

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
09_0028
Project
<p>A Concept Plan for a 'Cultural Events Site' incorporating:</p> <ul style="list-style-type: none"> approval for the site to be used for cultural, educational and outdoor events with associated camping; a cultural centre; a conference centre and associated accommodation; camping infrastructure and facilities; and a comprehensive vegetation management plan. <p>Stages 1 and 2 Project Application incorporating:</p> <ul style="list-style-type: none"> approval for the site to be used for cultural, educational and outdoor events; approval to erect temporary structures; approval for camping areas in association with event usage; construction of a site offices; toilet and shower facilities; a water treatment plant; a wastewater treatment plant; construction of a spine road and event laneways, walkways, car parking areas, and associated works; and implementation of a vegetation management plan.
Location
Part Lots 46, 402, 403 and 404 DP 755687; Part Lot 10 DP 875112; Part Lots 2 and 12 DP 848618; Part Lot 30 DP 880376; Part Lot 102 DP 1001878; and, Lot 1 DP 1145020 Tweed Valley Way and Jones Road, Yelgun, Byron LGA.
Proponent
Billinudgel Property Pty Ltd
Date issued
25 August 2009
General requirements
<p>The Environmental Assessment (EA) must include:</p> <p>PART A: Concept Plan Application</p> <ol style="list-style-type: none"> An executive summary; A detailed description of the proposal including: <ul style="list-style-type: none"> any development options; justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;

- outline of the staged implementation of the project if applicable;
3. A thorough site analysis including constraints mapping and description of the existing environment;
 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans;
 5. Consideration of the consistency of the project with the objects of the *Environmental Planning and Assessment Act 1979*;
 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;
 8. The plans and documents outlined in **Attachment 2**;
 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and
 10. An assessment of the key issues specified below and a table outlining where these key issues have been addressed.

PART B: Project Application

1. The matters listed above in Part A.

Key Issues for the Concept Plan

The EA must address the following key issues:

1. Strategic Planning

- 1.1 Justify the proposed land uses across the site having regard for the *Byron Local Environmental Plan 1988*. Provide justification for any inconsistencies.
- 1.2 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
- 1.3 Outline the proposed staging of the development.
- 1.4 Outline the proposed location and approximate size and scale of facilities proposed for future stages (including the cultural centre, conference centre, camping infrastructure, water treatment plant and wastewater treatment facility).
- 1.5 Outline in detail the scale and frequency of events (eg: the total number of major, moderate, and minor events per year).

2. Urban Design and Sustainability

- 2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*.

3. Visual Impact

- 3.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. Use visual aids such as scale model or photomontage to demonstrate visual impacts.

4. Infrastructure Provision	
4.1	Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with the relevant agencies. Identify and describe staging, if any, of infrastructure works.
4.2	Provide details on how and where water supply will be derived from to service the site.
4.3	Consider the capacity of existing infrastructure, services and facilities within the Byron shire to accommodate the temporary population increase generated by proposed large-scale events.
5. Traffic and Access	
5.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
5.2	Provide an analysis of the operational capacity, traffic amenity and safety of the Yelgun Interchange with the Pacific Highway to accommodate levels of traffic generated by the proposal.
5.3	Provide details on the connection between the proposed spine access road and Tweed Coast Road.
5.4	Provide details on the location and total number of car parking spaces to be provided as part of the proposal.
5.5	Provide details of any application to close the Crown Road within and south of Lot 403.
6. Hazard Management and Mitigation	
<i>Contamination</i>	
6.1	Identify any contamination on the site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> . In particular, investigations should be undertaken to identify any contamination from former banana plantations once located on the site.
<i>Acid Sulfate Soils</i>	
6.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).
<i>Bushfire</i>	
6.3	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
6.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> . The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, address the impact of the development (including filling) on flood behaviour of the site and

6.6	adjacent lands; and address adequate egress and safety in a flood event. Assess the potential impacts of an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
Air Quality	
6.7	Address the potential odour impacts from the proposed wastewater treatment plant and mitigation measures proposed with reference to <i>Assessment and Management of Odour from Stationary Sources in NSW</i> (DEC, 2006).
7. Water Cycle Management	
7.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site. Provide details on any monitoring and/or mitigation plans to ensure surface water and groundwater are not detrimentally impacted upon.
7.3	Consider the nature and profile of the groundwater regime under the site, including any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation.
7.4	Consider the requirements of DECCW's <i>NSW Farm Dams Policy</i> .
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004).
8.2	Identify the nature and extent of impacts, if any, on Aboriginal cultural heritage values across the site.
8.3	Describe any actions that will be taken in order to avoid or mitigate impacts the proposal may have on Aboriginal cultural heritage values.
8.4	Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	
9.1	Assess the potential direct and indirect impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECCW's <i>Guidelines for Threatened Species Assessment</i> (2005) and <i>Threatened Species Assessment – Guideline for Development and Activities</i> .
9.2	Assess any potential direct or indirect impacts of the development on any wetland areas within or surrounding the site. Particular consideration should be given to SEPP 14 wetland no. 57.
9.3	Assess any potential direct or indirect impacts of the development on any Endangered Ecological Communities within or surrounding the site.
9.4	Describe any actions that will be taken in order to avoid or mitigate impacts the proposal may have on any threatened species.
9.5	Given the presence of core koala habitat across the site, a comprehensive Koala Plan of Management is to be prepared.

9.6	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.7	Address measures to protect and manage the riparian corridor both within and adjacent to the site. Any proposed works within riparian areas should be outlined in the EA.
9.8	The proposed car parking area to the south of the site is in close proximity to the Billinudgel Swamp Nature Reserve. Indicate what measures will be undertaken to prevent weed infestation and toxic runoff into the reserve. An appropriate buffering distance should be identified between the Reserve and proposed southern car parking area.
9.9	Outline measures to protect and manage proposed habitat areas and managed parklands.
9.10	Provide details on any proposed offset measures to compensate for the loss of biodiversity and/or clearing of native vegetation. Offsets should be consistent with DECCW's <i>Principles for the use of Biodiversity Offsets in NSW</i> .
10. Socio-economic Impacts	
10.1	Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, public transport, community services and facilities (such as medical services).
11. Off-Site Impacts	
11.1	The concept plan area is located adjacent to the Billinudgel Nature Reserve. Address any direct and/or indirect impacts of the project where it adjoins this land.
11.2	Address any direct and/or indirect impacts the proposal may have on the surrounding and nearby residential and rural residences (eg: traffic and access, noise levels, anti-social behaviour, amenity issues etc.).
12. Planning Agreements and/or Developer Contributions	
12.1	Address and provide details on the likely scope of any planning agreement and/or developer contributions with Council and/or any Government agencies.

Key Issues for the Project Application	
The EA must address the following key issues:	
13. Compliance with the requirements for the Concept Plan	
13.1	The EA must demonstrate consistency with all DGRs detailed in Part A.
14. Site Layout, Access and Car Parking	
14.1	Provide a description and details on the layout of the site, including the size, scale and location of all uses proposed under Stages 1 and 2.
14.2	Provide details on access to the site from Tweed Valley Way, the internal road and pathway network, and car parking provisions taking into consideration the potential ecological and archaeological significance of Marshall's Ridge.
14.3	Provide details on any proposed connections between the site and Wooyung Road.
15. Infrastructure Provision	
15.1	Provide details of wastewater and water treatment facilities, including capacity, types of systems, and management of odours.
15.2	Address and provide the likely scope of any planning agreements and/ or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions).
16. Socio-economic Impacts	
16.1	Address any potential social or economic impacts of the proposal, including measures to reduce identified impacts.
17. Off-Site Impacts	
17.1	Provide details on mitigation measures to minimise noise levels, including traffic noise.
17.2	Consider any potential impacts or land use conflicts the proposal may have on agricultural lands both within and adjoining the site.
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> • Byron Shire Council; • Department of Environment, Climate Change and Water; • Department of Primary Industries; • NSW Rural Fire Service; • Department of Water and Energy; • Roads and Traffic Authority; • Department of Lands; • State Emergency Service; • Northern Rivers Catchment Management Authority; • Local Aboriginal Land Council/s and other Aboriginal community groups; • Utility and infrastructure providers; and • NSW Police Force. 	
(b) <i>Public:</i>	
Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.	

The consultation process and the issues raised should be described in the Environmental Assessment.

Deemed Refusal Period

120 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your Concept Plan application:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of any existing structures on the site; • location and height of all proposed structure on the site; • location and height of adjacent buildings and private open space; • areas of vegetation retention and clearing; and • access points. 2. An aerial photograph of the subject site with the site boundary superimposed. 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application. 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant site features such as water courses, vegetation communities, and heritage items etc.; • the location and uses of existing buildings; • traffic and road patterns, pedestrian routes and public transport nodes; and • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. 5. A zoning plan must be provided which shows the existing zoning overlaid with the proposed development layout. An extract of the land use table or relevant clauses from the subject LEP is required. 6. A Concept Plan drawn to 1:500 scale should be submitted indicating: <ul style="list-style-type: none"> • all nominated land uses; • location of proposed structures and those that are to be retained; • all vegetation to be retained; • key environmental features, including SEPP 14 Wetlands; and • access points and road names. 7. Stormwater Concept Plan - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be
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provided;

8. **Landscape Concept Plan** – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);
9. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your **Project Application**:

1. **Site Layout Plans** are to show the following:
 - The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
 - Title showing the description of the land with lot and DP numbers etc;
 - Location and details of all proposed roads and footpaths;
 - Location of all structures proposed and retained on site;
 - Cross sections of roads, including gradients, widths, road names, footpaths etc.
 - Existing and proposed finished levels in relation to roads, footpaths and structures;
 - Location and details of access points;
 - Existing vegetation on the land and vegetation to be retained;
 - Location of services and infrastructure, and proposed methods of draining the land; and
 - Any easements, covenants or other restrictions either existing or proposed on the site.
2. **Architectural Drawings** are to be drawn to scale and illustrate the following general features:
 - the location of any existing building envelopes or structures on the land;
 - the floor plans;
 - section plans;
 - the height of the proposed development in relation to the land;
 - significant level changes;
 - parking and vehicular access arrangements; and
 - pedestrian access to, through and within the site.
3. **Stormwater Plan** – a detailed stormwater management plan for the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;
4. **Erosion and Sediment Control Plan** – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;
5. **Landscape Plan** – plan or drawing that shows the detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc)

	<p>6. Construction Management Plan – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls.</p>
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Flooding; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Noise; • Odour; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulfate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	<p>Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • All files should be approximately 5 Mb. • Large files of more than 5 Mb will need to be broken down and supplied as different files.

Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	Coastline Management Manual (NSW Government 1990)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007) http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC, 1998).
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)

Aspect	Policy /Methodology
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, NSW Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	NSW Heritage Manual, NSW Heritage Office 1996
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Water	
Water Quality	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
Effluent Reuse	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Wetlands	NSW Wetlands Management Policy (DLWC 2000)