

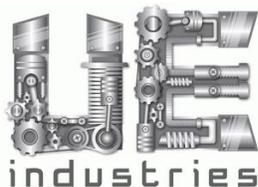


# OFFICIAL PLANNING RESPONSE

**Executive Summary,  
Introduction,  
Matters Addressed,  
Planning Process**

**Version 1.3**

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## 1. EXECUTIVE SUMMARY

### 1.1 Subject Matter

This document is focused on summarising concisely the comprehensive and extensive measures implemented by the organisers of Yemaya Festival to address the concerns and objections raised by Loddon Shire Council, Victoria Police, and local objectors.

Any and all measures implemented are found within the permit application documentation directly, with this document serving as the event organiser's official response to the points raised.

### 1.2 Methods of Analysis

The event organisers undertake an extensive process of research and analysis through the entire event planning timeline, to ensure a proactive and responsive approach to any and all safety and risk mitigation endeavours. This is accomplished with an extensive knowledge based in long-term industry experience, reinforced by regular undertakings in investigative research, comparative examination, benchmarking evaluation, community consultation, patron engagement, as well as staff, contractor, and stakeholder debriefings,

### 1.3 Findings

The efforts of the event organisers towards implementing significantly greater safety procedures and risk management measures are consistently smeared, devalued, and dismissed by Loddon Shire Council and Victoria Police.

Disproportionate consideration is consistently given to the objectors, based seemingly on their financial status within the local area, while the support of local businesses and their measurable benefits are ignored or classed as 'anecdotal'.

Concerns emphasised in the Council's planning report are based entirely on assumption, with zero evidence or even mention of any specific harm caused as a result of the 2016 event activities.

### 1.4 Conclusions

The failures of the Loddon Shire Council planning department to provide an impartial and balanced assessment have become increasingly noticeable, raising serious and legitimate concerns of procedural fairness, and alluding to improper exercise of power at many levels of authority.



## 2. INTRODUCTION

### 2.1 Dedication

Where most events outsource not only the duty but also the processes and documentation of event planning, the organisers of Yemaya Festival are proud to retain full responsibility for the preparation of all internal documents to personally ensure standards are progressively maintained and improved wherever possible.

The event organisers take their responsibility for the safety and well-being of all patrons, staff, contractors, and service providers incredibly seriously and implement every reasonable measure to ensure these are maintained continually.

In order to lead by example and be enabled to make more informed decisions regarding the event planning, the event organisers have undertaken further education in relevant fields such as Fire Warden training and Licences to Perform High Risk Work in Rigging and Elevated Work Platforms (EWP).

Ultimately, a truly 'hands-on' approach guides the entire event planning process all the way through to the onsite operations.

### 2.2 Research & Development

The event operates in a unique industry where it is accountable to an extensive list of governing bodies, including but not limited to the local Council, Victoria Police, Country Fire Authority, Ambulance Victoria, Department of Land, Water, and Planning, the Department of Economic Development, Jobs, Transport and Resources, North Central Catchments Management Authority, Parks Victoria, Dja Dja Wurrung Clans Corporation, and WorkSafe. This accountability will generally extend also to all residents of the Shire, particularly those who become involved via support or objection.

In order to ensure compliance across the extensive scope of legislation, comprehensive research is undertaken to provide the most informed choices towards all elements of the event planning. The full research inventory currently holds over 960 documents (1.4gb data) on alcohol, building code, crime, emergency, environmental, fire, governance, heritage, illicit substances, mapping, noise, planning, rigging, road safety, medical, tourism, traffic, and WH&S.

### 2.3 Collaboration

The festival maintains a strong emphasis on the theory of conscious evolution, which suggests that humanity can choose advancement through co-operation and co-creation or self-destruction through separateness and competition.

Despite the constant efforts of the event organisers to accept and implement each and every measure suggested and genuinely work towards a better and safer event, every effort of the planning department remains devoted to highlighting problems rather than working to address them.

## 2.4 Development

The development of the documentation has been a constant process over the last four years in line with the exponential learning curve that the industry creates. This year's process has been particularly exhaustive in an attempt to clearly establish the event's differentiation from the traditional misconception.

As an indication, and to hopefully dispel once and for all any suggestion that the documentation is unchanged or in any way 'sub-par', below is a comparison of the content of the primary event documents from 2016 to 2017.

Document	2016	2017
Event Plan	18 pages, 3,664 words	51 pages, 17,506 words
Emergency Management	24 pages, 3,841 words	39 pages, 11,335 words
Crowd Management	13 pages, 4,186 words	40 pages, 12,501 words
Alcohol & Illicit Substances	NA	37 pages, 14,638 words
Fire Management Plan	23 pages, 5,746 words	26 pages, 7,847 words
Regulatory Guidelines	NA	10 pages, 3,419 words
Environmental Policy	17 pages, 3,352 words	11 pages, 3,360 words
Traffic Management Plan	6 pages, 965 words	21 pages, 5,693 words
Noise Management Plan	9 pages, 1,781 words	9 pages, 1,781 words
Noxious Weed Plan	19 pages, 4,617 words	19 pages, 4,644 words
Risk Management Plan	4 pages, 1,738 words	4 pages, 2,023 words
CHMP	122 pages, 24,821 words	136 pages, 26,458 words
Support Letters	NA	20 pages, NA
Petition Comments	NA	45 pages, 11,708 words
Official Planning Response	NA	19 pages, 6,519 words
<b>TOTAL</b>	133 pages, 29,890 words	344 pages, 102,974 words

## 2.5 Practicality

All event planning documents have been written in the context of providing clear instruction to all relevant staff of necessary internal procedures. The emergency management plan in particular, has been designed to provide swiftly and concisely the procedures to be followed in sequence for any significant incident or emergency event, clearly outlining the specific roles and responsibilities of associated staff. While all major documents are provided to internal staff ahead of time to allow opportunity for absorption, the layout is designed such that anyone may scan through the relevant page and become familiar with or reminded of the necessary process within seconds.

## 3. OBJECTIONS ADDRESSED

### 3.1 Summary

Below are all of the key objections raised with brief responses addressing each. More detailed responses are provided in the following sections.

- 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.
  - The planning department's own wording in 2016 states clearly that little impact is expected due to the temporary nature of the event.
- The application does not address the issue of trespassing which would disrupt the amenity of the area as well as posing a potential risk of injury to offenders.
  - There is a specific section in the event plan devoted to trespassing alone, with 2,500 words on the topic addressing 17 individual points. The only perceivable risk of injury to offenders would be the result of the council imposed temporary fencing condition.
- The spread noxious weeds; particularly bathurst burr and silver leaf nightshade. Spread is likely to occur via vehicle movement, patrons and transferal of equipment e.g. tents swags etc.
  - The management of the noxious weeds is thoroughly documented in the Noxious Weed Management Plan.
- Concerns of pollution to the Loddon River and Kipypanial Creek and disturbance to associated flora and fauna.
  - The protection of natural features is addressed in the Environmental Management System.
- Disturbance and stress to live stocks caused by noise and trespassing.
  - Adherence to the Noise Management Plan and Noise Modelling ensure impact is kept to a minimum.
- Lack of acknowledgement of Kipypanial Creek and the management of effects on the creek.
  - It is actually called Kinypanial Creek, and it is considered to be amongst the natural features referenced in the Environmental Management System.
- Negative amenity impacts on surrounding residents from proposed 58 hours non-stop music.
  - Music volume is monitored constantly to ensure noise does not exceed background levels inside any adjacent residence between 10 pm and 7 am.
- Concerns that an approved amended CHMP has not been provided.
  - The approved amended CHMP has been provided, and would have been available much earlier had council's recommendations remained consistent.
- Impact on the infrastructure of the area and the insufficiency of existing infrastructure, mainly roads, to accommodate the proposed amount of vehicles and provide access to the site for emergency services.
  - The road network is sufficient to handle the expected traffic according to the engineering evaluation provided and engaged by the event organisers.
- Limited capacity of local emergency services.
  - The event has little to no reliance on external emergency service providers.
- Ambulance Victoria is not listed as a service provider.



- It is listed under St John Ambulance under Harm Reduction Measures in the Event Plan, with contact details provided in the Authorities and Regulatory Bodies section.
- The applicant's lack of compliance with the previously granted permit e.g. no fencing erected which was required by DELWP to protect the Loddon River.
  - The recommendation from DELWP was specifically in regard to the crown land designated as conservation zone, with the references to the Loddon River being limited to the bed and banks within the designated zones.
- Inconsistencies between the site plan and written documentation e.g. 'Art walls' are proposed within the Trespassing Plan but not shown on the site plan.
  - Art walls are very clearly indicated on the site plan, with the location also explained in the documentation wording.
- The use of volunteers in a security role.
  - This was distinctly clarified as a supporting role as is standard procedure at many events.
- Lack of proof of community benefit from the festival being held.
  - Written documentation has been provided directly from numerous local businesses stating specific and significantly increased earnings as a direct result of the event.
- Use and distribution of illicit drugs and the impacts that affected persons may have on themselves and surrounding properties.
  - All types of incident rates have been clearly documented to be lower than any industry average in the Alcohol & Illicit Substances Policy, concerns around impacts that patrons may have on surrounding properties are simply baseless.

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:

- Lack of response to the Emergency Management Manual Victoria (EMMV).
  - This reference was promptly added, though the lack of inclusion previously is weak grounds for objection given that compliance was not an issue.
- Lack of engagement with an Emergency Services Provider.
  - Emergency, Safety, Fire, Medical, and Security contractors have all been engaged.
- Concerns with lack of sufficient ability to make contact during an emergency.
  - Full provisions have been established to provide contingency measures, with zero instances of communication issues reported in 2016 by any staff or safety service providers.
- Lack of information provided around emergency staff qualifications.
  - 30 individual qualification documents were provided for the EMC alone.
- Little or no provision of shelter adequate for an emergency weather event.
  - As any experienced emergency services provider would understand, this is obviously not possible for thousands of patrons thus evacuation procedures are in place and well documented.
- Fire management plan refers to the event proposed for April, the event is now proposed for September resulting in a change in fire conditions.
  - These details have long been updated, though the response procedures remain unchanged as the same measures would be applied at any time of year.



- Lack of reference to EMMV within Fire Management Plan.
  - Each document is compliant with numerous levels of legislation and AS/ISO standards, there is no legislative requirement to refer to specific documentation as there is to comply.
- No evidence of engagement with a contractor for the construction of the all-weather access and emergency access road.
  - This was never requested, and has been on hold pending an approved permit, based on the same works having been unjustifiably prevented from proceeding by Council.
- Concerns that check banks to separate camping and car parking are not practical and do not manage the risk.
  - This is completely contrary to the advice provided in 2016, and has been addressed.
- Lack of strategies/policies to stop alcohol and drugs being brought into the event.
  - It is not the role nor the responsibility of the event organisers to police the event, as this right is generally reserved for the Police.
- Concerns that volunteers are working with security guards, the objection considers that security guards should be working in pairs as a minimum.
  - The allocation was established as a distinct harm reduction measure.
- The proposed number of security guards is not sufficient for an event of this size.
  - The security staffing levels have more than doubled from what was accepted and approved in 2016.
- Despite what is stated within the Trespassing plan, to date (of the objection being lodged) there has been no formal agreement made between the event organiser and the Victorian Police to provide services. Deficiencies in the documentation as to how the issue of drug use will be proactively monitored and reported back to police.
  - Formal arrangements have been discussed progressively with confirmations pending a permit approval. There are 18,000 words addressing the matter of drug use in the Alcohol & Illicit Substances Policy, within which there should be few "deficiencies".
- Pressures that provision of police services to the event will place on the local community and surrounding area during the time of the event.
  - Policing resources within the event are greatly of minimal impact, with external resources being allocated based on VicPol discretion, with little justification from the event's negligible incident rates.

## 3.2 Timeframes

It was suggested in the most recent council meeting that the timeframes remaining would not be sufficient to allow the necessary procedures, however such a view would be greatly misinformed. Given that the planning department had already drafted permit conditions at the end of the agenda report, all that would be remaining would be the onsite inspection by the Municipal Building Surveyor to ensure compliance with the PoPE permit. Given that the entire event was established within 6 days in 2016, the event organisers were well within their means to establish the event with only a larger amount of time had the permit been approved in August. Considering that all terms of the planning process and permit conditions had been discussed for over a year, there would be nothing unfamiliar or unexpected for any authorities either.

### 3.3 Camping/Parking Separation

The check bank plan was recommended directly by both Victoria Police and the planning department as a critical measure which would be required. No precedent for such measures exists within any event of even remotely similar nature, yet the Elmore B&S Ball was used as an example of best practice. After months of planning, quoting, and engineering validation, the formalised plans were submitted based purely around addressing the original recommendations. During the meeting on the 27<sup>th</sup> of June, and again in the Police notification, it was advised that this much discussed measure was no longer sufficient to manage the risk.

*Concerns that check banks to separate camping and car parking are not practical and do not manage the risk.*

This blatant change of stance came just one month before the matter was scheduled to be brought to Council for decision, and necessitated a change to the amendment to the CHMP which was otherwise complete. It is suggested that this contradictory advice was provided as an intentional and successful attempt to sabotage the event planning.

Instead, it was proposed that industrial barrier mesh be established along the separation lines to ensure a physical barricade through which a car could not pass was maintained.

As with any such mention previously, the event organisers have taken the feedback on board and incorporated it into the event planning, and will now implement barrier separation to ensure physical obstruction.

### 3.4 Letters of Support

Four of the 19 letters of support provided to Council were not included in the planning report, while each of the objection letters was included. As with many other details, this suggests a distinct bias applied to the evaluation. The 45 page document of petition comments provided was completely ignored by Loddon Shire Council.

### 3.5 Alcohol/Drug Strategy

The Victoria Police report stated:

*Lack of strategies/policies to stop alcohol and drugs being brought into the event.*

It is not the role of the event organisers to police the event, nor is there any restriction on alcohol being brought into the event, unless it is in a glass receptacle of course. Given the various legal requirements and ramifications pertaining to searching and detaining persons, this duty is generally restricted to Victoria Police. Full details of the event policy and procedures are provided in the *Alcohol & Illicit Substances Policy*.

### 3.6 Relevant Particular Provisions

The planning review did acknowledge one single element from the regulatory guidelines pertaining to tourism and economic development, however this has yet to be demonstrated.

*To recognise that live music is an important part of the State's culture and economy*

The review had once again neglected to acknowledge any of the 16 local, state, and federal regulatory procedures and recommendations provided in the *Regulatory Guidelines* document included with the application.

This consistent failure is demonstrative of the bias applied to the application's review and raises serious concerns.

### 3.7 Legal Requirements

The event organisers completed the full CHMP assessment and finalised the plans in 2016, however minor amendments needed to be made for the 2017 event to take into account 2-3 changes in circumstance. These amendments were initiated and paid for at the beginning of the year and have been finalised and on hold for the recent period due to discussions about the initially proposed soil check banks. Dja Dja Wurrung Clans Corporation had distinct concerns for the damage to heritage that would likely occur with any internal soil movement, and the recommendation from the planning department and Victoria Police changed during the meeting on the 27<sup>th</sup> of June. As a result, the completion of the plans was put on hold until clarity could be gained on the exact measures to be implemented, as the exact works to be performed needed to be documented in the CHMP. It is suggested by the event organisers that the late change of advice from both Council and Police, less than one month before the scheduled permit decision, was a (successful) attempt to 'pull the rug out from under' the organisers, given the changes in planning that would be necessary to accommodate the additionally required measures (separation barriers).

### 3.8 Environmental Protection Authority

The application to EPA for the event to receive an exemption from the State Environment Protection Policy No. N2 (SEPP N-2) is still under review, having been delayed by the involvement of Loddon Shire Council representatives. The requirement for this element to be finalised prior to the scheduled event date is a standard operating procedure for events of this nature.

### 3.9 Loddon Shire Planning Scheme – Farming Zone

The following was the finding of the original planning review in 2016 regarding the Farming Zone:

*Given the temporary nature of proposed development on the site, the design and siting issues identified in the Farming Zone are not considered to be significant considerations in the assessment of the proposal with the exception of the location of infrastructure and the need for traffic management measures.*

### 3.10 Land Subject to Inundation Overlay

The following was the finding of the original planning review in 2016 regarding LSIO:

*The proposed development associated with the event is considered to be consistent with the purpose of the overlay. Given the temporary nature of structures, its short duration and the low probability of inundation during the event it is considered to satisfy the guidelines of the Land Subject to Inundation Overlay. The North Central Catchment Management Authority have offered no objection to the application.*

### 3.11 2016 Compliance

The event organisers compliance in 2016 has been brought into question in the basis of one single condition from the 16 pages of total conditions. The fencing had been suggested to protect two areas designated as conservation zones on nearby land. One section is at the North-East approximately 300m from the closest event activity, and shares a 30m boundary with the primary land parcel (6A) used. The second is at the South-East approximately 500m from the closest event activity. The point had been raised by the Municipal Building Surveyor during the onsite inspection in 2016, to which the event organisers had responded by suggesting the impracticality of fencing a distant 30m boundary, while offering to personally walk across and run a line of fencing on the spot if it would provide greater comfort to council. The matter was seemingly dismissed and the PoPE permit was signed off, indicating that all necessary permit conditions had been met. Since then, the matter has been raised repeatedly in an effort to create a sense of distrust, despite the fact that the submitted and approved plans had never in any way incorporated any further fencing in 2016.

The extracted map below from the site's planning property report shows the conservation zones marked in green:



### 3.12 Noxious Weed Control

In the response to the application provided by Ben Perry at Department of Economic Development, Jobs, Transport, and Resources (DEDJTR), he advises that:

*The Loddon Shire Council has committed funding from their Roadside Weeds and Pests Plans to assist with the control in SLN in the Fernihurst area, including supporting the research into the best control techniques.*

The event organisers would greatly welcome the opportunity to address the matter directly in close collaboration with the council, though no such comment has been received.

In 2016, a tireless and prickled crew of around a dozen volunteers worked diligently for one week straight to remove all noxious weeds on the event site by hand. The event organisers are acutely aware of how temporary a measure this may have been given the toxicity of the weed's spread, and would welcome any potential to address the issue with the support of dedicated funding.

It is believed that the efforts to reduce potential spread were effective in 2016, given the lack of any evidence or indications of new infestations anywhere near the site.

Considering the level of motivation amongst some of the objectors to the event, it is presumed that if any such proof of spread existed then it would have been promptly presented.

The event organisers would once again ask to be measured on the basis of factual occurrences rather than assumptions.

### 3.13 Trespassing

The planning review advised that:

*The application does not address the issue of trespassing which would disrupt the amenity of the area as well as posing a potential risk of injury to offenders.*

The issue of trespassing has been the primary concern raised by both Council and the objection letter's, and is of most impact to the festival itself, and has thus been the principal focus of the event organisers. The Trespassing Management Plan provided includes an extensive and comprehensive list of measures to address the matter and ensure that no breach of the perimeter may occur, and that any attempts are promptly detected and addressed. The measures in place constitute the sheer definition of best practice standards, as no other event of even remotely similar nature has implemented even half of the procedures proposed.

The only foreseeable risk of injury to offenders is perceived to be from the establishment of the suggested perimeter temporary fencing. When this concern was raised by event organisers during the meeting with Council on the 27<sup>th</sup> of June, it was advised that:

*"If someone impales themselves, at least you've done your part."*

### 3.14 Security Staffing Numbers

In the email from Council quoting Victoria Police's advice regarding security numbers dated 19<sup>th</sup> of June 2017, it was stated:

*In all of these scenarios it was suggested that a minimum of 10 security guards are patrolling the rest of the site at any one time.*

The security staffing has been expanded from 7 per shift in 2016 (14 total), to 16 per shift for 2017 (32 total). Despite the increased numbers and contrary to the specific advice provided, this number is again considered to be insufficient, as indicated by the contradictory advice in the objection.

There have been numerous inconsistencies in what has been advised as being acceptable by Victoria Police. Put simply, the goal posts keep shifting regardless of what measures the event organisers establish.

### 3.15 Infrastructure and Road Maintenance

The event organisers have engaged professional engineers to undertake an audit of the entry roads, with their recommendation stating that the road network was sufficient to handle the expected traffic.

Council has not provided any valid engineering reports to the contrary.

### 3.16 Cost/Benefits

Suggestions that the financial benefits are "anecdotal" or "extremely difficult to quantify" are quite simply untrue, particularly considering most of the businesses listed had confirmed and provided exact figures directly to planning when contacted recently.

Details have always been provided in the Tourism & Community Involvement document, and are reinforced in the letters of support, yet have been consistently and deliberately omitted in the planning department's review.

### 3.17 Risk Analysis

The suggestions in the review that there was a "lack of supporting documentation" and that "numerous areas of ambiguity remain" is insulting and baseless. The fact that there is no specific mention of what has not been provided or clarified is particularly ambiguous in itself.

The event organisers pride themselves on their commitment to best practice standards, both on paper and in practice.



### 3.18 Fire Danger Period

While the original event planning was undertaken for the previously scheduled date in April, the risks associated with late September are greatly similar as confirmed in consultation directly with CFA.

### 3.19 Emergency Management

While it has been suggested that the *Emergency Management Plan* lacked reference to the Emergency Management Manual Victoria, the full list of references is actually contained within the Event Plan, including numerous ones from EMV.

The *Emergency Management Plan* has been amended to include specific reference to the EMMV, including the roles of IERC and MERC.

An organisation chart has been added clarifying the positions and persons occupying the roles.

Providing emergency shelter to thousands of patrons is not feasible on a temporary basis, thus the procedure would likely be a full or partial evacuation as may be required in the instance of a severe weather event forecast. This procedure has always been in place as stipulated in the plan, however has been clarified further to avoid confusion.

CFA response to the *Emergency Plan*:

*It is understood the event organiser has engaged a suitably qualified risk management practitioner that is to the satisfaction of the Responsible Authority and has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360.*

*The festival has produced a detailed "Emergency Management Plan" that articulates processes to reduce the likelihood and consequence of emergency events.*

### 3.20 Emergency Communication

Mobile phone reception is available throughout the site at moderate levels for most network providers. The signal amplifiers are established as an additional measure to ensure network access consistently for any emergency communications which may be required. Full network access was maintained throughout the entire duration of the 2016 event with no issues reported from any departments. The hardware utilised within the ECC has the capacity to provide clear connection to up to 30 individual call connections at any given time, well in excess of any potential contingency requirements.

### 3.21 Legislation Referenced

The event planning is compliant with an exhaustive list of legislation and AS/ISO standards, most of which are referenced specifically within the *Event Plan*. There is no legal requirement to quote extracts from Acts as there is to abide by them.

### 3.22 Public Transport

The lack of public transport has been suggested as an insufficiency in the event planning, however a private bus transport service has been arranged to provide an infinitely more comprehensive and suited service to collect patrons directly from key locations around Melbourne and transport them directly into the event. Details are provided in the *Event Plan* and on the event website.

[www.yemayafestival.com/transport](http://www.yemayafestival.com/transport)

### 3.23 Fencing

The event organisers believe the fencing to be unwarranted, unnecessary, impractical, and hazardous for the following reasons:

- It will have zero impact on instances of trespassing on neighbouring properties externally
- There is no precedent, benchmark, or industry standard of such a requirement having been applied to any other event of a similar nature
- It creates a known risk of physical injury to persons where otherwise none exists
- It is impractical given the 2km length of the boundary
- The alternative measures established to address trespassing directly will have infinitely more impact to address the issue than one single measure alone

With regards to potential trespassing prevention measures alternative to the fencing, the email sent on the 1st of June 2017 provided the following advice:

*Please note this does not necessarily mean that any alternative suggested will or will not be supported by planning, the application has not yet been fully assessed.*

While an extensive and exhaustive list of alternative measures was supplied, none were acknowledged.

The event organisers would ask that in the interests of reason and practicality, that the suggested condition of fencing not be included in the permit on the basis that the alternative measures implemented will far exceed its effectiveness.

### 3.24 Staff Qualifications

All event staff are sufficiently and appropriately qualified in their respective roles, with most overqualified based on extensive previous and qualifications. This standard is particularly maintained in the all-important role of Emergency Management Coordinator (EMC). The person selected for the role after an extensive evaluation and review process was Phil Millar, based on his extensive experience and qualifications across a vast range of emergency services, fire suppression, security, medical, and WH&S roles. His entire portfolio was provided in the interests of transparency and reassurance of his capability, with a total number of thirty (30) qualification documents. While it was pointed out by Victoria Police that 2 of these were not current, they are not critical to the role, yet do demonstrate his experience in the area.



## 3.25 Policing Resources

The following breakdown provides some perspective on the policing resource allocation for Yemaya Festival.

Based on advice from Victoria Police:

*In excess of 71 police from general duties and specialist police units from across Victoria would be involved in the operation*

Based on the standard officer pay rate of \$96.90 per hour, charged for just one 8-hour shift for each of the event's four-day operations, amounts to \$220,156.80.

Given that this conservative estimate only accounts for one single 8-hour shift per day, it may be fairly assumed that the total would be significantly higher.

Reasonable allocation of resources is a practical necessity, and can only be put into real terms in the context of the yield of the operation.

From a financial perspective, the standard penalty for the first drug-driving offence is a fine to the value of 3 penalty units, with the current value of a penalty unit being \$158.57 (as at 1 July 2017). Given that there were reportedly 14 people intercepted while driving under the influence of illicit substances, who presumably each received the standard penalty of \$475.71, the return on the operation would have been \$6,659.94.

Conservatively estimated between \$200K-\$500K, this operation would cost likely that of the event's total operating budget.

The event organisers would strongly urge for a more measured and appropriate resource allocation relative to the low risk of the event.

## 4. PLANNING PROCESS

### 4.1 Influencing Factors

On the 28<sup>th</sup> of March 2017, correspondence was provided by the Environmental Protection Agency (EPA) confirming allowance to operate outside of standard SEPPn-2 guidelines on the basis of being an event of 'Special Social Significance'. In response to a request from Council for an updated approval letter including the new September date of the event, the event organisers requested an updated letter from the EPA on the 19<sup>th</sup> of June 2017. Following this, Loddon Shire CEO, Phil Pinyon, contacted the CEO of the EPA, Nial Finegan, to encourage him to overturn his decision on the basis that he believed the event was not of 'Special Social Significance'. Such an occurrence is completely unprecedented as confirmed by EPA staff directly, and suggests a distinct predisposition in the consideration of the permit application, not to mention raising serious questions regarding Council's due process. Given that a current application to EPA is still under review, the event organisers have formally requested that no staff from Loddon Shire Council interfere with the process further.



The long-standing feud between the Loddon Shire Mayor, Neil Beattie, and the property owner, Ken Pattison, has created an influencing factor in the decision making process, as demonstrated by a disparaging comment made by the Mayor regarding the property owner during Council meetings in 2016. While it is unfortunate that Ken was involved when the Mayor's close friend and colleague, Councillor Gavan Holt, was fined for sideswiping a vehicle and fleeing crash while allegedly intoxicated, this should not have any bearing on the decisions put forward.

The mayor's comments to the media in a Bendigo Advertiser article, that "last year they essentially ran an illegal event" are completely untrue and legally speaking, libellous towards a legitimate business. The event was completely legal, having received an approved permit application, an approved Place of Public Entertainment (POPE) permit, an approved Cultural Heritage Management Plan, and praise (in the form of a personal phone call) from WorkSafe Victoria.

The primary and most active objectors, the Evans and Rollinson families, are the primary Merino wool producers in the area and hold a lot of sway in the local township. During the event organisers' attempts to gain local support via petitions in 2016, local residents who supported the event verbally were afraid to do so in writing for "fear of upsetting the Evans".

The Loddon Shire Tourism Manager has been prevented from any involvement with the event to inhibit the establishment of any community benefits that would further validate the event. In every other regional shire the tourism/economic development department works with planning on such projects, as recommended and stipulated in the numerous local, state, and federal regulatory guidelines referenced in the documents provided.

The Mayor's opposition to the event is well documented in recent media coverage, and is a perspective that is completely entitled to him. This personal perspective should stop with the Mayor's vote on the matter, but has seemingly influenced the entire planning review process, with an overwhelming and baseless sway cast on the permit application review.

It was suggested that the event organisers' actions to address the camping/parking separation concerns raised in 2016 may finally lead to a positive outcome in the planning review, however it is blatantly clear from the entire document as with previous ones, that none of the efforts made could achieve such an outcome. The perceivable lacking in the Planning department's procedural fairness seem to have become only more thoroughly documented.

The inclusion of an objection letter from Peter Walsh, Leader of the National Party, suggests that the process of the application review has become politically motivated,



rather than the event being measured simply on its own merits. It is unfortunate that the event organisers have been forced to seek similar political support in an attempt to balance the consideration, as no small business operator should need to resort to such measures to effectively justify their own existence.

## 4.2 Suggested Conditions

It was suggested in the planning department's review that:

*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.*

As it stands, the conditions have already been prepared by the Planning Department and have been included at the end of the most recent Council Agenda. All of the items listed are well within the standard operating procedures of the event, with one distinct exception, specifically regarding the timing of the site inspection.

It is stated that:

*No less than seven (7) days prior to the event, the event management will arrange a site inspection with the Responsible Authority to ensure that all infrastructure shown on the endorsed plans and required by this permit have been implemented.*

This condition is completely unheard of in the events industry, particularly given the duration of the event itself is only four (4) days. It is standard procedure for every event in the country to arrange to have this inspection occur immediately prior to the event, traditionally the day before the event is open to patrons. The event organisers would insist that this term be amended to provide a more practically timed inspection as was the case in 2016. Every critical operational requirement and certainly all of those compulsory for the POPE permit, have been committed to by the event organisers within the event's planning application already.



## 5. CONCLUSION

Despite the event organiser's best intentions to work constructively with all governing bodies in a collaborative and productive manner, the underlying response from Loddon Shire Council and Victoria Police remains adversarial at best. While comprehensive evaluation of all supporting documentation is expected as a bare minimum for such endeavours, it can be arguably seen that the scrutiny has been applied with a distinct outcome intended.

While it is far from the preferred course of action, this consistent response has forced the event organisers to undertake similar levels of review to formally establish their own position and hopefully provide greater context of the matters raised. Inconsistencies in the recommendations provided have created particularly difficult situations for the organisers given their reliance on said advice to provide suitable documentation.

Considering the ease with which an expansive list of concerns and potential ramifications can be raised, the magnitude, likelihood, and most importantly, basis for such concerns need to be fairly considered. There are extensive assertions and assumptions raised through the reviews of the potential impacts the event may have, but a disproportionately small, or simply non-existent, amount of reference to actual occurrences from 2016. As stated previously and repeatedly, it was only fair to measure the event on the basis of assumptions in 2016 given the first use of the site. Having now operated the event successfully with minimal levels of incidents across the board, it would be fairer to consider the application more in the context of factual occurrences.