

Development consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to 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 including economic and social impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the environmental management of the development.



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

Jindabyne

15/11 / 2017

SCHEDULE 1

Application No.:	DA No. 8861
Applicant:	Lateral Events Pty Ltd
Consent Authority:	Minister for Planning
Land:	Bullocks Flat Car Parking Area, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Temporary infrastructure associated with L'Etape Australia 2017 event.

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 8861	means the development application and supporting documentation submitted by the applicant on 30 October 2017.
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).
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.
Useable area	Useable area is defined as the total area of the sites less any area occupied by temporary structures, facilities or the like.

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 the Development Application No. DA 8861 submitted by Lateral Events on 30 October 2017 and in accordance with the supporting documentation submitted 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 2017 Environmental Impact Statement and Effects	Lateral Events	-	-
2	Management Plan	L'Etape Australia Risk Management Plan	Lateral Events	-	Version 1.0
3	Plan	Bullocks Flat Village	Peter Tyers	10 October 2017	06
4	Schedule	Village Elements	Lateral Events	-	-

A.3 Limit of consent

This consent is only for the temporary infrastructure associated with the L'Etape Australia 2017 event.

A.4 Maximum number of people

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

Note: Useable area is defined as the total area of the fenced village area less any area occupied up by temporary structures and the like.

A.5 Hours of operation

The following hours of operation are approved for the event:

- from 0900 until 2400 on Friday 1 December 2017; and
- from 0400 until 2400 on Saturday 2 December 2017.

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 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.8 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A Erection of signs during building and demolition works.

A.9 Additional approvals or licences

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

A.10 Australian standards

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

A.11 Legal notices

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

PART B – TEMPORARY EVENTS AND TEMPORARY STRUCTURES

B.1 Temporary structures general

Temporary structures shall be constructed or installed at the approved sites 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 300m²;
- 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 300m²;
- 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 Food stalls, mobile food and drink outlets

All food stalls, mobile food and drink outlets shall comply with the requirements of the Food Act 2003, the NSW Food Authority "Food Handling Guidelines for Temporary Events" and Guidelines for mobile food vending vehicles (NSW/FA/F1 055/1302) published by the NSW Food Authority in February 2013 and:

- a) The Food Safety Supervisor (FSS) requirement applies if a business is processing and selling food by retail (at a temporary event) that is: ready-to-eat; potentially hazardous (i.e. requires temperature control); or, unpackaged (i.e. NOT sold and served in the supplier's original package).
- b) If applicable, a copy of the FSS certificate for your FSS must be kept at the premises.
- c) A hand wash basin with warm running water, liquid soap and paper towels must be accessible for temporary food vendors preparing and selling potentially hazardous food.

- d) All sullage water from hand washing and equipment/utensil washing must be collected and disposed of legally via a sewer dump point.
- e) All event structures and surrounds are to be maintained in a clean and tidy manner at all times and all waste and general rubbish generated by the temporary food vendors is to be removed and disposed of legally.

B.5 Recreational structures

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

- a) each individual recreational structure must not have a total area exceeding 300m²;
- b) for all recreational structures being used at the same time on any one site - the recreational structures must not have a total area exceeding 1,000m²;
- c) each recreational structure must be located at least 3 metres from any tourist accommodation on or adjoining the land;
- d) each recreational structure must be erected so as to ensure that there is a distance of at least 1.5 metres from any other recreational structure that is unobstructed so as to allow for pedestrian circulation unless that other recreational structure is attached with no separation;
- e) each recreational structure must be erected at ground level;
- f) each recreational structure 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 recreational structure has an area of not more than 25m² - 1 exit;
 - (ii) if the recreational structure has an area of not more than 100m² - 2 exits;
 - (iii) in any other case - 4 exits.
- g) if any recreational structure will include internal obstructions, a clear path of travel to any exit no greater than 40m in length must be provided;
- h) each recreational structure must have a width for each exit of at least:
 - (i) if the area of the recreational structure is less than 150m² - 850mm, or
 - (ii) in any other case - 1metre.
- i) each recreational structure must have a height, as measured from the surface on which the recreational structure is erected to the highest point of the recreational structure, not exceeding 6 metres.

B.6 Amusement devices

Amusement devices shall be installed and operated in accordance with Australian Standard (AS) 3533 Amusement Rides and Devices and AS 3002 Electrical Installations - Shows and Carnivals and must not:

- a) be greater than 10 metres in height;
- b) be located within 3 metres of any tourist accommodation building; and
- c) be appropriately certified in accordance with these conditions.

B.7 Scaffolding, screens and tiered seating

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

A tiered seating structure, concourse or an embankment must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

PART C – INSTALLATION WORKS

C.1 Bump In and Bump Out Times

Bump in time for the event shall commence no earlier than seven (7) days prior to the event and bump out time shall be completed within seven (7) days of the event.

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

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

C.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.

C.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.

C.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.

C.6 Submission of certification

Upon completion of the initial set up of the temporary structure and any associated event infrastructure, certification shall be submitted to the satisfaction of the Secretary or nominee to demonstrate that the conditions of consent have been complied with.

C.7 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.

C.8 Waste management measures

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

C.9 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.

C.10 General event information signage

Signs must be displayed in prominent location for each event specifying the following:

- a) the maximum number of persons that are permitted in the venue at any one time; and
- b) the name and business telephone number of the manager of the event.

PART D – CERTIFICATION AFTER INSTALLATION AND PRIOR TO EVENT

D.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.

D.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.

D.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.

D.4 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. The ROL application would require a traffic management plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans.

The Guide to Traffic and transport Management for Special Event provides guidance on traffic management for events. A copy of the guide can be downloaded from:

http://www.rms.nsw.gov.au/trafficinformation/downloads/tmc_specialevents_dl1.html

PART E – DURING THE EVENTS

E.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.

E.2 Secure positioning of the temporary structure

Should adverse weather conditions (severe winds, hail or the like) arise during the event the applicant shall ensure that all spectators are evacuated in accordance with the security management and crowd management plan.

E.3 Operation of temporary structure

The applicant shall ensure that all works associated with the erection, operation, and dismantling of the temporary structure is done in accordance with manufacturer's specifications, safe work practices, relevant Australian Standards and Work Cover requirements.

E.4 Exits (fenced area)

Exits shall be provided from the 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.

E.5 Artificial lighting

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

E.6 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.

E.7 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.

E.8 Work Cover

All operations associated with the setting up and running the events shall be carried out in accordance with current Work Cover guidelines.

E.9 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.

E.10 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.

E.11 Prohibition of hazardous materials

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

E.12 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.

E.13 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.

E.14 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.

E.15 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.

E.16 Responsible service of alcohol

The applicant and liquor license holders are responsible for the compliance of the Liquor Act. No glass is permitted with the sale of alcohol. Only plastic cups, plastic bottles or aluminium cans are to be used during the events.

E.17 Plumbing and drainage

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

E.18 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.

E.19 Gas installations

Any gas installations or portable gas appliances associated with events and temporary structures must be compliant with the following:

- a) LP gas portable mobile appliances: AS 2658;
- b) gas heating or cooking equipment: AS/NZS 5601.1; and
- c) radiant heaters for outdoor and non-residential use: AS 4654.

PART F – COMPLETION OF EVENTS

F.1 Removal of temporary structure

The temporary structure shall be removed within seven (7) days of the completion of an event in accordance with these conditions of consent.

F.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.

F.3 Rehabilitation

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

F.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.