Land:** 126 Tweed Valley Way, Yelgun

## SCHEDULE 2

This consent is modified as follows:

1. Delete the description of “Site:” in Schedule 1 and replace with the following:

126 Tweed Valley Way, Yelgun

Lot 402 and 403 DP 755687; Lot 34 DP 755721; Lot 4 DP 821947; Lot 12 DP 848618; Lot 12 & 14 DP 875112; Lot 30 DP 880376; Lot 107 DP 1001878; Lot 1 DP 1145020; Lot 312 DP 1163830; Lot 21 DP 1169952; Lot 11 DP 1192842; Lot 2, 3, 4, 5 and 6 DP 1261334 – Byron and Tweed local government areas

2. Delete the definitions for “Modification Assessments”, “OEH” and “RMS” and insert the following definitions in alphabetical order:

EES Group                      Environment, Energy and Science Group of the Department

Modification Assessments      The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:

- a) SSD 8169 MOD 1 – Statement of Environmental Effects titled *North Byron Parklands Cultural Events Site (SSD 8169) – Section 4.55 Modification (MOD 1)*, prepared by PJEP Environmental Planning and dated 29 April 2019 and *North Byron Parklands Cultural Events Site – Section 4.55(1A) Modification (SSD 8169 MOD 1) – Additional Information*, prepared by PJEP Environmental Planning and dated 11 June 2019; and
- b) SSD-8169-Mod-2 – Statement of Environmental Effects titled *‘North Byron Parklands Cultural Events Site – Camping Modification’*, prepared by PJEP Environmental Planning, dated September 2020, the Response to Submissions titled *‘RE: MOD 2 – Additional Camping Area (SSD-8169-MOD-2)’*, prepared by North Byron Parklands, dated 8 February 2021 and the Additional Information Letter titled *‘RE: MOD 2 – Additional Camping Area (SSD-8169-MOD-2)’*, prepared by North Byron Parklands, dated 29 March 2021.

TBLALC                      Tweed Byron Local Aboriginal Land Council

TfNSW Transport for NSW

3. Delete all references to “RMS” and replace with “TfNSW”.
4. Delete all references to “OEH” and replace with “the EES Group”, with the exception of Condition C27 of the consent.

**In Part B: General environmental requirements applicable to the entire development**

5. In Condition B15, delete the phrase “included in the EIS” and replace with the phrase “included in the Response to Submissions submitted in support of SSD-8169-Mod-2”.

### **In Part C: Conditions relating to permanent infrastructure**

6. Insert new Condition C14A (including its associated heading) immediately after Condition C14 as follows:

#### **Unexpected Contamination Finds Procedure**

C14A. Prior to the commencement of construction of the works approved under SSD-8169-Mod-2, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the relevant CEMP for the works (see Condition C2) and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations.

Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary, prior to removal of the contaminated materials from the site.

7. In Condition C27(c), delete the phrase “the OEH” and replace with the phrase “Heritage NSW and the TBLALC”.
8. Insert new conditions C28A and C28B (including their associated headings) immediately after Condition C28 as follows:

#### **HUMAN REMAINS**

##### **Discovery of Human Remains**

C28A. If human remains are discovered on site during construction works:

- (a) all work in the immediate vicinity of the human remains must cease immediately;
- (b) the area must be secured; and
- (c) the NSWPF, Heritage NSW and the TBLALC must be contacted immediately.

C28B. Work in the immediate vicinity of the human remains must not recommence until this has been authorised by the NSWPF and Heritage NSW.

### **In Part D: Conditions relating to the carrying out of events**

9. In Condition D16, Table 6, delete the phrase “the Pacific Highway or the Tweed Valley Way” and replace with the phrase “the Pacific Highway, Tweed Valley Way or Wooyung Road”.
10. In Condition D27(c)(i), delete the phrase “and Yelgun” and replace with the phrase “, Wooyung Road or the Yelgun”.
11. In Condition D43, delete the phrase “included in the EIS” and replace with the phrase “included in the Response to Submissions submitted in support of SSD-8169-Mod-2”.

### **In the Appendices**

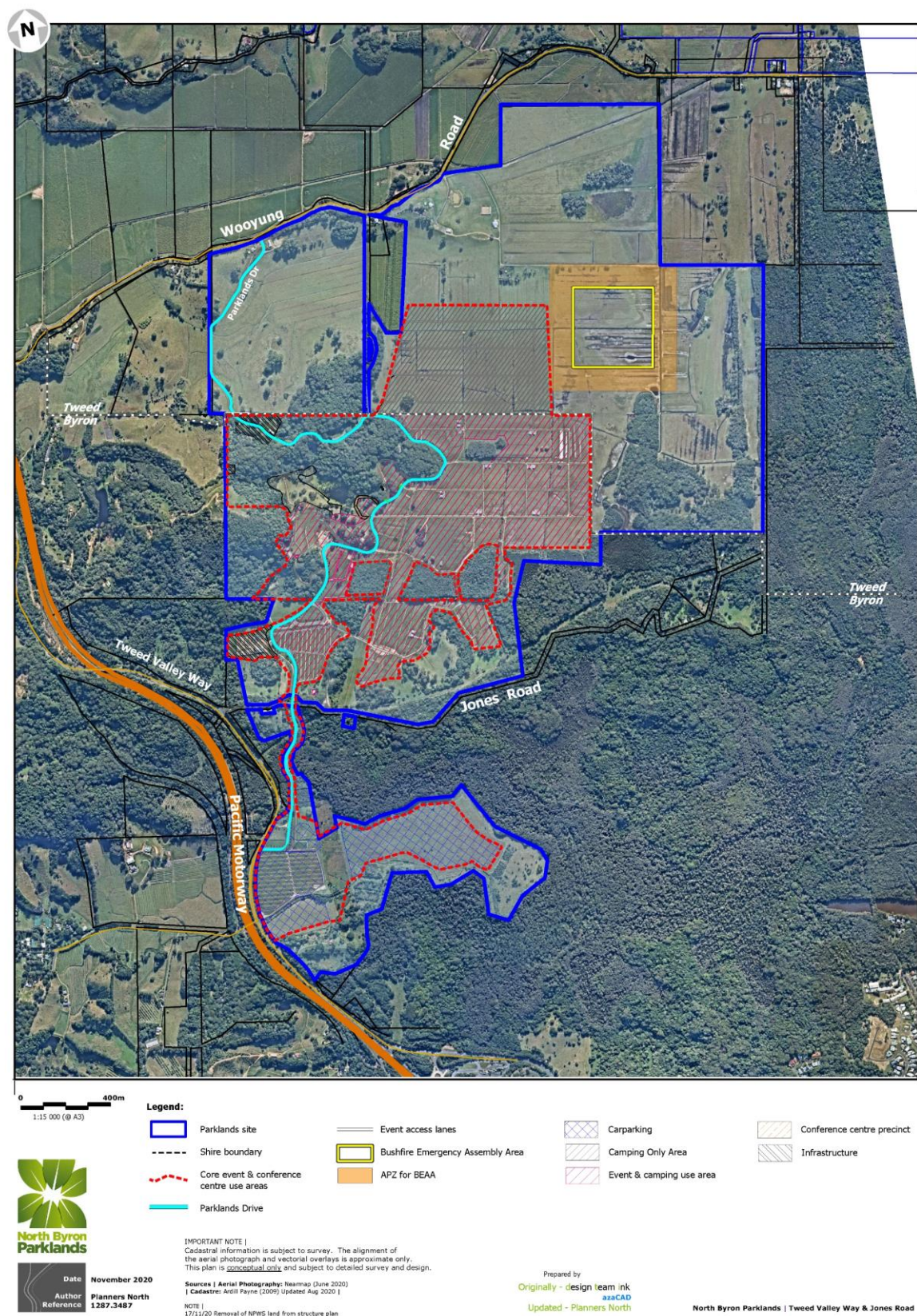
12. Delete Appendix 1 and replace with new Appendix 1 as shown in Appendix 1 of this instrument.

## APPENDIX 1

### APPENDIX 1 DEVELOPMENT LAYOUT PLANS

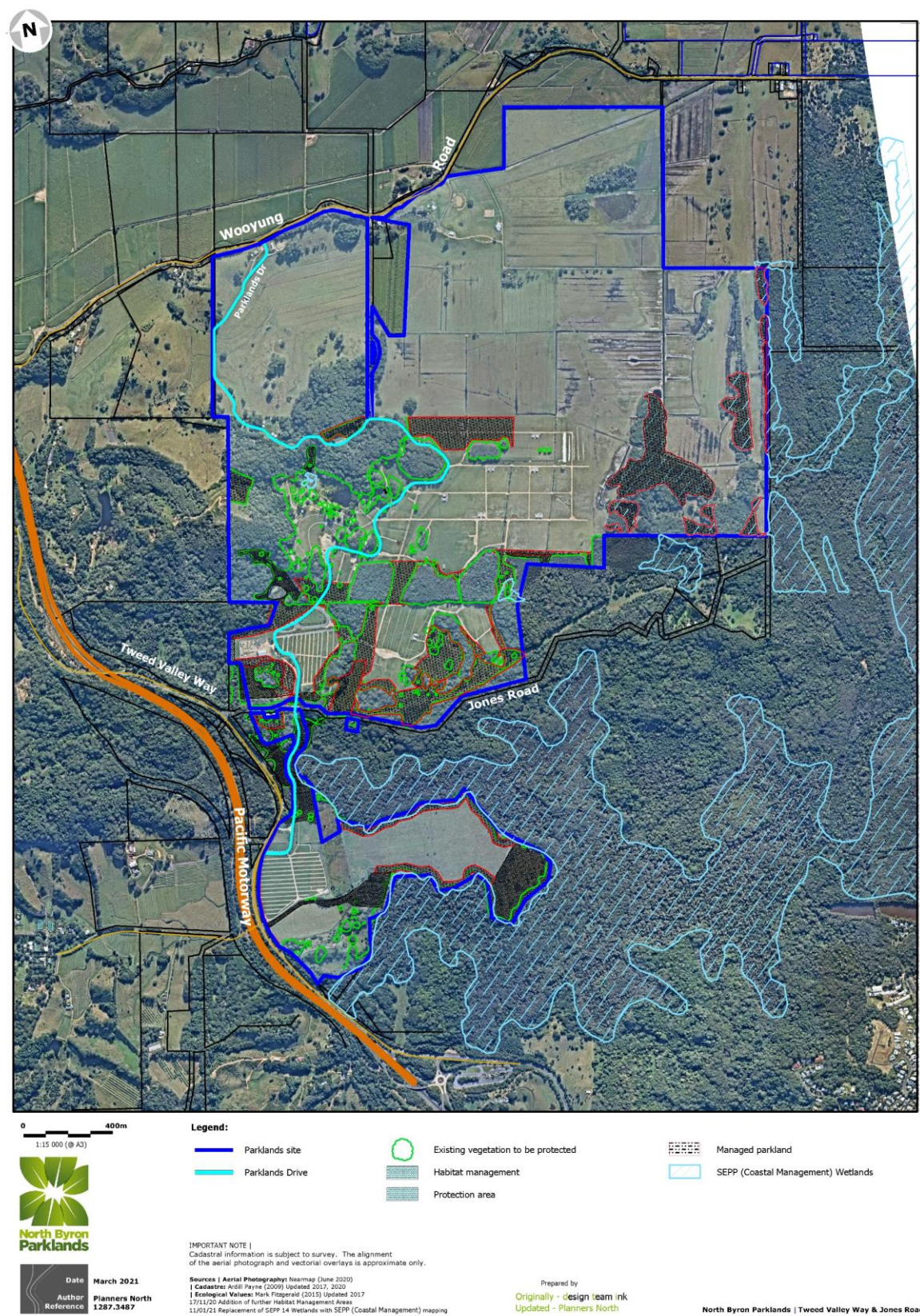
Job No.	Drawing No.	Rev.	Date	Title
<b>Land Use Structure Plan prepared by Planners North</b>				
1287.3487	-	-	November 2020	Proposed Land Use Structure Plan
<b>Ecological Structure Plan prepared by Planners North</b>				
1287.3487	-	-	March 2021	Proposed Ecological Structure Plan
<b>Architectural Drawings prepared by Dominic Finlay Jones Architects</b>				
DFJ148	DA 010	07	17/11/2017	Masterplan
DFJ148	DA 100	05	16/11/2017	Site Plan 00
DFJ148	DA 101	05	17/11/2017	Site Plan 01
DFJ148	DA 102	06	16/11/2017	Site Plan 02
DFJ148	DA 103	03	06/10/2017	Site Plan 03
DFJ148	DA 104	04	06/10/2017	Site Plan 04
DFJ148	DA 105	06	16/11/2017	Site Plan 05
DFJ148	DA 210	03	06/10/2017	Bus Shelter
DFJ148	DA 220	04	13/11/2017	Transport Hub
DFJ148	DA 230	02	08/09/2017	Amenities Block
DFJ148	DA 240	03	06/10/2017	Conference Centre – Lower Ground Floor
DFJ148	DA 241	03	06/10/2017	Conference Centre – Ground Floor
DFJ148	DA 242	03	06/10/2017	Conference Centre – Roof Plan
DFJ148	DA 243	03	06/10/2017	Conference Centre – Upper Roof Plan
DFJ148	DA 244	03	06/10/2017	Conference Centre – Elevations
DFJ148	DA 245	03	06/10/2017	Event Facilities – Elevations
DFJ148	DA 246	03	06/10/2017	Conference Centre – Sections
DFJ148	DA 247	03	06/10/2017	Conference Centre and Event Facilities – Sections
DFJ148	DA 252	03	06/10/2017	Conference Centre – Break Out Pavillion
DFJ148	DA 254	04	13/11/2017	Conference Centre – Cabins Plan
DFJ148	DA 255	03	06/10/2017	Conference Centre – Cabins Elevations
DFJ148	DA 260	03	06/10/2017	Conference Centre – Day Spa External Works
DFJ148	DA 261	02	08/09/2017	Conference Centre – Spa Reception Plans
DFJ148	DA 262	03	06/10/2017	Conference Centre – Spa Reception Elevations
DFJ148	DA 263	03	06/10/2017	Conference Centre – Spa Treatment Rooms
DFJ148	DA 270	04	06/10/2017	Golden View Bar + Amenities – Ground Floor
DFJ148	DA 271	04	06/10/2017	Golden View Bar + Amenities – Level 01 Plan
DFJ148	DA 272	03	06/10/2017	Golden View Bar + Amenities – Roof Plan
DFJ148	DA 273	03	06/10/2017	Golden View Bar + Amenities – Elevations + Section
<b>Civil Plans prepared by Westera Partners</b>				
B17/016 P	03	A	16/11/2017	Key Plan
B17/016 P	04	A	16/11/2017	Southern Car Park Layout Plan
B17/016 P	05	A	16/11/2017	Civil Works Plan Sheet 1 of 13
B17/016 P	06	A	16/11/2017	Civil Works Plan Sheet 2 of 13
B17/016 P	07	A	16/11/2017	Civil Works Plan Sheet 3 of 13
B17/016 P	08	C	29/06/2018	Civil Works Plan Sheet 4 of 13
B17/016 P	09	A	16/11/2017	Civil Works Plan Sheet 5 of 13
B17/016 P	10	A	16/11/2017	Civil Works Plan Sheet 6 of 13
B17/016 P	11	A	16/11/2017	Civil Works Plan Sheet 7 of 13
B17/016 P	12	A	16/11/2017	Civil Works Plan Sheet 8 of 13
B17/016 P	13	A	16/11/2017	Civil Works Plan Sheet 9 of 13
B17/016 P	14	A	16/11/2017	Civil Works Plan Sheet 10 of 13
B17/016 P	15	A	16/11/2017	Civil Works Plan Sheet 11 of 13
B17/016 P	16	A	16/11/2017	Civil Works Plan Sheet 12 of 13
B17/016 P	17	B	03/09/2018	Civil Works Plan Sheet 13 of 13
B17/016 P	18	A	16/11/2017	Typical Sections 1 of 3
B17/016 P	19	A	16/11/2017	Typical Sections 2 of 3
B17/016 P	20	B	03/09/2018	Typical Sections 3 of 3
B17/016 P	21	A	16/11/2017	Details
B17/016 D	1	A	29/06/2018	Southeast Carpark Stormwater Drainage Outlet
<b>Camping Extension – Civil Plans prepared by Westera Partners</b>				
N20/156 C	02	B	26/08/2020	Site Plan
N20/156 C	03	B	26/08/2020	Civil Works Plan
N20/156 C	04	A	29/07/2020	Typical Details





**Figure 1: Land Use Structure Plan**





**Figure 2: Ecological Structure Plan**