



Paved Way
Unit 6 1/3 Mona Lane
DARLING POINT NSW 2027

Contact: Miss Kayla Volker
Our Ref: DA 8/2013/679/1
Your Ref: -

Dear Sir/Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Cessnock City Council hereby gives notice that **Development Application 8/2013/679/1** has been determined by the granting of consent, subject to the conditions listed in Schedule 1.

Date of determination:	16/04/2014
Date from which consent operates:	16/04/2014
Date from which consent lapses:	16/04/2019
Description of development:	A Temporary Music Event to be Held Between Friday 19 September 2014 to Sunday 21 September 2014 (inclusive) and Associated Camping for a Maximum of 1,500 Attendees
Property description:	LOT: 392 DP: 863124 60 Mitchells Road MOUNT VIEW
Applicant:	Paved Way
Owner:	Jenlaw Pty Ltd

If you have any further enquiries regarding this notice of determination, please contact Miss Kayla Volker, Planning Assessment Officer, of Council's Planning and Environment on (02) 4993 4206.

Yours faithfully

Gareth Curtis
Director Planning and Environment
klt

ADVICE:

The following matters are included as advice relative to this Application:

- (a) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979, and 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.
- (b) This Development Consent will lapse on 16 April 2019. Relevantly, Sections 95(4) and 95(5) of the Environmental Planning and Assessment Act 1979, state as follows:
- “(4) *Development consent for:*
(a) the erection of a building, or
(b) the subdivision of land, or
(c) the carrying out of a work,
does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.
- (5) *Development consent for development other than that referred to in subsection (4) does not lapse if the use of any land, building or work the subject of that consent is actually commenced before the date on which the consent would otherwise lapse”.*
- (c) The applicant has the right to appeal this determination in accordance with the provisions of Section 97 of the Environmental Planning and Assessment Act 1979.
- (d) The applicant has the right to request a review of the determination of this development application in accordance with the provisions Section 82A of the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000.
- (e) An objector who is dissatisfied with the determination of this development application does not have the right to appeal to the NSW Land and Environment Court.
- (f) The Planning Assessment Commission has not conducted a public hearing in respect of this Application.

ABBREVIATIONS:

<i>AS</i>	Australian Standard
<i>BCA</i>	Building Code of Australia
<i>CA</i>	Certifying Authority
<i>CC</i>	Construction Certificate
<i>DA</i>	Development Application
<i>EP&A Act</i>	Environmental Planning & Assessment Act 1979
<i>EP&A Regulation</i>	Environmental Planning & Assessment Regulation 2000
<i>PCA</i>	Principal Certifying Authority
<i>OC</i>	Occupation Certificate
<i>OSD</i>	On Site Detention
<i>RMS</i>	Roads and Maritime Services
<i>SEPP</i>	State Environmental Planning Policy
<i>WAE</i>	Works as Executed

SCHEDULE 1

TERMS OF CONSENT

General

1. Development must be carried out strictly in accordance with DA No. 8/2013/679/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan	Unknown	No date

Document Title	Prepared By	Dated
Statement of Environmental Effects – Version 3	Paved Way	15 January 2014
Waste Management Plan	TC Waste Services	No date
Traffic Management Plan Version 4	Vigilant Safe Servces	19 January 2014
Emergency Management Plan	Paved Way	No date
Event Manual	Paved Way	No date
Acoustic Assessment	RCA Acoustics	January 2014
Risk Assessment	It's Risky Business	2014
Swept Path Assessment	Cardno	26 February 2014

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

2. Approval for the temporary event and associated camping is granted from Friday 19 September 2014 to Sunday 21 September 2014 for a maximum of 1,500 attendees. Setup for the event shall occur from Wednesday 17 September 2014 and dismantling shall occur until Monday 22 September 2014.
3. All amplified music will cease at 11 pm on each day the event operates.
4. No 'BYO' alcohol shall be permitted to be brought to the event by patrons. Event managers shall ensure that measures are in place to eliminate alcohol being brought into to the event and co-ordinate with NSW Police as required.
5. The applicant shall provide access to the site to relevant Council staff for the purposes of carrying out inspections and ensuring that relevant conditions of consent are complied with.
6. The organisers of the event shall ensure that adequate, current, Public Liability Insurance is undertaken to cover the staging of the event.

Noise

7. The operator of the event will comply with Part 5 of the RCA Acoustic Assessment Report, specifically items one (1) through to three (3).

- 7a. The proponent is to supply noise limiting devices or automatic volume control/electronic sound level noise attenuation system to ensure the maximum decibel levels are not exceeded at any time during the event where amplified music or sound is emitted. In the event the maximum decibel levels are exceeded, the amplified music or sound shall be automatically shut off.
8. The operator of the event will co-ordinate / liaise with non-target impacted noise receptors and make appropriate arrangements with them to mitigate impacts including the safe welfare of pets and livestock. This will include communicating with suitably qualified and trained person to adjust noise levels as appropriate.
9. Affected surrounding residents are not to be coerced out of their homes at any time during the event period for any reason regardless of pre-arranged alternative accommodation provisions.
10. The operating noise level of the premises, including machinery, plant and equipment, traffic movement, performer and patron activity when measured at the boundary of the worst affected residential premises shall comply with the amenity and/or intrusiveness criteria outlined in the NSW EPA's Industrial Noise Policy which is also applied to commercial premises. For assessing amenity criteria, the area shall be regarded as "suburban" as defined by the Industrial Noise Policy.

Building Code of Australia

11. Pursuant to Section 80A (11) of the *EP&A Act*, a temporary structure that is used as an entertainment venue must comply with Part B1 and NSW Part H102 of Volume One of the *BCA*.

Waste Generation and Removal

12. All areas utilised by the public as part of this approval for a temporary event shall be clear of any waste water disposal areas approved on the site or adjoining sites.
13. The disposal of all wastes, including recycled materials, glass and cardboard and general refuse is to undertaken without nuisance in accordance with the provisions of Council's Development Control Plan 2006 Part D Chapter 8.

Site Facilities

14. The number of toilets in the event area shall be provided at a minimum ratio of 1:75. The toilet areas shall be closely supervised in order to effectively maximise the use of the facilities. The following issues are to be adhered to when managing temporary toilet facilities:-
 - a) supplied and serviced (if required) by a hiring contractor.
 - b) removed immediately after the event.
 - c) provided with adequate lighting and suitably signposted.
 - d) secured to avoid tipping.
 - e) hand washing facilities with soap and paper towels to be provided in or immediately near the toilets.

- f) events longer than four (4) hours duration, toilets to be periodically cleaned and resupplied with toilet paper.
- g) disabled toilet facilities to be provided in a suitably accessible location.
- h) highly visible directional signposting located in appropriate locations i.e. at entrance, near food/drink outlets.

All toilets and public facilities are to be maintained throughout the duration of the event to ensure they are kept in a clean and tidy condition.

15. The number of showers in the camping area shall be provided at a minimum ratio of 1:75. These facilities are to be provided and maintained in suitable locations in close proximity to the designated campsite area, mobile home sites and caravan sites. The shower areas shall be closely supervised in order to effectively maximise the use of the facilities. The following requirements are to be adhered to when managing temporary shower facilities:-

- a) supplied and serviced (if required) by a hiring contractor.
- b) removed immediately after the event.
- c) provided with adequate lighting and suitably signposted.
- d) secured to avoid tipping.
- e) periodically cleaned.
- g) disabled shower facilities to be provided in a suitably accessible location.
- h) highly visible directional signposting located in appropriate locations i.e. at entrance, near food/drink outlets.

All showers and public facilities are to be maintained throughout the duration of the event to ensure they are kept in a clean and tidy condition.

16. An adequate supply of fresh clean potable water is to be provided and maintained, in suitable locations in close proximity to the designated campsite area, mobile home sites, caravan sites and to areas of food stalls for the duration of the event. Should the water supply for drinking, bathing and cooking purposes be sourced from an independent water supply (which includes but is not limited to dams, rivers, creeks, tanks or bores) the applicant is to put in place a water treatment and monitoring process consistent with the requirements of the Australian Drinking Water Guidelines 2004 and published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council. The following processes are available to achieve this requirement:

Filtration
 Chlorine disinfection
 UV disinfection
 Regular water testing for microbial and chemical content
 Appropriate signage at water outlets Or a combination of these processes

The Australian Drinking Water Guidelines can be accessed at:
<http://www.nhmrc.gov.au/publications/syopses/eh19syn.html> or by calling 1300 064672.

Food

17. The preparation, storage, handling and sale of all food and beverages is to be carried out, in accordance with Council's Temporary Food Premises Guidelines. All sales are to be from approved stalls, which comply in full, with the requirements as specified within the referred Guideline.
18. All food stall operators are only to sell foods which have been prepared or partly prepared foods in a commercial grade kitchen or within the food stall designed in accordance with the Hunter Central Coast Food Surveillance Group Temporary Food Premises Guidelines.
19. In the event of the prevailing weather conditions posing a potential dust nuisance within the food stall area, suitable dust control contingency measures are to be available if required for use during the conduct of the event. Specific attention must be given in this regard to the fresh food stalls and visitor areas.
20. The list of the food suppliers and their menu's for the event is to be supplied to Council's Regulated Premises Officer a minimum of seven (7) days prior to the event.
21. All food stall operators are required to have a current Cessnock City Council approval to operate a temporary food business and shall be available for viewing at the time of the event if requested by a Council Officer. No food stall operator shall be permitted to sell foods at the event if this approval has not been granted by Council.
22. All stall holders selling food are required to notify their food business details with the NSW Department of Health. Further information can be obtained from either visiting the NSW Health Notification website www.foodnotify.nsw.gov.au or by telephoning the Food Notification Help line on 1300 650 124.

First Aid

23. First Aid Posts and First Aiders are to be provided on-site for the duration of the event in accordance with the following table.

PATRONS	FIRST AIDERS	FIRST AID POSTS
500	2	1
1000	4	1
2000	6	1
5000	8	2
10000	12	2

Posts will preferably be provided with water and power, and easily identified by the public.

Lighting

24. The organisers of the event shall ensure that an adequate level of lighting is provided to enable the safe movement of people and vehicles in, around and out of the site. This shall incorporate adequate lighting within the camping area as well as the pathways connecting the camping area with the event area.

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

- 25.** There is to be no interference with the amenity of the neighbourhood by reason of the spillage of light onto neighbouring properties.

Signage

- 26.** Any temporary signs (other than proposed Variable Message Signs (VMS)) that are visible from a public place that are proposed as part of the temporary event shall comply with the following:-
- a) signs may only be displayed for a period of not more than two (2) months prior to the event and must be removed within 48 hours after the event.
 - b) a maximum of six (6) temporary signs are permitted without development consent provided that the signs are securely attached to an approved advertising structure, fence or post supports. Temporary signs are not permitted on signposts that are associated with the guidance or direction of vehicles on a public road).
 - c) the advertisement shall not exceed 1.5 square metres in area.
 - d) signs shall be completed in a professional manner. The design and finish of all signage shall be consistent with the rural character of the area.
 - e) the position of signage must not obstruct a driver's line of sight.
 - f) signs must not be illuminated or flashing.
- 27.** The installation of all other signposting for the event (other than signage associated with Traffic Control Plans or the use of Variable Message Signs) shall be approved by Council before being placed within public road reserves.

Risk Assessment

- 28.** The event organiser shall assess the risks for all participants and visitors to the event and assess the suitability of the entire route as part of the risk assessment process. This assessment shall be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event.

The event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to visitors, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Regulation 2001; and AS/NZS ISO 31000:2009.

Traffic Control

29. Traffic marshals shall be provided at all entrances and exits, to assist with the smooth passage of traffic. The traffic marshals shall be in the parking areas for the duration of the event. Any traffic control undertaken on a public road shall be done by *RMS* accredited traffic controllers.
30. All traffic, car parking and transportation measures are to be provided and implemented in general accordance with the approved Traffic Management Plan. All roads with marshalling points are to be kept clean and tidy; with all directional signs to be removed immediately on completion of the activity.
31. Temporary "No Stopping" signage is to be erected on both sides of Mitchells and Mount Roads, Mount View in the vicinity of the site.
32. The entry and exit points from/to a public road shall be clearly signposted as such. Warning signs in accordance with Australian Standards AS 1742 and AS 1743 and *RMS*'s "Traffic Control at work sites" document and the approved Traffic Control Plans shall be located on either side of the entry and exit points of the site.
33. All temporary traffic control signage and devices installed on the public road for the event shall be installed in compliance with the Traffic Control Plan(s) and the *RMS* "Traffic Control At Worksites Manual".
34. Emergency access shall be determined and established in consultation with the NSW Ambulance Service, NSW Fire Brigade, NSW Police Force and Volunteer Rescue Association. This access shall be suitably signposted and maintained clear of parked vehicles throughout the event site at all times during the event.

All traffic control points are to provide unhindered access to emergency services vehicles. Traffic Controllers shall be briefed on access for emergency service vehicles to enable them unrestricted access to and from the site. The event site will allow 4-metre-wide corridors for incident response vehicles. These corridors will allow access for emergency services throughout the event.
35. The use of portable Variable Message Signs (VMS's) to display messages to patrons regarding traffic delays, at suitable locations, shall be permitted for the event, subject to the location of these devices being identified by the applicant on a suitable plan and approved in writing by *RMS*. The applicant shall make a separate application to the *RMS* Hunter Region Traffic Operations Manager (Newcastle) for approval to use Variable Message Signs prior to commencement of the event.
36. Vehicles entering the venue are to free flow into the site (with guidance and direction by Traffic Controllers) as a first priority, with no ticket sales permitted at the entrance to the site.
37. Access to the event (and facilities associated with the event) shall be made available for the disabled in accordance with AS14281. Such facilities shall include the provision of disabled parking spaces in close proximity to the concert site. This parking is to be clearly signposted.

38. The applicant shall supply portable site lighting to all intersections surrounding the event site that require the presence of traffic controllers or NSW Police supervision / support. Portable lighting shall also be provided at identified vehicle / pedestrian conflict points and at other locations where the presence of this lighting will assist pedestrian movements through the site.
39. The entry and exit points shall be clearly signposted as such. Warning signs indicating "Traffic Hazard", in accordance with AS 1742 and 1743, shall be located a minimum of 160 metres either side of the entry and exit points.
40. An area is to be identified and signposted for bus parking and set down for bus passengers, which is away from the traffic stream, to ensure it is safe, and minimises potential for queuing.
41. An area of parking in the closest proximity to the venue should be set aside for disabled parking. Disabled parking spaces should be provided at the rate of two (2) spaces per 100 vehicles. The spaces should be clearly signposted and have a minimum width of 3.2 metres.
42. On-street / roadside parking on Mitchells and Mount View Roads is not permitted. Adequate signage / bunting or similar is to be provided during the course of the event to prevent street / roadside parking.
43. The site shall have defined pedestrian-only walkways or access corridors between the parking areas and the spectator areas.
44. The safety of all road users and personnel on or affected by the site/event is the responsibility of the event organiser.

Bushfire Requirements

45. The following bushfire protection measures are to be implemented and maintained for the duration of the event:

- a) Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- i) Camp sites are to be located a minimum of 20 metres clear of vegetation that is mapped as being Bush Fire Prone.

- b) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

- i) In recognition that no reticulated water supply exists to the festival site, a 20,000 litre water supply tank is required for firefighting purposes. A fire fighting vehicle must be able to gain access to within 4 metres of the water supply. If an aboveground tank is

provided it shall be fitted with a 65mm storz outlet with a gate or ball valve via a 50mm diameter metal pipe.

c) Access

The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:

- i) Access shall comply with Section 4.1.3(2) of *Planning for Bushfire Protection 2006*.

d) Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- i) A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document Guide of Developing a Bush Fire Emergency Evacuation Plan, and approved by the RFS prior to the event taking place.
- ii) The Annual Music Festival should be postponed on days of catastrophic fire danger ratings as declared by the NSW Rural Fire Service.

PRIOR TO COMMENCEMENT OF THE EVENT

Traffic Control

46. An amended Traffic Management Plan shall be provided to and reported to the Council for approval not less than 28 days prior to the event addressing the following:
- Provision of water carts for the purposes of dust suppression on Mount View and Mitchells Roads for the duration of the event.
 - Provision of traffic controllers / marshals on Mount View Road while heavy vehicles are entering and leaving the site and during the bump in and bump out phases of the event. Particular emphasis shall be given to the constrained areas on Mount View Road to minimise conflict between heavy vehicles and existing road users.
 - Vehicles must be able to enter and exit the site without queuing onto Mitchells Road or affecting traffic in Mount View Road.
47. The proprietor of the land is to ensure that the Crown land which traverses the property is to remain free of any obstruction associated with the event which may obscure or hinder movement across such an area. No parking, camping or erection of temporary structures is to take place within this area. Documentary evidence is to be submitted to Council by a registered surveyor (prior to commencement of the event) that the Crown road reserve has been marked out appropriately.

48. The applicant is to submit separate applications to the Central Hunter Local Area Commander (or his/her authorised representative) for the provision of User Pays Police at the temporary event (music festival) held at the venue. The minimum amount of User Pays Police shall not be less than one User Pays Police Officer per one thousand patrons. The User Pays Police Commander, in consultation with the promoter of the event will determine the duties of the User Pays Police as required on the days of the event.
49. A "Wet Weather" contingency plan shall be prepared and submitted to Council for approval prior to commencement of the event.

Emergency Services

50. An Emergency Response Plan is to be prepared by suitably qualified persons and submitted to emergency services at least two (2) weeks prior to holding the event. This plan shall include details of the event.
51. The applicant is required to make contact with NSW Ambulance approximately one (1) month prior to the event to discuss specific ambulance requirements for the event. A NSW Ambulance representative will need to attend pre event stakeholder meetings for the event. Any decision in regards to user pays Ambulance at the event will be made at the discretion of NSW Ambulance representative through consultation with relevant stakeholders.

Alcohol Management

52. The applicant is to submit an approved 'Alcohol Management Plan' to the Central Hunter Local Area Commander (or his/her authorised representative) no less than ninety (90) days prior to the event.

Certification of Temporary Structures

53. Structural certification from an appropriately qualified practicing structural engineer must be submitted to Council prior to the event to certify the structural adequacy of the temporary structures 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,*
 - iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions,*

DURING WORKS

General

54. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

55. The erecting of the stage or ancillary set up and dismantling of for the event shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays and Sundays	8.00a.m. to 1.00p.m.

Access and Parking

56. All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities for 468 car parking spaces.

The car parking areas are to be fenced off and set out with star pickets with caps and durable tape. Durable temporary directional signage shall be in positions to assist participants and spectators to enter, exit and park in an orderly manner.

The site shall have defined pedestrian only walkways or access corridors between the parking areas and the spectator areas. In this regard a temporary pedestrian road crossing is to be provided from the spectator car park to the pedestrian pathway. The pedestrian road crossing is to be clear of the vehicle entry/exit point to the spectator car park.

An area is to be signposted and identified for bus parking and set down for bus passengers which is away from the traffic stream, to ensure it is safe and minimises potential for queuing in the road reserve.

POST EVENT

Debriefing Report

57. Within 42 days after each event, the organising committee shall submit to Council a debriefing report with particular references to the following:-
- attendance numbers for each day via detailed ticket sales and figures to show compliance with maximum attendee numbers of 1,500.
 - problems encountered with operation and maintenance of facilities i.e. parking, toilets, food etc.
 - details of any adverse incidents
 - any other pertinent matter.

Contained within the debrief report shall be an acoustic assessment of noise levels from key residential vantage points mentioned in the acoustic report dated January 2014. This shall also include the measures employed to mitigate adverse noise issues on surrounding properties.

Waste Removal

58. The applicant shall ensure that all waste generated by the event is removed from the site within 48 hours of cessation of an event by a recognised Waste Removal Contractor.

ADVICE

1. All stall holders selling food are required to notify their food business details with the NSW Department of Health. Further information can be obtained from either visiting the NSW Health Notification website www.foodnotify.nsw.gov.au or by telephoning the Food Notification Help line on 1300 650 124.
2. Council's Development Compliance Staff and Rangers will be patrolling the event to ensure adequate compliance.