



Swan Valley Statutory Planning Committee

Minutes

Meeting No. 2
Tuesday, 7 December, 2021

Members: David Caddy - Chairman WAPC
Kym Davis - Member of the Statutory Planning Committee
Lino Iacomella - Member of the Statutory Planning Committee
Leonard Kosova - Member of the Statutory Planning Committee
Nina Lyhne - Member of the Statutory Planning Committee
Marion Thompson - Member of the Statutory Planning Committee
John Rex - Representative of Swan Valley Residents and Businesses
Justin Rogan - Representative of Swan Valley Residents and Businesses
Charlie Zannino - Representative of the Swan Valley Local Government

Others present: Kathy Bonus - Chief Planning Advisor, Reform, Design and State Assessment
Charlotte Lavictoire - Senior Planning Officer, Metro North
Andrew Cook - Planning Manager, Metro North
Michael Daymond - Strategic Advisor WAPC
Sam Fagan - Manager Commission Business
Johan Gildenhuis - Principal Planning Officer, Metro North
Poppy Justice - Commission Support Officer
Michelle King - Senior Commission Support Officer
John O'Hurley - Principal Planning Officer, Metro North
David Saunders - Assistant Director General, Land Use Planning
Mat Selby - Planning Director, Metro North

1. Declaration of opening

The Chairman declared the meeting open at 9:00am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all. The Chairman welcomed members, including the newly appointed John Rex, Justin Rogan and Charlie Zannino to the Swan Valley Statutory Planning Committee meeting.

2. Apologies

Nil.

3. Members on leave of absence and applications for leave of absence

Nil.

4. Disclosure of interests

Ms Davis declared a Perceived Impartiality Interest on Item 8.2 - Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan. Ms Davis stated that in a previous role she was the Director overseeing the development application for the expansion of events at Sandalford Winery, including the initial increase from 5,000 persons. Members agreed that Ms Davis is permitted to be present during the discussion and/or decision making procedure on the item.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Swan Valley Statutory Planning Committee meeting.

5.1 Questions from members and responses from DPLH staff

6. Minutes

6.1 Confirmation of minutes - Meeting No. 1 on Tuesday, 31 August 2021

Moved by Mr Iacomella
Seconded by Ms Thompson

That the minutes of the Swan Valley Statutory Planning Committee meeting held on Tuesday, 31 August 2021, be confirmed as a true and correct record of proceedings.

The motion was put and carried

6.2 Delegation of Powers by the Swan Valley Statutory Planning Committee - endorsed on 31 August 2021

Members queried if a schedule of items approved under Delegated Authority could be provided to members to gain an understanding of the scale and proportion of development occurring in the Swan Valley. Members were advised that a detailed schedule will be provided at the next ordinary meeting of the Swan Valley Statutory Planning Committee and could be circulated to members. Members discussed the importance of ensuring a proper governance structure is established, which accurately reflects the decisions of the Swan Valley Statutory Planning Committee.

7. Deputations and presentations

7.1 Introduction to the Swan Valley Statutory Planning Committee

THIS ITEM IS CONFIDENTIAL

Mr Kosova joined the meeting at 9:14am.

7.2 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan (Item 8.2)

Ms McLean presented to the Swan Valley Statutory Planning Committee on behalf of Sandalford Wines and Trafalgar Investments Pty Ltd, as part of the Prendiville Group of Companies which owns the Duncraig Stud located immediately adjacent to Nikola Estate. Ms McLean stated that though concerts events are appropriate as tourism and promote hospitality in the wine region, it is necessary that each site is assessed on individual merit, and that there is no comparison for the Nikola Estate and Sandalford sites. Ms McLean discussed the traffic management of Sandalford, which is contained entirely within land owned by Sandalford and provides ingress and egress for a 16,000 patron capacity, and that parking management has been refined over several years. Ms McLean noted that Nikola Estate relies on external properties, and that traffic will travel in single directions, causing severe delays and long queues. Ms McLean requested that the Committee allow a cautious approach to patron capacity to protect impact on amenity and rural character of the locality, and that a 5,000 patron approval be given, to be monitored and reviewed for a future patron increase proposal.

7.3 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan (Item 8.2)

Mr Mellen presented to the Swan Valley Statutory Planning Committee representing Mellen Events, together with Mr Lewisson, Mr Scott and business partner Mr Yukich. Mr Mellen stated that Mellen Events has entered in to a long term exclusive partnership to stage concerts at Nikola Estate. Mr Mellen stated that Mellen Events has been operating in the industry for 25 years, and has staged over 1000 shows in that time, with the majority of shows produced on Greenfields sites. Mr Mellen stated that Mellen Events is well versed in running concerts from 6,000 to 40,000 patron capacity, particularly in sensitive outdoor environments such as Sandalford, Kings Park and the Belvoir Amphitheatre, and works closely with the appropriate authorities. Mr Mellen stated that Mellen Events looks to bring world class acts that will provide significant impact on employment for the lead up and show date. Mr Mellen highlighted the need to re-establish the industry following the significant impact of COVID-19 in the past two years.

Mr Scott addressed the Committee as the bushfire consultant working on the proposal and in support of the recommendation, subject to the removal of Condition 21 relating to closure of the facility on extreme or catastrophic fire danger days. Mr Scott stated that the site and surrounding area is dominated by low vineyards, a polo course and slashed paddocks and that fire behaviour in the area will be more consistent with what would be expected on a major fire danger day due to the fragmented flat landscape. Mr Scott stated that event management establish robust procedures in bushfire events and that based on his experience Condition 25 and 26 should be removed.

Mr Lewisson stated that the proposed development application does not reduce the character or capacity of the vineyard and winery operations on the site. Mr Lewisson noted that events of this scale can

already be carried out but are limited to a small number per year, and that the proponents are seeking approval for an increase in number of events and for the removal of administrative power from the City of Swan. Mr Lewisson requested that Condition 1 be amended to reference 5 years from the date of the first event due to the potential for uncertainty and impacts of COVID-19, to protect the viability and investment undertaken prior to scheduled events.

Members questioned how many days in the calendar year would the Swan Valley experiences an extreme or catastrophic fire danger day, Mr Scott stated it could be up to approximately 14 days per year. Members queried the number of neighbouring paddocks required for carparking and Mr Yukich stated that only one would be required for approximately 500 cars and that they have a good relationship with their neighbours to accommodate this.

Members queried how pedestrians would access the venue from carparking located at Septimus View. Mr Yukich stated that pedestrians would walk along the Cassidy paddock boundary and that Mellen Events will also have shuttle buses to transport pedestrians. Members queried the delays of 49 – 117 minutes described in the Traffic Impact Assessment (TIA) and Mr Yukich stated that the road is dual lane, and that previous events have being successful in getting 90 percent of people out within 70 minutes. Mr Lewisson further clarified that the TIA was conducted holistically at a large scale, and that the Traffic Management Plan will expand traffic and pedestrian movement in finer grain detail to and from the site.

ITEMS FOR DECISION

8.1 Development Application - Single House - Lot 807 Millhouse Road, Belhus

Members queried if a previous restaurant and tavern licence, which was approved by the City of Swan Council in 2019 still applies to the property. Members were informed that the licence is still active and would have several years to run, but does not coincide with this application. Members were advised the application is for a residential building.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Kosova

Seconded by Mr Iacomella

That the Swan Valley Statutory Planning Committee resolves to approve the application for development of a single house on Lot 807 Millhouse Road, Belhus subject to the following conditions and advice:

CONDITIONS:

1. *This approval relates to the attached plans date stamped 5 November 2021 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission.*

2. *The proposed dwelling is to connect to an on-site secondary treatment and disposal system for sewage (which includes nutrient removal) to the specifications of the City of Swan, in consultation with the Department of Biodiversity, Conservation and Attractions (Swan River Trust).*
3. *A wastewater plan is to be prepared that details how wastewater will be managed to the specifications of the City of Swan, in consultation with the Department of Biodiversity, Conservation and Attractions (Swan River Trust).*
4. *All stormwater must be contained and disposed of on-site at all times. Further stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter Ellen Brook untreated.*

ADVICE:

1. *This approval does not authorise commencement of any building and/or demolition works. In accordance with the Building Act 2011 and Building Regulations 2012, a building and/or demolition permit must be obtained prior to the commencement of any works.*
2. *The proposed development is not to be within 1.2 metres of any sewerage septic tank or 1.8 metres of any effluent leach drain without the City of Swan's approval.*
3. *The Department of Biodiversity, Conservation and Attractions (Swan River Trust) advises as follows:*
 - *on-site wastewater systems that are located on the Swan Coastal Plain or less than 100 metres from waterways or surface or sub-surface drainage systems that discharge directly to a waterway or wetland within the Swan Canning Catchment are to have secondary treatment systems with nutrient removal;*
 - *the wastewater plan is to demonstrate that the on-site wastewater system and associated land application area have the capacity to attenuate both phosphorus and nitrogen;*
 - *the wastewater plan is to include:*
 - *the size and specifications of the proposed secondary treatment system;*
 - *the location of the proposed secondary treatment system and any wastewater land application area;*
 - *the distance between the highest known groundwater level and the discharge point of the wastewater system;*
 - *the phosphorus retention index of the soil in the wastewater land application area;*

- *details of any proposed soil amendments within the wastewater land application area;*
 - *a landscape plan detailing the type of vegetation that will be incorporated within the wastewater land application area;*
 - *expected performance; and*
 - *a monitoring and maintenance plan.*
- *the on-site wastewater system and associated land application area is to be located as far as practical from the waterway and drainage systems. The discharge point of the on-site wastewater system above the highest known groundwater level should be at least 1.5 metres in sands, 1 metre in gravels and 0.6 metres in loams and clays, and at least 2 metres in public drinking water source areas. Soils within a wastewater land application area are to have a phosphorus retention index (PRI) greater than 20. Where the PRI of the soil is less than 20, it is recommended that amended soils be added to the wastewater land application area to a depth of 1 metre.*
 - *Appropriate vegetation should be planted within the wastewater land application area to assist with the absorption of nutrients. It is recommended that a mix of plant species and growth forms that can tolerate wetting and drying conditions are planted in the wastewater land application area. The appropriate plant species are those capable of high nutrient removal. Refer to table 5 of Vegetation Guidelines for Stormwater Biofilters in the South-West of Western Australia (Monash University, 2014) when considering species selection.*

The motion was put and carried

8.2 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan

Members considered the deputations presented on the proposal and queried if fire conditions relating to closing a facility in the event of extreme or catastrophic fire danger day applies to large events at similar venues Kings Park or Sandalford, and considered that Nikola Estate should be held to the same compliance as these venues. It was noted that this condition does not apply to Sandalford, and was recommended from a policy standpoint and that the applicant can also put additional measures in place.

Members sought clarification for comments made relating to events currently allowed to occur at a capacity of 15,000 people, and it was noted that individual applications are made through the City of Swan, and that two events can be held without planning approval, which triggers temporary approval. Members queried if any impact of previous events was known, and it was stated that there are no known complaints for this particular venue. Members queried if an event at Sandalford and Nikola Estate could coincide, and it was stated that through discussions with the City this could not occur as events will be

approved based on first come first served basis and that an additional Advice Note could be added to advise the that Chief Executive Officer of the City of Swan will not consider approval of the same size event on the same day.

Members noted the minor changes made to the tabled recommendation of the DPLH, including minor amendments to Conditions 4, 5, 8, 9, 23, 24 and a new Advice Note.

Members discussed the consistency of terminology and wording in Conditions 4 – 8 and 15, that the wording could leave conditions open to interpretation and that minor changes to terminology would assist the Department of Planning, Lands and Heritage should conditions be disputed. Members noted a minor administrative correction was required for Condition 14 that the word 'enters' on the fourth line be amended to 'entering'.

Members discussed the applicants request for the 5 year timeframe to begin from the date of the first event, it was noted that this does not align with the regulations, which state that the timeframe begins after the WAPC makes a decision. Members agreed that the approval timeframe should remain for a period of 5 years from the date of issue of an approval, and noted that this timeframe could be reviewed in the future.

Members discussed the construction of a roundabout at Sandalford on West Swan Road and queried if upgrades could be undertaken by the applicant on Great North Highway, it was noted that the City of Swan Council and Main Roads WA are comfortable that traffic impact can be managed, and that Great Northern Highway cannot be altered as it caters for wide loads.

Members agreed to endorse the amended recommendation of the Department of Planning, Lands and Heritage.

Moved by Ms Lyhne
Seconded by Mr Kosova

That the Swan Valley Statutory Planning Committee resolves to grant planning approval pursuant to the Swan Valley Planning Scheme No. 1, to hold up to 7 concert events per calendar year for a period of five (5) years, with a maximum capacity of 15,000 persons per event plus 600 staff at Lots 104, 105, 21, 62, 63, 9 and 16, Middle Swan in the Swan Valley in accordance with the attached modified Events Plan stamp dated 16 November 2021 subject to the following conditions:

- 1. The approval is time limited to a period of five (5) years from the date of issue of this approval.*
- 2. A maximum of 15,000 persons are permitted onsite at any one time plus 600 staff.*
- 3. Concert events shall be restricted between the hours of 14:00 and 22:30 restricted to Saturdays and Sundays and on public holidays.*

4. *Prior to each event, the applicant must prepare and submit a Traffic Management Plan, for Main Roads WA approval, in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
5. *Prior to each event, the applicant must prepare and submit a Car Parking Management Plan, for the City of Swan approval, in consultation with Main Roads to the satisfaction of the Western Australian Planning Commission.*
6. *Prior to the commencement of any event, approval of a Traffic Management Plan from Main Roads WA must be obtained to the satisfaction of the Western Australian Planning Commission.*
7. *Prior to the commencement of any event, approval of a Car Parking Management Plan from the City of Swan must be obtained to the satisfaction of the Western Australian Planning Commission.*
8. *Prior to each event, the applicant shall prepare and submit to the City of Swan for approval to the satisfaction of the Western Australian Planning Commission:*
 - *a Noise Management Plan to be prepared by a suitably qualified engineer;*
 - *an Event Management Plan detailing onsite and off-site security/crowd control provisions, protection of Bush Forever site 302 from cars and pedestrians, fire and safety, emergency access and first aid; and*
 - *a Waste/Effluent Management Plan.*
9. *At the end of each financial year in which a concert event or events have been held, the following is to be undertaken by the proponent to the satisfaction of the City of Swan and the Western Australian Planning Commission:*
 - *undertake a survey of its neighbours for the purpose of ascertaining the impact of its concert events on them;*
 - *provide a copy of all returned surveys to the City of Swan; and*
 - *provide a report to the City of Swan on responses contained in the returned surveys and actions that Nikola Estate proposes to undertake to address any concerns identified in them.*
10. *Any temporary structures associated with large scale events will be setup in accordance with the Events Plan stamp dated 16 November 2021 in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
11. *No vehicles, other than in the case of an emergency, are to enter the riverbank exclusion zone as shown in red on the Events Plan stamp dated 16 November 2021.*
12. *In consultation with the City of Swan, the applicant shall ensure that for events greater than 1000 people the Riverbank shall be fenced*

as shown on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.

- 13. No vegetation on the Riverbank shall be damaged or removed as a result of an event and should any inadvertent damage occur, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours and rectify the damage to the satisfaction of the Western Australian Planning Commission.*
- 14. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall take appropriate measures to prevent sediment from entering the stormwater system and soil, or rubbish, enters the river as a result of the works and within 48 hours of the completion of each event the applicant shall ensure the site is clear of litter to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to the commencement of the first event, the applicant shall submit for approval to the Department of Biodiversity, Conservation and Attractions, a lighting plan which demonstrates that lighting is designed in accordance with the International Commission of Illumination's Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations to minimise light spill so that fauna within the River and Riverbank are not unacceptably affected to the satisfaction of the Western Australian Planning Commission.*
- 16. Temporary toilet facilities shall be removed as soon as practicable and shall not remain in place any longer than 72 hours after an event and in the case of events over consecutive weekends, the toilets shall be pumped and cleaned within 24 hours of each event in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 17. If in the event of a severe weather warning with the potential to cause flooding the applicant shall ensure that all portable toilets and food vans are moved outside of the 1% flood plain in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 18. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall ensure that no grey water, rubbish or other solid or liquid waste materials enter the river or are disposed of in the Swan Canning Development Control Area as a result of the mobile food van operations or catering for an event to the satisfaction of the Western Australian Planning Commission.*
- 19. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant is to provide a riverbank management plan for the exclusion area west of the stage as indicated on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*

20. *In consultation with the City of Swan the applicant is to ensure that adequate waste disposal facilities are available for patrons to the satisfaction of the Western Australian Planning Commission.*
21. *Events shall be cancelled in consultation with the City of Swan on days where the fire danger forecast is extreme or catastrophic to the satisfaction of the Western Australian Planning Commission.*
22. *Events shall be cancelled in consultation with the City of Swan where heavy rainfall poses a flood risk to property and people to the satisfaction of the Western Australian Planning Commission.*
23. *Prior to the commencement of any event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
24. *Prior to the commencement of any event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
25. *The Emergency Evacuation Plan submitted by the applicant shall be updated to remove reference to the bushfire shelter building from the document and is to be submitted to the City of Swan to the satisfaction of the Western Australian Planning Commission.*
26. *The modified Bushfire Management Plan submitted by the applicant on 27 August 2021 shall be updated to:*
 - *remove reference to the bushfire shelter building from the document;*
 - *indicate the Asset Protection Zone to surround the proposed stage, seating area and areas accessible to the public during a major event are located within BAL-29 or below;*
 - *dedicate a Fire Service Access Route or alternative solution to allow quick access from Dale Road to the stage area during a fire emergency; and*
 - *indicate and implement a water supply within 90m from the stage area prior to any event.*

The updated Bushfire Management Plan is to be submitted to the City of Swan and implemented to the satisfaction of the Western Australian Planning Commission.

Advice to applicant

1. *In relation to Conditions 4, 5 and 8, the applicant is to coordinate and ensure appropriate time frames are provided to the City of Swan and Main Roads WA to consider assess and approve the required management plans.*

2. *In relation to Condition 15, lighting should be designed to only illuminate the necessary infrastructure/landmark and not result in light spill to the river or vegetation. The use of glare shields and other methods to direct light and reduce spill are encouraged. It is recommended that a light spill diagram is prepared to support the lighting plan. Light spill to the river and vegetation within the Conservation and Protection Zone should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences and in this regard the Department of Biodiversity Conservation and Attractions is to be consulted. The WAPC's Position Statement: Dark sky astrotourism (2020) is to be applied in developing a lighting plan for any event.*
3. *The applicant is to consult with the City of Swan to ensure that the wastewater treatment irrigation area associated with the winery does not conflict with the areas to be used for the proposed events.*
4. *In relation to condition 19, the riverbank management plan is to include details of stage setup and pack down that ensures that the bank and fringing vegetation is not damaged and is to include revegetation and stabilisation of the bank to the specifications of Department of Biodiversity, Conservation and Attractions.*
5. *Condition 24 is also to address the conflict between vegetation clearing and environmental protection of the Swan River bank regarding vegetation area 10.*
6. *No road works or alterations to Main Roads WA assets are approved as part of this application.*
7. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Western Australian Planning Commission.*
8. *The applicant is advised that between the date of approval of the Development Application and the end of that financial year (30 June 2022), the Chief Executive Officer of the City of Swan will not consider approving more than 2 events under Regulation 18 of the Environmental Protection (Noise) Regulations unless a satisfactory community survey has been conducted since the last event has taken place.*
9. *The applicant is advised that the Chief Executive Officer of the City of Swan will not consider approval of more than one event within the same noise impact area under the Health (Miscellaneous Provisions) Act, or under Regulation 18 of the Environmental Protection (Noise) Regulations on the same day.*

AMENDING MOTION:

Members discussed that Condition 21 be amended that in the event of an extreme or catastrophic fire risk that appropriate action be taken, noting that cancelling events does not align with other similar venues approvals and causes difficulty in managing and planning events.

Members moved that an additional Advice Note which advises the applicant that in the event of an extreme or catastrophic fire risk additional fire attack measures are strengthened to ensure that adequate fire protection is upgraded to the elevated threat and that Condition 21 be removed, and the numeration of Conditions be amended accordingly.

Moved by Ms Lyhne
Seconded by Mr Kosova

Advice Note:

10. The applicant is advised that where the fire danger forecast is extreme or catastrophic on an events day, then bush fire protection must be upgraded to elevated threat as indicated in the Bushfire Management Plan and Emergency Evacuation Plan.

The motion was put and carried

AMENDING MOTION:

Members moved administrative changes to Conditions 6, 7, 22 and 23 that the words "Prior to the commencement of any event" be amended to "Prior to each event".

Moved by Mr Kosova
Seconded by Mr Zannino

- 6. Prior to each event, approval of a Traffic Management Plan from Main Roads WA must be obtained to the satisfaction of the Western Australian Planning Commission.*
- 7. Prior to each event, approval of a Car Parking Management Plan from the City of Swan must be obtained to the satisfaction of the Western Australian Planning Commission.*
- 22. Prior to each event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
- 23. Prior to each event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*

The motion was put and carried

SUBSTANTIVE RESOLUTION

That the Swan Valley Statutory Planning Committee resolves to grant planning approval pursuant to the Swan Valley Planning Scheme No. 1, to hold up to 7 concert events per calendar year for a period of five (5) years, with a maximum capacity of 15,000 persons per event plus 600 staff at Lots 104, 105, 21, 62, 63, 9 and 16, Middle Swan in the Swan Valley in accordance with the attached modified Events Plan stamp dated 16 November 2021 subject to the following conditions:

1. *The approval is time limited to a period of five (5) years from the date of issue of this approval.*
2. *A maximum of 15,000 persons are permitted onsite at any one time plus 600 staff.*
3. *Concert events shall be restricted between the hours of 14:00 and 22:30 restricted to Saturdays and Sundays and on public holidays.*
4. *Prior to each event, the applicant must prepare and submit a Traffic Management Plan, for Main Roads WA approval, in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
5. *Prior to each event, the applicant must prepare and submit a Car Parking Management Plan, for the City of Swan approval, in consultation with Main Roads to the satisfaction of the Western Australian Planning Commission.*
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8. *Prior to each event, the applicant shall prepare and submit to the City of Swan for approval to the satisfaction of the Western Australian Planning Commission:*
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 - *a Waste/Effluent Management Plan.*
9. *At the end of each financial year in which a concert event or events have been held, the following is to be undertaken by the proponent to the satisfaction of the City of Swan and the Western Australian Planning Commission:*
 - *undertake a survey of its neighbours for the purpose of ascertaining the impact of its concert events on them;*
 - *provide a copy of all returned surveys to the City of Swan; and*
 - *provide a report to the City of Swan on responses contained in the returned surveys and actions that Nikola Estate proposes to undertake to address any concerns identified in them.*
10. *Any temporary structures associated with large scale events will be setup in accordance with the Events Plan stamp dated 16*

November 2021 in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.

- 11. No vehicles, other than in the case of an emergency, are to enter the riverbank exclusion zone as shown in red on the Events Plan stamp dated 16 November 2021.*
- 12. In consultation with the City of Swan, the applicant shall ensure that for events greater than 1000 people the Riverbank shall be fenced as shown on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*
- 13. No vegetation on the Riverbank shall be damaged or removed as a result of an event and should any inadvertent damage occur, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours and rectify the damage to the satisfaction of the Western Australian Planning Commission.*
- 14. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall take appropriate measures to prevent sediment from entering the stormwater system and soil, or rubbish, entering the river as a result of the works and within 48 hours of the completion of each event the applicant shall ensure the site is clear of litter to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to the commencement of the first event, the applicant shall submit for approval to the Department of Biodiversity, Conservation and Attractions, a lighting plan which demonstrates that lighting is designed in accordance with the International Commission of Illumination's Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations to minimise light spill so that fauna within the River and Riverbank are not unacceptably affected to the satisfaction of the Western Australian Planning Commission.*
- 16. Temporary toilet facilities shall be removed as soon as practicable and shall not remain in place any longer than 72 hours after an event and in the case of events over consecutive weekends, the toilets shall be pumped and cleaned within 24 hours of each event in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 17. If in the event of a severe weather warning with the potential to cause flooding the applicant shall ensure that all portable toilets and food vans are moved outside of the 1% flood plain in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 18. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall ensure that no grey water, rubbish or other solid or liquid waste materials enter the river or are disposed of in the Swan Canning Development Control Area as a result of the mobile food van*

operations or catering for an event to the satisfaction of the Western Australian Planning Commission.

- 19. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant is to provide a riverbank management plan for the exclusion area west of the stage as indicated on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*
- 20. In consultation with the City of Swan the applicant is to ensure that adequate waste disposal facilities are available for patrons to the satisfaction of the Western Australian Planning Commission.*
- 21. Events shall be cancelled in consultation with the City of Swan where heavy rainfall poses a flood risk to property and people to the satisfaction of the Western Australian Planning Commission.*
- 22. Prior to each event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
- 23. Prior to each event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 24. The Emergency Evacuation Plan submitted by the applicant shall be updated to remove reference to the bushfire shelter building from the document and is to be submitted to the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 25. The modified Bushfire Management Plan submitted by the applicant on 27 August 2021 shall be updated to:*
 - remove reference to the bushfire shelter building from the document;*
 - indicate the Asset Protection Zone to surround the proposed stage, seating area and areas accessible to the public during a major event are located within BAL-29 or below;*
 - dedicate a Fire Service Access Route or alternative solution to allow quick access from Dale Road to the stage area during a fire emergency; and*
 - indicate and implement a water supply within 90m from the stage area prior to any event.*

The updated Bushfire Management Plan is to be submitted to the City of Swan and implemented to the satisfaction of the Western Australian Planning Commission.

Advice to applicant

1. *In relation to Conditions 4, 5 and 8, the applicant is to coordinate and ensure appropriate time frames are provided to the City of Swan and Main Roads WA to consider assess and approve the required management plans.*
2. *In relation to Condition 15, lighting should be designed to only illuminate the necessary infrastructure/landmark and not result in light spill to the river or vegetation. The use of glare shields and other methods to direct light and reduce spill are encouraged. It is recommended that a light spill diagram is prepared to support the lighting plan. Light spill to the river and vegetation within the Conservation and Protection Zone should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences and in this regard the Department of Biodiversity Conservation and Attractions is to be consulted. The WAPC's Position Statement: Dark sky astrotourism (2020) is to be applied in developing a lighting plan for any event.*
3. *The applicant is to consult with the City of Swan to ensure that the wastewater treatment irrigation area associated with the winery does not conflict with the areas to be used for the proposed events.*
4. *In relation to condition 19, the riverbank management plan is to include details of stage setup and pack down that ensures that the bank and fringing vegetation is not damaged and is to include revegetation and stabilisation of the bank to the specifications of Department of Biodiversity, Conservation and Attractions.*
5. *Condition 23 is also to address the conflict between vegetation clearing and environmental protection of the Swan River bank regarding vegetation area 10.*
6. *No road works or alterations to Main Roads WA assets are approved as part of this application.*
7. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Western Australian Planning Commission.*
8. *The applicant is advised that between the date of approval of the Development Application and the end of that financial year (30 June 2022), the Chief Executive Officer of the City of Swan will not consider approving more than 2 events under Regulation 18 of the Environmental Protection (Noise) Regulations unless a satisfactory community survey has been conducted since the last event has taken place.*
9. *The applicant is advised that the Chief Executive Officer of the City of Swan will not consider approval of more than one event within the same noise impact area under the Health (Miscellaneous Provisions) Act, or under Regulation 18 of the Environmental Protection (Noise) Regulations on the same day.*

10. The applicant is advised that where the fire danger forecast is extreme or catastrophic on an events day, then bush fire protection must be upgraded to elevated threat as indicated in the Bushfire Management Plan and Emergency Evacuation Plan.

The motion was put and carried

9. Urgent or other business

Nil.

10. Items for consideration at a future meeting

Nil.

11. Meeting closure

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:33am.

CHAIRMAN

DATE

UNCONFIRMED