

9.1.5 LATE ITEM: Part of Lot 3 (D/P 63619) Oxford Street, Leederville – Water Corporation Reserve between Nos. 103-105 (Lot 100) and Nos. 109-117 (Lot 101) Oxford Street, Leederville – Proposed Rough Love Laneway Party – One-Off Music Event (Unlisted Use)

Ward:	South	Date:	9 February 2015
Precinct:	Oxford Centre (P04)	File Ref:	5.2015.36.1
Attachments:	001 – Property Information Report 002 – Application Details which includes the Consent to the proposed event from the Water Corporation 003 – Event Site Plan, Noise Management Plan and Risk Management Plan 004 – Place Manager’s Report		
Tabled Items:	Nil		
Reporting Officer:	D Doy, Place Manager R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by Rough Love Event & Artist Touring Agency on behalf of the owner, Water Corporation, for the proposed Rough Love Laneway Party, a One-off Music Event (Unlisted Use) at Lot 3 (D/P 63619) Oxford Street, Leederville – Water Corporation Reserve located between Nos. 103-105 (Lot 100) and Nos. 109-117 (Lot 101) Oxford Street, Leederville as shown on plans and information stamp dated 30 January 2015, included as Attachment 003, subject to the following conditions:

1. Day and Hours of Operation

The proposed event is only permitted to operate in accordance with the following terms:

- 1.1 Event setup shall occur no earlier than 4:00pm on Saturday 21 February 2015;
- 1.2 Public access and sales shall only be conducted between 5:00pm and 12 midnight; and
- 1.3 The pack down of the event shall cease no later than 1:00am on Sunday 22 February 2015;

2. Notification of Residents/Businesses

The applicant shall notify all residents and operating businesses within a 100 metres radius of the event via letter drop no later than (7) calendar days prior to the event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems arising;

3. City’s Infrastructure

Any damage to the City’s infrastructure located in the Laneway shall be rectified at the cost of the event organisers;

4. **PRIOR TO THE COMMENCEMENT OF THE EVENT, the Applicant shall:**
- 4.1 **Waste Management Plan**
- Submit and obtain approval for a Waste Management Plan from the City;
and
- 4.2 **Pedestrian Signage**
- Submit and obtain approval from the City for a plan that demonstrates alternative pedestrian routes to and from “The Avenue” car park and Oxford Street for the duration of the event and the signage that will be used to notify pedestrians; and
5. **ON THE DAY OF THE EVENT, the applicant shall comply with the following:**
- 5.1 **Responsible Representative**
- A responsible representative of Rough Love Event & Artist Touring Agency shall be present on-site for the full duration of the event to respond to any complaints or concerns;
- 5.2 **Complaints**
- A complaints “Hot-line” phone number shall be made available to the public from 12 noon 21 February 2015 until 1:00am on 22 February 2015 to enable members of the public to seek information or lodge any complaints;
- 5.3 **Noise**
- 5.3.1 If the sound levels measured at the noise sensitive premises are non-compliant with the assigned levels, in accordance with Regulation 7 of the Environmental Protection (Noise) Regulations 1997, the organisers/approved manager must reduce sound levels to achieve compliance. The applicant shall ensure that sound levels are monitored by competent persons throughout the course of the event; and
- 5.3.2 Amplified music is only permitted between the hours of 5:00pm to 12 midnight on Saturday 21 February 2015;
- 5.4 **Cleaning of Event Area**
- The event area shall be in a clean and tidy condition during the event hours and also cleaned and tidied after the event to a standard that is to the satisfaction of the City by 1am on 22 February 2015 at the applicant’s cost;
- 5.5 **Signage**
- The applicant shall install the approved signs relating to alternative pedestrian routes in accordance with the approved plan required as part of Condition 4.2; and
- 5.6 **Capacity**
- The event is not to exceed a capacity of 200 attendees at any one time.

ADVICE NOTES:

1. In relation to Condition 3 above, the applicant is required to liaise with the City's Technical Services to conduct before and after the event inspections report of the City's infrastructure within the Water Corporation Laneway;
2. The Applicant shall ensure that temporary food stall application forms are submitted to the City at least seven (7) days prior to the event;
3. The Applicant shall ensure compliance with the City's conditional Form 1 and Form 2 approval that will be issued, in accordance with the *Health (Public Buildings) Regulations 1992*, following Council approval of the Event;
4. All Noise Management requirements are undertaken in line with the Noise Management Plan, and Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
5. Any direction (written or oral), by an Inspector appointed under Section 88 of the *Environmental Protection Act 1986*, and employed by the City of Vincent or the Department of Environment Regulation to reduce sound levels shall be complied with forthwith. Failure to comply may result in further action being instigated under Section 79 and/or Section 81 of the *Environmental Protection Act 1986*, as determined appropriate;
6. Compliance with the recommendation of the Risk Management Plan; and
7. The Water Corporation requires the applicant to have a current public liability certificate.

PURPOSE OF REPORT:

For Council to consider an application to hold a One-off Music Event (Unlisted Use) in the Water Corporation laneway in Leederville on Saturday 21 February 2015. The laneway is unzoned land and the proposed activity is an unlisted use under Town Planning Scheme No. 1, which requires referral to Council for determination.

BACKGROUND:

The subject site is located on land between Nos.103-105 (Lot 100) and Nos.109-117 (Lot 101) Oxford Street, Leederville, known as the Water Corporation Laneway.

The City of Vincent has undertaken a series of improvements to the Water Corporation Laneway to improve its look and useability. It is now a comfortable pedestrian connection between "The Avenue" Car Park and Oxford Street. The Water Corporation has consented to this event being held on its land subject to a condition that the applicant has a current public liability certificate.

DETAILS:

Landowner:	Water Corporation WA
Applicant:	Rough Love Event & Artist Touring Agency
Zoning:	Unzoned Land
Existing Land Use:	Pedestrian Access Way
Use Class:	"Unlisted Use"
Use Classification:	"SA"
Lot Area:	490 m ²
Right of Way:	N/A

Rough Love Event & Artist Touring Agency (Rough Love) has requested approval to hold an event in the Water Corporation Laneway on Saturday 21 February 2015.

The details of the proposal are as follows:

- It is a one-off music event;
- The event will feature soulful house music (free from coarse language) by disc jockeys;
- The event is to commence at 5:00pm and end at midnight;
- There will be no entry fee for a period of the event;
- The expected number of patrons is between 400-500 people for the duration of the event although there will be no more than 200 persons at the event at any one time;
- There will be a stage for musicians and performers, one food stall, one licensed bar, and one DJ mixing table.
- The event is only for people aged 18+; and
- The event will require full closure of the laneway – thereby making it temporarily unavailable for pedestrian access.

The proposal is supported by a Noise Management Plan, a Risk Management Plan and an Occasional Liquor application to the Department of Racing, Gaming and Liquor.

ASSESSMENT:

Land Use

Under the City's Town Planning Scheme No. 1, a one-off music event such as the one proposed is classified as an "Unlisted Use".

The most appropriate location for the one-off music event is in areas such as Leederville, where the event will bring interest to the area, add vibrancy and complement the existing uses in the area.

As the Water Corporation Laneway has been significantly improved and is now ready to take on structured activities such as the proposed event, it is an ideal location for this event.

Car Parking

There are no car parking standards specified for a one-off music event.

Given the locality's easy access to public transport and as the event offers alcohol, it is not expected that many patrons will not drive to the event. It is therefore unlikely that this one-off event will generate much parking demand, and any demand that is generated will be able to be accommodated in the adjoining large car park.

It is therefore acceptable that no car parking provisions are proposed as part this event.

Risk

Given that the event offers alcohol, there is a risk of anti-social behaviour and/or alcohol related accidents. This has been identified in the risk management plan provided by the applicant through the strategies that are proposed to reduce the likelihood of incidents occurring.

To provide additional safeguards it is recommended that additional conditions are proposed on the approval that the public is provided with information, can access the organisers of the event while it is occurring and the City's assets are protected.

Pedestrian Movement

The Water Corporation Laneway is currently used as a pedestrian thoroughfare from Oxford Street to "The Avenue" Car Park.

This event will result in this pedestrian laneway being temporarily closed, which will require pedestrian movement to be diverted. To ensure this occurs in an orderly manner it is recommended that a condition is imposed that requires that the City approves a plan that shows alternative routes and the signs that will be used on the event day.

Noise Management

The City's Health services have advised that the noise management plan that has been provided by the applicant is acceptable to the City, although additional conditions are recommended to be imposed to ensure that any potential noise issues as a result of this event are managed.

Capacity

As agreed with the applicant the event is not to exceed a capacity of 200 attendees at any one time given the toilet facilities that are being proposed.

Policy No. 3.8.3 Concerts and Events

The proposed event meets the requirements of the City's Policy No. 3.8.3 as discussed in the Place Manager's report in Attachment 004.

Council Infrastructure

Various Council infrastructure such as seating, lighting and trees are located with the Water Corporation Laneway. To prevent any costs to be the City it is recommended that a condition is imposed that requires that all damage is to be rectified at the cost of the event organisers.

CONSULTATION/ADVERTISING:

Under the City's Town Planning Scheme No. 1, this proposal is required to be advertised as an "Unlisted Use". However, due to time constraints, the usual advertising time has been reduced so that this proposal can be determined at the Ordinary Meeting of Council on 10 February 2015. In this instance the application was advertised for 8 days rather than the usual 21 days requirement.

A total of 87 letters were posted to owners and occupiers within a 100 metre radius of the subject site, as shown in Attachment 001. A summary of submissions received and Administrations responses are provided below.

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	30 January 2015 to 6 February 2015		
Comments Received:	One (1) submission in support with no comments. One (1) objection received		

Summary of Concerns Raised in Objection	Officer Technical Comment:
<p><u>Closure of Walkway:</u></p> <p><i>‘Blocking the major walkway on a Friday night for the benefit of a single business that is not even local is not acceptable.’</i></p>	<ol style="list-style-type: none"> 1. The event is proposed for Saturday the 21st of February, not a Friday. 2. There are other access routes that can be used during this event. 3. The proposed event will provide broader benefits to the Leederville Town Centre business community. 4. If approved, a notice will be placed in the Wednesday’s West Australian on 18 February 2015 notifying the public of the Pedestrian Access Way closure.
<p><u>Car parking:</u></p> <p><i>“The 400-500 people set to attend will be using parking that is already lacking.”</i></p>	<p>Given that the one-off event proposes to serve alcohol it is also expected that the majority of attendees will not be driving and the demand on parking will be limited.</p>
<p><u>Financial implication:</u></p> <p><i>“There are food stalls and a bar that will ensure any financial benefit stays with the applicant.”</i></p>	<p>It is expected that the event will provide a flow-on effect and benefit to the broader Leederville Town Centre business community as people move to and from the venue.</p>
<p><u>Ablution facilities:</u></p> <p><i>“There are no toilets provided and RGL require them to be, as alcohol is being served.”</i></p>	<p>The event organisers will be providing four (4) temporary toilet facilities on site for the duration of the event.</p>
<p><u>Security:</u></p> <p><i>“Are there security measures proposed, as you would need to be over 18 years old.”</i></p>	<p>The organisers are proposing that there will be experienced crowd controllers at the event.</p>
<p><u>Noise:</u></p> <p><i>“Noise levels from live music in that laneway would be non-compliant with EPA standards.”</i></p>	<p>The applicant has submitted a Noise Management Plan as part of the proposal which indicates adequate measures will be implemented to monitor sound levels on the day. It is recommended that a noise condition is imposed as part of this approval to ensure compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> is achieved.</p>
<p><u>Public Consultation:</u></p> <p><i>“No notices were given to any surrounding businesses.”</i></p>	<p>The event was advertised via letters to all businesses/owners within a 100 metre radius of the event site for ten (10) days. Further notification to the public is required as a condition to this approval.</p>

Summary of Concerns Raised in Objection	Officer Technical Comment:
<p><u>Occupancy numbers:</u></p> <p><i>“The proposed 400-500 people is non-compliant with health for the proposed space.”</i></p>	<p>The event organiser have stated that a total of between 400-500 people are likely to visit the event over the course of the evening. A condition to the approval has been provided which states that the event can have a capacity of no more than 200 attendees at any one time.</p>
<p><u>Compliance with Policy:</u></p> <p><i>“The proposal showed no relevance as to whether it complied to city policy, or even what policies applied.”</i></p>	<p>The event has been structured to meet the requirements outlined in the City’s Policy No. 3.8.3 relating to Concerts and Events but is also a Use Not Listed under the City’s Town Planning Scheme No. 1 and therefore must be considered on merit.</p>
<p><u>Other concerns:</u></p> <p><i>“For me, the major problem is regarding the applicant, who does not seem to have any ABN or business registration. I find it odd that Vincent would want to associate itself with someone who is employed by the bikie owned Dollhouse strip club. Some of the applicant’s video work would cause great embarrassment to the council if people were to see it. It is readily viewable on the internet already.”</i></p>	<p>“Rough Love” is a registered business with their ABN details provided in their application to the City. An outline of the event organiser’s previous experience can be found at their website roughlove.com.au.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

LEGAL/POLICY:

The relevant Clause 32 in the City of Vincent Town Planning Scheme No. 1 specifies that planning approval is necessary for “*any land or building in the Scheme Area*”, which Clause 4 prescribes as the “*area which covers all the municipal district of the Town of Vincent*”. Furthermore, Clause 39 states that Council cannot grant planning approval for a development which involves an “Unlisted Use” unless it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38(5).

The City’s Policies relevant in this instance are Policy No. 3.8.3 Concerts and Events, and Policy No. 4.1.5 Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 includes the following objectives:

- “3.1 *Enhance and promote community development and wellbeing*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.”*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Better utilisation of an existing vacant site.	

SOCIAL	
Issue	Comment
The local and broader community will be able to experience a free, unique cultural Music Event.	

ECONOMIC	
Issue	Comment
The Music Event is considered to contribute a positive flow on effect to the immediate businesses in the area.	

FINANCIAL/BUDGET IMPLICATIONS:

There will be no cost to the City.

COMMENTS:

Place Manager

The proposal is supported for the following reasons:

- The event has the potential to contribute to local businesses by attracting more/new visitors to Leederville than might otherwise visit the area on a Saturday night;
- The proposed event will activate a recently revitalised laneway, bringing life to what was previously an underutilised space;
- The proposed event is targeted at the 25 – 34 age group. Events of this type can contribute to the experiential quality of the place, which leads to return visitations for this age group. This age group is most likely to utilise social media which provides indirect place branding for the Leederville Town Centre; and
- The event will offer the local and broader community a free (before 7:30pm), unique cultural music event, and it is the Officer's view that this space is now ready to accommodate small events and structured activity.

Planning Services

The proposal aligns with the City's Policy No. 3.8.3 – Concerts and Events, and following this, approval meets the requirements of Town Planning Scheme No. 1.

The event is likely to generate interest in the area, and support activity in the Leederville Town Centre.

While events that attract large numbers of people, and have music and alcohol can have negative impacts, these are expected to be minimal in this instance given the event's one-off nature and conditions that are recommended to be imposed regarding the management of the event and space are imposed to counteract any potential issues.

Conclusion

On balance this event is expected to have more advantages than disadvantages for the area and it is therefore recommended for approval subject to conditions.