



L'Etape - Perisher Valley

*Development Application
Assessment
(DA 9629)*

October 2018

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Cover photo

Main Range, Kosciuszko National Park (Source: Alpine Resorts Team file photo)

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Glossary

Abbreviation	Definition
Consent	Development Consent
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEE	Statement of Environmental Effects
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy



Executive Summary

This report provides an assessment of a Development Application (DA 9629) seeking approval for the use of the site and the installation of temporary structures associated with the L'Étape cycling event at Perisher Valley, Kosciuszko National Park. The Applicant is Lateral Events Pty Ltd and they have sought approval for annual events for four years being 2018, 2019, 2020 and 2021.

The Minister for Planning is the consent authority for development within a ski resort in Kosciuszko National Park and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP).

The proposal was not exhibited due to the location and nature of the event. The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP and to the Roads and Maritime Services (RMS). The OEH and RMS does not object to the proposal. No public submissions were received during the assessment of the application.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The Department has assessed the merits of the proposal and has found the key issue include: site suitability and capacity, operational management and temporary structure construction. The Department's assessment concludes that the proposed development is suitable for the site, would not result in any significant adverse environmental or visual impacts and would be similar to other previous events that have been held in the Perisher Valley.

The Department has considered the government agency submissions and recommended conditions of consent in accordance with government agency requirements. Subject to the recommended conditions, the Department is satisfied that there would be minimal impacts associated with the temporary structures and the events.

The Department supports the proposal to provide a general approval for the L'Étape event to cover a four-year period and concludes that the application is, on balance, in the public interest as it encourages visitation to the region outside the snow season, which supports the Alpine SEPP and regional plan for the locality.

The Department recommends that the application be approved subject to conditions.



Contents

Glossary	iii
Executive Summary	iv
1. Introduction	1
1.1 The Site and Surrounding Development	1
1.2 Related Development Applications	2
2. Project	3
2.1 Project Description	3
2.2 Justification for the proposal	4
3. Strategic Context	5
4. Statutory Context	6
4.1 Consent Authority	6
4.2 Other approvals	6
4.3 Permissibility	6
4.4 Mandatory Matters for Consideration	6
5. Engagement	9
5.1 Department's Engagement	9
5.2 Summary of submissions	9
5.3 Key Issues - Government Agencies	9
6. Assessment	10
6.1. Operational management	10
6.2. Site suitability and capacity	11
6.3. Temporary structure construction	12
7. Evaluation	13
8. Recommendation	14
9. Determination	15
Appendices	16
Appendix A – List of Documents	17
Appendix B – Statutory Considerations	18
Appendix C – Recommended Instrument of Consent	22



1. Introduction

This report provides an assessment of a Development Application (DA 9629) seeking consent for the use of the site and the installation of temporary structures associated with the L'Étape cycling event at Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park.

The application has been lodged by Lateral Events Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

1.1 The Site and Surrounding Development

The site of the temporary structures is located in Perisher Valley on an existing large bitumen space (**Figure 1**), located adjacent to the the National Parks and Wildlife Service (NPWS) building. The site also includes a portion of Kosciuszko Road for fencing and totem structures (for timing riders) to identify the completion of an ascent (**Figure 2**).

Perisher Valley is in the Perisher Range Alpine Resort of Kosciuszko National Park and is predominantly used by visitors in the winter for snow related recreational activities.

The site is located to the east of Perisher Creek, to the North of the Catholic Church and the emergency services buildings. The site is surrounded by ski slopes, resort infrastructure, native vegetation and tourist accommodation buildings.



Figure 1: Site location (Source: SIX Maps 2018)

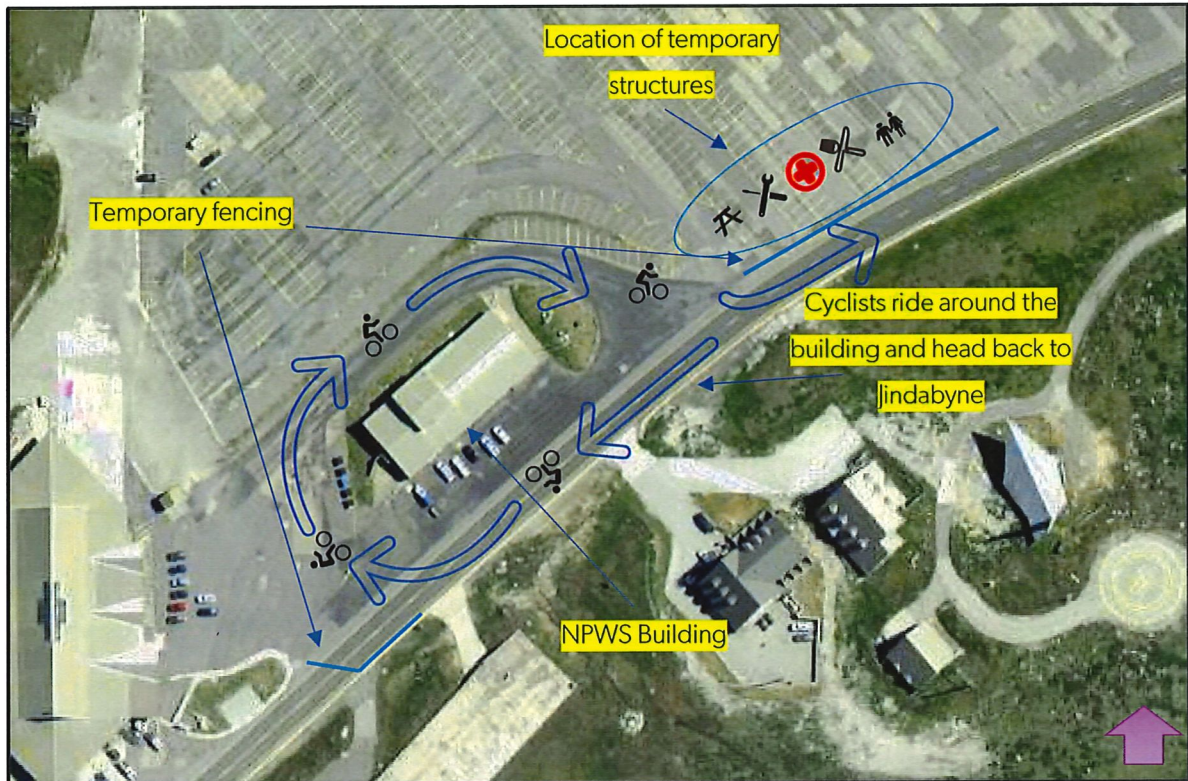


Figure 2: Site layout (Source: SIX Maps 2018 amended by DPE)

1.2 Related Development Applications

On 15 November 2017, the Team Leader of the Alpine Resorts Team, as delegate for the Minister for Planning, approved DA 8861 for temporary structures associated with the commencement of the 2017 L'Etape race. The approval granted consent for the use of the site as the 'Village' that included the installation of temporary facilities to cater for approximately 3,000 to 7,000 people as the beginning and focal point (congregation area) of the 2017 event.

On 28 November 2017, the Team Leader of the Alpine Resorts Team, as delegate for the Minister for Planning, approved DA 8864 for temporary structures associated with the finish line of the 2017 L'Etape race (for the riders that did the race component while others finished in Jindabyne). The approval granted consent for the use of the site and installation of temporary facilities (food and beverage marques and picnic tables) to cater for approximately 3,000 to 7,000 people.



2. Project

2.1 Project Description

The application seeks approval for the use of the site and installation of temporary structures to cater for a maximum of 3,000 people passing through the area during the day of each annual L'Étape cycling event. The proposal also seeks consent for four years of events being between 2018, 2019, 2020 and 2021.

The Perisher site is a turnaround point for the L'Étape Australia event known as Food Zone #4 (approximately 1500m²), where riders will have access to medical or mechanical assistance, use the facilities, rehydrate etc before commencing the ride back to Jindabyne where the race will end.

The structures proposed for the 2018 L'Étape event are outlined in **Table 1** below. Future events are expected to comprise a similar temporary structure arrangement.

Table 1 | Specifications for temporary structures (Source: Applicant's submitted documentation)

Food Zone #4 Elements	
Name	Floor size (m)
Pagoda	3 x 9
Ascent finish totems (x2)	0.8 x 0.4
Bike racks (x4)	6 x 1.5
Water tanks (x6)	1 x 1
Mechanical assistance	3 x 3
Medical tent	4.5 x 3
Portaloos block	4.5 x 3
Urinals	8 x 4

The L'Étape 2018 event is scheduled to take place on Saturday 1 December 2018. The temporary structures and event setup would take place on Friday 30 November 2018 to be ready for the event on the Saturday and be removed as soon as the last rider has left the area. Subsequent event dates for 2019, 2020 and 2021 may vary but will be limited to the same event and associated bump-in and bump-out times.

Due to skill level differences the riders are expected to arrive at Perisher in a dispersed manner, with the first rider arriving approximately 10.20am and the last rider arriving around 4.00pm. Kosciuszko Road is to be closed from 6.00am to 5.45pm and the temporary structures would be removed on the Saturday afternoon to allow the road to be reopened to the public.

2.2 Justification for the proposal

The Applicant states that L'Étape Australia, organised by le Tour de France, is a unique road cycling event that provides an experience designed to replicate the experience of riding in the Tour de France for amateur cyclists in Australia. The event increases the number of people attending the area outside the ski season and builds awareness of the Snowy Mountains as a tourist destination outside the typical high visitation winter period.

Perisher Range Alpine Resort, as it is located within the Kosciuszko National Park, does not currently benefit from state wide planning policies, such as the exempt and complying development codes, which facilitate particular events and temporary structures elsewhere.



3. Strategic Context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the Kosciuszko National Park (KNP), the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment.

The two main documents that support the strategic context of the alpine resorts are the Alpine SEPP and the *South East and Tableland Regional Plan 2036*.

The Alpine SEPP governs development on land within the ski resort areas of KNP and aims to protect the natural and cultural heritage of land within the resorts and to encourage ecologically sustainable development. Under the provisions of the Alpine SEPP, the OEHL have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The South East and Tableland Regional Plan 2036 which was released by the Department in July 2017 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the plan recognizes that the sustainability of natural snow conditions within a changing climate will be a challenge if the area is to capitalise on higher number of visitors. It also seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience. This can be partly addressed by promoting an extended tourism season that will make the Snowy Mountains a year-round destination for mountain biking, bushwalking, horse riding, kayaking, cultural and educational tourism, and recreational fishing.

The proposed development is consistent with the Alpine SEPP and South East and Tableland Regional Plan 2036 as:

- the proposal provides support infrastructure for a large annual cycling event, which brings visitors to the region outside the peak snow season
- the proposal can be undertaken with minimal environmental impact consistent with the principles of ecologically sustainable development



4. Statutory Context

4.1 Consent Authority

Under clause 7 of the Alpine SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 11 October 2017, the Team Leader, Alpine Resorts Team may determine the application as:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

4.2 Other approvals

The also requires approvals issued by other authorities including a Road Occupancy Licence (ROL) issued by the Roads and Maritime Service (RMS). The Applicant has applied separately to the RMS for multiple ROLs covering the whole event.

4.3 Permissibility

The proposal includes the installation of temporary structures associated with a cycling event consistent with the definition of 'entertainment facilities' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'entertainment facilities' are permissible with consent within the Kosciusko National Park.

In accordance with the *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* (the Miscellaneous SEPP), the erection of a temporary structure may be carried out with development consent unless another environmental planning instrument specifies that development as exempt or complying. In this instance, the Alpine SEPP does not specify the works as exempt or complying.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it seeks approval for works that:

- promote the orderly and economic use of the site as the event would increase summer activities and visitation to the region;
- has regard to protecting the environment through providing the temporary structures on hardstand areas and therefore not impacting native vegetation; and
- would not have an impact on the environment thus being ecologically sustainable development.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1997*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational Equity principles have been applied in the decision-making process via an assessment of the impacts of the proposal.

Considerations under section 4.15 of the EP&A Act

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 2 | Section 4.15(1) Matters for Consideration

(a)(i) any environmental planning instrument (EPI)	Satisfactorily complies. The Alpine SEPP and the the Miscellaneous SEPP are the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in Appendix B . The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1). The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development,	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the development as discussed in Section 6 of this report.

(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to the agency submissions received during the notification period. See Section 6 of this report.
(e) the public interest.	<p>The proposed development is consistent with the aim and objectives of the Alpine SEPP and the Miscellaneous SEPP and would provide the necessary infrastructure for the event. The environmental impact is expected to be minimal and the proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.</p>



5. Engagement

5.1 Department's Engagement

The Department determined that due to the sites location and nature of the proposal, the application was not required to be notified or exhibited. However, the Department placed the application:

- on its website available to the public
- at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne)

The Department consulted with the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP and, although the application is not integrated development, the Roads and Maritime Services (RMS) due to the use of Kosciuszko Road for the event.

5.2 Summary of submissions

The Department received two submissions on the proposal from government agencies (OEH and RMS). No public submissions were received.

5.3 Key Issues - Government Agencies

None of the government agency submissions objected to the proposed works, and the key issues raised have been addressed through the provision of submitted information, or through the recommended conditions of consent.

Table 3 | Summary of Government Agency Submissions

Office of Environment and Heritage (OEH)	The OEH did not object to the proposal and recommended conditions in relation to waste management and vegetation rehabilitation (in the case of any disturbance). The OEH also provided landowners consent to lodge the application.
Roads and Maritime Service (RMS)	The RMS did not object to the proposal and advised that the Applicant is in the process of obtaining multiple Road Occupancy Licenses for the event. The RMS also provided landowners consent to lodge the application.

The Department has considered the comments received from the RMS and the OEH in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**.



6. Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- operational management
- site suitability and capacity
- temporary structure construction

Each of these issues is discussed in the following sections of this report.

6.1. Operational management

Operating hours and noise

The Applicant has proposed that the temporary food zone would be in use from 10:00 to 16:00 (4pm) on Saturday 1 December during the 2018 event.

The Department is satisfied that due to the event location, minimal disturbance would be expected due to noise either early in the morning or late at night. The Department therefore considers it appropriate to allow additional time in the evening in case the event runs over time or people disperse slowly.

Conditions have been included that allow a later finish time of 18:00 (6pm) on the event day. These conditions would apply for the subsequent year's events.

Security and crowd management

The Applicant states that the event provides the same race conditions as the Tour de France, this includes on site medical personnel, mechanical assistance and security personnel. The crowd for the entire event over the race day is not expected to exceed 300 at one time as the portion of people congregating at Perisher is expected to be minimal as the riders will be turning around and then returning to Jindabyne. The Applicant has proposed to engage a security guard once the structures are setup to ensure they are secure overnight.

The Applicant has provided a Risk Management Plan for the event covering a range of scenarios, including among others, disorderly conduct, terrorism, and other events that may cause erratic crowd movement. The plan contains associated mitigation and management measures to provide an acceptable residual risk rating.

The Department is satisfied with the content of the Risk Management Plan and has recommended conditions relating to maximum numbers of people at the site at any one time.

Traffic management

The Applicant has submitted a Traffic Management Plan for the event. The event has also been coordinated in consultation with the RMS who are managing restricted road access for the event. The Applicant has obtained a Road Occupancy Licence from the RMS separate to the DA process.

Traffic generation to Perisher is expected to be limited to event organisers and other sub-contractors. Public access to and from Perisher on the day will be restricted.

The Department is of the view that people attending the event would largely be support staff and vehicles carpooling and shuttling other passengers to assist with the bikes. The roads up to and within Perisher Valley are going to have restricted access conditions overseen by the RMS. Notwithstanding this, the Perisher car park has a capability to manage large amount of ingoing and outgoing vehicles as demonstrated during peak winter season.

The Department is satisfied that pedestrian, traffic and parking impacts associated with the event would be minimal and can be effectively managed in accordance with the risk management plan.

Toilets

The Applicant states that the majority of people will be passing through the Perisher area and continuing through to Jindabyne. Therefore, the Applicant proposes to provide six portable toilets and would also be utilising the facilities available in the nearby Municipal Services building.

It is estimated that up to 3,000 people (riders and supporters) could pass through the Perisher temporary village area between 10:00 and 16:00 on Saturday 1 December 2018. The number of people passing through and using the facilities are anticipated to be similar for all future events covered by this consent.

The Department considers that the proposed portable toilets in addition to those available at the Municipal Services building are adequate to cater for the maximum number of people expected to attend the site.

Food and drinks

Food and drink operations have been simplified for this, and subsequent, events. It is not proposed to have any alcoholic drink service or hot food at the Perisher turnaround site. Instead the food provided would include pre-packaged snack foods, dried fruits and nuts, and lollies. Drinks would include non-alcoholic drinks such as water, juice or sports drinks.

Summary

The Department is satisfied that the operational management of the event can be undertaken appropriately with minimal impacts. To ensure that each event and temporary structure installation is undertaken in a safe and appropriate manner with minimal impacts, particularly in subsequent years, the conditions of consent require the Applicant to submit documentation to the Department within 30 days and 7 days prior to each event occurring. Information to be submitted includes matters such as:

- a site plan and details of temporary structures;
- traffic management plan and relevant Road Occupancy Licence;
- risk management plan;
- waste management plan; and
- sanitary facilities and services details.

6.2. Site suitability and capacity

The site is considered suitable for the event due to its size, location and existing uses as a road and car parking area. The existing car park area has sufficient capacity for the estimated number of visitors (expected to be 3,000 people passing through the area), the temporary structures and support vehicles, with the adjoining Municipal Services building offering shelter in the event of rain or high winds.

The road around the Municipal Services building, that provides the turning area, is appropriately graded and large enough for the proposed temporary structures.

To ensure that adequate amenity is provided for each visitor and that the areas can be managed appropriately, in the case of any emergencies, the Department has recommended that the maximum number of people within any fenced temporary village areas of the site at any one time be limited to 0.75 persons per square metre.

6.3. Temporary structure construction

Approximately 140m² of temporary structures are proposed to be constructed on 1 December on the site for the years 2018, 2019, 2020, and 2021. The Applicant has committed in the Risk Management Plan to ensure infrastructure is designed to withstand high winds, built to engineer's design and is inspected and certified prior to the event by an engineer.

The proposal is considered to be consistent with the aims of the Miscellaneous SEPP, which is a relevant EPI applying to the works in that:

- the events rely on the use of temporary structures (e.g. stages)
- the Applicant is proposing use of the temporary structures in a safe and orderly fashion

The Applicant is proposing to erect, use and dismantle the temporary structures in a manner that will ensure the environment is protected, this includes managing noise, parking and traffic impacts and ensuring amenity protection.

The Department is satisfied that the temporary structures can be safely installed, and risk management measures put in place to ensure they remain safe to the public in the event that adverse weather conditions occur. Conditions have been recommended to ensure adequate design and certification of the structures.



7. Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- the proposal supports an annual ongoing event that draws large number of visitors to the region
- the proposed works will not have an impact on threatened species, populations and ecological communities
- construction works will be undertaken in accordance with relevant Australian Standards

Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.



8. Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 9629; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Prepared by:

Robin Ward
Planning Officer
Alpine Resorts Team

Recommended by:

Mark Brown
Senior Planner
Alpine Resorts Team



9. Determination

The recommendation is: **Adopted / Not adopted by:**

8/11/2018

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning.



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Statement of Environmental Effects
 - http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9629
2. Submissions
 - http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9629

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIS that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

The Alpine SEPP and the Miscellaneous SEPP are the only EPIS which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Miscellaneous SEPP provides a framework for the safe erection of temporary structures, among other things, and has been considered during the assessment of the application.

The Department is satisfied that the application is consistent with the requirements of the Miscellaneous and Alpine SEPPs.

CI 14(1) - Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal would not adversely impact upon the natural environment.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	It is likely that the event would attract new visitors to the Kosciuszko National Park. However, the cumulative impacts are not likely to place any added burden on the transport, effluent management systems, waste disposal facilities, transfer facilities or the existing water supply.
(d) any statement of environmental effects,	The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The structures are temporary and are entirely restricted to a bitumen hardstand area, therefore no geotechnical impacts are anticipated and the works are exempt from the Department's Geotechnical Policy.
(g) any sedimentation and erosion control measures,	The temporary structures proposed on the car park area would not create any sedimentation or erosion issues.
(h) any stormwater drainage works proposed,	The temporary structures and gathering at the site do not comprise any stormwater drainage works.

(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal would not result in an unacceptable visual impact as the structures are all temporary.
(j) any significant increase in activities, outside of the ski season,	The purpose of the proposal is to provide the temporary infrastructure necessary to support a cycling event outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to the proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal is not carried out within a riparian corridor.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 5 and discussion on proposal at Section 6 .	
CI 26 – Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	Aboriginal heritage would not be impacted by the proposal.

STATE ENVIRONMENTAL PLANNING POLICY (MISCELLANEOUS CONSENT PROVISIONS) 2007

CI 3 – Aims of Policy
<p>The proposal is considered to be consistent with the aims of the Miscellaneous SEPP in that:</p> <ul style="list-style-type: none"> the events rely on the use of temporary structures (e.g. stages) the Applicant is proposing use of the temporary structures in a safe and orderly fashion the Applicant is proposing to erect, use and dismantle the temporary structures in a manner that will ensure the environment is protected, this includes managing noise, parking and traffic impacts and ensuring heritage protection.
CI 11 – Permissibility of erection of temporary structures
The proposed temporary structures are permissible with consent under the Miscellaneous SEPP.

CI 12 – Matters for consideration by consent authority	
(a) whether the number of persons who may use the structure at any one time should be limited,	Proposed structures will include those listed in Table 1 of this report, such as marquees, portable toilets, mechanical and medical tents. It is anticipated that only staff and authorised personnel will be enclosed within these structures.
(b) any adverse impact on persons in the vicinity of any noise likely to be caused by the proposed erection or use of the structure and any proposed measures for limiting the impact,	Due to the location of the structures and the nature of event noise impacts are expected to be minimal. The majority of participants will be passing through the area, only stopping briefly if required.
(c) whether the hours during which the structure is used should be limited,	The proposed hours of operation for the events (including the use of temporary structures) are to be managed in accordance with conditions. The Applicant expects the last rider to pass through the Perisher area at approximately 4.00pm on the day of the event. The Department has however conditioned that the last rider in the event is approved until 6.00pm on the event day.
(d) any parking or traffic impacts likely to be caused by the erection of the structure or its proposed use,	Traffic and car parking is expected to be minimal and limited to event support staff. There is adequate car parking across the site.
(e) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines,	The Applicant has prepared a risk management plan contemplating a range of potential scenarios, the required response, and the residual risk rating. The Applicant has proposed to engage a security guard to ensure the structures are secured overnight.
(f) whether the proposed location of the structure is satisfactory in terms of the following: (i) the proposed distance of the structure from public roads and property boundaries, (ii) the location of underground or overhead utilities, (iii) vehicular and pedestrian access,	The selected site is considered a suitable location for the event. This is discussed further in Section 6 . The nearest road is Kosciuszko Road. The temporary structures are to be located adjacent to the road and the traffic is going to be managed during the event. No adverse impacts to the Kosciuszko Road are anticipated as a result of the events. The site is a large car park and access and egress are not anticipated to be an issue.
(g) whether it is necessary to provide toilets and washbasins in association with the use of the structure,	Portable sanitary facilities are to be provided by the Applicant in addition to existing facilities.
(h) whether the structure is proposed to be erected on land that comprises, or on which there is:	There are no heritage impacts associated with the proposal.

<p>(i) an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order, under the Heritage Act 1977, or</p> <p>(ii) a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or</p> <p>(iii) land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument,</p>	
<p>(i) the duration for which the structure should be permitted to remain on the land concerned,</p>	<p>The duration of the temporary structures are controlled through conditions of consent.</p>
<p>(j) whether any conditions should be imposed on the granting of consent in relation to the dismantling or removal of the structure in view of any safety issues.</p>	<p>The dismantling and removal of the temporary structures are controlled through conditions of consent.</p>



Appendix C – Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9629