



Council Meeting **Agenda**

Monday 3 March 2025

Commencing at 5:00 pm

Wycheproof Supper Room
367 Broadway, Wycheproof

Wayne O'Toole
Chief Executive Officer



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1 COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT

WELCOME

The Mayor Cr Alan Getley will welcome all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

The Mayor Cr Alan Getley will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who may be here today.

2 RECEIPT OF APOLOGIES

3 REQUESTS FOR LEAVE OF ABSENCE

4 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Section 130 (2) of the *Local Government Act 2020* Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2022; and
- b) Exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

5 GENERAL BUSINESS
5.1 MANAGEMENT REPORTS
5.1.1 ESOTERIC FESTIVAL

Author's Title: Director Community Development

Directorate: Community Development

File No: Planning

Relevance to Council Plan 2021 - 2025

Strategic Objective: Tourism
Attraction and Promotion of Local Business

PURPOSE

The purpose of this report is for Council to consider this planning permit application and as the Responsible Authority, resolve to Grant a Permit or issue a Notice of Refusal.

SUMMARY

A planning permit application has been received by Council on the 11th September 2024 for the Use and Development of land for Place of Assembly (annual 5 day music, arts and camping festival to be held on 10 occasions on the Labour Day long weekend from 2025 to 2034 inclusive). The application includes land on Borung Highway, Gil Gil Road and 267 Gil Gil Road in Gil Gil, legally described as: Crown Allotment 2 Section 5 Parish of Banyenong (CA2), Lot 1 TP514562, and Lot 3 TP119900.

The planning permit application for a place of assembly is to enable a five (5) day music, arts and camping event, the Esoteric Festival, to be held on the Victorian Labour Day long weekend on the second weekend of March. The application is for a ten (10) year permit to enable the event to occur in 2025 through to 2034 inclusively. The application includes buildings and works associated with the use of land for place of assembly.

After the initial assessment a request for further information was issued to the applicant. The response and accompanying material was considered insufficient and a second request for further information was issued. While the second response also failed to adequately address the information requested, the application was referred and notice of the application was given to avoid further delays in the processing of the application.

The application was referred to numerous authorities under both Section 52 and Section 55 of the *Planning and Environment Act 1987*. Among the referral responses, two objections were received to the application for a 10-year permit. The authorities objecting to the application are Ambulance Victoria and Country Fire Authority.

RECOMMENDATION

That Council: having caused notice of Planning Application No. PA24026 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Buloke Planning Scheme in respect of the land known and described as 267 Gil Gil Road, Gil Gil Road and Borung Highway, Borung Highway, Gil Gil Road and 267 Gil Gil Road in Gil Gil, legally described as: Crown Allotment 2 Section 5 Parish of Banyenong (CA2), Lot 1 TP514562, and Lot 3 TP119900 for the Use and Development of land for Place of Assembly (annual 5 day music, arts and camping festival to be held on 10 occasions on the Labour Day long weekend from 2025 to 2034 inclusive) in accordance with the endorsed plans, with the application dated 30 August 2024 for the following reasons:

1. The permit application fails to adequately respond to the purposes and the decision guidelines in the Farming Zone including:-
 - 1.1 The capability of the land to accommodate the proposed use and development including the disposal of effluent.
 - 1.2 The capability of the land to accommodate 11,000 people for the duration of each event, and in the absence of a Land Capability Assessment.
 - 1.3 How the use and development relates to sustainable land management.
 - 1.4 Whether the use adversely affects soil quality or permanently remove land from agricultural production.
 - 1.5 Whether the use has the potential to limit operations and expansion of adjoining and nearby agricultural uses.
 - 1.6 The agricultural qualities of the land, such as soil quality and access to water.
 - 1.7 The impact of the proposal on the natural features and resources of the area, in particular on soil and water quality.
 - 1.8 The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
2. The permit application fails to adequately identify and provide information regarding the details, location and identification of buildings and works associated with the Place of Assembly including temporary structures which are to be de-commissioned after each festival event and permanent structures which are to be de-commissioned at the end of the life of the permit.
3. The permit applications fails to adequately identify the land to which the permit application is intended to apply.
4. The permit application fails to satisfactorily demonstrate there are no unreasonable off-site amenity impacts to adjoining and nearby land including by reason of noise and visual impact.
5. The permit application fails to satisfactorily address wastewater risk and management and the appropriateness of wastewater management/removal across the site.
6. The permit application fails to satisfactorily address the risks to and management of health, safety including bushfire safety and emergency management of patrons, staff, volunteers and external agency staff attending the land for the duration of each event.
7. The permit application fails to satisfactorily address the procedures to be implemented after each event, the timing for those procedures including identifying structures to be de-

commissioned and the remediation and rehabilitation of the land after each event and at the end of the permit's life.

ATTACHMENTS

The application documents can be viewed by going to the following [link](#).

DISCUSSION

Proposal

The application proposes the use and development of the land for a place of assembly. The planning permit application for a place of assembly is to enable a five (5) day music, arts and camping event, known as the Esoteric Festival, to be held on the Victorian Labour Day long weekend on the second weekend of March. The application is for a ten (10) year permit to enable the event to occur in 2025 through to 2034 inclusively.

While the proposed festival is to operate from 12pm on Thursday to midday on Tuesday of the Labour Day long weekend, staff, volunteers and support agencies are to attend the site before and after the event for set-up and pack-down with many to be accommodated at the site during these periods. A maximum number of 11,000 people are to attend the site with proposed staff, paid patron and complimentary guest numbers before, during and after the event as follows:

	STAFF	PATRONS	
	No. of Staff	Complimentary Guests	Paid Patrons
Festival Set Up (upto 4 weeks prior)	100	0	0
Festival Set Up (upto 1 weeks prior)	600	0	0
Day 1 Early Entry ticket	<1800	<1200	<3500
Day 1	<1800	<1200	<8000
Day 2	<1800	<1200	<8000
Day 3	<1800	<1200	<8000
Day 4	<1800	<1200	<8000
Day 5	<1800	<1200	<8000
Waste collection & clean up (day 6)	400	0	0
Dismantle Festival temporary structures (upto 4 weeks post event)	100	0	0

Figure 1 Proposed staff, volunteer and patron numbers. Table taken from application material.

The proposed place of assembly is to be conducted in an area of approximately 56 hectares within the north-eastern quadrant of CA2. The main access to the festival area is to be achieved from Gil Gil Road

through Lot 1 TP514562 with an alternative emergency access to Borung Highway through Lot 3 TP119900.

The proposed place of assembly comprises the following components:

Festival area

The main festival area is to be developed with numerous stages (four main stages and two side stages), activity areas, art spaces, amenities, swimming lagoon, market stalls and food vendors.

Existing and proposed buildings and structures include, but are not limited to:

- Multiple stages:
 - ☐ Sun Temple stage
 - ☐ Ascension stage
 - ☐ Snake Pit stage
 - ☐ Bush Techno stage
 - ☐ Lost Lagoon stage
 - ☐ Chill Island stage
- Numerous marquees, rotundas and shade sails and supports
- Sound stage
- Cinema screen
- Swimming lagoon fencing, shade sails and supports, stage and amenities
- Playground equipment
- Toilet blocks and portable toilets
- Shower blocks
- Handwashing facilities

Accommodation area

The patron accommodation area is to be located to the south of the festival and includes family camping, convenient camping, powered camping and unpowered camping. The accommodation is laid out in a grid format with access roads between camp site blocks of 25.0m x 50.0m. The accommodation area includes amenities (toilets and potable water), general store, activity area, assistance sites, fire extinguishers and water tanks.

Staff only area

The staff only area is located to the east of the festival area and includes accommodation and amenities for staff and volunteers, storage, site office, fuel compound, waste management area (general waste, recycling and compost) and operational bases.

Existing and proposed buildings and structures include, but are not limited to:

- Staff kitchen and meals area
- Caravan storage shelter

- Site office
- Numerous storage containers
- Toilet blocks
- Shower blocks
- Fencing
- Operations base (see below for additional detail)

Operations base

The operations base is to be located in a central area and is to include emergency services including Police, medical, fire and security services. Existing and proposed buildings and structures include, but are not limited to:

- Site offices
- Marquees
- Compound fencing

The permit application seeks approval for the following buildings and works associated with the above:

Proposed buildings and works:

1. Sound shell – construct a domed stage structure with a length of 33 metres, a width of 16 metres and a maximum height of 10.50 metres.
2. Staff toilet block – install a building with a length of 12 metres, a width of 2.40 metres and a height of 2.79 metres to accommodate 12 toilets.
3. Staff shower block – install a building with a length of 12 metres, a width of 2.40 metres and a height of 2.79 metres to accommodate 10 showers.
4. Staff cooking and meals area – construct alterations and additions to structure previously approved for storage under planning permit PPA930/21. Staff cooking and meals area is to have a length of 14.82 metres and a width of 5.91 meters with 2 abutting storage containers. No height dimensions or dimensions of storage containers have been provided.
5. Caravan shelter and storage - construct an open carport structure to shelter and store caravans. The structure is to shelter caravans used for accommodation during the event and up to 4 weeks either side of the event. The shelter will be used to store caravans for the remainder of the year. No dimensions for the shelter have been provided.
6. Kids zone storage and shelter - Install 2 storage containers for storage of equipment and materials and construct dome cover for shelter during activities. The domed cover is to have a length of 12.0 metres, a width of 6.6 metres and a height of 3.45 metres.
7. Floating storage containers – 6 storage containers of varied sizing to be used across the festival area on an as-needed basis.

The permit application also seeks approval for existing structures to be used in association with the place of assembly:

Existing buildings and works

1. Supporting timber poles – install timber poles with a height of over 8 metres to be used to erect shade sails and decorations.
2. Site office – seek approval for an existing building with a length of 6.2 metres, a width of 6.1 metres and a height of 3.0 metres to be used as a site office.
3. Art rotunda – seeking approval for a constructed rotunda with a diameter of 8.0 metres and a height of 3.59 metres.
4. Crew rotunda – seeking approval for a constructed rotunda with a diameter of 7.48 metres and a height of 3.0 metres.
5. Existing storage containers – approval is sought for existing containers, some containing dome attachments. It is unclear how many containers the applicant is seeking approval for.

The permit application refers to additional temporary structures including tents and stages although the applicant has not sought approval for these structures and has indicated, in a request for further information response, that they will only be applied for via a PoPE permit. It is therefore unclear to what extent temporary buildings or works are proposed and whether they will require planning permission under the Farming Zone for buildings and works associated with a place of assembly. From an analysis of the site plan, these structures include, but are not limited to:

1. Numerous stages as outlined above
2. Numerous marquees, shade sails and supports
3. Cinema screen
4. Playground equipment
5. Hammock domes
6. General store
7. Additional toilet blocks and portable toilets
8. Handwashing facilities
9. Buildings and marquees to be erected/installed within operations base

Furthermore, the permit application does not set out what, how, and the timetable for when these temporary structures are intended to be de-commissioned from event to event.

The application for the proposed place of assembly was accompanied by the following documents:

- Town Planning Report prepared by Caddick Designs variously dated but most recently dated 16 January 2025;
- Plans prepared by Caddick Designs (some with the statement 'Work in Progress');

- an Event Management Plan Version 1, 2025 with purple amendments dated 16 January 2025 having no authorship and containing the following attachments:
 - ☐ Noise Management Plan Version 7, dated 9 July 2024 prepared by David Rogers and the Applicant, Sam Goldsmith
 - ☐ Emergency Management Plan dated 23 August 2024 prepared by Medical Motos
 - ☐ Medical Management Plan dated 13 August 2024 prepared by Tim Druce of Medical Edge Australia
 - ☐ Sickness and Hygiene Policy, no date and no authorship
 - ☐ Security and Safety Plan prepared by George Parthy of NSA Security Pty Ltd dated 14 August 2024
 - ☐ Complaints Handling Procedures, no date and no authorship
 - ☐ Fire Management Plan dated 19 August 2024 prepared by Event Fire Safety
 - ☐ Security and Safety Plan prepared by George Parthy of NSA Security Pty Ltd dated 14 August 2024
 - ☐ Emergency Management Plan dated 23 August 2024 prepared by Medical Motos
 - ☐ Aquatic Management Plan dated 10 January 2025 prepared by Medical Motos
 - ☐ Water Treatment and Distribution Plan, no date and no authorship
 - ☐ Risk Management Plan for Water Treatment System, no date and no authorship
 - ☐ Wastewater Management Plan dated 6 February 2025 prepared by Out-Task Environmental
 - ☐ Waste Management Plan dated August 2024 prepared by Nick Turner of Clean Vibes Pty Ltd
 - ☐ Traffic Management Plan Version 3, undated prepared by Go Traffic
 - ☐ Environmental Management Plan Version 8, dated July 2024 prepared by David Rogers and the Applicant, Sam Goldsmith

While recognising general risks and requirements, a number of the documents provided include deficiencies in relation to the effective implementation of measures specific to this event to ensure the event is operated with patron and staff safety as the highest priority. It is further evident that the documents relate to past events with lower patron numbers and that they have not been adequately reviewed or revised by the original authors with the appropriate qualifications to reflect the increase in the event size and patron, staff and guest numbers.

Wastewater Management

A Wastewater Management Plan (WMP) was provided in early February after being requested in two (2) requests for further information. The WMP indicates that greywater from hand washing is pumped into pits below the handwashing stations with a pump out option if necessary.

The WMP suggests greywater from showers is to also be collected in pits and pumped to above ground tanks but then further indicates that the greywater will be disposed of by irrigation of the plantation stating that discussions with the EPA on an appropriate permission or exemption would be required. No additional information on permissions or exemptions has been provided.

Of the additional wastewater generated by stallholders, the WMP indicates that this is to be collected in intermediate bulk containers before being pumped out. Water from showers adjacent to the swimming lagoon is to discharge to the ground and water from drinking stations to discharge to pits for later pumping.

The WMP provides an estimated generation of 45-90kL/d of greywater. It is considered that the high volume of wastewater requires additional information and assurance relating to the capability of removal by the licenced contractor identified as Avoca Mini Excavators.

The *Environment Protection Regulations 2021* identify that activity A03, which includes treating, discharging or depositing sewage (including sullage) exceeding a design or actual flow rate of 5000 litres per day or on any day, is a prescribed development activity and a prescribed operating activity. Further discussion with the EPA is required regarding the proposed wastewater management.

The WMP has not been supported by a Land Capability Assessment.

The application material included letters of support provided in response to a request for further information. The letters of support have been provided by local business owners/operators and community organisations.

Subject site & locality

An inspection of the site and the surrounding area has been undertaken.

The site of the festival (CA2) has a total area of 258.9 hectares. The Land currently contains:

- n Farming and grazing land.
- n Plantation toward north-east with instances of scattered trees throughout.
- n Land set aside for Esoteric Festival (place of assembly) with buildings and structures remaining on-site and access tracks throughout.

The site has previously been used for a place of assembly with the Esoteric Festival being held on seven (7) previous occasions from 2017 to 2020 and 2022 to 2024 under Planning Permits PPA675/16, PPA713/17 and PPA765/18-3.



Figure 2 Festival site (Crown Allotment 2 Section 5 Parish of Banyenong)

The main site/locality characteristics are:

- n Adjained on all sides by farming and grazing land.
- n The north-western corner of the allotment adjoins the Borung Highway for a distance of 80 metres (this is not used for access to the festival).
- n The festival site is approximately 6.5 kilometres due north-east of the Donald Township
- n The nearest sensitive use (dwelling) in separate ownership is located approximately 1.4 kilometres from the festival site to the south-east at 343 Gil Gil Road, Gil Gil (Lot 2 TP829734).

Assessment

Requests for Further Information

- **23rd October 2024** - After initial assessment of the application, a request for further information was issued to the applicant.
- **22nd November 2024** – Response to the request for further information received.
- **18th December 2024** - The response and accompanying material was considered insufficient and a second request for further information was issued to the applicant.
- **16th January 2025** – Response to the second request for further information received with information remaining outstanding however the application was progressed to assessment.

While the second response also failed to adequately address the information requested, the application was referred and notice of the application was given to avoid further delays in the processing of the application.

The requests for further information requested that the applicant submit an amendment to the application to include an additional parcel of land (used to provide access) and to include all buildings and works associated with the use of land for place of assembly. While additional information was provided allowing further consideration of the proposal, the application was not amended.

The zoning of the land and any relevant overlay provisions

The land is zoned Farming Zone (FZ). The purposes of the FZ are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

In accordance with clause 35.07-1, a permit is required for the use of land for a Place of Assembly.

In accordance with clause 35.07-4, a permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.07-1.

A response to the relevant decision guidelines provided at Clause 35.07-6 are provided below:

Decision Guideline	Comments
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	<i>While the application and the proposed event offers contributions to economic development and tourism, the proposal does not contribute to natural resource management including the protection of agricultural land or sustainable agricultural land use.</i>
Any Regional Catchment Strategy and associated plan applying to the land.	<i>Not applicable.</i>

<p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p>	<p><i>The application has not been supported by a detailed Land Capability Assessment (LCA) and the Wastewater Management Plan lacks sufficient detail to enable a determination of the capability of the land to accommodate the proposed use. Particular concerns relate to the management/removal of the estimated 45 to 90kL/d of greywater.</i></p>
<p>How the use or development relates to sustainable land management.</p>	<p><i>While the event is to be held once a year, the long-term impacts to the land remain unknown. The application material lacks detail on the impacts and any measures to reduce impacts to the land during the event and on proposed rehabilitation measures after each event and after the conclusion of the last event.</i></p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p><i>The event site is within a large parcel of land and is surrounded by land used for dryland farming and grazing purposes. It is unknown and no material was provided by the applicant to demonstrate either existing dwellings or use of the land for agricultural purposes adjoining or within the area will not be adversely impacted by reason of noise or vibration or the like.</i></p>
<p>How the use and development makes use of existing infrastructure and services.</p>	<p><i>The permit application identifies some existing infrastructure on the land. This includes water tanks, gates, fencing, access roads and internal tracks. It is understood that this infrastructure is to be utilised for the event.</i></p> <p><i>A number of buildings and structures, also present on the site, are intended to be utilised for activities, management and storage, however, approvals for these buildings and structures remains outstanding and it is not certain which buildings or structures will be demolished by reason of the Municipal Building Surveyor's building order to the owners of the land.</i></p> <p><i>Electricity is to be supplied throughout the event site through overhead cables fixed to</i></p>

	<p><i>poles. Further details on the electricity supply have not been provided.</i></p> <p><i>It is understood that potable water is available from 2 x 50,000ltr water tanks. The tanks are filled with water from a GWM Water pipeline after the water has passed through an on-site water treatment plant. As an alternative, the potable water is to be filled by a private contractor.</i></p> <p><i>It is understood that the area lacks reliable telephone/internet service and no details have been provided on measures to ensure service availability particularly in emergency situations.</i></p>
Agricultural issues and the impacts from non-agricultural uses	
Whether the use or development will support and enhance agricultural production.	<i>The use is unrelated to agricultural production and long-term impacts on the capacity for future agricultural use is unknown. There is no material from the Applicant addressing this issue.</i>
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<p><i>The proposed event has the potential to impact soil quality through compaction. The constant and repeated compaction of the land may result in mechanical difficulties for root exploration and also result in hindering water infiltration. Reduced water infiltration may also effect run-off and have impacts on nearby areas.</i></p> <p><i>The event may also result in the introduction of contaminants into the soil.</i></p> <p><i>The long-term impacts from potential compaction and contaminants are unknown.</i></p>
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	<i>Council considers some impacts may occur due to changes to water run-off. Apart from this, there is little information before Council to demonstrate whether the proposed use is likely or not to limit the operation or expansion of adjoining and nearby agricultural uses.</i>
The capacity of the site to sustain the agricultural use.	<i>Long-term impacts upon future agricultural use are unknown. There is no information submitted by the Applicant before Council to assess this decision guideline and the impact on the operations of the remainder of the subject land into the future.</i>

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	<i>As outlined above, the proposal may have long-term impacts on the agricultural qualities of the land.</i>
Any integrated land management plan prepared for the site.	<i>Not applicable</i>
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	<p><i>An Environmental Management Plan (EMP) was submitted with the application. The EMP was prepared by the Applicant himself and David Rogers. The EMP provided details on potential environmental impacts and management objectives but does not address in detail how the event will implement measures to achieve the objectives or the underlying risks or challenges. The plan is deficient.</i></p> <p><i>The long-term environmental risk and impacts are unknown.</i></p>
The impact of the use or development on the flora and fauna on the site and its surrounds.	<i>There is no information submitted by the Applicant and therefore before Council to address this decision guideline.</i>
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	<p><i>The proposed event includes significant activity within the vegetated areas of the site including the disposal of shower water. While the vegetation is a plantation planted by the landowner, the long-term impacts on the vegetation and biodiversity is unknown.</i></p> <p><i>Limited information on site rehabilitation and enhancing vegetation is provided.</i></p>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	<i>While it is understood that all blackwater is to be removed from the site and disposed of at a sewerage treatment facility, the Wastewater Management Plan indicates the disposal of greywater via irrigation on the on-site plantation. The possibility of wastewater</i>

	<i>entering drainage systems has not been addressed, much less sufficiently.</i>
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	<i>The proposed event includes numerous activity areas, buildings and works expanding across a large area. Due to the nature of the event, proposed permanent structures and the extensive area required for the associated accommodation, impacts to and loss of agricultural land are likely.</i>
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	<p><i>There is no information before the decision maker about the impact on the character and appearance of the area.</i></p> <p><i>That said, Council accepts this could be conditionable provided it is clear what structures and works proposed are permanent structures versus temporary and how they will be de-commissioned, and the impact on the landscape in which it sits is returned to its original state.</i></p>
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	<i>As the site has been used for past events, existing infrastructure aligns with the proposal.</i>
Whether the use and development will require traffic management measures.	<i>The proposed event requires significant traffic management measures. The application included a Traffic Management Plan which has been referred to the Head, Transport for Victoria (the Head, TfV). The Head, TfV has provided a referral response with required conditions relating to traffic management.</i>

Municipal Planning Strategy (MPS)

The following Municipal Planning Strategies have been considered as part of this application:

02 MUNICIPAL PLANNING STRATEGY
02.03 STRATEGIC DIRECTIONS 02.03-3 Environmental risks and amenity Council's strategic directions for environmental risks and amenity include:

- Minimising environmental risk including erosion, salinity, bushfire and floodplain management.
- Minimising environmental degradation and mitigating its effects.
- Protecting the amenity and character of sensitive land uses when assessing incompatible use and development.

02.03-4 Natural Resource Management

Council's strategic directions for natural resource management include:

- Sustainably managing natural resources and agricultural land.
- Protecting valuable agricultural land from inappropriate development.

02.03-6 Economic development

Council's strategic directions for economic development include:

- Encouraging and managing sustainable agriculture as the economic foundation of the municipality.
- Encouraging economic development and activity that increases opportunities for the community.

Comments:

The proposed use and development will generate economic activity consistent with strategic directions in Clause 02.03-6.

However, concerns exist on long-term environmental impacts as a result of poor wastewater management, introduction of contaminants to the land, soil compaction and changes to water run-off and natural drainage features, rehabilitation of the land and potential for future agricultural use. These concerns are not addressed in the application material.

Planning Policy Framework (PPF)

The following Clauses in the Planning Policy Framework have been considered as part of this application:

11 SETTLEMENT

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- A high standard of environmental sustainability, urban design and amenity.
- Prevention of land, water and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources
- Waste minimisation and resource recovery

Comments

Based on the application material and the proposed event, concerns remain regarding the health, wellbeing and safety of patrons, staff, guests and emergency service providers. Insufficient information is provided regarding the mitigation of heat health, communicable disease, illicit substance use and fire risk. A lack of consultation with emergency service providers has led to the inclusion of inaccurate details including the roles, responsibilities and availabilities of Victoria Police, the Country Fire Authority and Ambulance Victoria.

Insufficient detail has also been provided on the risk and mitigation of long-term impacts to agricultural land and the rehabilitation measures after events.

13 ENVIRONMENTAL RISKS AND AMENITY

13.02 BUSHFIRE**13.02-1S Bushfire Planning**

This policy must be applied to all planning and decision making related to land within a designated bushfire prone area. Bushfire risk must be considered when assessing applications for accommodation.

Comments

Council gave notice of the permit application to the CFA who were unable to consider the application due to the need for additional information within the Fire Management Plan and the Emergency Management Plan and regarding the site preparation.

Due to insufficient mitigation measures, it is considered that the event poses an unacceptable fire risk to patrons, staff, volunteers and emergency service providers.

13.05 NOISE**13.05-1S Noise management**

Objective: to assist the management of noise on sensitive land use.

Strategy: ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.

Comments:

While the application and proposed event is supported by a Noise Management Plan, there is no evidence or information demonstrating the actual impacts and therefore how they might be managed and whether the location of the event is an adequate distance from sensitive uses.

13.07 AMENITY, HUMAN HEALTH AND SAFETY**13.07-1S Land use compatibility**

Objective: to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies: Ensure that use or development of land is compatible with adjoining and nearby land uses.

13.07-1L-01 Amenity Protection – General

Objective: To encourage use and development without compromising residential amenity or agricultural land use.

Strategies:

- Discourage land use conflicts between agricultural uses and sensitive uses.
- Avoid use and development that is prejudicial to agricultural industries or the productive capacity of the land.
- Encourage use and development that protects residential amenity and minimises conflict between residential, industrial and rural land.

13.07-3S Live Music

Objective: To encourage, create and protect opportunities for the enjoyment of live music.

Strategies:

- Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.
- Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Comments:

There is no acoustic evidence or information assessing whether the proposed event is located an appropriate distance from sensitive uses including dwellings. It remains unknown the impacts on surrounding agricultural uses due to an increased presence of activity, traffic and noise with changes to soil structure potentially impacting natural water flow.

14 NATURAL RESOURCE MANAGEMENT

14.01 AGRICULTURE

14.01-1S Protection of agricultural land

Objective: To protect the state's agricultural base by preserving productive farmland.

Strategies include:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

14.01-1L1 Protection of agricultural land

Applies to all land in the Farming Zone:

Strategies include:

- Discourage use and development in the Farming Zone that:
 - Alienates agricultural resources.
 - Is sensitive to off-site effects from agriculture such as sprays and odour.
 - Lessens the capacity of essential infrastructure.
 - Prejudices agricultural resources and agricultural production.
- Provide buffers on the subject site for proposals that are potentially sensitive to normal activities in agricultural areas.
- Locate buildings or works so as to avoid or minimise loss of good quality agricultural land.

14.01-2S Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use

Strategies include:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Comments:

The proposed event is not consistent with policies related to the protection of agricultural land or sustainable agricultural land use. None of the reports provided by the Applicant address these considerations.

14.02 WATER

14.02-2S Water quality

Objective: To protect water quality

Strategies include:

- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
- Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed land use or development.

Comments:

The application material and the proposed event has provided insufficient information and concerns remain regarding the appropriate management of wastewater, in particular greywater, and the long-term impacts this may cause.

15 BUILT ENVIRONMENT AND HERITAGE

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

15.01-2S Building Design

Objective: To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

15.01-2L-01 Building design

Strategies include:

- Design buildings and works to be in keeping with the prevailing scale, bulk, streetscape character and built form of the area.

Comments:

The proposed event includes a substantial amount of buildings and works with some buildings and structures to be temporary (constructed for each event) and some to remain on-site for the life of the permit.

The buildings and structures are associated only with the place of assembly and the storage of caravans and are not typical for an agricultural area.

17 ECONOMIC DEVELOPMENT

17.01-1S Diversified economy

Objective: To strengthen and diversify the economy

Strategies include:

- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Support rural economies to grow and diversify.

17.01-1R Diversified economy – Loddon Mallee

Strategies include:

- Support further diversification of the primary production, service, manufacturing and tourism industries.
- Support rural economies to grow and diversify.

17.02-2S Out-of-centre development

Strategies include:

- Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.
- Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Comments:

The proposal will generate activity in the local economy and encourage visitors to the region. This will contribute to the community and economic development.

The relatively remote location of the proposed event is not on the Principal Public Transport Network and is to be accessed by private vehicles.

The proposed event will benefit business owners of the local community. However, there is no evidence or information before the Council as to the precise nature of these economic benefits and whether the proposal, on balance results in a net benefit to the community of the region.

Relevant Particular Provisions

Clause 52.06 Car parking

The purpose of the Clause is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

In accordance with Table 1 of Clause 52.06-5, car parking is to be provided at a rate of 0.3 to each patron permitted. The application includes patron numbers of 9,200 (not including 1,800 staff) and therefore requires 2,760 car parking spaces to be provided.

The plans provided with the application indicate the provision of the following car parking spaces:

- *Campsites: 1840 parking spaces are to be available within the campsites*
- *Overflow car park: > 700 parking spaces*
- *Staff car park: >250 parking spaces*

While the application lacks significant detail in relation to the requirements of clause 52.06, it is accepted that the place of assembly can accommodate the required rate of car parking.

Clause 52.05 Signs

The purpose of the clause is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

For the purposes of signs, the Farming Zone is a Category 4. Category 4 – Sensitive areas aims to provide for unobtrusive signs in areas requiring strong amenity control. In accordance clause 52.05-11, a permit is required for signs including: business identification signs, floodlit signs, and promotion signs.

The applicant has not applied for a planning permit for signage and no details of signage have been provided to enable determination of permit requirements.

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate

Decision Guidelines	Comments
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>Any contamination caused by previous events at the site are unknown although it is unlikely that any possible contamination will impact upon the use and development for place of assembly at this time.</i>
The Municipal Planning Strategy and the Planning Policy Framework.	<i>These have been considered in more detail above.</i>
The purpose of the zone, overlay or other provision.	<i>These have been considered in more detail above.</i>
Any matter required to be considered in the zone, overlay or other provision.	<i>These have been addressed earlier in the Report.</i>

The orderly planning of the area.	<i>While places of assembly and events such as the proposed can be supported by planning policy and be considered to be orderly planning, the inconsistent and disconnected nature of the application material and the proposed event management leave numerous matters unresolved particularly in relation to human health, wellbeing and safety, wastewater management, environmental impacts and fire risk.</i>
The effect on the environment, human health and amenity of the area.	<i>As outlined above, the effect on human health is a primary concern for the event. After consideration of the application material, event management and referral responses from AV, CFA, LMPHU, and Victoria Police, confidence in protecting human health has not been achieved. Particular concern remains in relation to heat health management, disease outbreak management, lack of available telecommunications facilities, emergency service provider availability and a lack of consultation and preparation with local emergency service providers.</i>
The proximity of the land to any public land.	<i>The nearest public land is in excess of 2km from the subject land (see image below).</i>



Image sourced from VicPlan interactive mapping showing public land

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<i>As outlined above, some matters related to potential land degradation and possible water quality impacts remain unknown.</i>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	<i>While stormwater management during the event is unlikely to be required, the resulting compaction of soil may result in changes to water run-off across the festival area.</i>
The extent and character of native vegetation and the likelihood of its destruction.	<i>Not applicable – no native vegetation is to be removed or impacted.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Not applicable – no native vegetation is to be removed or impacted.</i>
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	<p><i>While flood and erosion hazards are unlikely during the proposed events, fire hazard is a critical concern.</i></p> <p><i>The use presents an increased risk of fire. The greatest fire risks are associated with fuel presence, cooking equipment and unsupervised activities at camp sites.</i></p> <p><i>The application is supported by a Fire Management Plan which has been referred to the Country Fire Authority (CFA). The CFA requested additional information including procedures for monitoring the Vic Emergency App, revised AFDRS triggers, an assessment of assembly/evacuation area shelter-in-place suitability, revised level of fire cover, additional fire extinguishers and water tanks, revised evacuation plan and confirmation of site preparation.</i></p> <p><i>The CFA objects to a 10-year event and suggests that any permit issued be for no longer than three years.</i></p> <p><i>Based on an assessment of the application material, the event management and the CFA referral response, the fire risk and mitigation measure are considered to be unacceptable at this time.</i></p>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>As a result of the proposal, there will be a significant impact on traffic flow and road safety. The significant impact is to be limited to the event period with minor impacts likely during the event preparation and pack-up.</i>

The impact the use or development will have on the current and future development and operation of the transport system.	<i>Long-term impacts on the transport system are not anticipated.</i>
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Economic, Social and Community Benefits

The proposal will generate activity in the local economy with local businesses benefitting from the influx of visitors to the region. If operated in accordance with appropriate management plans and in compliance with appropriate permissions and conditions on the permit, the event has the potential to promote the township of Donald and the municipality of the Buloke Shire.

Integrated decision making

Clause 71.02-3 refers to the need for planning to meet needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. The Clause further requires planning and responsible authorities to integrate relevant planning policies and balance conflicting objectives in favour of net community benefit and sustainable development.

As outlined above, a range of planning policies are relevant to the proposal. Consideration of varied conflicting objectives leaves the proposal falling short of achieving sustainability, natural resource and health, wellbeing and safety objectives. On balance, the economic benefits of the proposal are not considered to outweigh these objectives in terms of providing a net community benefit.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

N/A

Relevant incorporated or reference documents

N/A

Relevant Planning Scheme amendments

N/A

Key issues

The proposed use and development of land for a place of assembly is to be in a relatively remote location on land within the Farming Zone. As the proposal is not a use and development that is related to agricultural activity, it is unsurprising that it is not consistent with many of the decision guidelines within the Farming Zone. While this may be acceptable if adequate consideration and mitigation of potential impacts are addressed, the application material and proposed event management fails to adequately resolve issues related to wastewater management, introduction of contaminants to the land, soil compaction and changes to water run-off and natural drainage features, rehabilitation of the land and potential for future agricultural use.

The proposed use and development also fails to meet objectives and strategies within the MPS and the PPF. In particular, concerns related to settlement objectives, environmental risk and amenity objectives, and natural resource management objectives, remain unresolved.

The proposed place of assembly for a music, arts and camping festival involves an event of a scale that requires consideration of myriad stakeholders, management and operational measures, environmental

impacts, risks, and health and safety outcomes – factors which may sometimes have competing objectives.

In relation to the management of the event, a number of documents within the application material relating to human health, wellbeing and safety, lack a cohesive and co-ordinated approach resulting in the proposal for a ten (10) year event not being supported by both Ambulance Victoria and the Country Fire Authority. Additional concerns have been raised by Victoria Police with particular note of a lack of consultation.

The documents outlining the management of the event further lack specific details in relation to the effective implementation of measures specific to this event to ensure the event is operated with patron and staff safety as the highest priority. It is further evident that the documents relate to past events with lower patron numbers and that they have not been adequately reviewed or revised by the original authors with the appropriate qualifications to reflect the increase in the event size and patron, staff and guest numbers.

The application seeks approval for buildings and works associated with the place of assembly yet fails to provide a clear outline of all buildings and works and an identification of the structures to be removed after each festival. As such, it remains unclear what a planning permit would be granting permission for.

The benefit of the economic activity generated in the local community does not and cannot take precedence over the certainty that the event will be managed in a manner that places human health, wellbeing and safety as the primary priority.

RELEVANT LAW

The application is being assessed in accordance with the *Planning and Environment Act 1987*.

RELATED COUNCIL DECISIONS

Permit/Site History

The history of the site includes:

- n PA24004 – Use of land for a place of assembly to hold the Donald B & S on one occasion in 2024 and one occasion in 2025 (including patron camping and live entertainment on Friday and Saturday nights).
- n PPA765/18-3 – Place of Assembly (Music and Arts Festival). This permit allowed the use and development for a place of assembly (annual music, arts and camping festival to be held on 5 occasions on the Labour Day weekend from 2019 to 2024 (inclusive). This permit was amended to allow accommodation for staff and volunteers prior to event and to increase numbers from 7000 to 7500.
- n PPA958/21 – (PPA765/18B) Place of Assembly (Music and Arts Festival) increase numbers to 7000.
- n PPA932/21 – withdrawn – amend to change dates due to COVID restrictions.
- n PPA930/21 – storage facility associated with Place of Assembly.
- n PPA765/18 - Place of Assembly (Music and Arts Festival) (Permit for 5 years).

n PPA713/17 - Place of Assembly (Music and Arts Festival).

n PPA675/16 – Place of Assembly (Music and Arts Festival).

OPTIONS

Council, as the Responsible Authority, could resolve to issue a Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. PA24026 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Buloke Planning Scheme in respect of the land known and described as 267 Gil Gil Road, Gil Gil Road and Borung Highway, for the Use and Development of land for Place of Assembly (annual 5 day music, arts and camping festival to be held on 10 occasions on the Labour Day long weekend from 2025 to 2034 inclusive) in accordance with the endorsed plans, with the application dated 30 August 2024.

SUSTAINABILITY IMPLICATIONS

Sustainability implications include:

- Potential implications from the poor management of wastewater in particular the management/removal of the estimated 45 to 90kL/d of greywater.
- Potential implications to future agricultural land use due to soil compaction, contaminant introduction, and lack of rehabilitation measures.
- Potential implication to human health, wellbeing and safety due to lack of heat health management, disease outbreak management, fire management, lack of available telecommunications facilities, emergency service provider availability and a lack of consultation and preparation with local emergency service providers.

COMMUNITY ENGAGEMENT

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

n Sending notices to the owners and occupiers of adjoining land (30th January 2025).

n Notice in local newspapers (4th, 5th and 6th February 2025)

INNOVATION AND CONTINUOUS IMPROVEMENT

The proposal includes an event of a nature and scale unmatched in the municipality that will attract visitors to the region and generate economic activity.

COLLABORATION

Consultation

In addition to the referrals detailed below, advisory comments were received during consultation with Ambulance Victoria (AV) and Loddon Mallee Public Health Unit (LMPHU).

Consultation comments included:

- n AV – commentary on repercussions of previous events on staff, patrons and emergency services and broader impacts on community. Identification of numerous risks and issues associated with event and related deficiencies in application material.
- n LMPHU – Comments provided on requirements of aquatic facility, waste management, heat health, medical service, potable water supply, food premises, environmental health staffing, and mosquito bite prevention.

The consultation included the provision of the Community Emergency Risk Assessment (CERA) of the gastroenteritis outbreak which commenced at the 2024 Esoteric festival. The CERA included identification of key challenges and risks and future recommendations.

Referrals

The permit application was required to be referred to the Head, Transport for Victoria as a determining referral authority under section 55 of the *Planning and Environment Act 1987* and clause 66.02-11 of the Buloke Planning Scheme:

Referrals	Response
Section 55 Referrals	
Head, Transport for Victoria (Head TfV) as determining referral authority under clause 66.02-11	No objection subject to one (1) condition.

Council also gave notice under section 52(1)(d). When giving notice, Council also provided some authorities with the Community Emergency Risk Assessment (CERA) of the gastroenteritis outbreak which commenced at the 2024 Esoteric festival. The CERA included identification of key challenges and risks and future recommendations.

Notice	Response
Country Fire Authority (CFA)	Objection to 10-year permit and nine (9) items of further information requested and expressing concerns.
Ambulance Victoria (AV)	Objection to 10-year permit. AV also expressed numerous comments provided including commentary on repercussions of previous events on staff, patrons and emergency services and broader impacts on community in the past and into the future. Identification of numerous risks and issues associated with the event and related deficiencies in application material.
Victoria Police	Did not object but provided comments, concerns and recommendations.
Grampians Wimmera Mallee Water (GWMWater)	No objection and no conditions.

Loddon Mallee Public Health Unit (LMPHU)	Expressed comments, concerns and recommendations provided. ☑The comments provided on requirements of aquatic facility, waste management, heat health, medical service, potable water supply, food premises, environmental health staffing, and mosquito bite prevention.
Environment Protection Authority (EPA)	No objection and no conditions.

FINANCIAL VIABILITY

The resources required to assess this application have been significant and have been unbudgeted in the 2024/2025 financial year.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Policy has been addressed in the discussion section of this report.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

In order to promote transparency, Council will consider this resolution in on open meeting.

CONFLICTS OF INTEREST

No officer involved in the preparation of this report has a conflict of interest in the subject matter of this report.

6 QUESTIONS FROM THE PUBLIC

7 MEETING CLOSE