



## **MEDIA RELEASE**

### **Maitreya Facts**

**3 March 2016**

The past few weeks have seen many ideas and hopes around the Maitreya Festival placed in the guise of facts. This is understandable given the way the hopes and ambitions of many in the Charlton community have been raised by the promoter of the Festival. Unfortunately, the promoter seems to have focussed on raising hopes instead of undertaking the basic work needed to be done by any promoter to provide a safe and successful event.

Council refused to give consent for the Festival at Wooroonook Lakes and passed a Notice to Refuse a Planning Permit for the Festival at its meeting on 10 February 2016. This was a unanimous decision of the Council acting on the professional advice of staff. It immediately informed all media outlets that the Festival would not be able to go ahead because of the lack of this permit. This circumstance remains unchanged.

Council did not want to make this decision and had worked closely with the promoter for more than 9 months to get the Festival up and going. The Charlton community and festival goers have been badly let down by the developer which has had plenty of time and information about what risks it needed to address and how it should do so. Council believes that any competent promoter would have been able to address these risks in a much shorter time.

The promoter is now using the hopes and needs of our community to wedge Council and push for the Festival to go ahead without the necessary protections for the community, festival goers or the Wooroonook Lakes. Proceeding without these protections exposes all of us to unacceptable risks and Council would not be doing its duty to the community to allow this to occur.

The promoter took Council to VCAT to appeal the planning permit decision. Council used the same lawyer it has used for planning matters for several years to defend its decision at VCAT and the decision was not overturned, i.e. the Notice to Refuse stands. VCAT did not direct a compulsory conference (mediation) to occur.

Council has met with the promoter's legal team a number of times, even in the past week, to find a way forward for the event and the Charlton and district community. While Council has always sought a solution, the reality is that there is no way the necessary work can be done in time to manage the risks of holding the Festival on the long weekend.

Council is going to VCAT on Friday to obtain enforcement orders to prevent the promoter continuing its illegal works at the Lakes, to require it to stop selling tickets to unsuspecting customers and to place notices on its website and social media to ensure people know the event has been cancelled. The hearing is also likely to consider costs.

The promoter has been talking about using Section 62.03 of the Planning Act to enable Council to allow the Festival to go ahead. This is a clause that is used for small scale community events, e.g.

Australia day celebrations, not commercial events. Even if Council used this clause in such an unusual way, it would still require the risk management work to be undertaken by the promoter and there is so much work outstanding in this regard that it would not be possible for the promoter to do this in time. As previously mentioned, Council has a duty for the safety of its community, staff, festival patrons and the Wooroonook Lakes and it would not proceed without this necessary work.

It should also be noted that all festivals, e.g. Golden Plains, Falls Festival, Meredith, require a planning permit and have not gone through the 62.03 Clause. Events like these also need to manage high levels of risk, consultation with neighbouring landowners and consideration of objections.

An issue that has been raised with Council is the likelihood of the promoter holding the Festival illegally. This would indeed be shocking as it would expose all those attending to major risks. Professional festival staff would surely not risk their future employment by doing this and without those staff it is hard to see how the event could occur. Also, insurance normally does not cover illegal events and any incidents would expose all attending and the promoter directly to claims.

Council will provide further updates.

**End release**

**For further information contact Travis Fitzgibbon on 1300 520 520**