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Safety considerations

An Emergency Management Plan and a Fire Management Plan have been completed for the event and are considered to provide appropriate direction for the prevention and management of potential emergency situations associated with an event of this nature. It must be noted that whilst the Fire Management Plan is considered generally acceptable, this will need to be reviewed by the CFA closer to the event date so as any specific requirements relating to fuel load reduction or other actions relevant to the current site conditions can be set out in the Plan and implemented should the event proceed as requested. It is noted that CFA have provided their conditional consent to the application with some minor changes to the submitted Fire Management Plan being required.

Whilst a large number of patrons would attend the site, the pre-event fuel reduction requirements outlined in the Fire Management Plan (subject to any changes that may be required by the CFA) would ensure that fire risk on the site is reduced, and the event policy of not allowing patrons to bring naked flames to the site (i.e. gas cookers, gas lights, barbeques, fireworks etc) would further reduce the risk of a fire emergency occurring. Should a bushfire or other emergency occur during the event, the event site contains emergency assembly points and a number of emergency access entries/exits, and the Fire Management Plan contains evacuation procedures should an evacuation of patrons be considered necessary by the Fire Safety Management Director attending the event. With appropriate Fire and Emergency Management Plans in place prior to the commencement of the event, it is considered that the risk to patrons from emergencies can be appropriately managed to ensure the safety of all attendees.

In consideration of the above, and subject to conditions of permit which implement the relevant management plans for the event, it is considered that the proposal adequately responds to the matters that are outlined within the decision guidelines at Clause 65 of the Mitchell Planning Scheme.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters and are largely addressed in the Discussion section of this report, however a further response to these concerns is provided below:

Noise levels from music played at previous events was excessive and caused disruption, including that music was played outside of the permitted hours at the 2015 event

As outlined earlier in this report, the sound modelling undertaken in relation to the event indicates that the noise associated with music played at the proposed event would not result in a breach of the applicable requirements set out in State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2. (SEPP N-2). This has been substantiated through the sound measurements that were taken during last years event in addition to modelling undertaken in April 2016. It was found that subject to the noise level at the stage being at all times less than 125dBA that while music would still be audible, the music that was audible would be at least 25dB(A) less than the level deemed appropriate and required by SEPP N-2. Notwithstanding, it

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is acknowledged that a number of surrounding residents reported hearing music from the event and that this impacted upon their ability to sleep.

A Noise Management Plan has been provided with the application and this indicates that the music played at the event would be monitored to ensure that the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 are met. The Noise Management Plan also includes a process from surrounding residents to provide any noise related complaints to the event organisers. This would be used as a mechanism to ensure compliance with noise requirements and would also provide surrounding residents the opportunity to raise any concerns relating to disturbance from vibrations from the event (which may not have an audible noise measurement associated). Subject to implementation of the Noise Management Plan and permit conditions requiring sound to be managed in accordance with the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2, it is considered that noise from the event could be managed to be kept within acceptable levels.

Trespassing was an issue at previous events and resulted in problems for surrounding properties

The Security Management Plan has been updated from the Plan used last year to provide a specific section with regards to trespassing that has occurred across properties surrounding the event site. The Security Management Plan includes specific information with regards the patrolling of adjoining roads to ensure that damage to fences and properties will be minimized. Similar to previous years, patrons will be removed from the event or would be held in a 'Holding Bay' until appropriate transport out of the area can be arranged. This action would stop evicted patrons from attempting to reenter the site from unofficial access points (i.e. through neighbouring properties or the subject land back into the event area) and would decrease the likelihood of trespassing occurring. Whilst it is difficult to ensure that patrons would not try to enter the site without going through the proper process (i.e. checking in at the entry gate), the Security Management Plan sets out a number of actions to manage the event including that security staff would patrol the event perimeter to check for trespassers. It is considered that the security patrols would act as a deterrent to patrons wishing to enter the site unlawfully, however it is also considered appropriate that the event perimeter be more clearly identified to deter patrons from exiting the site during the event. As such, a condition would be added to the permit which requires the event perimeter to be demarcated using highly visible temporary fencing of minimum 1.8m and constructed of chain mesh so as patrons are aware of the areas in which they are permitted during the festival.

Concerns around the use of illicit drugs and the perception that this is acceptable

In relation to the potential use of illicit substances at the event, it must be noted that such substances are illegal and are also prohibited by event organisers, with any such substance to be confiscated if found on any patron. The use of such substances is not condoned by Council or event organisers and is not encouraged at the proposed event.

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Notwithstanding, it is acknowledged that incidents of drug use have been detected at previous events, and therefore methods to mitigate the potential impacts of such use have been incorporated into the management plans prepared for the event. Such methods include security searches of patrons and their vehicles and the deployment of 'Dancewize,' which is an organisation which provides informal anti-drug advocacy (social intervention) services within the event. These management methods are considered as a responsible approach to account for patron actions which are not encouraged but may occur during the event. Whilst it is not condoned, society and Council must acknowledge that illegal behavior does occur. What the management plans prepared for the event do is to acknowledge a pragmatic way to deter this behavior and to address it in the event that people do engage in illegal behavior.

CONCLUSION

This application seeks approval for the use of the land at 210 Panyule Road, Pyalong as a place of assembly (music festival), with ancillary accommodation and food and drink premises. The proposed event is known as the Earthcore Festival, which has previously run on the site in 2013, 2014 and 2015 and it is now sought to obtain a planning permit to again run the festival in 2016 and 2017.

The proposal is considered to be appropriate with regard to site management matters as a number of management plans could be implemented to ensure that traffic, noise, security and other relevant factors relating to the running of an event of this nature are adequately managed to mitigate potential negative impacts generated by the festival. The environmental features of the site could also be protected during the event through the implementation of various management plans and the implementation of emergency management plans would ensure that the safety of all patrons attending the event is assured.

Whilst there were four (4) objections to the event, the festival will provide economic benefit to the Pyalong area in terms of patron spend and increased tourism to the area and will also provide an opportunity for the community to participate in an event that is not normally available in the Pyalong area (through both attendance and the opportunity for fundraising). This outcome is considered positive and should be encouraged where the impacts of an event of this nature can be appropriately mitigated.

Subject to the conditions of permit discussed throughout this report, including that the event is limited to two years it is considered that support for the proposal is warranted in this instance.

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RECOMMENDATION**MOVED:** CR. R. PARKER**SECONDED:** CR. K. MULRONEY**MOTION**

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PLP111/16 for a Place of Assembly (Music Festival) at Lots 1 and 2 on TP888334B , known as 210 Panyule Road, Pyalong, subject to the following conditions:

1. Before the use commences, amended plans for the event to be held on the days specified in condition 9 must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified as follows:
 - a. An amended site layout plan that includes the following:
 - i. Coordinates of the proposed Helipad.
 - ii. Removal of fencing around the proposed emergency assembly area.
 - iii. Provision of an emergency access gate to the north of the site.
 - b. An updated Fire Safety Management Plan which includes the following:
 - i. Fuel Reduction and Treatment:

Amend the 3rd dot point of proposed activities to read; the establishment of a mineral earth break 6 metres wide will be provided around the entire designated event site to be used as a fire break against bush/grass fire encroachment.
 - ii. Power Generators

Include in the last paragraph after the wording" requirements of AS2444 "and operated in accordance with the CFA Can I / Can't I Publication.
 - iii. Performance of "Hot Work"

In the last part of this section include a final dot point that specifies -All the above actions are to be approved and monitored by FireTac.
 - iv. Water Points

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Include a statement that specifies;- The dams must be at 60% filled water capacity a minimum of 1 week prior to the event(s) or other suitable supplies be provided to the satisfaction of CFA.

v. Assembly Areas

The Emergency Assembly Area 2 amended to not be securely fenced

vi. Seasonal Climate Outlook – Fire Safety Management Plan content further revised. CFA awaits the Seasonal Climate Outlook data release for the upcoming 2015/2016 Fire Season and the associated further population of FireTac's – Fire Safety Management Plan detail including, but not limited to ;

- Increased resourcing of both staff and physical assets due to significant increase in patron numbers
- Inclusion of a risk assessment based approach which addresses the resourcing involved with the bump in / bump out duration.

c. An amended Emergency Management plan that identifies the location of a Northern Alternate Emergency Access / Egress Route from the event site through the neighbouring property providing access to Pyalong – Panyule Road is to be included in the Emergency Management Planning documentation

d. An amended Security Management Plan that provides the following:

- i. The inclusion of a requirement for the provision of temporary security lighting to be located on Duells Road approximately 1.0km to the north of the intersection of Chapmans Road.
- ii. Confirmation that a minimum of two security staff will be dedicated to patrolling the common property boundary to Duells Road at all time during the course of event.
- iii. Dedicated security officers to appropriately monitor evicted patrons.

General

2. The layout of the use as shown on the endorsed plans shall not be altered without the prior consent of the Responsible Authority.
3. The use must operate in accordance with the management plans endorsed for the applicable year at all times to the satisfaction of the Responsible Authority.
4. The ancillary uses associated with the music festival (including accommodation and food and drink premises) must be contained within the land in the areas shown on the endorsed plans, and must only be used by patrons of the event(s) to the satisfaction of the Responsible Authority.

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5. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager'). The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority, any officer of the Victoria Police, any officer of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998 or any other authorised officer and to take action on his/her behalf in accordance with a direction by such officer.
6. The amenity of the area must not be detrimentally affected by the use through the transportation of materials, goods or commodities to or from the land; the appearance of any building, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; or the presence of vermin, all to the satisfaction of the Responsible Authority.
7. All facilities on site (e.g. medical tent) must be clearly visible and easy to find by patrons and emergency services including the provision of way finding signage to the satisfaction of the Responsible Authority.
8. Within one (1) week of the cessation of each event approved by this permit, damage to property and/or infrastructure on adjacent and/or adjoining properties must be remediated by the event organiser at no cost to the responsible authority.

Restrictions on use

9. Except with the prior written consent of the Responsible Authority, this permit is restricted to one annual event, which must only occur on 24 to 28 November 2016 (inclusive).
10. Despite any application for consent under condition 9, the land must not be used for the purposes of a place of assembly (music festival) on any days other than:
 - a. the days specified in condition 9; and
 - b. if consent is granted under condition 9, 30 November 2017 to 4 December 2017 (inclusive).
11. Any application for consent under condition 9 must be made no later than 30 March 2017, and must be accompanied by:
 - a. an acoustic report prepared by a suitably qualified acoustic engineer which demonstrates that the event conducted on the days specified in condition 9 complied in all respects with:

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- i. with the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2; and
 - ii. the endorsed Noise Management Plan for that event;
 - b. a copy of a Post-Event Analysis and Review report, which, without limitation, assesses the following aspects of the event conducted on the days specified in condition 9:
 - i. compliance with, and suitability of, all management plans prepared for the event;
 - ii. actions taken to repair and remediate roads in accordance with condition 35;
 - iii. security;
 - iv. control of litter;
 - v. damage to the land and adjacent land;
 - vi. incidents of trespass by patrons and staff to adjacent land;
 - vii. steps taken to remedy or rectify incidents of trespass and damage to adjacent land; and
 - viii. rehabilitation of the land; and
 - c. revised management plans, designed to address issues identified in the Post-Event Analysis and Review report.
- 12. Patrons must not be permitted into the event site for the purpose of attending the event(s) outside of the days specified in
 - a. condition 9; or
 - b. if consent is granted under condition 9, the days specified in condition 10.b.
- 13. Establishment of the site for the purpose of the event(s), event setup, event cleanup and site reinstatement works after the event(s) may occur outside of the dates specified in condition 12 where agreed in writing before the event(s) by the Responsible Authority.
- 14. No more than 7500 patrons plus event staff are permitted on the site at any one time unless otherwise agreed in writing by the Responsible Authority.
- 15. Patron numbers must be monitored during the event check-in process to ensure that the maximum number of patrons permitted is not exceeded. Information which records patron numbers that have attended the event(s) on the site must be made available upon request to the satisfaction of the Responsible Authority.
- 16. Pass-outs from the event(s) are not permitted. If any patron exits the site before the conclusion of an event, they must not be re-admitted.
- 17. No individual camp fires or cooking is to occur within the site.
- 18. No domestic pets or animals, other than companion animals, are to be permitted within the site during the event(s) operation.

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Site management

19. Temporary fencing with a height of at least 1.8m must be erected around the perimeter of the event area and must be maintained until the conclusion of the event(s) unless otherwise agreed in writing by the Responsible Authority. Fencing must be highly visible and must include signage that states that patrons must not leave the event area.
20. All temporary structures erected on the site including all signage and waste must be removed from the site and the site must be reinstated including that any areas of disturbed ground are revegetated no later than two weeks after the completion of an event on the land, to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than 4 weeks after the completion of an event on the land.
21. The event operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority. Where litter is detected outside of the site as a result of patron behavior, every effort must be made by event operators to ensure this is appropriately removed and disposed of.
22. A water tanker must be present for the duration of the event(s) and must be used to control dust based on weather conditions resulting from any activity associated with an event, including dust generated by vehicles travelling on Panyule Road and Freddys Lane when arriving/leaving the event(s), to the satisfaction of the Responsible Authority.
23. Storm water discharged from the premises must not be contaminated with waste to the satisfaction of the Responsible Authority.
24. Disposal of wastewater must be controlled to the satisfaction of the Responsible Authority and all toilet / sanitary facility waste must be suitably disposed of offsite by a reputable contractor. Where portable type units are used, they must be located so that they can be pumped out during an event if required. An adequate amount of toilets / sanitary facilities must be provided to cover the potential number of attendees and toilet facilities are to be located away from food storage and food service areas and away from any dams or waterways to the satisfaction of the Responsible Authority.
25. A public address system must be installed throughout the site to advise patrons of any emergency situation on the site to the satisfaction of the Responsible Authority.

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Acoustic matters

26. Music can only be played on the site during the following times unless otherwise agreed in writing by the Responsible Authority:

Stage areas

- a. 12pm Friday 25 November 2016 to 3am Saturday 26 November 2016;
- b. 12pm Saturday 26 November 2016 to 5pm Sunday 27 November 2016; and
- c. if consent is granted under condition 9:
 - i. 12pm Friday 1 December 2017 to 3am Saturday 2 December 2017; and
 - ii. 12 pm Saturday 2 December 2017 to 5 pm Sunday 3 December 2017.

Bar areas

- a. 12pm to 9pm Thursday 24 November 2016;
 - b. 12pm Friday 25 November 2016 to 3am Saturday 26 November 2016;
 - c. 12pm Saturday 26 November 2016 to 9pm Sunday 27 November 2016; and
 - d. if consent is granted under condition 9:
 - i. 12pm to 9pm Thursday 30 November 2017;
 - ii. 12pm Friday 1 December 2017 to 3am Saturday 2 December 2017; and
 - iii. 12pm Saturday 2 December 2017 to 9pm Sunday 3 December 2017.
27. A suitably qualified acoustic engineer must be present on the site at all times during which music is played to monitor the noise levels associated with the playing of music and ensure that noise levels do not exceed those specified in the Noise Management Plan for the event, to the satisfaction of the Responsible Authority.
28. Noise levels associated with the playing of music at the event(s) must be measured in accordance with the Noise Management Plan and a log of noise measurements must be produced upon request during the event(s) and provided to Council within 28 days of the cessation of an event to the satisfaction of the Responsible Authority.
29. Noise emanating from the premises must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 to the satisfaction of the Responsible Authority.
30. Noise generated from the use hereby permitted must not exceed 115dB(A) at the sound desk between the hours of 11pm and 8am the following

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morning, and 125dB(A) at all other times that music is permitted to be played in association with the event(s), to the satisfaction of the Responsible Authority.

Traffic and car parking

31. The event(s) must be managed to ensure that the parking of all vehicles associated with an event is confined within the designated parking areas shown on the endorsed plan, and no parking is to be permitted outside of the festival boundary (including within any road reserves in the surrounding area) to the satisfaction of the Responsible Authority.
32. Patron vehicles once parked within the event site may not move throughout the site unless the vehicle is exiting the site. If patrons are exiting the site before the conclusion of an event, traffic marshals must be present to ensure that the vehicle is safely moved out of a parking area and directed along the internal access ways to exit the site to the satisfaction of the Responsible Authority.
33. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Properly formed to such levels that they can be used in accordance with the plans;
 - b. Line marked (as appropriate) to indicate car parking areas and all access lanes; and
 - c. Clearly marked to show the direction of traffic along access lanes, all to the satisfaction of the Responsible Authority.
34. At least six weeks before an event starts, a Memorandum of Authorisation to erect, display, place, remove or alter traffic control devices within any Council road reserve must be submitted to and approved by the Responsible Authority.
35. Before an event starts, the permit holder must prepare a Road Condition Report assessing the existing conditions of Panyule Road and Freddie's Lane. Within six weeks of the completion of the festival the permit holder must prepare a post-event Road Condition Report assessing the condition of Panyule Road and Freddie's Lane following the event. Any damage to Panyule Road and Freddie's Lane that is identified must be reinstated to its existing condition by the permit holder at their own cost and to the satisfaction of the Responsible Authority.

Country Fire Authority Conditions

36. An amended Fire Safety Management Plan must be provided to the satisfaction of CFA no later than:
 - a. 7 October 2016; and