



Date: Tuesday, 28 March 2017
Time: 3pm
Location: Council Chambers, Serpentine

AGENDA

Late Reports

Ordinary Council Meeting

28 March 2017

Order Of Business

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8 DECISION REPORTS**8.9 PLANNING APPLICATION 5254- YEMAYA FESTIVAL**

File Number:	5254
Author:	Alexandra Jefferies, Planning Officer
Authoriser:	Glenn Harvey, Manager Development and Compliance
Attachments:	1. Site plan
	2. Road design plan
	3. Objection covering letter Evans
	4. Evans objection
	5. C.Rollinson objection
	6. B.Rollinson objection
	7. Trethowan objection
	8. Anderson objection
	9. AML email
	10. VicPol objection
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RECOMMENDATION

That planning application 5254 be refused on the following grounds:

1. The current proposal is not consistent with the approved Cultural Heritage Management Plan.
2. The proposed use is inconsistent with the purpose of the Farming Zone.
3. The proposal is likely to negatively impact on surrounding agricultural land uses through the spread of noxious weeds, trespassing, traffic and parking issues.
4. Victoria Police have major concerns outstanding with regard to the proposal.
5. There are likely to be unreasonable amenity impacts upon surrounding properties as a result of noise.
6. Adequate documentation and plans have not been provided to satisfy concerns with respect to separation of camping and car parking.

CONFLICT OF INTEREST

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

PREVIOUS COUNCIL DISCUSSION

Two previous planning applications in relation to the 2016 Yemaya festival event were received and subsequently presented to Council for determination.

Planning application 5106, which was the first of the two historical applications received, was refused on 28 January 2016 for the following reasons:

- a) The proposed use was considered to be inconsistent with the purpose of the Farming Zone.
- b) Local infrastructure was insufficient to cater for the proposed use and development.
- c) The proposed use and development would likely result in the spread of a regionally controlled weed.
- d) The proposed use would likely have detrimentally affected the amenity of the area through the generation of noise.
- e) The proposed use would likely have resulted in an adverse environmental effect on the Loddon River.

A further application with slightly amended documentation was received approximately 1 month later. The second application again attracted a number of public objections.

On this occasion the officer recommendation was again to refuse the application based on similar grounds as listed above for permit application 5106. Further, concerns were also identified at this time with respect to the lack of a Cultural Heritage Management Plan prepared for the event as required under the *Aboriginal Heritage Act 2006*.

Following consideration of the application, objections and the officer recommendation Council resolved to grant planning permit 5167 which was subsequently issued on 20 April 2016 for the use of the land for a place of assembly (Yemaya Festival).

The permit contained an extensive list of documentation/plans which were required to be provided to Council prior to the event taking place - only some of this documentation was supplied.

BACKGROUND

Proposal

Planning application 5254 was lodged on 9 December 2016; the application proposed the use and development of the land for a place of assembly (Yemaya Festival) which will consist of 5,000 persons attending/working at the 4 day music festival.

Music is proposed to be played during the following hours:

- starting 6pm Friday 21 April 2017 – ending 2am Saturday 22 April 2017 (8 hour period)
- resuming 10am Saturday 22 April 2017 – ending 2am Monday 24 April 2017 (40 hour period)
- resuming 10am Monday 24 April 2017 – Ending 8pm Monday 24 April 2017 (10 hour period).

Gates are proposed to open at **noon on Friday 21 April 2017**, with all patrons to clear the site by **6pm Tuesday 25 April 2017**.

It is proposed that patrons will camp on site for the duration of the event, with no 'pass outs' to be permitted. Camping and cars are proposed to be separated by the construction of 30 cm high soil check banks. This will mean vehicles will reverse into the 'car spaces' created by the check banks. The check banks will be separated by 12 metres of space which patrons can use to park their vehicles. The result will be two rows of cars facing each other with a 40 metre space for camping to

be located to rear of the check banks (referrer to site plan for layout). This treatment is intended to reduce the risk of vehicle movements potentially interacting with the camping areas, which in the past has been linked to significant injury or death at similar events.

The site plan shows a total of 219 camping-car parking spaces and an area set aside for 'visitor vehicles). The Traffic Management Plan states traffic marshals and/or security guards will be dispersed at the main gate, ticketing gate and the camping ground as well as patrolling the general area. The roster nominates that 4 traffic Marshalls will be on site on Friday, until 5 pm Saturday; after this 3 traffic marshals shall be on site until 1 am Saturday, this is reduced to 2 per day for the duration of the Sunday, Monday and Tuesday.

Liquor

Alcohol is proposed to be served within a 700 m² bar area, which is to be enclosed by 1.8m high metre fence with one shared entrance/exit point. The limited licence granted by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) restricts the maximum patronage to 200 persons at any one time within this area and requires that 2 security guards be provided within the bar at all times and one security guard outside the premise to monitor those entering/exiting.

Security/Crowd Control

The Security Proposal Document contains a roster which proposes the following number of security personnel:

- Management- 1 x security personal
- Front gate- 1 x security personal
- Main Stage (Back of house) – 1 x Security personal
- Main Stage (front of house) – 1x security personnel
- Rovers- 2 x security personnel
- Bar- 3 x Security personnel
- Perimeter Patrol- 1 x security personnel

The roster proposes that there will be 6 security guards monitoring the event at any one time on each day and that an additional 3 security guards will be located at/within the bar area.

Proposed areas/facilities within the event are as follows:

- Stage 1 (36 metre span)
- Stage 2 (20 metre span)
- A number of 'creative spaces'
- A number of market stalls
- The camping areas
- A bar in which liquor will be served

Facilities/ Infrastructure

- 2 x emergency assembly areas
- 60 x 240 L wheel bins distributed across the site and 4 x 30 m² skip bins
- 52 temporary hire toilets will be distributed across the north-east of the camping area and to the south east of the camping area

- Helicopter landing pad
- 1 x 5,000 L water tank, 1 x 10,000 L water tank, 1 x 20,000 L water tank (water from these tanks will be pumped to the general patron drink water stations and to the food stalls for preparation)
- 12 x 1,000 L water tanks will be at various locations on the site for general use
- 1 x ATM
- 1.8 metre high temporary security fence is proposed to enclose the 'main activity area'

(Please refer to attachment: Site plan)

The application proposes a 6 m wide gravel road will be constructed internally to allow for patron car access as well as a separate emergency vehicle access route (attachment: Road Design Plan).

The application includes numerous documents that aim to address issues of safety and emergency management response. These include the following:

- Traffic Management Plan (Version 1.4)
- Infrastructure and amenity summary
- Traffic Management Plan (Version 1.3)
- Event Safety Management System (Version 1.2)
- Fire Management Plan (Version 1.2)
- Tourism & Community Benefits (Version 1.1)
- Approval for a limited liquor licence and red line plan
- Security Services Proposal (prepared by AusWide Security)
- Security Service Specifications (Version 1.0)
- Noxious Weed Management Plan (Version 1.0)
- Noise Management Plan (Version 1.0)
- Event Health Service Proposal (Prepared by St Johns)
- Environmental Management Policy (Version 1.0)

Subject site and Locality

The subject land is located to the east of Loddon West Road, Fernihurst. The subject site is approximately 3,223 hectares in area with approximately 1.6 km of frontage (northern boundary) to Majors Line Road. The site is generally flat and clear of vegetation, excluding some scattered trees. The site is bound to the east by the Loddon River and to the south and west by Kinypanial Creek.

The subject site is within the Farming Zone and is covered by the Land Subject to Inundation Overlay. The site is (almost entirely) culturally sensitive.

The site is currently being used for agricultural uses, with land surrounding and adjoining being used in a similar manner. Although the surrounding area is not densely populated there are dwellings located within close proximity to the subject site, the closest being 33 Loddon West Road, located approximately 1.05 km west of the proposed main stage.

Figure 1: subject site



Loddon Shire Planning Scheme

The site is within the **Farming Zone**, the purpose of which is:

- *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.*

The proposal is considered to be inconsistent with the purpose of the Farming Zone. The application does not provide for the use of the land for agriculture and does not encourage the retention of land for productive agricultural activities. It is not considered that the activity is based on comprehensive or sustainable land management practices and is considered to have a detrimental effect.

The site is covered by the **Land Subject to Inundation Overlay**, the purpose of which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*

- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The proposal is considered to be generally consistent with the purpose of the LSIO. The majority of structures used for the event are temporary in nature and the event is of a short duration at a time of low risk of major inundation to the site. North Central Catchment Management does not object to the application, providing conditional consent.

The following State and Local Planning Policies are considered to be relevant to the application.

13.02-1 Flood Plain Management

To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodway's.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

13.04-4 Noise abatement

- *To assist the control of noise effects on sensitive land uses*

13.05 Bushfire

- *To assist to strengthen community resilience to bushfire*

14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context*

14.01-2 Sustainable agricultural land use

- *To encourage sustainable agricultural land use.*

14.02-1 Catchment planning and management

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment*

14.02-2 Water quality

- *To protect water quality*

15.03-2 Aboriginal cultural heritage

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance*

Local Planning Policy Framework

21.04-3 Land management environments

- *To protect and enhance the condition of the natural resource base of the Shire to provide for the environmental and economic health of the Shire.*

22.02 Drainage and Flooding

- *To encourage use of drainage works and schemes that manage surface flows and minimise irrigation runoff to assist in the reduction of the salinisation of land.*
- *To promote on-farm drainage re-use for effective nutrient management.*
- *To ensure that drainage works and schemes are consistent with management plans for wetlands, streams and forests.*
- *To ensure levee banks are constructed and maintained to a standard that provides for the appropriate and equitable flow and distribution of floodwaters.*
- *To ensure that downstream impacts of levee banks are appropriately considered and managed.*
- *To recognise the role of public and community-based organisations in the maintenance and development of existing flood protection levee banks.*
- *To encourage the use of rain where it falls, particularly in groundwater recharge areas.*
- *To ensure appropriate land use and development of flood plains.*

22.05 Development in rural areas

- *To protect the natural and physical resources upon which agricultural industries rely*
- *To support the ongoing viability of existing farms. To maintain farmland in productive agricultural use*
- *To promote the development of new and diverse agricultural industries, fulfilling the potential of existing infrastructure*
- *To prevent land use conflicts between sensitive uses and agricultural uses*
- *To ensure that new use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land*
- *To encourage the most productive and sustainable uses of water and soil in the Shire*
- *To ensure that development in rural areas does not compromise landscapes of significant value.*
- *To encourage safety from structure fires and bushfires.*

Relevant Particular Provisions

52.43 Live music and entertainment noise

- *To recognise that live music is an important part of the State's culture and economy*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change*

ISSUES/DISCUSSION**Notice and referral**

Notice of the application was sent to adjoining land owners on 1 March 2017. The proposal was also advertised in the Loddon Times newspaper the week of 7 March with the advertising period finishing on 21 March 2017.

The application was referred to the following authorities under section 52:

- Victoria Police (VicPol) (objected)
- Ambulance Victoria
- WorkSafe
- Department Economic Development Jobs Transport and Resources (DEDJTR) (objected)
- Country Fire Authority (CFA)
- Department of Environment, Land, Water and Planning (provided conditional consent)
- Environment Protection Authority (EPA) (provided conditional consent).

The application was referred to the following authorities under Section 55:

- North Central Catchment Management Authority (NCCMA) (provided conditional consent).

The application has received seven objections, five being from adjoining land owners (see attachments), VicPol (attachment: VicPol objection) and from Department of Economic Development, Jobs Transport and Resources (Attachment: DEDJTR objection). The objections from adjoining land owners are based upon the following issues:

- The proposal is inconsistent with the purpose of the Farming Zone and will negatively impact on the ability for surrounding farms to undertake agricultural activities due to noise and traffic during the event.
- Trespassing (which is alleged to have occurred last year) will cause unnecessary distress to ewes during lambing and possible death of lambs if separated.
- Concerns that the application does not address the issue of trespassing and it will occur again.
- Pollution from discarded rubbish, cigarette butts and used toilet paper as well as other waste and the possible destruction of the Loddon River frontage and associated fauna.
- The application documents suggest that significant works will be undertaken to prepare the site for the event including the construction of the access road with culverts and the construction of agricultural irrigation (Environmental management plan 3.3) in order to help establish and maintain ground cover to prevent dust. The objector raises the concern of logistically being able to complete these works in the short timeframe remaining and the effect that will be had on the site if these measures are not completed in time.
- A lack of existing infrastructure. Council's local roads facilitating access to this site are of a rural sealed collector and unsealed status. There is concern these roads are inadequate for

the 1200-1600 vehicles which are expected to travel to the event and the possible further deterioration of the roads in poor weather.

- The lack of available, and strain upon, local emergency services the event will have including Victorian Police and Ambulance Victoria resources.
- The lack of a named company or organisation within the Fire Management Plan.
- The lack of mobile phone coverage on the subject site during the event.
- There are a number of noxious weeds that are likely to be spread via the earthworks required by various construction, vehicle movements and patron and equipment movement.
- The objectors are also concerned with a lack of any actions being undertaken as set out in the Noxious Weed Management Plan so far on-site to prevent the spread of noxious weeds.
- There is an inconsistency between the red line plan approved by VCGLR (35 m x 20 m) and the bar area shown on the site plan (12m x 20 m)
- The lack of detail regarding the proposed 1.8 metre high temporary security fencing to surround the site, specifically who and will provide this equipment and how it will be installed.
- The proposed event will significantly impact nearby dwellings and the residents who live in them, especially during the extended time of music that will continue from Saturday morning through to Monday.
- There has been little community support shown to the application from local businesses that were involved last year.
- The objectors are concerned that Inglewood Lions Club has been nominated within the Tourism and Community Benefits Summary this year, when a letter of withdrawal was provided last year.
- The applicant has had a number of months to submit the planning application and even though ticket sales began in May of 2016, the application was not lodged until December 2016, with a further 2 months delay in the applicant's response to Council's requests for further information. Overall the documentation is misleading and contains inaccurate information.
- Overall the surrounding land holders experience with the previous festival was a negative one, although stated that the organisation was willing to comply with all directions, conditions and instructions, this was not the case.

- Objectors have no confidence in documentation provided by the applicant in support of the event or the applicant intention to comply with identified actions therein.
- Vehicles were left parked in various locations surrounding the area for days leading up to the event and the site including the Loddon River was left with rubbish scattered.
- The use of illicit drugs during the event.
- There have been little improvements from the application documentation that was submitted last year.

The VicPol objection is based on the failure of provision of documentation and plans that address relevant safety concerns. The issues raised are as follows:

- The emergency management plan (EMP) states: *In order to ensure the ongoing development and applicability of proposed responses to emergency situations, consultation will be undertaken with all relevant authorities. Specifically, the following external bodies will be contacted for comment:* of which Victoria Police is one. There has not been any consultation with Victoria Police.
- A lack of information regarding safety personnel's specific qualifications to efficiently lead and manage an emergency event.
- Lack of information around how an emergency evacuation will occur in a safe and prompt manner and again a lack of consultation with Victoria Police.
- An alternative access for emergency services will be provided. In 2016, the roadway across a paddock was not defined or suitably constructed to provide for safe access.
- Lack of information regarding how the helicopter landing pad will be cleared/defined.
- Onsite Vehicle Accident Traffic control is in place for the entire duration of the event. Significant maintenance works will be carried out on all major traffic paths to ensure safe driving conditions. This didn't occur last year nor does it assist with safety of camping sites vs vehicular traffic vs pedestrians.
- There is insufficient security personnel proposed to address an event of this size.
- A lack of EPA approval provided as part of the application.
- The documents provided are vague regarding issues of staff parking being separate from patron camping and how a possible extra 200 vehicles will be managed on site.
- Issues of trespassing was a major issue last year, the site map does not include fencing of the entire site.

- No car movements – there are insufficient controls in delineating the campers from vehicle movements and patrons will only be asked to leave their vehicles stationary until they exit. This doesn't provide any guarantee that there will not be vehicle movements causing risk.

The DEDJTR objection is based upon the issue of noxious weeds and the risk that the event will contribute to the spread of these weeds. An assessment of the site was undertaken on 20 February 2017. The objection states the following:

- Currently Silverleaf Nightshade infestation is at its largest outbreak within the local area.
- The festival has the likelihood of spreading Silverleaf Nightshade (SN) throughout the North Central Catchment Area.
- This weed is particularly difficult to control, with the use of strong/hazardous chemicals being the best method.
- Vehicle hygiene treatment is the only method the applicant could use to reduce the spread of the weed, yet the Noxious Weed Management Plan only states they 'may' be installed.
- Bathurst Burr and Prairie Ground Cherry were also present on the site.

Consideration and assessment

Planning application 5254 presents a number of concerns which include the quality and amount of documentation provided, community and external authority concerns and a lack of a timely assessment process due to the late nature of the submission.

The application documentation provided to the planning department is not considered to contain sufficient detail required to make a fully informed decision. Many of the management plans provided lack specific detail of how situations that involve the safety of patrons will be addressed.

Cultural Heritage Management Plan (CHMP)

CHMP No. 14196 for the Yemaya Festival was approved 11 April 2016. After the festival was held last year a number of staging poles were left on site as a permanent structure. This requires an amendment to the approved CHMP. The applicant was informed that an amendment to the CHMP is required to be submitted to and approved by Dja Dja Wurrung Clans Aboriginal Corporation.

The planning department is yet to be provided with this document. Dja Dja Wurrung previously confirmed that a meeting was to be held on site with the applicant and the land holder on 23 February 2017. No advice as to the outcome of this meeting has been provided by either party.

A copy of an application to amend the previous CHMP has however provided by the applicant as evidence of their intention to work with the Dja Dja Wurrung. Despite the application appearing to have been made no amended CHMP document has been provided in support of the application to date.

Section 52 of the Aboriginal Heritage Act 2006 states that:

- (1) The decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity.
- (3) *The decision maker must not grant a statutory authorisation for the activity if the activity would be inconsistent with the approved cultural heritage management plan.*

If a planning permit were to be issued without confirmation and provision of an approved amendment to the current CHMP Loddon Shire Council risks being in breach of the *Aboriginal Heritage Act 2006*.

Inconsistency with the purpose of the Farming Zone

The application is not considered to be consistent with the purpose of the Farming Zone. The proposal does not provide for the use of the land for agriculture and does not ensure that non-agricultural uses (the proposed event) do not adversely affect the use of the land for agriculture. It is considered that the proposal may also negatively affect the use of the surrounding land for agriculture through the spread of noxious weeds and issues of trespassing as noted during last year's events within the objections above.

Noise management and SEPP No. N- 2 consent

The Noise Management Plan submitted has been referred to the EPA under Section 52 of the Planning and Environment Act who did not object, however suggested that the requirements of the State Environmental Protection Policies (Control of music from a public premise) No. N-2 (SEPP N2) be added as a condition of the permit.

The EPA advised that the applicant has applied for SEPP N2 approval but the outcome is yet to be determined; commenting it is recommended that Council consider this outcome prior to a decision being made.

Considering that the application proposes music to be played for 58 hours in total and that the longest non-stop duration will be approximately 40 hours, SEPP N-2 consent is required for planning officers to make a fully informed decision which has been guided by the EPA.

Fire Management Plan

The Fire Management Plan provided does not contain a company or organisation that will be contracted to be on site. Attachment: 'AML email' details an email in which the Managing Director of AML Risk Management confirmed that the document provided this year is a replica of the document which was provided to the applicant last year. Issues surrounding the use of the document are not of planning concern; however the lack of a qualified consultant or company to endorse the document is of a safety concern.

Camping and car parking

The proposed camping and car parking arrangement still raises concerns. The applicant has earmarked a small section of the site for camping and car parking in response to officer's requests for clarification as to how vehicles and camping sites will be separated. The level of detail provided is extremely limited however as best can be ascertained, the number of car spaces (219) is considered to be lacking considering the event proposes 5,000 patrons attending.

Significant concerns are also raised about how logistically patrons will be able to utilise the check banks as they are intended to be used. The application documentation does not include detailed plans which show vehicle swept paths or how access or egress of vehicles into the camping area will be managed and undertaken.

The applicant has not detailed the number of patrons that are expected to camp but has listed the expected number of vehicle movements to be 1200-1600. The number of traffic marshals is not

considered to be sufficient to deal and assist with the volume of cars which will likely be trying to reverse into the spaces created by the earth mounds.

The issue of successfully managing the separation of camping and cars is a significant one. The aim of undertaking and maintaining separation is to ensure that patrons who may be sleeping in tents or utilising the camping grounds are not at risk of being injured or killed by vehicles being operated by other patrons. It is considered that sufficient planning has not been put into place in relation to separation of vehicles and designated camping areas.

Noxious weed control

The spread of noxious weeds across the property has been highlighted as a concern for surrounding land owners and for DEDJTR. The application does include a management plan to address concerns surrounding the spread of Silver Nightshade. It is not considered that adequate consideration and planning has been put into place to control and manage the issue of noxious weeds and risk of spread.

Trespassing

Trespassing has been raised as a concern by adjoining land owners. As part of the proposal the application includes the erection of a 1.8 metre high fence around the 'main activity area' (see attachment: site plan). The fence will help to alleviate any unlawful trespassing onto adjoining land; however the application does not contain details surrounding the logistics of installing the fence.

The proposed number of security personnel is not considered to be sufficient to ensure that the boundaries of the site are being continually patrolled and to ensure that trespassing onto adjoining land, including crown land, does not occur.

Infrastructure and road maintenance

It is considered that Council's local road system is capable of managing the traffic which will be generated by the event.

Application and assessment time frames

Council officers held a pre-application meeting with the applicant on 5 September 2016. During this meeting the likely key dates, including the date of the March Council meeting were clearly conveyed to the applicant. The events Facebook page indicates that ticket sales began in late April/early May 2016. The application process thus far has involved:

- 5 September 2016 – Council initiated a pre-application meeting with the promotor to raise concerns with regard to the timeframes leading up to the proposed 2017 events as well as deficiencies with respect to previous application documentation and various breaches of previous permit conditions.
- 21 November 2016 - the applicant was informed via email of the application fee and that the application would not be considered/lodged until the fee had been paid.
- 9 December 2016 - the application fee was paid.
- 22 December 2016 - a request for further information was sent to the applicant. Due to the holiday period the applicant was given 90 days to respond to the request making the due (no later than) date for requested information 22 February 2016.
- 15 February 2017 - requested information was supplied by the applicant.

- 21 February 2017 - a number of further information items still remained outstanding. A 'request for further information not satisfactory' letter was sent. The applicant was informed via email that a one week extension with respect to information requested under the RFI was granted.
- 27 February 2017 - the majority of the information requested was supplied by the applicant, although the standard was not considered to be satisfactory. Some documents such as an amended CHMP and SEPP N-2 consent were still not included.
- 1 March 2017 – given pending issues with assessment timeframes it was determined that despite incomplete information having been submitted by the applicant, that the application needed to be advertised and referred in order to give community members the chance to comment/object and to receive timely advice from external authorities.
- 1 to 21 March 2017 – agency referrals were completed along with notice to adjoining landowners as well as broader public notice via advertising in a local newspaper.

It is considered that in order to assess an application of this nature more time is required, not only to allow the planning department to undertake a fair and full assessment, but to allow for statutory timeframes required under the *Planning and Environment Act 1987*.

These timeframes and the public concerns that were raised with Council after last year's event needed to be comprehensively addressed in this year's application. These are all matters that the applicant was made aware of during the meeting held in September 2016. The limited time that has been allocated for the planning process (considering the September meeting and the events proposed date) has placed a strain on the application assessment and has pushed statutory timeframes to the limit.

COST/BENEFITS

The application documents include a Tourism and Community Benefits Summary which details the specific financial benefits which the event is expected to have for local townships and/or individual clubs/groups/local businesses. However, based upon last year's event which proposed similar figures and anecdotal reports of actual benefits derived by some businesses, the actual financial benefit does not appear to be an accurate reflection.

If a permit was to be granted it is considered that the event is likely to be of financial benefit to traders and organisations which choose to be directly involved. Some ancillary financial benefit to the broader Shire may be realised however the quantum and distribution of this benefit is extremely difficult to quantify.

RISK ANALYSIS

Failure to process planning applications in a timely manner or undertake a rigorous assessment of use and development or works proposals is considered to pose the following risks:

- barrier to development and associated economic growth within the Shire
- potential approval of inappropriate and incompatible land uses

- risk to Council's reputation as a regulatory authority
- risk to inappropriate pressure on infrastructure and service provisions
- legal or enforcement issues
- loss of protection of surrounding land uses which are accommodated for within a land's zoning.

Whilst officers have completed assessment of the application to the extent possible given the tight timeframes and lack of available quality supporting documentation, numerous areas of ambiguity remain with respect to the proposed event.

Had further time been available for assessment of the application, clarification could have been sought on various operational issues so as to enable improvements, subject to the co-operation of the applicant, to application documentation to facilitate a more thorough and comprehensive assessment of the proposal.

The combination of poor information and constrained assessment timeframes has reinforced officer concerns that inadequate planning and protections are proposed to support the event.

Many of these issues have stemmed from the delayed lodgement of the application. Pressure to meet statutory timeframes has meant that the planning department is unable to impose/discuss changes suggested by external authorities as the responses are being received at the last minute.

A large list of conditional plans or actions to be undertaken before the event can be legally held, is not a recommended option. Doing this creates a possible risk of non-compliance issues that would then lead to possible enforcement and/or legal actions having to be undertaken.

CONSULTATION AND ENGAGEMENT

- A pre-application meeting was held with the proponent on 5 September 2016.
- A meeting with local police representatives was held on 24 February 2016 to discuss the applications progress.
- Planning officers have had various phone conversations with concerned land holders.
- Public notice and notice to adjoining landowners was issued as part of the assessment process.

10 COMPLIANCE REPORTS**10.2 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS- INGLEWOOD TOWN HALL COMMITTEE OF MANAGEMENT**

File Number: 02/01/023
Author: Wendy Gladman, Director Community Wellbeing
Authoriser: Phil Pinyon, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council

1. appoint the persons named in this report (section titled Committee of Management) as members of the Inglewood Town Hall Committee of Management, effective immediately
2. approve the amendment to the current delegation as provided in this report (section titled Amendment to Delegation)
3. approve the schedule of fees as provided in this report (section titled Schedule of Fees).

CONFLICT OF INTEREST

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of members for the Inglewood Town Hall Committee of Management (COM) at the Ordinary Meeting of Council on 22 September 2015.

Council was provided with a discussion paper at the Council Briefing on 28 February 2017. This paper detailed the challenges faced by the existing COM to activate the new space and associated requirements following the recent addition of a hub extension.

BACKGROUND

In January 2017 an extension to the Inglewood Town Hall (ITH) was completed. The addition of the hub extension has changed the management and governance framework requirements that previously supported the management of the ITH. Whilst the current Section 86 Committee have been and continue to be committed to the management of the ITH on behalf of Council, they have expressed concern at undertaking the tasks that will be required to ensure strong governance and management practices are in place for the new combined ITH and hub facility.

ISSUES/DISCUSSION

Section 86 of the Local Government Act 1989 provides:

- (1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following:
 - (a) Councillors
 - (b) Council Staff
 - (c) other persons
 - (d) any combination of persons referred to in paragraphs (a), (b) and (c).
- (2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.

Cr Condliffe, CEO Phil Pinyon and Director Community Wellbeing Wendy Gladman attended a recent meeting of the current Section 86 Committee. A discussion on the challenges faced by the committee and the best model for the future, resulted in the COM supporting a report being presented to Council requesting the appointment of an interim Section 86 Committee for a period of twelve months to establish the new governance and management framework.

Cr Condliffe has approached members of the Inglewood and district community to draw together a new Section 86 Committee. The current Inglewood Town Hall Committee of Management Instrument of Delegation (IOD) has a requirement of at least six community representatives to form the Committee of Management. To enable commencement of some of the more urgent tasks, this report seeks Council endorsement of a committee of six that would initially consist of four community members who have agreed to join the new COM with two vacancies. The Committee will then continue to seek additional well credentialed members and return to Council for endorsement to fill the vacancies when this occurs.

It is suggested that Cr Condliffe continue as the Council representative for this Committee, and that Director Community Wellbeing, Wendy Gladman be appointed as a Council Staff member with no voting rights. (clause 3.3 of IOD)

Instrument of Delegation

Sections of the current IOD will require amendment. The new COM can operate within the current requirements of clauses:

- 4: Powers and duties of all Section 86 Committees
- 5: Objectives and powers and duties specific to this committee
- 6: Duties of Secretary and Treasurer
- 7: Committee Proceedings
- 8: Finance
- 9: Committee reporting requirements

with the exception of:

- 5.2: Setting and collecting fees and charges for hire of the facility.

The Local Government Act 1989 S.86 (4) outlines powers that cannot be delegated to a committee, which includes the ability to declare a rate or charge (S. 86 (4) (b)). A schedule of fees recommended by the COM has been included in this report for approval by Council.

Amendment to Delegation

This report requests that Council resolve that the following amendment be noted to the current IOD until such time as the review is completed.

Clause 5.2 is to be amended to remove reference to the setting of fees and be changed to:

- Recommend to Council a schedule of fees and charges for hire of the facility and collecting fees and charges as adopted by Council.

Committee of Management

Community representatives for appointment to the Inglewood Town Hall Committee of Management:

Name	Position
Vacant	President
Brian Rodwell	Vice President

Jean McClymont	Secretary
Pauline Wellman	Treasurer
Robyn Johns	Committee Member
Vacant	Committee Member

The Council representative for this committee is Cr Colleen Condliffe.

The Council staff appointment for this committee is Director Community Wellbeing, Wendy Gladman.

Schedule of fees

Room	Duration	Community	Private	Business / Government
Hall, Supper room and kitchen	Per event	\$ 200.00	\$ 200.00	\$ 300.00
Bond		\$ 200.00	\$ 200.00	\$ 200.00
Hall only	Per event	\$ 150.00	\$ 150.00	\$ 250.00
Bond		\$ 200.00	\$ 200.00	\$ 200.00
Supper room (including use of kitchen)	Per event	\$ 80.00	\$ 80.00	\$ 180.00
Office space	Per hour		\$ 25.00	\$ 25.00
	1/2 day (up to 5 hours)		\$ 50.00	\$ 50.00
	Full day (5+ hours)		\$ 80.00	\$ 80.00
	Weekly		\$ 350.00	\$ 350.00
	Long term tenancy		By negotiation with COM	
Meeting rooms	Per session - up to 4 hours	\$ 25.00		
	Per hour		\$ 30.00	\$ 30.00
	1/2 day (up to 5 hours)		\$ 60.00	\$ 60.00
	Full day (5+ hours)		\$ 100.00	\$ 100.00
Display space, breakaway area (foyers and landings)	Per event		\$ 25.00	\$ 25.00

COST/BENEFITS

The benefits of establishing a new COM aligned with some support from Loddon Shire Council staff will provide an environment that will support the decision making required to activate the ITH. The establishment of strong governance and management frameworks will contribute significantly to the sustainability of the extended Town Hall facility.

Although there will be some staff time to support the new committee over the next twelve months, this will be contained within existing budgets.

RISK ANALYSIS

The extension of the ITH facility will present a number of challenges during the activation of the space.

- Unknown running costs: running costs associated with the additional floor space and changed use is unknown, and the first twelve months will provide a better indication of true running costs.
- Rental Income: there is a higher reliance on room hire to offset the running costs of the facility. Promotion and marketing will be required to encourage use of the facility, while rental fees will be important when competing against a number of other long standing facilities in the area.
- Governance framework: The establishment of the governance framework will ensure that all parties managing and using the facility are aware of their roles and responsibilities. This may require some change management processes to support this transition to the new framework.
- Committee of Management: a committee of management with all new members may provide an element of risk when making decisions without the benefit of the history of the facility or any precedence set prior. The previous committee have committed to being available to provide information to the new committee as required.

CONSULTATION AND ENGAGEMENT

A number of meetings prior to the current model development have been conducted with the project reference group and the current Section 86 Committee.

Cr Condliffe, CEO Phil Pinyon and Director Community Wellbeing Wendy Gladman attended a recent meeting of the current Section 86 Committee to discuss the proposed model going forward.

Cr Condliffe has approached members of the Inglewood and district community to draw together a new Section 86 Committee.