

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 11 October 2017, I approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning and Environment

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8/11/

2018

SCHEDULE 1

Application No.:	DA No. 9629
Applicant:	Lateral Events Pty Ltd
Consent Authority:	Minister for Planning
Land:	Perisher Car Park and Kosciuszko Road within the Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Use of the site and installation of temporary infrastructure associated with four L'Etape Australia events - 2018 to 2021 inclusive

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Lateral Events Pty Ltd.
Approval Body	has the same meaning as within Division 5 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifying Authority	has the same meaning as Part 4A of the Act.
DA No 9629	means the development application and supporting documentation submitted by the applicant on 20 September 2018.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Key Site Assessments or a delegate of the Director or Key Site Assessments within the Department.
Minister	means the Minister for Planning, or nominee.
OEH	means the NSW Office of Environment and Heritage, or its successors.
PCA	means the principal certifying authority and has the same meaning as Part 4A of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
RMS	means the Roads and Maritime Services.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Key Site Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with:

- (a) the Development Application No. DA 9629 submitted by Lateral Events Pty Ltd on 20 September 2018;
- (b) the additional information received from the Applicant via email on 24 October 2018;
- (c) the conditions of this consent; and
- (d) the supporting documentation submitted with the application (DA 9629), including, but not limited to, the following:

	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	L'Etape Australia 2018 Environmental Impact Statement and Effects	Lateral Events	-	-
2	Management Plan	L'Etape Australia Risk Management Plan	Lateral Events	-	Version 1.0
3	Plan	Food Zone #4	Peter Tyers	18 July 2018	08
4	Schedule	Food Zone #4 Elements	Lateral Events	-	-
5	Email	DA 9629 L'Etape Perisher Valley	Florent Malezieux	24 October 2018	-

A.3 Limit of consent

This consent is only for the use of the site and temporary infrastructure associated with one L'Etape Australia cycling event in November or December each year in 2018, 2019, 2020, and 2021.

A.4 Maximum number of people

The maximum number of people within any fenced temporary village areas of the site at any one time is limited to 0.75 persons per square metre.

A.5 Hours of operation

The following hours of operation are approved for the event:

- from 0600 until 1800

Note: These hours can be varied with the written agreement of the Secretary or nominee.

A.6 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.7 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation.

A.8 Additional approvals or licences

It is the Applicant's responsibility to obtain any additional approvals or licences required to undertake the event each year.

A.9 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.10 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.11 Road Occupancy Licence

The Applicant must apply for and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to the event each year.

A.12 Site area

The site is defined as

- Kosciuszko Road between the entry to the Perisher Valley car park and Porcupine Road;
- Perisher car park; and
- hard stand area adjacent to the Municipal Service building and Perisher Ski-tube building.

The site includes the use of the NPWS building and the Ski-tube building if identified in the documentation provided in Condition A.2, C.1 or D.1 of this consent.

PART B – TEMPORARY EVENTS AND TEMPORARY STRUCTURES

B.1 Temporary structures general

Temporary structures shall be constructed or installed at the approved site in accordance with the following:

- (a) if it is the erection of a temporary structure - be erected on a surface that is sufficiently firm and level to sustain the structure while in use;
- (b) if it is the erection of a temporary structure - be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*;
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*; and
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*.
- (c) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out;

- (d) there must be no permanent physical change to the fabric of the location where the use occurs;
- (e) emergency vehicle access must be maintained to and around the location at all times;
- (f) pedestrian access must be maintained along existing footpaths at the location or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road;
- (g) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event;
- (h) must not restrict any car parking required for the event;
- (i) must not redirect the flow of any surface water or ground water, or cause sediment to be transported, in an adverse manner; and
- (j) must not result in damage to any trees or native vegetation growing on the land or on adjacent land.

Note: This condition applies to all temporary structures.

B.2 Tents, marquees or booth

The construction or installation of a tent, marquee or booth used for an event shall be undertaken in accordance with the following:

- (a) each tent, marquee or booth must not have a total floor area exceeding 100m²;
- (b) for all tents, marquees and booths being used at the same time on any one site - the development must not have a total floor area exceeding 1,000m²;
- (c) each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5 metres from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation;
- (d) each tent or marquee must be erected at ground level;
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) if the tent or marquee has a floor area of not more than 25m² - 1 exit;
 - (ii) if the tent or marquee has a floor area of not more than 100m² - 2 exits;
 - (iii) in any other case - 4 exits;
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40 metres in length must be provided, and
- (g) each tent, marquee or booth must have a width for each exit of at least:
 - (i) if the floor area of the tent, marquee or booth is less than 150m² - 850mm, or
 - (ii) in any other case - 1 metre, and
- (h) no tent or marquee can have a height for the walls exceeding 5 metres; and
- (i) each tent, marquee or booth must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent, marquee or booth, not exceeding 6m.

B.3 Stages or platforms

The construction or installation of a stage or platform used for an event shall be undertaken in accordance with the following:

- (a) the stage or platform must not have a floor area exceeding 100m²;
- (b) any combined stage or platform must not have a total floor area exceeding 400m²;
- (c) the stage or platform must be erected at ground level;
- (d) the stage or platform must have a height, as measured from the surface on which the stage or platform is erected to the floor of the stage or platform, not exceeding 2 metres; and
- (e) the roof structure or cover over the stage or platform must have a height, as measured from the surface on which the stage or platform is erected, not exceeding 9 metres.

B.4 Scaffolding, screens and tiered seating

Scaffolding shall be erected in accordance with SafeWork NSW Guidelines and relevant Australian Standards with screens no greater than 9 metres in height.

PART C – MINIMUM OF 30 DAYS PRIOR TO COMMENCEMENT OF AN EVENT

C.1 Documentation to be submitted to the Department

The following documentation shall be submitted to the Department a minimum of 30 days prior to the commencement of an event:

- (a) a site plan;
 - (b) drawings and specifications of all temporary structures including, but not limited to, stages, marquees, tents, fencing, seating, light towers;
 - (c) risk/emergency management plan;
 - (d) waste management plan;
 - (e) pedestrian and traffic management plan;
 - (f) crowd and security management plan; and
 - (g) contact details for the event manager i.e. the name and contact number of a responsible person who may be contacted at any time during 'bump in' and 'bump out' and during an event.
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PART D – MINIMUM OF 7 DAYS PRIOR TO COMMENCEMENT OF AN EVENT

D.1 Documentation to be submitted to the Department

The following documentation shall be submitted to the Department a minimum of 7 days prior to the commencement of the festival:

- (a) a final site plan;
- (b) WHS details;
- (c) insurance certificates;
- (d) relevant Road Occupancy Licence (ROL); and
- (e) public toilet facilities statement i.e. the number of facilities to be provided during the event.

D.2 Notification to emergency services

The applicant shall notify emergency services including Police, Fire Brigade and Ambulance Service of the proposed event including site layout, entry & exit points and the emergency management plan a minimum of 7 days prior to the commencement of an event.

PART E – INSTALLATION WORKS

E.1 Bump in and bump out times

Bump in time for an event shall commence no earlier than 24 hours prior to each event and bump out time shall be completed by 24 hours after on the day of each event unless otherwise agreed in writing by the Secretary or nominee.

E.2 Notification to Department of the date of commencement of works and final site plan

The Secretary or nominee shall be given written notice at least 2 days prior to installation works (Bump In) commencing on site, of the date that works are proposed to commence.

E.3 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the event.

E.4 Installation of temporary structures

- (a) Temporary structures shall be constructed or installed in accordance with these conditions of consent.
- (b) The applicant is responsible for ensuring that the temporary structures are structurally sound and installed in accordance with manufacturer's plans and specifications (and/or advice from a suitably qualified engineer), to meet relevant requirements of the Building Code of Australia, relevant Codes of Practices and applicable Australian Standards prior to the commencement of the event.

E.5 Positioning of temporary structures

The applicant shall ensure that the temporary structures are positioned on a level, stable surface and sufficiently weighted to ensure stability at all times. Any pegs or stakes used for stability of the temporary structure are required to be protected to ensure the safety of the public.

E.6 Risk management plan

The risk management plan, to address emergencies, crowds, security and the like shall be implemented prior to the commencement of the event and maintained throughout the event.

E.7 Waste management measures

The waste management measures shall be implemented prior to the commencement of the event and maintained throughout the event.

E.8 Pedestrian and traffic management plan

The pedestrian and traffic management plan shall be implemented prior to the commencement of the event and maintained throughout the event.

PART F – CERTIFICATION AFTER INSTALLATION AND PRIOR TO EVENT

F.1 Certification of structures

Prior to commencement of use or occupation of any temporary structures, a certificate shall be provided from an appropriately qualified person confirming that the structure has been erected in accordance with any manufacturer's requirements and is adequate to support any loads imposed, including wind, snow, live and dead loads.

Note: An appropriately qualified person includes a practising structural engineer, a Building Code of Australia consultant or a Work Health & Safety Officer.

F.2 Electrical certification

Certification that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards must be submitted prior to occupation or use of any facilities.

F.3 Fire safety measures

The Applicant shall provide confirmation prior to commencement of use or occupation of any temporary structures that any fire safety measures for temporary structures are in place and in working order.

PART G – DURING THE EVENTS

G.1 Approved plans and documentation to be on-site

A copy of the approved plans and documentation shall be kept on site at all times during the event and shall be readily available for perusal by the Department, the Fire Brigade and the Ambulance Service.

G.2 Exits (fenced area)

Exits shall be provided from any fenced area in accordance with the following:

- (a) the available aggregate egress from the fenced area shall be not less than 1 lineal metre per 100 people.;
- (b) exits are to be distributed evenly around the perimeter of the fenced area;
- (c) exit signs must be provided for all exits; and
- (d) all exits shall be unobstructed during the event.

G.3 Artificial lighting

Any external lighting shall comply with Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting' and the BCA.

G.4 Cabling and electrical services

- (a) All electrical or other cabling on ground is to be covered by cable trays that meet current Australian Standards, taped or tied to existing structures and not fixed in any other manner. Otherwise electricity or other cable is to be removed from general public access. No electrical cables shall be laid across trafficable areas such as car parks or pathways. Electrical services serving the temporary structures shall meet with the requirements of AS/NZS 3000 and 3002.
- (b) All mechanical and electrical installations including generators, electrical cabling and any mobile structures, mobile light towers are to be surrounded and/or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times.
- (c) Care must be exercised throughout the event to ensure that electrical installations are not affected by water accumulations which may create a hazard to public safety.
- (d) The switchboard containing the main isolation switch must be located in a position that is readily accessible to authorised persons, and to the Fire Brigade in the case of an emergency and be enclosed by construction having an FRL not less than 60/60/60.

G.5 Waste and rubbish

The area is to be kept clean and tidy at all times and rubbish is to be removed from the immediate area during the temporary use of the approved sites.

G.6 SafeWork NSW

All operations associated with the setting up and running the events shall be carried out in accordance with current SafeWork NSW guidelines

G.7 Sanitary facilities

- (a) Adequate sanitary facilities shall be provided at all times during the events. This shall include facilities for use by persons with a disability. Directional and way finding signage shall be displayed throughout the sites identifying the locations of the toilets.
- (b) Sanitary facilities shall be provided in accordance with 'Safe and Healthy Mass Gatherings' by Emergency Management Australia 1999. As numbers of patrons increase during the event it is the applicant's responsibility to obtain additional toilets.

G.8 Fire safety measures

Appropriate portable fire extinguishers, and/or other appropriate fire safety measures, are to be provided to serve all temporary structures. Any fire safety measures must be selected, located and distributed in accordance with the relevant Australian Standard or regulation.

G.9 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on the site during the event.

G.10 Offensive noise

The event must not give rise to the emission of an "offensive noise" as defined under the Protection of the Environment Operations Act, 1997 as:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

G.11 Noise complaints registration and management

The applicant is responsible for implementing a system to register and manage noise complaints. The Department shall be notified of all complaints and how the complaints were dealt with.

G.12 Dangerous Entertainment

The event must not involve:

- (a) the discharge of ammunition from a firearm, or
- (b) the use of any material or thing giving off a level of heat or toxicity that poses a threat of harm to patrons or members of the audience, or
- (c) the use of fireworks unless the use of the fireworks is in accordance with a licence granted under the *Explosives Act 2003*, or
- (d) the use of a sharp implement in a manner that poses a threat of harm to patrons or members of the audience, or
- (e) the screening of a nitrate film.

G.13 Security personnel

The applicant is to ensure that an adequate number of suitably qualified security personnel will be maintained on site at all times during the festival in accordance with the Crowd Management Plan.

G.14 Smoke-free environment legislation

The use and operation of the sites shall, at all times, comply with the Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2000. Guidance may also be obtained from the NSW Health Department.

G.15 Emergency evacuation

The applicant shall ensure that all people are evacuated safely and in accordance with the risk management plan in the event of an emergency or severe weather conditions.

PART H – COMPLETION OF EVENTS

H.1 Removal of temporary structure

The temporary structures over and adjacent to Kosciuszko Road shall be removed by midnight on the day of the event other structures shall be removed within two (2) days of the completion of the event in accordance with these conditions of consent.

H.2 Site clean up

The subject site shall be cleaned up and appropriately reinstated to its original condition, subject to any changes as part of the approval to the satisfaction of the Secretary or nominee. The site clean-up includes but is not limited to the removal of any waste generated from the event and the like.

H.3 Rehabilitation

The applicant shall ensure that sites are appropriately rehabilitated at the completion of each event in accordance with these conditions of consent.

H.4 Removal of site notices and signs

Any site notices, signs or other site information shall be removed at the completion of each event in accordance with these conditions of consent.

PART G – ADVISORY NOTES

AN.1 Disabled Access

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons. The Disability Discrimination Act (DDA) is federal legislation and aims to increase the economic and social independence of people with a disability. The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

The applicant must satisfy themselves that they are familiar with the DDA and have considered it in the Development Application process. The Australian Standard 1428 Designs and Mobility Part 1 to 4 sets the present minimum standard.

AN.2 Utility services

- (a) The applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications, and the fire hydrant on the subject site:
 - (i) to locate all service infrastructure on the subject site;
 - (ii) arrange connection to these services for the development where relevant; and

- (iii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The applicant and/or the lessee are responsible for costs associated with relocating any services.