The current application was lodged on 12 May 2016 with minor revisions requested to the submitted site layout plan, waste management plan, traffic management plan and emergency management plan.

These revisions were submitted throughout July and once submitted in full, the application was notified throughout late July and early August with 4 objections and 157 letters of support received.

PLANNING SCHEME PROVISIONS

Zoning

Farming Zone

The subject site is located within the Farming Zone, which has the following purpose at Clause 35.07 of the Scheme:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Clause 35.07-1 of the Scheme requires a planning permit to be obtained for land in the Farming Zone to be used as a place of assembly. A music festival is considered a place of assembly in accordance with the definitions within the Mitchell Planning Scheme, and therefore a planning permit is required for the proposal under this provision.

It should be noted that the accommodation and food and drink premises on the land are considered to be ancillary to the use of the land as a place of assembly, and therefore do not trigger a planning permit in their own right. Furthermore, the temporary structures associated with the event (i.e. temporary stages, food marquees, ticket booths, portable toilets etc.) do not constitute buildings and works within the meaning of Section 3 of the Planning and Environment Act 1987 (see Melbourne Racing Club v Glen Eira CC [2007] VCAT 191) and therefore a planning permit for these works is not triggered under the provisions of the Farming Zone.

Overlays

Erosion Management Overlay and Salinity Management Overlay

Whilst the subject land is affected by the Erosion Management Overlay and Salinity Management Overlay pursuant to the Mitchell Planning Scheme, the temporary structures associated with the event do not constitute buildings and works within the Act (as outlined above). As such, a planning permit for the works is not triggered under the Erosion and Salinity Management Overlays.

Particular Provisions

Clause 65 – Decision guidelines

Clause 65 of the Scheme provides a number of decision guidelines to be considered as part of the assessment of an application for a planning permit. These decision guidelines are relevant to the current application.

State Planning Policy Framework (SPPF)

The following policies as outlined within the State Planning Policy Framework and Municipal Strategic Statement of the Mitchell Planning Scheme are relevant to the current application:

- **Clause 11.10-1 – A diversified economy** — The objective of this policy is:

  To develop a more diverse regional economy while managing and enhancing key regional economic assets.

- **Clause 11.10-2 – Environmental assets** — The objective of this policy is:

  To protect environmental and heritage assets, and maximise the regional benefit from them, while managing exposure to natural hazards and planning for the potential impacts of climate change.

- **Clause 12.01-1 – Protection of biodiversity** — The objective of this policy is:

  To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

- **Clause 13.03-2 – Erosion and landslip** — The objective of this policy is:

  To protect areas prone to erosion, landslip or other land degradation processes.

- **Clause 13.03-3 -Salinity** — The objective of this policy is:

  To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas

	of environmental significance and reduce salt loads in rivers.
• **Clause 13.04-1 –Noise abatement**	The objective of this policy is: *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*
• **Clause 13.05-1 – Bushfire planning strategies and principles**	The objective of this policy is: *To assist to strengthen community resilience to bushfire.*
• **Clause 14.01-1 – Protection of agricultural land**	The objective of this policy is: *To protect productive farmland which is of strategic significance in the local or regional context.*
• **Clause 14.02-2 –Water quality**	The objective of this policy is: *To protect water quality.*
• **Clause 17.03-1 – Facilitating tourism**	The objective of this policy is: *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*
• **Clause 21.03-1 - Biodiversity**	The objective of this policy is: *To protect and enhance indigenous flora, fauna and habitat.*
• **Clause 21.04-3 –Soil degradation**	The objectives of this policy are: • *To ensure that the use and development of land does not cause significant land disturbance.* • *To minimise land degradation.*

- **Clause 21.04-4 –Noise and air** The objective of this policy is:

  To reduce noise and air pollution.

- **Clause 21.04-5 - Bushfire** The objective of this policy is:

  To minimise the risk to life, property and the environment from bushfire.

- **Clause 21.05-1 - Agriculture** One of the objectives of this policy is:

  To ensure that the use, development or subdivision of land is not prejudicial to agricultural enterprises or to the productive capacity of the land.

- **Clause 21.05-2 -Water** One of the objectives of this policy is:

  To ensure that surface and ground water quality is not adversely affected by development.

- **Clause 21.08-1 – Economic growth** The objective of this policy is:

  To facilitate new development and employment opportunities in business, industry and tourism.

- **Clause 21.08-3 - Tourism** The objective of this policy is:

  To facilitate Mitchell becoming a recognised tourist destination.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by way of mail notification to property owners/occupiers within a 5km radius of the subject land as well as properties within the Pyalong township, the placement of an advertisement in the two local newspapers circulating in the area (North Central Review and the Seymour Telegraph).

The application was also notified to Ambulance Victoria, Country Fire Authority, Environmental Protection Authority, VicRoads and Victoria Police.

At the completion of the advertising period, 4 objections were received. The objections were received from two (2) nearby residents, a resident of Pyalong and a resident from Kilmore. The grounds of objection received from surrounding properties can be summarised as follows:

- Noise levels from music played at previous events was excessive and caused disruption during the 2015 event.

- Graffiti and the consumption of alcohol within Pyalong occurred in the public realm during the event.
- Trespassing has been a continuing issue for an adjoining landowner where gates have been removed or destroyed, chains and/or padlocks cut or fences driven over to gain access to the event.
- Concerns around the use of illicit drugs and the perception that this is acceptable

The objections outlined above are discussed in greater detail in the latter part of this report.

In addition to the public notification outlined above, notification of the application was given to the Country Fire Authority (CFA), Victoria Police, Ambulance Victoria, the Environmental Protection Authority (EPA) and VicRoads.

Whilst the EPA, Victoria Police and Ambulance Victoria did not provide a response in relation to the application, advice from VicRoads and the CFA was provided.

VicRoads advised that if a planning permit were to be granted, conditions should be included on the permit which required the applicant to provide a Traffic Management Plan to the satisfaction of VicRoads as well as a Memorandum of Authorisation from VicRoads allowing for directional signage to be placed in the road network surrounding the site. It is considered that these conditions could be placed on any permit issued and have been included in the officers recommendation.

It should also be noted that whilst 4 objections to the proposal were received, 157 letters of support for the event were also received. These letters of support can be summarised as follows:

- Noise levels from previous events were unobtrusive and did not cause disruption
- Last year's event helped local community organisations to raise a lot of money, in particular the Pyalong Cricket and Netball Clubs and the Pyalong Primary School.
- Previous events have brought a lot of business and economic benefit to the local and wider community through both the engagement of local contractors and the additional business from patrons travelling to and from the event
- Previous events have been well run and catered for patrons of all ages (including children)
- The event promotes the Shire and the township of Pyalong and showcases Pyalong's natural beauty
- The event provides entertainment for local residents who would ordinarily have to travel outside the Shire to attend such an event

- The event fostered community spirit as a large number of locals came together to fundraise or otherwise attend the event
- The festival is an event based on community, environment, culture, arts, music and other positive aspects and is not a 'rave'
- The positives of the festival outweigh any perceived negative impacts.

The CFA provided their conditional consent to the application with a requirement for an amended Fire Management Plan that included up to date information with regards to this years fire season and other fire specific information specific to the site with regards to emergency access ways and access to water.

HEARINGS COMMITTEE

The applicant and all submitters to this planning permit application were invited to the Hearings Committee on 12 September 2016 to provide a short verbal presentation in support of their written submission.

REFERRALS

External

The application was referred to Public Transport Victoria (PTV) under Section 55 of the *Planning and Environment Act 1987* in accordance with Clause 52.36 and Clause 66 of the Mitchell Planning Scheme. PTV did not provide a response to the referral.

Internal

The application was referred to various internal Council Departments to provide comment on the application.

Council Departments advised that the proposal was satisfactory subject to the traffic management plans being endorsed and complied with. Further a requirements for a road condition report of the surrounding road network at both the commencement/conclusion of the event being submitted and a condition requiring all event car parking to be contained within the subject land and not in the surrounding road network. These conditions are considered appropriate to include on the permit to ensure that traffic management for the event is undertaken in accordance with the relevant requirements of the Council Departments and to ensure that the surrounding road network is not impacted upon as a result of the event.

DISCUSSION

Response to Policy Framework

The relevant policies of the State and Local Planning Policy Frameworks of the Mitchell Planning Scheme section highlight the importance of maintaining the natural environment and ensuring that rural areas are preserved for productive agricultural pursuits. These policies also place a strong emphasis on supporting rural communities

and advocate for increased tourism and business in such areas to assist in strengthening local economies.

The proposal is considered to be consistent with the relevant policies within the Scheme as the management plans submitted with the application would ensure that the natural landscape of the site is not impacted upon as a result of the event and the site is appropriately remediated upon conclusion of the event. The temporary nature of all proposed structures would not impact upon the land, and consequently it is considered unlikely that an increase in erosion or salinity on the land would result from the event. Furthermore, it is considered that the use of the land for a music festival would not impact upon the agricultural productivity of the land given the limited timeframe of the event and as no permanent structures would be erected in association with the event.

In relation to the tourism and economic development objectives outlined within the Scheme, the letters of support submitted in respect of the application provide a clear indication that businesses in the surrounding area (including Kilmore as well as Pyalong) received additional patronage as a result of previous events held on the land. It should be noted that in addition to this patron spend, the event also has a policy of utilising locally sourced material and labour where possible, which provides an additional economic investment and boost to the local economy through job creation in the lead up to and during the event.

Furthermore, the event provides the opportunity to promote the area to visiting patrons as with up to 7500 patrons expected to attend, the majority of these would travel from other areas outside of the Shire. The additional visitors in the area provide an opportunity to showcase the natural beauty of the Pyalong area and would bring tourists to the area that may not have visited otherwise. This outcome, as well as the economic benefits outlined above, is consistent with the tourism and economic development objectives of the Mitchell Planning Scheme.

Zoning Implications

Whilst the proposed music festival would not form an agricultural land use on the site, the event would only be held for a period of five days (the festival would be held over three days with the day before and after the festival to be used for patron arrival/departure from the site), and would not require the construction of any permanent structures. As such, the subject site would be available to be used for agricultural purposes at all other times during the year.

It should be noted that the site is currently used for the grazing of livestock at an intensive level, and stock rotation is typical on an agricultural property such as the subject site. Given this, and given the overall size of the landholding, the agricultural use of the broader property can continue uninterrupted for the duration of the proposed event even as part of the site is used to accommodate the festival as the existing stock on the land would be moved to another part of the property. Consequently, it is considered that the proposal is not contrary to the purpose of the Farming Zone to provide for the use of land for agriculture.

It is noted however that objections have been raised by adjacent landowners that during past iterations of the event, vandalism has occurred by way of the removal/destruction of fences and gates which has had implications on stock security. The security management plan submitted with the application has identified that additional security patrols will be undertaken with aim to mitigate such vandalism occurring during this year and future events.

Decision guidelines

The decision guidelines at Clause 65 of the Scheme seek to ensure that the Responsible Authority considers a number of matters before determining an application, including Section 60 of the *Planning and Environment Act 1987*, the relevant State and Local planning policies within the Scheme, the purpose of the zone, the effect of the proposal on the amenity of the area, factors likely to contribute to land degradation or reduce water quality and the management of the land to reduce the risk of flood, erosion or fire hazard.

A response to the relevant State and Local planning policies has been provided above, and it is also considered that the proposal is not at odds with the provisions of the Farming Zone given the limited timeframe in which the event is to be held.

Section 60 of the Act requires the Responsible Authority to consider the objectives of planning in Victoria, any objections or other submissions received, the comments of referral authorities, any significant effects of the proposal on the environment, any significant social effects associated with the proposal, and any significant economic effects associated with the proposal. The comments of referral authorities have been discussed above, and a response to the concerns of the objectors to the application is provided in the latter part of this report.

In relation to the other matters within Section 60, it is considered that the proposal is consistent with the objectives of planning in Victoria as the proposal would not result in land degradation and can be appropriately managed through the implementation of management plans to reduce impacts to the site and surrounding area. It is also considered that the proposal is appropriate given the significant economic benefits that the event would bring to the Pyalong area as well as other towns within the Shire, particularly Kilmore and Wallan which are located along the main transport route from Melbourne to the site (the Northern Highway).

In relation to the social effects of the proposal, it is considered that the management plans for the event (particularly the Security Management Plan and Emergency Management Plan as well as the plan outlining the medical facilities to be provided by St Johns) would ensure that patron behavior is appropriately managed to limit the potential impacts of negative behaviours such as drug or alcohol abuse and violent or anti-social behavior. The effect of the event on the surrounding community however needs to be considered given the number of submissions received in relation to the proposal. The grounds of objection and letters of support have been summarised in this report and cover a range of issues both in support of and against the event, however it is clear that some community divide exists in Pyalong as a result of the proposed Earthcore Festival. Whilst this division is clearly a negative social impact

associated with the event, the community also receives a benefit from the festival given the economic boost that patron spending brings in the area.

Noise impacts

In relation to the impact of noise from the festival on the amenity of the area, whilst an event of this nature would result in noise emanating from the site that would exceed that normally occurring in the area, previous noise measurements undertaken during the 2014 event indicate that noise levels generated by the event complied with State Environment Protection Policy SEPP (Control of Music Noise from Public Premises) No. N-2. Controlled testing was also undertaken during April 2016 which sought to replicate the noise generated by a sound system similar to that used during previous Earthcore events. This report found that during the testing that was undertaken that the noise levels at the various locations where testing was undertaken that noise levels were consistently below the required *SEPP No. N-2.*

On this basis, and given the limited timeframes associated with the event, it is considered that the impact generated by noise is not unreasonable and would not result in an unacceptable level of disturbance to the surrounding area. Notwithstanding, a condition should be added to the permit which requires that the noise generated by music at the event must not exceed 125dB(A) at the sound desk during scheduled music playing times and reduced to 115dB(A) at the sound desk after 11pm so as to minimise noise impacts to surrounding properties. Furthermore, a qualified acoustician should be present on the site at all times to monitor the music levels in accordance with the arrangements outlined within the Noise Management Plan submitted with the application and to ensure compliance with the relevant requirements of the EPA, and a noise log should be kept for the duration of the event and provided to Council upon request during the event as well as following the event.

In addition to the above, it is noted that music is played at the bar which is unspecified with respect to levels and could still be heard some distance from the site if played loud enough. The bar hours are for the most part appropriate and operate consistently with the event, however it is noted that the bar is proposed to operate until 3am on Friday from Thursday noon and being a weeknight, has the potential to impact on the amenity of nearby properties. As such, it is considered appropriate to restrict music at the bar on a Thursday night to 9pm.

These measures together with the implementation of the Noise Management Plan would ensure that the noise generated by music at the event would be managed to minimise nuisance to surrounding properties for the duration of the event.

Traffic impacts and car parking arrangements

In relation to the impact of event traffic moving through the area, the Traffic Management Plan submitted with the application has been assessed by relevant Council Departments and has been deemed acceptable. This Plan outlines actions to manage the impact of traffic associated with the event including the establishment of

an on-site checkpoint processing facility to ensure that traffic in the surrounding road network can keep moving, the erection of directional signage to provide motorists with clear instructions on accessing the site, and speed restrictions in the surrounding area to manage the impact of the additional traffic on Panyule Road and Freddys Lane generated by the event. Subject to permit conditions implementing the Traffic Management Plan and the inclusion of the permit conditions provided by VicRoads, it is considered that event traffic is not likely to unreasonably impact the surrounding area or reduce the operation of the surrounding road network.

In relation to the car parking on the site, Clause 52.06 of the Scheme requires that 0.3 car parking spaces are provided for each patron to attend the event, and based on a maximum of 7500 patrons attending the site, a minimum of 2250 car parking spaces are required. The application states that 2500 car parking spaces would be provided on the site to cater for patrons and event staff and therefore this would adequately meet the needs of the event.

In relation to the car parking areas, these would be largely shared with the camping areas as patrons would park and camp in common areas. A Traffic Operations Plan has been submitted for approval which identifies the location and number of traffic marshals that will be present on the site throughout the event which should ensure the safe and efficient passage of vehicles during the event. A condition of permit will also be included which specifies that there will be no pass-outs for the event, as this will prevent vehicles moving through the event site as well as in and out of the property during the event and will further improve traffic management and safety outcomes.

Throughout the debrief sessions from the event last year, issues regarding traffic management were discussed and there have been numerous changes to address queuing occurring on surrounding local roads. A new ticketing system has been introduced where tickets will be sent to patrons prior to the event and the introduction of a significantly increased car queuing area being proposed on the site should significantly improve the speed in which patrons can be entered into the festival site significantly reducing the queuing issues of last years event.

Environmental impacts

With regard to the impact of the event on the subject land and environment, a comprehensive Cleaning and Waste Management Plan and an Environmental Management Plan have been prepared for the event. It should be noted that the Environmental Management Plan has been improved upon from previous events and now includes a replanting schedule to improve the biodiversity and environmental quality of the site. Whilst this replanting would occur outside of the event area (to reduce fire risk), it is considered that this would result in an overall benefit to the site. The site plan has also been improved upon from previous events to ensure that all camping and parking areas would be clear of significant vegetation stands on the site, and this would reduce the risk to existing vegetation as a result of the event. Given that the event has operated on the land twice previously and post-event inspections have not revealed significant damage to any natural feature of the site, it is considered that the proposal is appropriate with regard to the environmental considerations of the Clause 65 of the Scheme.