

NOTICE OF AN APPLICATION FOR AN AMENDMENT TO A PLANNING PERMIT



Details about the application

The land affected by the application is located at:	210 Tallarook Pyalong Road TALLAROOK VIC 3659
The application is to amend permit number:	PL6067/06
The original permit is for:	To use the land for a place of assembly (annual music festival with ancillary uses for accommodation and a food and drink premises)
The application is to amend the permit by:	Amending & deleting conditions
The applicant for the amendment to the permit is:	Tanya El-Gamal
The application reference number is:	PL6067/06.01

You may look at the application and any supporting documents by either of the following options:

MITCHELL SHIRE COUNCIL

- Via our website <https://www.mitchellshire.vic.gov.au/planning-and-building/planning-services/advertised-planning-applications>
- By contacting the Statutory Planning Department via email statplan@mitchellshire.vic.gov.au
 - In person during office hours free of charge at:
Seymour Customer and Library Service Centre
125 Anzac Avenue, Seymour - Monday to Friday, 10am and 6pm

Any person who may be affected by the proposed amendment to the permit may make a written submission to the Responsible Authority

A submission must:

- * be sent to the Responsible Authority in writing
- * include the reasons for your submission, and
- * state how you would be affected.

Please be aware that copies of submissions received may be made available to any person for the purpose of consideration as part of the planning process.

The Responsible Authority will not decide on the application before:

1 February 2021

If you object, the Responsible Authority will tell you its decision.



Application to AMEND a Planning Permit

Planning Enquiries
Phone: (03) 5734 6200
Web: www.mitchellshire.vic.gov.au

If you need help to complete this form, read MORE INFORMATION at the end of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

Questions marked with an asterisk (*) must be completed.

Click for further information.

Clear Form

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

This information can be

of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No. Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No. Section No.:

Parish/Township Name:

Planning Permit Details

What permit is being amended?*

Planning Permit No.:

The Amended Proposal

You must give full details of the amendment being applied for

What is the amendment being applied for?*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

attach a separate sheet.

This application seeks to amend:

<input type="checkbox"/> What the permit allows	<input type="checkbox"/> Plans endorsed under the permit
<input type="checkbox"/> Current conditions of the permit	<input type="checkbox"/> Other documents endorsed under the permit

Details:

Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.


Development Cost

Estimate cost of development*

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

Insert 'NA' if no development is proposed by the permit.

 You may be required to verify this estimate.


Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? Yes No

If yes, please provide details of the existing conditions.


 Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

This copied document is made available for public purpose of enabling its content to be reviewed as part of the planning process under the Planning and Environment Act 2015. This document must not be used for any purpose which may breach any copyright.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title: Mr	First Name: Jeremy	Surname: Gordan
Organisation (if applicable): Boogie Festival		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email: [REDACTED]
Mobile phone: [REDACTED]	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details* Same as applicant <input type="checkbox"/>		
Name:		
Title: Miss	First Name: Tanya	Surname: El-Gamal
Organisation (if applicable): Our Friends Farm Tallarook		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 210	St. Name: Tallarook-Pyalong Rd
Suburb/Locality: Tallarook		State: Vic Postcode: 3659

Owner *


The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name: Same as applicant <input type="checkbox"/>		
Title: Miss	First Name: Tanya	Surname: El-Gamal
Organisation (if applicable): Our Friends Farm Tallarook		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 210	St. Name: Tallarook-Pyalong Rd
Suburb/Locality: Tallarook		State: Vic Postcode: 3659
Owner's Signature (Optional):		Date: day / month / year

Declaration

This form must be signed by the applicant*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.

Signature: *T El-Gamal*

Date: 14/09/2020

day / month / year

Need help with the Application?

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes

If 'Yes', with whom?: James McNaulty


Date: 1/10/19

day / month / year

Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Lodgement

Lodge the completed and signed form and all documents with:

Mitchell Shire Council
113 High Street
Broadford VIC 3658

Contact information:

Phone: (03) 5734 6200

Email: mitchell@mitchellshire.vic.gov.au

DX: 66003

Deliver application in person, by post or by electronic lodgement.

This copied document is made available for the sole purpose of enabling its consideration & review as part of a planning process under the Planning and Environment Act 1987. This document must not be used for any purpose which may breach any copyright.



14 September 2020

The Manager
Town Planning Department
Mitchell Shire Council
DX 37310 **VIC 3764**

Lodged via online portal

Dear Sir/Madam,

**Re: 210 Tallarook Pyalong Road, Tallarook
Amendment to Permit PL6067/06.01**

Glossop Town Planning has conducted this report on behalf of Jeremy Gordon, who is the event organiser for the Boogie event held at 210 Tallarook-Pyalong Road, Tallarook (the "subject site").

The permit was issued on 30 November 2006.

The permit currently allows the use of the subject site for a *Place of assembly (annual music festival with ancillary uses for accommodation and a food and drink premises) in accordance with the endorsed plans*.

We have been instructed by our client to prepare an application to amend three conditions of this permit under Section 72 of the *Planning and Environment Act 1987* ('the Act'). The amendments are necessary due to operational requirements and the need to clarify permit condition requirements. The owner of the land is aware of the proposed amendment and supports this request as the main contact for the application.

Details of the proposed changes are outlined in later sections of this correspondence.

Application Materials

In support of this application, please find enclosed the following:

- A completed "Application to Amend a Planning Permit" form;
- Event Site Plan, and
- Our Friends Farm Venue Noise Management Plan

Proposed Changes and Assessment

Changes are sought to Conditions 10 and 11. It is also proposed to delete Condition 12 of the permit. A detailed explanation and planning assessment for each change is provided below.

Condition 10

This condition currently allows the hours of operation permitted under the permit for the operation of a licensed premises with an extended general liquor license to the following times and days:

- Good Friday: 12 noon to 1am
- Easter Saturday 10am to 1am



- Easter Sunday: 10am to 1am

Accordingly, it is proposed to amend the condition in the following manner:

The hours of operation permitted under the permit for the operation of a licensed premises with an extended general liquor license are as follows:

- Good Friday: 12 noon to 3am
- Easter Saturday: 10am to 3am
- Easter Sunday: 10am to 3am

The current requirements of the condition are unreasonable for a niche event of cultural significance, proving difficult to compete with other events on the same weekend making the event unsustainable to continue in its current permitted format.

The current permitted hours of operation do not meet customer demand.

The proposed amendment will not result in any unreasonable amenity impacts, as the use must still comply with the conditions of the permit which regulate amenity impacts. Conditions 5, 9, 11, 16, 18, 21, 22, 28, 31, 37 and 43 will continue to apply.

The main stage will shut off at 1am and the smaller stage will shut off at 3am.

The proposed amendment will not offend Condition 3 of the permit which must only operate between 7am on Good Friday until 4pm on Easter Monday.

The amendment is required to allow ongoing operation on the premises. Cultural events such as Boogie Festival greatly stimulate the local economy, generate tourism, local expenditure and creates employment opportunities. The proposed amendment will enhance these benefits for the local and wider community and should be supported.

The property has an existing on-premise liquor licence that operates all year round from 10am to 1.30am, 7 days per week, in the 2 acre licenced event area 1 as shown on the site map. A temporary licence extension will be sought for this event.

Condition 11

This condition currently allows the hours of the music program permitted under this permit as follows:

- Good Friday: 10am to 1am (main stage) and 3am (indoor disco)
- Easter Saturday: 10am to 1am (main stage) and 3am (indoor disco)
- Easter Sunday: 10am to 1am (main stage) and 3am (indoor disco)

Accordingly, it is proposed to amend the condition to read in the following manner:

The hours of operation of the music program permitted under this permit must be as follows:

- Good Friday: 12 noon to 1am (main stage) and 3am (disco)
- Easter Saturday: 10am to 1am (main stage) and 3am (disco)
- Easter Sunday: 10am to 1am (main stage) and 3am (disco)



This amendment is consistent with the extended hours sought in the proposed amendment in Condition 10.

The event organisers and the venue owner are committed to the protection of amenity of the surrounding properties and have developed *The Our Friends Farm Venue Management Framework (VMF)*, that consists of key environmental impact strategies and management plans. The VMF has been submitted in support of this application.

Several existing permit conditions serve to regulate the land use to protect the amenity of the locality. For example, regardless of when music (live, amplified or personal music) is allowed on the land, it must comply with the noise emissions requirements at condition 37 and to the satisfaction of the Environmental Protection Authority (the "EPA") and the Responsible Authority. An Event Manager will be on-site at any event (as required by Condition 5) to ensure that the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality. Further, Condition 9 requires the amenity of the area to not be detrimentally affected by the use through, amongst other things, emission of noise.

These measures will include:

- The construction of a sound barrier wall consisting of shipping containers behind the stage in the direction of the sensitive resident zone.
- Sound curtain placed around the stage to dampen noise from on stage amplifiers.
- Reprogramming the music schedule so all live bands are finished by 10pm and only electronic acts will play after 10pm which is a significant reduction in noise levels.

This amendment will not have any unreasonable amenity impacts on the surrounding area as the use will still be required to comply with SEPP-n2 EPA noise restrictions.

Moreover, this amendment is required to allow ongoing operation of this socially significant cultural event in Mitchell Shire. The event positively contributes to a usually quiet local economy by attracting visitors to Tallarook and the Shire, creating local employment opportunities and have proven to be of great benefit to the area.

Clause 71.02-3 of the Mitchell Planning Scheme requires the decision maker to *endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflict objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*. There can be no doubt of the community benefits created by the permitted events on the land. We respectfully request that Council gives the appropriate weight to all aspects of the proposal when assessing this request.

Condition 12

Condition 12 is superfluous and should be deleted as the level of noise emission is managed through Condition 37.

This condition should be deleted for the following reasons:

- The relevant noise level requirements reflect the standard SEPP Nos. N-1 and N-2 requirements (as applicable);
- The term "surrounding residential dwellings" is not defined. It is difficult to determine which properties the restriction affects; and



- The requirement for music to be “inaudible” at the “surrounding residential dwellings” can be subjective from person to person and does not account for typographic landscape or change in wind direction during events. It is unclear where the music should be measured from (i.e. from a particular room of the dwelling or at the entrance to the dwelling?) or how it is to be measured (i.e. with any of the windows closed or opened?). The requirement would be more appropriate to apply the relevant SEPP N2 requirements where the noise levels can be quantified through the decibel levels set in the SEPPN2 regulation which controls music noise from a public premise. Moreover, the requirement for inaudibility appears to go well beyond the requirements of the relevant SEPPs on noise protection.

Conclusion

The **2018 Tourism and Visitor Economy Plan Mitchell Shire** notes ‘product gaps identified for Tallarook within the DMP included:

- *Support existing events, such as the Boogie Festival, and investigate the feasibility of additional annual events or a street festival for music, arts or culture (Tier 2)*

The **Mitchell Shire Arts, Culture and Events Strategy 2014 – 19** states;

- *“Economic Prosperity – the Arts, Culture and Events are an important economic sector contributing to the Shire’s prosperity through its capacity to attract increased visitation and flow on economic benefits from people attending events”.*

The proposed amendments warrant Council’s support as they will allow the ongoing and sustainable operation of the land for a diverse family culturally significant event that encourages community connectivity and positive social interaction. The event has been operating on this land for the past 15 years. The amendments sought will simplify and clarify permit requirements. Overall, the proposal will serve to be far more beneficial to the community than negative and should be supported by the responsible authority.

Yours sincerely,

Sue Zhang
Senior Associate
Glossop Town Planning
Cc. Permit holder Jeremy Gordon