



AGENDA  
of the  
SPECIAL MEETING OF COUNCIL  
to be held on  
WEDNESDAY 8 OCTOBER 2014  
in the  
ALEXANDRA COUNCIL CHAMBERS  
commencing at  
6.00 pm

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**1. PRAYER, OATH & RECONCILIATION STATEMENT****2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

TRIM: SF/306

**3. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

TRIM: SF/783

**4. PUBLIC PARTICIPATION TIME****4.1 QUESTIONS OF COUNCIL****4.2 OPEN FORUM**

TRIM: SF/130

**4.3 PETITIONERS SPEAKING TO PETITIONS**

TRIM: SF/132

**5. OFFICER REPORTS****5.1 STRAWBERRY FIELDS FESTIVAL**

File No: 2014/87

Land: 609 Gum Road CAVEAT 3660

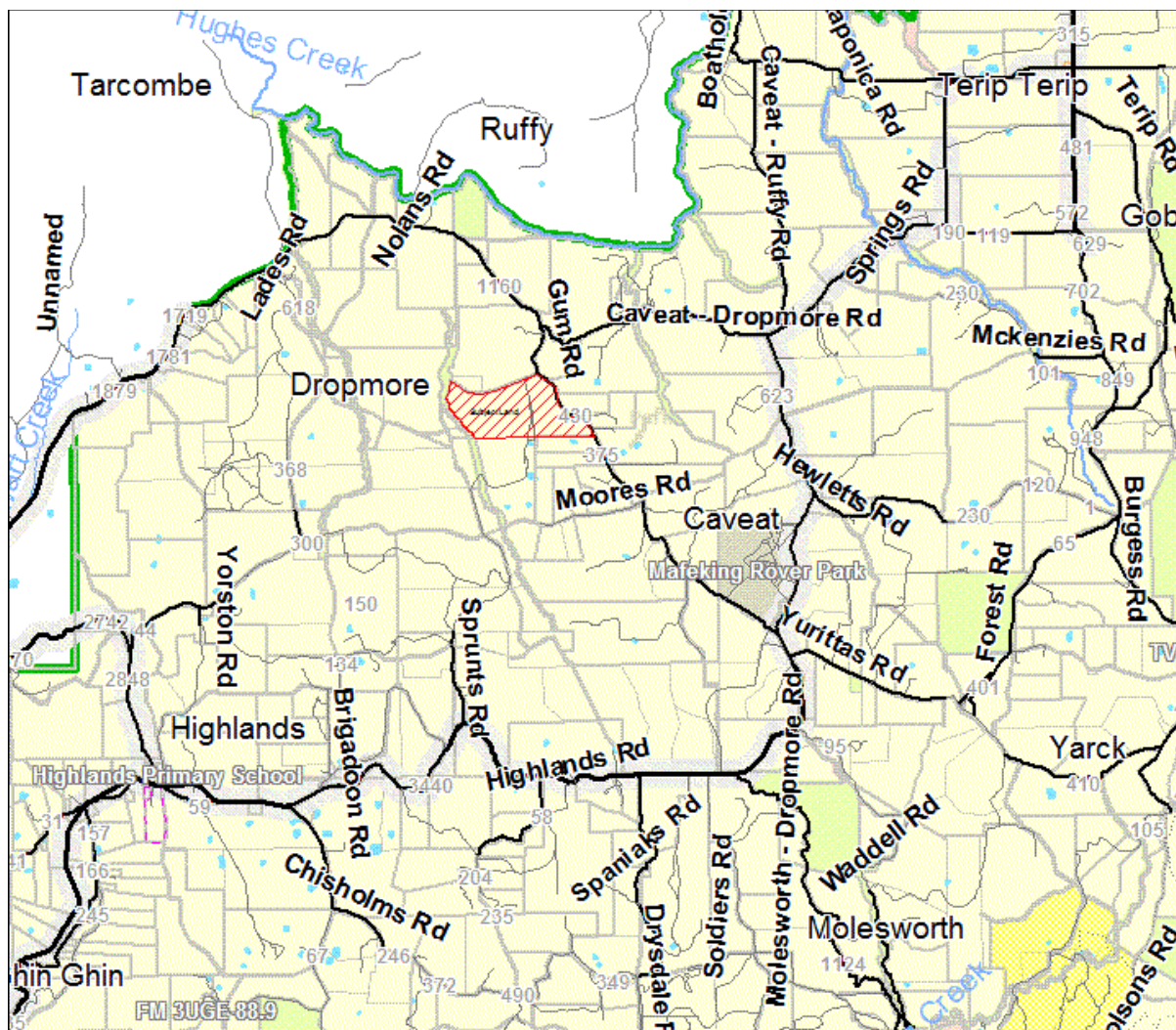
Proposal: Arts, music and camping festival from 21-24 November 2014

Applicant: Strawberry Fields Music Group Pty Ltd

Zoning: Farming

Overlays: part Erosion Management Overlay, (proposed part Bushfire Management Overlay)

Attachments: Application details (*Refer Encl 5.1*) (aerial photograph and submissions distributed separately)

**Locality Plan****Purpose:**

This report recommends that a Notice of Decision to Grant a Permit be issued for an arts, music and camping festival from 21-24 November 2014 at 609 Gum Road Caveat.

**Recommendation:**

That Council issue a Notice of Decision to Grant a Permit for an arts, music and camping festival from 21-24 November 2014 at 609 Gum Road Caveat (SEC: B C/A: 20, Parish of Dropmore), subject to the following conditions:

- (1) This permit allows one event to be held on 21 to 24 November 2014. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority.
- (2) No more than 3500 patrons plus event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority.
- (3) Prior to the commencement of the event hereby permitted amended management plans shall be submitted to and approved by the Responsible Authority. Once approved, all relevant management plans including those not requiring amendment, will be endorsed and will then form part of the permit. The plans

must be generally in accordance with the draft plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The following amended management plans must include:

- a) Parking and traffic control management plan in accordance with conditions 13 & 14
- b) Security and Public Safety Plan as referenced by the Emergency Management Plan
- c) Amended noise management plan and music programming schedule in accordance with condition 4
- d) Security management plan
- e) Amended event management plan

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

- (4) Noise generated from the use hereby permitted must not exceed 95dB(A) on stages 1 & 2 at the sound desk between 11pm and 2am and must cease after 2am on Saturday and Sunday mornings and must not exceed 90dB(A) at the tea lounge between 11pm and 9am during permitted operating hours.

A suitably qualified sound 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 above, to the satisfaction of the Responsible Authority.

- (5) All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority.
- (6) All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of 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 the event on the land.
- (7) A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority.
- (8) No individual camp fires or cooking is to occur within camping areas, to the satisfaction of the Responsible Authority.
- (9) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (10) The owner / operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority.
- (11) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

- (12) The car parking of all vehicles must be confined to designated parking areas within as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land to the satisfaction of the Responsible Authority.
- (13) The public road access to the event is from either of Caveat - Dropmore Road off the seal section to the south or unsealed section to the north and then via Gum Road which is also unsealed.

Prior to the event starting the applicant must provide documentation certified by a suitable qualified traffic engineer that the access along the unsealed sections of the road network is suitable for the intended traffic.

A joint inspection must be carried out by the traffic engineer and Council's Co-ordinator Infrastructure Operations to determine the current condition of the road pre-event.

A suitable bond amount not less than \$30,000.00 cash or an agreed value following the onsite inspection must be submitted prior to the event commencing.

The event organisers must be responsible for ensuring that the unsealed sections of Caveat - Dropmore Road and Gum Road are monitored and do not deteriorate to unsafe condition caused by the intended traffic use generated by the event.

Following the event a joint inspection must determine the condition of the roads and if they have deteriorated Council will utilise the bond money to reinstate the road to its pre-event condition. Any unexpended money shall be refunded

- (14) Taking into account the traffic engineers report recommendation, the applicant must, not less than 14 days prior to the start of the event, submit a Parking and Traffic Control Management Plan to the Responsible Authority. The plan must be prepared by a suitably qualified traffic engineer and should assess:
- Peak traffic generation impacts both number and expected timing.
  - Suitable diagram showing recommended advisory signs and their locations including approach roads.
  - Parking area requirements and control signage
  - Incident management and contingency plans including emergency contact details for relevant authorities.
  - Event marshal and traffic controller locations.
  - Key event personnel responsible for traffic management and contact details during the event.
  - Other items as required by the traffic consultant assessment.
- The plan must include a written VicRoads approval for all signage required for speed reduction.

The plan must be implemented prior the event commencing.

- (15) All patrons must be directed to use the preferred access/egress route as approved by the Responsible Authority and as identified in the Parking and Traffic Control Management Plan.

**Country Fire Authority**

- (16) The event is to be carried out in accordance with the detailed prescriptions contained in the endorsed Fire Management Plan (Version 1.1 – FINAL) provided by Firetac prepared by Bob Barks.
- (17) The event is to be carried out in accordance with the endorsed Site Plan titled “M1:SITE MAP – FULL DETAIL” Version 1.4 (DRAFT) dated 21 August 2014 which forms part of the endorsed Fire Management Plan (Version 1.1 – FINAL) “Appendix A2” provided by Firetac prepared by Bob Barks.

**NOTATIONS:**

- (1) An Occupancy Permit is required from the Building Department.
- (2) Food providers must adhere to essential food safety standards as required by the Food Act 1984. Temporary Food Premise Information Packs and application forms are available from the Shires Health Department 5772 0377. Applications need to be submitted two weeks prior to the event.

**Proposal:**

A planning permit application has been lodged to hold an arts and music festival at 609 Gum Road, Caveat, over the weekend of 21 to 24 November 2014. The festival includes the parking and camping of patrons on site, food and drink vendors, and three stages for musical entertainment. The applicants have selected a property that is reasonably isolated with few neighbouring dwellings. The festival is a multi-day arts and music festival, with entertainment commencing early afternoon on the Friday, and finishing on Sunday evening.

The proposed music running times for stages 1 and 2 are:

- Friday 21 November 4:00pm – 3:00am Saturday 22 November
- Saturday 22 November 9:00am – 3:00am Sunday 23 November
- Sunday 23 November 9:00am – 9:00pm

The tea lounge is proposed to operate:

- Friday 21 November 6:00pm – 3:00am Saturday 22 November
- Saturday 22 November 10:00am – 8:00pm Sunday 23 November

Noise levels at the mixing desk for each stage are proposed to be:

Stage 1	Daytime – 115dB(A)	after 11pm - 105dB(A)
Stage 2	Daytime - 110dB(A)	after 11pm - 100dB(A)
Tea Lounge	Daytime - 100 dB(A)	after 11pm - 90 dB(A)

A further reduction in the hours and noise levels is set out in condition 4 of the proposed conditions that would reduce the hours that stage 1 and 2 can operate on Saturday and Sunday mornings from 3am to 2am and reduce the allowable decibel level to 95dB(A) after 11pm. No change is proposed to the tea lounge hours or decibel level.

The application states that all patrons will vacate the property by midday on the Tuesday, with the vast majority of patrons leaving on the Monday. Areas have been designated for camping, toilets and showers, water, parking of vehicles, stages, market stalls, bar, site office and incident control centre, and evacuation assembly points.

The application has included reports addressing waste management, a community benefits plan, fire management and emergency management, noise management and traffic management.

***The Land & Surroundings:***

The subject land is part of a large holding and is currently used for grazing beef cattle. The site is located within a relatively isolated part of the Shire and is heavily screened by existing vegetation on all boundaries. Access to the property is from Gum Road on the eastern boundary.

The surrounding area is a mixture of cleared farmland, scattered vegetation, bushland areas and some scattered dwellings. The nearest house to the stage area is approximately one kilometre, with camping coming to within 550m of the house. There are another 13-14 houses within four kilometres of the event site.

***Referrals:***

The application was sent to the Country Fire Authority, and to the Department of Environment and Primary Industries for comment. Both authorities have consented to the proposal, with the Country Fire Authority requesting conditions and an endorsed Fire Management Plan. The application was also forwarded for comment to the Victoria Police, Yea & District Memorial Hospital and Ambulance Victoria. No response has been received from the hospital or Ambulance Victoria.

***Consultation:***

Notice of the application was given to adjoining and nearby landowners, within a 2km radius of the event site, a sign was placed on the site, and a notice was published in the Yea Chronicle and the Granite News. Fourteen letters of objection were received and 30 letters of support.

Of the 30 letters of support that were received, only 6 were from residents local to the Caveat and Yea area. The majority of the remaining letters of support were received from previous participants of the festival in NSW. None of these letters mentioned any reasons why the festival should be supported at its proposed location in Gum Road.

The following concerns were raised in the submissions objecting to the proposed event:

- The responsibility of Council is to the people who live in the area first and not the festival goers (2)
- There is little or no benefit to the Shire (2)
- The money that the community may make from the event does not outweigh the detrimental impact the event will have on the community (3)
- The promises made by the event organisers about giving funds for the community may not be honoured and has been used as a way to gain support (4)
- The inevitable use of alcohol and drugs, and sleep deprivation is a concern (5)
- Sleep deprived young people travelling home on the Monday creates a risk on the local roads (5)
- The property is on a single dirt road which is insufficient to cater for the increased traffic and will likely result in damage to the road (9)
- The required infrastructure for the event will be brought in on trucks, further impacting on the roads (3)
- There is a potential increased demand on local police, ambulance and fire resources, which are located some distance away (6)
- The remoteness of the location leaves participants vulnerable to medical emergencies (4)
- The lack of mobile coverage in the area increases the risk when dealing with emergency situations (3)



- Given the remoteness there are concerns about the security situation and the adequacy of a police presence (5)
- There are concerns about the fire risks, considering the property has restricted access, and the difficulties with evacuating such a large number people (6)
- Fire fighting resources would be difficult to implement given the traffic and numbers of people (3)
- The Strawberry Fields Fire Plan and on-site fire vehicles detailed in the application are inadequate to deal with a fire emergency, with 5000 people in a confined area surrounded by farmland and bush, accessed by a narrow dirt road (2)
- The continuous noise over the whole weekend will have an impact on residents and animals/stock (5)
- The potential rubbish and mess left behind at previous events shows a lack of respect for local communities and the environment (4)
- Damage to roadside vegetation beyond the confines of the venue (2)
- The applicants' record of past events is poor (4)

The submissions were forwarded to the applicant who has provided a response to the concerns raised. This response was sent to all the objectors. No objections have been withdrawn to date.

<b>Newspaper / Other</b>	<b>Publishing/ Consultation Date(s)</b>
<b><i>Newspaper:</i></b>	
Yea Chronicle	30 July 2014
The Granite News	10 August 2014
<b><i>Mail out:</i></b>	
Adjoining and surrounding landowners	23 July 2014

### ***Planning Considerations:***

The role of Council as the Responsible Authority is to make a decision as to whether the use for a music event is appropriate in the Farming Zone and also whether the location is an appropriate one, given its isolation, remoteness, condition of the roads, and the potential amenity impact on surrounding neighbours. The Murrindindi Planning Scheme does not give particular guidance regarding music events although tourism is supported and the Farming Zone allows this type of event with a planning permit.

The applicants have provided a lot of detail in relation to various aspects of the event and appear to have been quite thorough with their preparations. The farm where the event is to be staged is a very large property of approximately 360ha, and the event is centrally located on this property, keeping it as far away as possible from neighbouring properties. The event area is mostly cleared, flat land suitable for parking and camping and is also located away from the Woolshed Creek that runs along the western boundary of the property. The applicant has made changes to the event details in an effort to address the concerns raised by the objectors. In particular, the music programming has changed to have Stage 1 and Stage 2 cease playing music at 3am on the Saturday and 3am on the Sunday mornings. All three stages will have the sound reduced at 11 pm on both Friday and Saturday nights. The event has also been capped at 3,500 patrons, from an original proposal to have 5,000 patrons.

### Community benefit

The event organisers have given an undertaking to guarantee a funding package of \$20,000 to local community groups. This means that if the funds raised by the local groups at the festival totals less than \$20,000, Strawberry Fields will donate the shortfall up to \$20,000. For example, if the groups make \$15,000, Strawberry Fields will donate \$5,000. This is a gesture of goodwill and not something that can be conditioned into a planning permit.

The wider community benefit is less obvious. The eastern suburbs traffic will most likely use the Melba Highway taking vehicles through the Yea township, giving an opportunity to access the shops. The majority of the traffic will come via the Hume Highway and will not pass any shopping precincts within our municipality.

### Road infrastructure

Access to the property will mostly be from one of the following two routes:

1. Into the property along the south from Ghin Ghin Road (sealed), to Highlands Road (sealed) which then turns into Caveat Dropmore Road (sealed) and left into Gum Road (unsealed road with the first 3km being 5 metres wide and the final 3km 4 metres wide)
2. Into the property from the north, taking Ghin Ghin Road (sealed), turning left into Highlands Road (sealed) at the Highlands primary school, this road then goes into Mitchell Shire, turn right into Dropmore Road (sealed) which then becomes Caveat Dropmore Road where it comes back into Murrindindi Shire and continues until turning right into Gum Road for 600m to the property access point. Gum Road is a 4 metre wide unsealed road while the first 6km of Caveat Dropmore road heading west is also unsealed but has recently been resheeted and is a good standard. The width is mostly 5 metres wide with short sections at 4 to 5 metres.

The area of most concern in relation to traffic access is Gum Road. The access from the north only encompasses 600 metres of a single lane road before turning onto Caveat Dropmore which allows for two lane traffic. The southern access has 3km of single lane road that will most likely cause traffic congestion that will impact on the residents immediately south of the subject land.

The organisers will be required to direct the patrons along the preferred traffic route.

The event organisers have given an undertaking to cover the cost to rehabilitate Gum Road if required depending on the damage that may be incurred as a result of this event. The standard of Gum Road and other unsealed roads leading into the property can be conditioned into a planning permit should one be issued. The recommended condition requires a joint inspection with the organisers and Council's infrastructure staff prior to the event taking place, to assess the standard of the roads leading to the event site, and the payment of a bond to cover any upgrade required post event. This will need to incorporate all non sealed roads that will be used for access. A joint inspection will then be conducted at the conclusion of the event to determine what, if any, works are required to reinstate the roads to the pre-event condition.

### Fire & Emergency Services

The CFA have assessed the fire risk issue and have worked closely with the consultant who prepared the fire management plan. The CFA have approved the amended fire management plans and the event must be in accordance with the approved plan and site plan. The CFA endorsed plan is extensive and includes the following:

- Prohibition of any open fires or flames except for approved activities such as food vendors
- Prohibition of the use of unauthorised portable generators, sound systems, quad bikes, motor bikes

- Traffic management and access standards on site
- Experience fire fighters on site during extent of the event
- Three vehicles being a medium heavy fire fighting tanker, light tanker and rapid intervention vehicle are required to be on site during the extent of the event
- Responses and actions in accordance with pre-determined trigger points for fire danger ratings

The Yea Police, Yea & District Hospital and Ambulance Victoria have all been notified of the event.

The application has included an emergency management plan that sets out a medical team that incorporates a doctor, drug professionals, intensive care registered nurses, trained paramedics and first aiders which will be run by Emergency Medical Management Pty Ltd and will be onsite during the duration of the event.

### Noise

The issue with loud music noise has been raised as a concern by objectors. Except for some breaks in the music in the earlier hours of the night (6 hours on Saturday morning and 6 hours on Sunday morning on stages 1 and 2), the music was to be played continuously from 4pm Friday until 9pm Sunday night. In response to concerns raised by Council officers and objectors the organisers have made changes to the operating days and hours and have now stated that noise levels will be reduced after 11pm each night by 10dB(A). A condition (number 4) has been proposed that will lessen the impact by reducing the hours that stages 1 and 2 will operate and reducing the night time decibel level to 95dB(A). The night time tea lounge noise level will remain at 90 dB(A).

The State Environment Protection Policy (SEPP) No. 2 (Control of Music Noise from Public Premises) is the primary guideline for noise control of music. The explanatory notes from the EPA in relation to this SEPP state the following:

*Because concerts at outdoor venues are generally much louder than music noise from indoor venues, a time limit, rather than a noise limit, ensures that music does not cause intrusion during sleeping hours.*

It goes on to state that outdoor concerts must end by 11pm and concerts of greater than five hours duration must finish by 10pm. These requirements have not been met due to the nature of the event and an amended noise management plan has been submitted to Council in an attempt to further address noise level concerns. The nearest neighbour is 1km from the noise source and objected to the proposed event on the grounds of traffic and security. The next closest objecting owner is 3km from the noise source.

The applicants acoustic modelling refers to a table set out in the noise management plan that states that noise levels are estimated to be 55dB(A) at a distance of 1024m and 40dB(A) at a distance of 6144m. The table also addresses noise reduction by 6dB(A) with every doubling of distance between the listener and the noise source in an attempt to demonstrate a reduction in noise and potential impact on residents within the nearby and greater area. It is important to ensure that noise levels remain at a manageable level.

Using the same table and with the night time noise levels at a maximum of 95dB(A) instead of the 105dB(A) proposed for after 11pm, the noise levels at the above distances will result in an improved reduction to 35dB(A) and 20dB(A) respectively before 2pm and after 2pm with only the tea lounge operating on the Sunday morning from 2am to 9am the noise levels would reduce to 30dB(A) and 15dB(A),

Due to the proximity of the neighbouring dwellings, and that the nearest dwelling did not object to the issue of noise, the change to the music programming will lessen the potential noise nuisance to residences in the area.

#### Other concerns

The issue of alcohol and drug use has been raised by objectors including the police. While this is a social issue it is not a matter that can be addressed by planning.

Planning however can address issues such as internal security levels and the applicants have agreed to increase the on site security and the number of patrols around the boundary of the property.

#### **Conclusion:**

The proposed event will bring a large number of people into the area, and the benefit to the local community is mostly limited to those groups holding stalls at the event site. The intensity and extent of the music operating hours is significant however organisers have made an attempt to address the concerns raised by the objectors by submitting an amended music program. With further conditioning on the planning permit in relation to noise levels and duration it is considered by officers that this will have a less detrimental impact on the surrounding properties. The traffic management plan will address the traffic issues associated with hosting an event for 3,500 people, including the increase of cars using the local roads in the area to gain access to the event site.

#### **Legal/Policy Issues:**

##### Local Planning Policy Framework

###### 21.06 Tourism Strategies

- Facilitate tourist uses and developments that are linked to the natural environment
- Facilitate recreation and tourism activities that attract tourists year round

##### Zoning

###### 35.07 Farming

When the permit was originally issued the land was zoned Rural under the Murrindindi Planning Scheme. The land was rezoned to Farming on 27 July 2006.

The purpose of the Farming Zone is to:

- Implement State and Local Planning Policy Frameworks
- Provide for the use of land for agriculture
- Encourage retention of productive agricultural land
- Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- Protect and enhance natural resources and the biodiversity of the area

##### Decision Guidelines

Clause 63.12 requires that in addition to the normal decision guidelines set out in Clause 65 *the Responsible Authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.*

Clause 65 requires the Responsible Authority to consider as appropriate (not all listed below):

- State and Local Planning Policy Frameworks
- The purpose of the zone, overlay or other provision

- Any matter required to be considered in the zone, overlay or other provision
- The orderly planning of the area
- The effect of amenity of the area

## **6.            CONFIDENTIAL ITEMS**

Should any confidential items arise, the meeting is to be closed to members of the public as the discussion of the item is confidential pursuant to (Section 89(2)(h) of the *Local Government Act 1989*) - any other matter which the Council or special committee considers would prejudice the Council or any person.