



MINUTES

**SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644,
WEDNESDAY 22 MARCH 2023**

The meeting commenced at 4:30 PM

PRESENT John Tanner – Chair Independent Administrator
Josh Lewis - Acting Chief Executive Officer

IN ATTENDANCE: Matt Jarvis Chief Financial Officer
Amanda Chadwick A/Director Corporate Governance & Performance
Graham Henderson A/Director Infrastructure Services
Janet Martin Director Sustainable Communities
Nancy Mustica Senior Governance Officer
Mark Lambourn Manager Parks, Recreation and Facilities
Hollie Barnes A/Manager Community Wellbeing, Health and Culture.

RECORDING

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

1. WELCOME CALLING TO ORDER – JOSH LEWIS ACTING CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES / LEAVE OF ABSENCE

Nil

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

Nil

6. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The Administrator adopted the Motion

Following discussions held with the Acting CEO and the Executive Leadership Team on 15 March 2023 I'm confident the minutes are accurate and I move that the minutes of the Scheduled Council Meeting including the Confidential Meeting Minutes held on Wednesday, 22 February 2023, as prepared, be confirmed."

(CARRIED)

8. ADMINISTRATOR ADDRESS

Since taking up my appointment last week, many people have been asking about my role. My role is that of the Independent Administrator.

As such, I not only carry out the role of Mayor, but also the Councillors. This means that I act as the Council.

I have the authority under the Local Government Act to undertake this role and to make the appropriate decisions on the information and proposals that are put before me by the Council Administration.

This also extends to the community. I am also open to meeting with community members and stakeholder groups on matters of importance to them and the Shire and its future.

I must stress, I'm not the CEO of the Council – that is not my role.

However, I want to assure you that I'm working closely with the current Acting CEO Joshua Lewis to ensure good governance practices are in place to enable council services to be delivered effectively for the community and that the health and wellbeing of the staff are a priority.

In my tenure here over the three months period, I also want to lay the foundations for ensuring that the interests of local residents and business have a solid basis on which to flourish.

It will be from these foundations that the permanent Panel of Administrators can work towards ensuring good governance practices are restored so that elections can be held at the Shire in 2028.

Another thing that many people have been concerned about is the Independent Commission of Inquiry.

Firstly, I want the community to know that the Independent Commission into the Council's operations is finished – the Inquiry and the Commission have ended.

It was from this that the Commission's report was presented to the Minister for Local Government. This led to legislation being introduced to Parliament in the second week of March to dissolve the Council and appoint me as Independent Administrator for this three months' period.

Now, let me turn to some key areas of my role.
Naturally, I have a number of important tasks ahead of me.
Apart from my focus on the Council and its operations, I'm also addressing the key recommendations of the Commission.

Both of these bring me to the community perspective.
What I want to look into are the aspirations that drive the community to have pride in the shire and to being part of it.

An essential part of this is Council's engagement and relationships with the community.
I acknowledge there have been difficulties in the past from both the community's and the staff's perspectives.

I want to assure you that I have every confidence that the Council's staff will play their part in this and I hope that community share this also.
Therefore, I'm looking for the community to be involved in the wide range of activities we have before us more than ever.

This is why I'm embarking on meeting with people to hear from them.
As a country person who values country life, a chat and an undertaking are as important as a handshake.

We are 'in this together' and this is my commitment throughout my time here.
This also falls into line with one of the key Recommendations of the Commission of Inquiry.
The Commission and the Minister for Local Government want to see the development of community leaders and, in turn, building community capacity.

My experience as the Administrator of the Brimbank Council shows that this can be achieved.
You may see the Commission's inquiry and report as a loss of democratic representation, but this has happened for a number of reasons.

Rest assured, you are also not alone in being under administration.
There are two others currently – Casey and Whittlesea. Both are under administration until October next year (2024). And there have been others in the past, including South Gippsland and Brimbank.

However, I'm determined that we use this period as the 'opportunity to reset and build' not only a strong and resilient Council and a Community for the future, but also One of which we all can be proud.

9. DIRECTOR REPORTS

Amanda Chadwick - Acting Director of Corporate, Governance and Performance

Recruitment

During February, Council advertised seven vacant positions and appointed three new employees, including the Manager of Finance, who commenced earlier this month. Three staff members also finished their employment during February.

Occupational Health and Safety

105 contractors completed the online OHS induction program in February, which is a significant increase to the month prior.

Enterprise Bargaining

Council commenced bargaining for the next Enterprise Agreement with the first Committee meeting held in early February. The current Agreement expires in June and there have been a number of discussions held with staff to gather feedback including what they hope to see in the next Agreement.

COVID-19 workforce implications

Positive cases of COVID-19 decreased in the month of February with five staff members accessing the COVID-19 Special Leave and a total of 23 days of lost time for the month.

Focus on Process Improvement

Some administrative issues have been identified in relation to recent reports presented to Council that have impacted effective consideration and determination. Council will be increasing the focus on creating proactive process improvements to ensure greater efficiencies and compliance.

Community Engagement Policy Review

The Community Engagement Policy was reviewed recently and the draft was issued for community feedback during February. Council received various comments from community members, providing valuable responses in regards to Council's commitment to community engagement and opportunities for improvement. The Policy will be updated and presented for future consideration.

Incoming Correspondence

The Records Team were busy during February with 2,422 incoming documents processed – this included 563 letters received through Australia Post and 1,859 emails received through our info@moira inbox. Correspondence ranges from requests for service, change of address or banking details, property acquisitions, account payments and various permit applications.

Customer Experience

During February call volumes increased by 6% with our Customer Experience Officers managing over 4,000 customer interactions including phone and front counter transactions. Council staff entered close to 5,000 new customer enquiries and requests for service.

Matt Jarvis - Chief Financial Officer

Federal Financial Assistance Grants

The Australian Local Government Association (ALGA) has urged the Federal Government to honor a pre-election commitment to provide 'fair increases' in the Financial Assistance Grants to local government.

This is part of the advocacy as part of the 2023/24 Federal Budget to restore Financial Assistance Grants to at least one percent of Commonwealth taxation revenue. Since 1996, these grants have declined from one percent of Commonwealth Taxation revenue to just 0.52 percent today.

Many local governments rely heavily on Federal Financial Assistance Grants to remain sustainable placing an urgent need for an increase in this untied funding.

The ALGA note that Australian councils are facing significant financial challenges, especially in the wake of recent natural disasters. Restoring Federal Financial Assistance Grants to at least one percent of Commonwealth taxation revenue would be throwing councils a much needed lifeline, as well as being an investment in the livability and productivity of our communities.

Economic Development Project Fund 2023

The Economic Development Project Fund 2023 is now open and closes on 31 March 2023.

Small to Medium Sized Business owners who have an idea for their business to expand or grow and are seeking financial support are encouraged to apply for a Moira Shire Business Grant.

Funding may be provided for initiatives to assist businesses to grow or expand that will generate employment, support local growth and help build an even stronger local economy.

The main funding categories are Small Business – grants up to \$5,000 and Medium Business up to \$10,000. The assessment will be based on a current business plan, innovation, opportunity for employment growth and capital investment/co-contributions.

To apply, complete an online application via Smarty Grants on Council’s website

2023/24 Draft Budget Consultation

Last month the first round of community consultation relating to the draft 2023/24 budget closed. This included a community priorities survey and an opportunity to submit community project proposals for consideration in 2023/24 and future year budgets.

Those who completed the survey or made a project proposal, and provided their contact details, have received a response including an update on the next steps for the budget. The draft 2023/24 budget is proposed to be tabled at the April 2023 scheduled council meeting which begins the second round of community consultation to be undertaken throughout most of May. This will include a mix of online and in person information sessions from which the final budget will be prepared for adoption at the scheduled meeting in June 2023.

Janet Martin - Director Sustainable Communities

Community Wellbeing and Health

Maternal and Child Health – Birth Notifications Received:

	2021	2022	2023
	February	February	February
Cobram	8	5	8
Nathalia	3	4	1
Numurkah	7	3	3
Strathmerton	1	1	0
Yarrawonga	6	13	3
Total Birth Notifications	25	26	15

Active Clients in Programs:

	2021	2022	2023
	February	February	February
Enhanced MCH	27	43	100
Sleep and Settling	8	11	23

Immunisation Statistics:

	2021	2022	2023
	February	February	February
Infants	65	76	86
Students	2	4	
Adults		3	5
Staff			3
Total Clients	67	83	94
Total Encounters	158	196	232

Community Strengthening Grants:

- COVID Recovery – Nil
- Quick Response, up to \$1,000 – Nil
- Quick Response, up to \$5,000 – 2 grants, totaling \$4,970

Major Grant applications closed on Friday 10 March 2023 and are currently being assessed.

Flood Recovery:

A Flood Recovery Coordinator has been appointed and has commenced along with one of the two Flood Recovery Community Development Officers. The second Officer is due to start in April 2023.

Disability Action Plan:

The All Abilities Advisory have commenced working on the development of the draft Plan and once the draft is finalised it will be circulated for community consultation.

Events and Activities:

- My Passport Session – Cobram and District Specialist School – 21 February 2023 – approximately 12 student's participated and extremely positive feedback was received from students and staff.
- Lift the Lid – Yarrawonga Mental Health Fun Run – 26 February 2023 – 5 Live4Life crew members attended the event and promoted the program and positive mental health messaging with those who attended.

Tourism

- Melbourne to the Murray- Silo Art Road Trip, the tourism product developed by Moira Shire tourism team has extended our distribution agreement with 60 of Melbourne's top hotels for another 12 months. This partnership has seen over 10,000 brochures distributed encouraging visitors to region.
- The web cameras on the Murray River in association with Murray Regional tourism have been installed at Thompsons Beach and Yarrawonga Foreshore - they will be live via the Murray Regional website.
- Moira Shire's 2023 Winter Campaign will be live in the near future - offering amazing deals across the months of June, July and August for participating operators.

Safety and Amenity Unit

Residents are encouraged to immediately address any high grass on their property in order to protect their property and neighboring properties during this Fire Danger period.

Animal registrations renewal notices have been sent out. Pet owners are encouraged to pay their renewal prior to 10 April 2023.

Council has received 32 surrendered dogs/cats since the start of the year. Pet owners are encouraged to address any behavioral problems as they arise and to consider desexing their pet to avoid unwanted litters.

Sustainability

As part of a range of sustainability initiatives, Council is pleased to say that an electric vehicle charger has been installed at Federation Park and will be commissioned for use very shortly.

This is part of Council's overall campaign to promote a shift away from combustible energy sources.

Graham Henderson – Acting Director of Infrastructure Services

Operations

Achievements:

- Reseal Program Completed
- Stabilising program Completed
- Commencement of Capital rural drainage works program underway
- Loofs Road Shoulder Widening project programmed to start after Easter
- Pine Street / Kinnairds Road Intersection asphalt surfacing overlay works awarded to Sessions – commencement date to be confirmed after Easter

Challenges:

- Contractor availability
- Cartage from Fords pit – ongoing issues with that cartage contractor
- Availability of staff – staff on leave and backfilling roles a big issue
- Recruiting staff – poor fields of candidates applying for positions
- Completing the Capital Works program
- Flood Recovery process has been slow due to the full extent of scope of works is still being finalised following the post flood roads and assets condition inspections by Council's consultant – Sheppards Services P/L

Good news:

- Existing casual employees working well within the teams
- Concerns after the release of the Commission of Inquiry report seem to be settling down amongst staff.
- Team approach is positive

Planning

Performance figures for Council's Planning Team in relation to applications processed within the target sixty day timeframe have declined in February, due partly to the Christmas closure and the finalisation of a number of older permit applications. The Team continues to work through the backlog of applications, doing what we can to encourage development throughout the Shire whilst meeting associated statutory requirements.

Building

The Building Department have continued to have a busy month with Secondary Impact Assessments coming to an end following the flood event last year. Follow on actions from these inspections will be collated in the near future.

Building Applications continue to be steadily received, with the on flow of mandatory building inspections keeping the Department busy.

The Building Application for Stage 2 of the Library project is nearing completion, with a hope of it being issued by the end of this week.

10. PUBLIC QUESTION TIME

No questions on notice were received.

FILE NO: F21/55
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 11.1.1
(TEAM LEADER BUSINESS SUPPORT,
COMMUNITY SERVICE DELIVERY, NATALIE
MCDONALD)
(ACTING DIRECTOR SUSTAINABLE
COMMUNITIES JANET MARTIN)

ANNUAL REVIEW - WELLBEING FOR ALL AGES STRATEGY - 2021-2025

Executive Summary

Moira Shire Council adopted the Wellbeing for All Ages Strategy 2021 – 2025 (the Strategy) in October 2021. In accordance with the Victorian Public Health and Wellbeing Act 2008, Victorian Councils are required to review their plans annually.

This report details the 2022 review of Moira Shire's Wellbeing for All Ages Strategy 2021 – 2025 and outlines the high-level actions that have been implemented to support the priority areas of the Strategy. There are no recommended changes to the Strategy as a result of this review.

The Administrator adopted the Motion

That Council notes the Wellbeing for All Ages Strategy 2021-2025 annual review.

(CARRIED)

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 11.2.1
(TEAM LEADER COMMUNITY AND
RECREATIONAL DEVELOPMENT, CORRENE
COOPER)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

MOIRA SHIRE PLAY SPACE STRATEGY - FOR ADOPTION

Executive Summary

The Moira Shire Play Strategy has been completed, and will underpin Council's current and future investment in play spaces across the Shire for the next ten years.

The Draft strategy was exhibited for public consultation for a period of seven weeks between the dates of 8th December 2022 to the 27th January 2023.

The Administrator adopted the Motion

That Council adopt the Moira Shire Play Space Strategy.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA

Executive Summary

This report was originally on the agenda for the 14 December 2022 Council Meeting. Council resolved to defer this item to a future meeting and seek an extension of time to make a decision.

Council officers sought an extension and an exemption was granted 16 December 2022 by the then Department of Environment, Land, Water and Planning for a decision to be made by the Responsible Authority by 31 March 2023. It was proposed to further brief the Council on Amendment C93 on the 8th March 2023, prior to the decision being made, however the Council has been dismissed.

The Independent Planning Panel Report on Moira Planning Scheme Amendment C93 has been received and has been made publically available on Council's website.

With some minor variations, the Panel has supported Council's position on the proposed amendment.

The main issue previously identified regarding rezoning of land at Numurkah has been considered and the Panel agrees that this part of the amendment should not proceed. It has however provided some guidance on what will be required to progress with a separate amendment to rezone more industrial land.

Other changes are mostly administrative in nature and relate to drafting following the change in format of the planning scheme.

The Panel concludes the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The amendment is well founded and strategically justified, and the Amendment should proceed.

The purpose of this report is to facilitate Council's consideration of the Panel's report before deciding whether or not to adopt the amendment. Ministerial Direction 15 - *The Planning Scheme Amendment Process*, requires a planning authority to make a decision to abandon or adopt an amendment within 40 business days of the date it received the Panel Report. This decision is now required to be made by 31 March 2023.

It is recommended that Moira Planning Scheme Amendment C93 be changed and adopted as recommended by the Panel.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

The Administrator adopted the Motion

That Council:

1. Change Moira Planning Scheme Amendment C93 as recommended by the Panel by:
 - a) replacing changes to Clauses 21.03, 21.07 and 21.09 with changes to policies within the new Planning Policy Framework (Clauses 11-19);
 - b) amending the Nathalia Strategy Plan to revise the Nathalia Strategy Plan map;
 - c) amending the Numurkah Strategy Plan to revise the Numurkah Strategy Plan map;
 - d) deleting rezoning of land at:
 - i) 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
 - ii) 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.
 - e) deleting application of the Development Plan Overlay Schedule 12 to 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.
2. Adopts Moira Planning Scheme Amendment C93 as changed and submit the amendment to the Minister for Planning for approval.

(CARRIED)

FILE NO: 5/2022/64
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.3
(SENIOR TOWN PLANNER, NORM KORTUM)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**PLANNING PERMIT APPLICATION 5/2022/64 - RURAL WORKERS
ACCOMMODATION AND VEGETATION REMOVAL – 274 OSBORNES ROAD,
MUNDOONA**

Executive Summary

The applicant seeks approval for the use and development of the land for the purposes of rural workers accommodation and the removal of native vegetation at 274 Osbornes Road, Mundoona (being Lot 2 on Plan of Subdivision 747493).

The subject site is within the Farming Zone (FZ) and is affected by a Floodway Overlay (RFO) and a Special Controls Overlay- Schedule 1 (SCO1). The proposal will provide accommodation for 64 workers employed at various orchards operated by the site owner.

The existing dwelling is to be demolished to accommodate 8 bunk houses that sleeps 8 people in each building together with a number of new buildings including a new kitchen/dining and recreation room, toilet block, laundry and shower block. The existing shed will remain.

A total of 610sqm of native grasses are proposed for removal to accommodate the development. Several non-native trees will also be removed, which do not require a planning permit.

Existing access from Osbornes Road will be utilised leading to a car park with 8 parking bays (including 1 disabled).

The application was referred to Goulburn Broken Catchment Management Authority (GBCMA), who did not object to the proposal subject to conditions. Internally, the application was referred to Infrastructure Planning, Environmental Health, Natural Resources & Building; none of whom objected.

The application was advertised, and 6 objections were received, requiring the proposal to be determined at a Council meeting.

The application has been assessed against the relevant policies and the provisions under the Moira Planning Scheme (the Scheme). On balance, it is recommended that the application be approved and a Notice of Decision to Grant a Planning Permit be issued.

The Administrator adopted the Motion

That Council, having considered the application on its merits and the objections received, resolves to approve the application and issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for the purposes of rural workers accommodation and the removal of native vegetation at 274 Osbornes Road, Mundoona, subject to the conditions in Attachment 1.

(CARRIED)

FILE NO:
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.2.4
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)

**PLANNING PERMIT APPLICATION 5/2021/251 - MOTOR RACING TRACK (SKID
PAD) - 716 KATUNGA NORTH ROAD, STRATHMERTON (cont'd)**

Executive Summary

Planning Permit application 5/2021/251 was originally reported to Council for decision at its Scheduled Council Meeting of the 23rd November 2022. Council resolved at that meeting to refuse the application for the following reasons:

1. The proposal does not meet the purpose of the Farming Zone or the decision guidelines, and is not consistent with policy. In particular:
 - the proposal is inconsistent with policy at Clause 13.05-1S to ensure that community amenity and human health is not adversely impacted by noise emissions.
 - The proposal is inconsistent with the objectives of Clause 13.07-1S as it is incompatible with nearby sensitive land uses.
 - The proposal is inconsistent with policy at Clause 14.01-1S to:
 - Protect productive agricultural land from unplanned loss due to permanent changes in land use.
 - Prevent inappropriately dispersed urban activities in rural areas.
 - Protect strategically important agricultural and primary production land from incompatible uses.
 - The proposal is contrary to the purpose of the Farming Zone to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture.
2. The proposal will produce unacceptable amenity impacts (noise, air, dust and odour emissions) and in particular the skid pad will result in unacceptable noise impacts on the surrounding properties. Whilst noise limits may or may not be achieved, the increase in the prevailing background noise levels from the new noise source and the acoustic nature of the noise source is unacceptable.

Following the decision made by Council on 23rd November 2022, Council officers discovered that the package of supporting submissions and objections was unintentionally omitted from the Council Meeting Agenda. As the objections and submissions are required to be considered under Section 60(1)(c) of the Planning and Environment Act, a report was presented to Council at its Scheduled Council Meeting of the 22nd February 2023 to rescind the earlier resolution.

In order to reconsider the application, taking into consideration the large number of submissions received by Council, ensuring Councillors make an informed decision including the community's views on the application, Council resolved to rescind the November decision.

The matter is now presented to Council afresh to make a decision on the application.

The applicant seeks approval for the use and development of the land located at 716 Katunga North Road, Strathmerton (Lot: 1 TP: 385409) for the purposes of a Motor Racing Track (skid pad).

The proposed motor racing track will include the construction of a cement skid pad for use in arranged burnout competition events and a constructed dirt mound to act as a sound barrier.

The site will host biannual events for a maximum of 300 spectators, between the hours of 10:00am - 5:30pm. Monthly testing and tuning of vehicles will also be carried out.

FILE NO:
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.2.4
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)

**PLANNING PERMIT APPLICATION 5/2021/251 - MOTOR RACING TRACK (SKID
PAD) - 716 KATUNGA NORTH ROAD, STRATHMERTON (cont'd)**

The application was referred to all relevant authorities who did not object to the proposal, with the exception of Victoria Police; who recommended not supporting the application.

62 submissions were received supporting the proposal; and 23 objectors (including co-signatories) have lodged objections against the proposal with some objectors making multiple submissions. Therefore, the application is to be determined at a Council meeting.

The application has been assessed against the relevant policies and the provisions under the Moira Planning Scheme (the Scheme). On balance, it is recommended that the application be approved subject to conditions and a Notice of Decision to Grant a Planning Permit be issued.

The Administrator adopted the Motion

That Council:

Having considered the application on its merits and the submissions received, resolves to approve the application and issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for the purposes of a motor racing track (skid pad) at 716 Katunga Road, Strathmerton, subject to the conditions including additions to condition number 14 in Attachment 1.

(CARRIED)

**ATTACHMENT 1 – 5/2021/251 - CONDITIONS FOR 716 KATUNGA NORTH ROAD,
STRATHMERTON**

1. AMENDED PLANS

Before the use and/or development starts, plans and documents to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and documents updated with revised revision number submitted. The plans and documents must be generally in accordance with the details submitted as part of the application but modified to show / include:

- (i) Construction of a minimum 4m high soil berm to the north of the skid pad in accordance with the recommendations of the Acoustic Report submitted with the application.
- (ii) A single point of access to the subject land via Katunga North Road located at the existing access.
- (iii) Deletion of the secondary entry/exit point along the eastern boundary.
- (iv) Entire site plan showing access from Katunga North Road and an inset plan showing the "activity area" proposed.
- (v) Mitigating works as detailed in the endorsed Traffic Impact Assessment Report required by Condition 11(c).
- (vi) An amended Event Management Plan in accordance with the Conditions of this permit. The amended Event Management Plan must include:
 - (a) Security and crowd control;
 - (b) Details of onsite facilities;
 - (c) Emergency management, medical operations plan and fire prevention plan;

FILE NO:
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.2.4
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)

PLANNING PERMIT APPLICATION 5/2021/251 - MOTOR RACING TRACK (SKID PAD) - 716 KATUNGA NORTH ROAD, STRATHMERTON (cont'd)

- (d) Waste Management plan;
- (e) Complaint management plan;
- (f) Evidence of public liability insurance.

2. COMPLIANCE WITH ENDORSED PLANS

The use and development must be carried out in accordance with the endorsed plans to the satisfaction of the Responsible Authority and must not be altered without the prior written consent of the Responsible Authority.

3. ACOUSTIC BERM

Prior to the commencement of the use, a minimum 4m high soil berm must be constructed to the north of the skid pad in accordance with the endorsed plans and the recommendations of the Acoustic Report submitted with the application. Once constructed the berm must be suitably maintained to the satisfaction of the Responsible Authority.

4. APPROVED USE

- (i) The number of motor racing track (skid pad) events must not exceed a total of two single day events per calendar year and the events must be separated by a minimum of four months.
- (ii) The two motor racing track (skid pad) events must only operate between 10:00am and 5:30pm. Operating hours must be interpreted that all patrons will vacate the premises by the closing time and that the events must discontinue in order to ensure that the closing time is not breached.
- (iii) Events must not be held on a Sunday or Public Holiday.
- (iv) The site must not be used on days with an extreme fire danger rating or where the fire hazard prevention measures identified in condition 6 have not been met.
- (v) Patron numbers (competitors and spectators) must not exceed a total of 300 patrons on site. Tickets to the event, issued by the operator, must not permit a higher number of patrons at the event.
- (vi) Unless otherwise approved in writing by the Responsible Authority, use of the site for "testing" must be limited to vehicles owned by the owner of the land and must not occur on a Sunday or Public Holiday. Use of the site for "testing" is limited to a maximum of one day per month. On that one day, "testing" is limited to three sessions not exceeding one hour in duration between the hours of 10:00am and 5:30pm and there must be a minimum two hour break between "testing" sessions.
- (vii) The use must, at all times, be carried out in accordance with the conditions of this permit and in accordance with the recommendations of the Acoustic Report submitted with the application to the satisfaction of the Responsible Authority.
- (viii) No alcohol may be sold or consumed on the land.

FILE NO:
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.2.4
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)

**PLANNING PERMIT APPLICATION 5/2021/251 - MOTOR RACING TRACK (SKID
PAD) - 716 KATUNGA NORTH ROAD, STRATHMERTON (cont'd)**

5. NOISE

- (i) Noise from events must at all times confirm with the EPA publication 1826 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, May 2021
- (ii) Where deemed necessary and on request by the Responsible Authority or the EPA the owner of the land must produce within one month of the date of the request, a noise compliance assessment of noise levels undertaken by a suitably qualified acoustical consultant to ensure the specified maximum noise levels are not exceeded.

The report must be accompanied by recommendations by a suitably qualified Acoustic Engineer as to how impacts can be ameliorated to the satisfaction of the Responsible Authority. When approved, such recommendations must be implemented to the satisfaction of the Responsible Authority prior to any further events or "testing" occurring.

Where deemed necessary by the Responsible Authority and within an approved timeframe, the owner is to supply verification from the author of the approved Acoustic Report that the works and practices required by the report have been undertaken and that as a result the operations on site meet the requirements of the limits specified above. This shall include details of measurements taken to reach this view.

6. FIRE HAZARD MANAGEMENT

Emergency Access must be provided and signposted for emergency vehicles.

During the declared fire danger period:

- (i) A fire fighting vehicle with a minimum 500 litre water capacity and fire pump for mobile patrols and quick response must be provided. Such appliance is required to comply with the CFA Guidelines for Operating Private Equipment at Fires.
- (ii) The Fire Fighting Vehicle is not to be used for any other purpose and must be kept full of water at all times unless in immediate use.
- (iii) Nominated fire/security personnel must have an understanding of the operation of extinguishers and the firefighting unit.
- (iv) Fuel Reduction of all vehicle access, parking and areas accessible by the public must be undertaken. Grass must be no more than 75 millimetres high. Any slashed grass must be removed. Fuel reduction along access roads must be a minimum 6 metres wide and there must be a minimum 3 metre wide buffer around car park areas and all areas accessible by the public.
- (v) All electric generators and other heat generating equipment must be:
 - (a) Fitted with an Australian Standards approved spark arrestor and must be free of mechanical defects that could start a fire.
 - (b) Located in an area of at least 3 metres radius above and around that is kept clear of vegetation and any combustible materials.
 - (c) Operated only where sufficient water is on hand in case of fire in the vegetation (Extinguisher or Knapsack).
 - (d) Operated only where a 2A:80B:E dry chemical extinguisher is placed adjacent to the generator.

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2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.2.4
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)

**PLANNING PERMIT APPLICATION 5/2021/251 - MOTOR RACING TRACK (SKID
PAD) - 716 KATUNGA NORTH ROAD, STRATHMERTON (cont'd)**

- (vi) All caterers must comply with CFA regulations and permits where required, if cooking is to be conducted on site, and all fire restrictions during the Fire Danger Period must be complied with.
- (vii) All food and beverage stalls must be equipped with a 2A:40B:E dry chemical extinguisher.
- (viii) All containers and packaging containing Dangerous or Hazardous Goods are to be labelled and stored in accordance with appropriate legislation.
- (ix) All firefighting equipment is to be checked prior to each event to ensure that it is operational and maintained in accordance with regular operating procedures or legislation (as the case may be).

7. NOTIFICATION OF EVENTS

At least two weeks prior to each event, the operator/owner must advise the Responsible Authority in writing of the event.

8. SOUND AMPLIFICATION

No sound amplification equipment or loud speakers are to be used for the playing of music and any public address system must not be audible from outside the site.

9. WASTE WATER DISPOSAL

All wastewater (sewerage and sullage) generated must be transported off-site and disposed of at an approved facility to the satisfaction of Council's Environmental Health Officer. No wastewater is to be discharged on site.

10. RUBBISH DISPOSAL

All litter and rubbish generated must be managed and removed at the conclusion of the event to the satisfaction of the Responsible Authority.

11. INFRASTRUCTURE PLANNING REQUIREMENTS

- (i) Prior to the use commencing the applicant must prepare to the satisfaction of the Responsible Authority and the Head, Transport for Victoria:
 - (a) A scaled functional layout plan showing the proposed access point to the site from Katunga North Road, including features such as pavement, kerb/shoulders, line marking, power poles, trees and other road furniture within 100 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with Katunga North Road and also consider the impact of the development on Katunga North Road/Murray Valley Highway intersection. This must include any turning movements into or out of the proposed access point and at the Katunga North Road/Murray Valley Highway intersection.
 - (b) The submission of a swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access and the Katunga North Road/Murray Valley Highway intersection, including how the largest design

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vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.

- (c) A Transport Impact Assessment Report must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods. In particular its impact on Katunga North Road at which access is proposed, nearby intersections and access points to abutting land and existing public transport and cycling routes, stops and infrastructure (e.g. shelters, signage, pedestrian crossings) within the site and surrounds. The report must also identify any mitigation works required.
- (ii) Prior to the commencement of the use, the applicant must undertake the following works:
- (a) access must be constructed to an all-weather trafficable standard in accordance with Council's Infrastructure Design Manual, and to the satisfaction of Council. In accordance with IDM Standard Drawing SD255 – Rural Farm Access Vehicle Crossing.
- (b) Mitigating works as detailed in the endorsed Traffic Impact Assessment Report to the satisfaction of Council and the Head, Transport for Victoria.
- (iii) Prior to the commencement of the use, any internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan are to be constructed in accordance with standards, and any specifications approved by Council, and be:
- (a) properly formed to such levels that they can be used in accordance with the plans;
- (b) drained;
- (c) surfaced with an all-weather trafficable surface or other surface acceptable to Council.
- (d) clearly marked or signposted to show the direction of traffic flow along access lanes and driveway.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- (iv) Any damage to Council or Roads Corporation assets (i.e. roads, table drains etc.) must be repaired at the cost of the applicant to the satisfaction of Council.
- (v) Unless deemed unnecessary by Council and the Head, Transport for Victoria in writing following the approval of the Transport Impact Assessment Report required by Condition 11(i) above, a Traffic Management Plan (TMP) and Memorandum of Authorisation (MOA) must be provided at least 2 months prior to any event. The TMP and MOA must be prepared by a Department of Transport pre-qualified traffic management company in accordance with the Road Safety Act 1986 and must comply with Road Safety (Traffic Management) Regulations 2009 and Road Management Act 2004 Code of Practice: Worksite Safety-Traffic Management. The TMP must be to the satisfaction of Council and the Head, Transport for Victoria.

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ITEM NO: 11.2.4
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- (vi) The applicant shall arrange for a Department of Transport pre-qualified contractor to implement the approved TMP on event days to the satisfaction of Council and the Head, Transport for Victoria.
- (vii) There must not be any discharge of concentrated drainage into the adjoining road drains or culverts without the approval of the Responsible Authority. The approved works must not cut off natural drainage from adjacent properties.

12. SIGNAGE

- (i) Signage must be installed on site reminding patrons to consider neighbouring amenity when entering and existing the site.
- (ii) At the conclusion of the event, all advertising signs erected or displayed in association with the event on the land must be removed.

13. TREE PROTECTION

- (i) Prior to commencement of works and events, a tree retention plan that shows all trees for retention including tree protection zones and covering any issues of retention into the future, must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit.
- (ii) Prior to the commencement of works and for the duration of any event, all trees to be retained must be temporarily fenced off with secure and obvious fencing in accordance with Australian Standard (AS4970-2009). Fencing must be signposted as 'tree protection zone'. The tree protection fence must remain in place until the works/event are completed.

14. EPA APPROVALS

Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021 (EPA). Before the use commences evidence must be provided to the satisfaction of the Responsible Authority that any and all required EPA approvals have been obtained.

15. EXPIRY

This permit will expire if the use and development has not been commenced within two years of the date of this permit.

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11. OFFICER REPORTS FOR INFORMATION

NIL

12. ACTION OFFICERS LIST

NIL

13. NOTICES OF MOTION

NIL

14. PETITIONS AND JOINT LETTERS

NIL

15. COUNCIL SEAL

NIL

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URGENT BUSINESS

NIL

16. MEETING CLOSE 5.27 PM