



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 24 July 2024

at 4:00 PM



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 24 July 2024

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at Apollo Bay Bowls Club
on Wednesday 24 July 2024 at 4:04 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

Cr Margaret White (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Chris Potter

Anne Howard, Chief Executive Officer
Steven O'Dowd, Acting General Manager Corporate Services
Ian Seuren, General Manager Community and Economy
Mike Summerell, Executive Officer Governance and Business Improvement
Cameron Duthie, Manager Services and Operations
Kendrea Pope, Manager Governance
Matilda Hardy-Smith, Coordinator Council Business
Dianne Cornish, Council Business Officer
Christine Ferguson, State Government Appointed Monitor

3 APOLOGIES AND LEAVE OF ABSENCE

Doug McNeill, General Manager Infrastructure and Operations

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

D24/120559

1. Will the new tax introduced by the Victorian State Government on owners of properties they do not live at have any impact on the provision of community housing?

This Council has decided to enter into with the land in the new Bruce Street development that this Council sold off the land to, because if this new tax is payable, it will add dollars per week for every unit provided.

Also, will the tax if payable be assessed on each separate dwelling or on the combined value of dwellings? Because if on each dwelling the total payable will be much higher than if the total was valued as the valuations for the tax are:

\$50,001 to	\$1000,000		= \$500 p/a
\$100,001 to	\$300,000		= \$975 p/a
Over \$300,000	At		\$975 –
plus 0.21%	of value over		\$300,00
i.e. value \$500,00	On \$300,00		= \$975
plus 0.1% on 200,00			= \$200

Total		\$1,175 p/a
So if 5 Units		
Total value \$50,000		= \$0 p/a
Total Value \$50,001		= \$500 p/a
That equal		\$100 per unit extra
But total value	\$100,001	= \$975 p/a
That equals		\$195 per unit extra p/a
If total value	\$500,000	= \$1,175 p/a
That equals		\$235 per unit extra

If three units valued at \$50,001 each if valued each that would total \$1,500 ta, but if valued on combined total \$150,003 the total tax payable would only be \$975

James Judd

D24/120561

2. Are the caravans at the Lake Colac Holiday Park that are used as long stay accommodation going to be counted as places of accommodation by the Victorian State Government and attract the State Government tax on places of residence the owner does not live at?

Also, would the Government value long stay as an individual value each or would they add all together to obtain a valuation?

Since this tax starts at \$500 per year on a valuation from \$50,001 to \$100,000., then \$975 per annum on valuations above \$100,000 to \$300,000 then on valuations above \$300,000 the charge is \$975 plus 0.1% of all value in excess of \$300,000 each year. This new tax brought in by the Victorian State Government risks all of caravan parks with term residents, plus puts far more pressure on finding emergency housing, also, the allocation of funds by the Colac Otway Shire Council to upgrade facilities at the holiday park risks placing pressure on the Government to up value the caravan sites and run the risk than the Government would increase the tax take from the Lacke Colac Holiday Park.

Response from General Manager Community and Economy

Mr Judd would be best to direct his questions on Victorian Government taxes to the State Revenue Office.

James Judd

D24/12711

3. Does the Colac Otway Shire Council have a water tight agreement with the managers of the Lake Colac Caravan Park to keep the terms of the contract entered into with the Colac Otway Shire Council for a period of at least six years?

Or

Is this contract subject to earlier termination due to changed conditions?

This is urgent now since the Victorian State Government has introduced new taxes on sites used for accommodation that the owner does not live at, plus Councils condition that only renewable electricity can be used from year four of the contract. When it is possible no

transmission system to bring renewable electricity production to Colac by then will exist as renewable electricity can only be used if available to be used by placing a condition not now deliverable and with no certainty it will be provided risks this contract being declined unenforceable and the Council having to pay big damages for this action.

Response from General Manager Community and Economy

Council has a lease with BelgraviaPRO for the Lake Colac Holiday Park for a term of six years.

James Judd

D24/125713

4. If not cut back what is the maximum height trees planted under power lines on the north side of Pollack Street in Colac will grow to?

Plus, what is the anticipated growth rate expected to be of these trees?

Also, what certainty can this Council give that the tree root systems will not impact on drainage and other services provided along Pollack Street since in most built up areas almost all services are under ground, as well you cannot allow root systems to destroy roads or footpaths.

Response from General Manager Infrastructure and Operations

The trees planted on the north side of Pollock Street are *elaecarpus eumundi* (Blueberry Ash)

The expected growth height is between 5 and 10 m in Victoria (slow growing Australian native tree) however as a requirement of the Electricity Safety Act 1998, and the Electricity Safety (Electric Line Clearance) Regulations 2020, trees are maintained and trimmed in accordance with clearance requirements.

Prior to any tree planting activity Council not only determines the most appropriate species for the location but also undertakes infrastructure assessment with Dial Before you Dig to determine any conflict with existing undergrounds assets and services. The selected species in this location have non evasive roots.

James Judd

D24/125717

5. Was the very late notice of changes of conditions for Council enrolled voters for the 2024 Council elections done so Council could prune the number of ratepayers able to vote at this year's Council elections? As many other rural Councils had written to all effected ratepayers about the changes weeks before this Council gave any notice with Australia post having given notice over two months ago of slowing mail deliveries. This very late by the Colac Otway Shire Council could impact on the results of the 2024 Council elections.

Response from Executive Officer Governance & Business Improvement

Council has proactively managed the mandated changes to ensure affected people have the opportunity to enrol to vote in the October 2024 Local Government elections as required.

Council wrote to affected people in May 2024 with over 4,500 letters sent in accordance with the Victorian Electoral Commission requirements.

To further increase awareness of the changes and to encourage people to apply to enrol to vote, a media campaign was undertaken, and continues to be rolled out. The Council website has also been updated to reflect the changes and continues to be updated as required.

Michael Fenton

D24/126944

In response to the unhelpful reply my questions put to the June council general meeting.

I would point out that when the quarry license EIL817 was approved in Nov 1976, the property was included, and formed part of the Colac Shire approved Bushby Road residential subdivision under the Colac and environs Planning Scheme and as such the application should not have been granted as it did not comply with the regulations within the Extractive Industries Act 1966 both in not having a valid planning permit AND that the applicant's property was within an approved residential subdivision and subject to the associated planning conditions as part of that subdivision..

I would also query as to why the EIL 817 license was renewed in 1980 when it could not have come under the Existing Use Provisions, still had no Local Planning Scheme approval and was shown on the subdivision plans as Lot 29 with no indication that a quarrying license was in force on that property, and as such, was exempt from the planning overlays applicable to the adjoining properties.

Given the serious impact this operation is having upon the amenity of the area and to the wellbeing of adjoining residents.

I appreciate the actions that ERR are proposing for the site in regards to noise etc.

However, after 12 months these issues have been, and continue to be largely unresolved in particular in regards to noise, and the residents continue to be forced to endure the continued operation of this industrial scale business that is operating within a quiet rural Living zone.

I would like to add that answers to these concerns have been very confusing and contradictory by all levels of government and the added secrecy surrounding the quarry operation is not helpful.

Given that there is still no approved planning permit governing this property in regard to overriding the environmental overlay and allowing the destruction of a significant area of mature native habitat, I would urge the council to follow its own policy and deny the approval to destroy the habitat left on this site. We know that the council has the power to stop this, as the WA220 require your approval to proceed.

1. Is the council going to give planning approval for the wholesale removal of native vegetation on this site?

Response from General Manager Infrastructure and Operations

Council does not have any jurisdiction or legal avenues to require a permit for the removal of native vegetation for any existing extractive industry Work Authority that includes permissions to remove native vegetation. The responsible authority for the Barongarook Sand Quarry, is Earth Resources

Victoria and inquiries about what is approved under the Work Authority, should be directed to Earth Resources Victoria.

Council understands from Earth Resources that the removal of native vegetation was approved under Extractive Industry Licence approved by the state government on 15 November 1976 and remains a valid part of the Work Authority and pre-dates any planning controls relating to the removal of native vegetation. The quarry is understood to be operating legitimately within the boundaries approved under its Work Authority, WA 220, including the removal of native vegetation.

Andrew Crouch

D24/128301

Questions in respect to the re-instatement of the beacon at Marengo.

At the recent meeting between Apollo Bay Community Voice and GORCAPA, a question was put to GORCAPA about the progress being made in re-instating the Beacon at Marengo.

GORCAPA responded by saying that “they are awaiting a response from Colac Otway Shire.”

At the recent meeting between Apollo Bay Community Voice and Colac Otway Shire, a question was put to the Mayor of the COS about the progress being made in re-instating the Beacon at Marengo.

The Mayor of the Colac Otway Shire responded by saying she will “take the question on notice.

The questions which Colac Shire must answer are -

1. Who is the person responsible for holding up the re-instatement of the beacon, and two. what is the timeline to completion of the re-instatement of the beacon?

Response from General Manager Infrastructure and Operations

The status of the site of the former beacon is Crown Land, managed by the Great Ocean Road Coast and Parks Authority (GORCAPA).

“Council has determined to reinstate the beacon and is working through the process.

The next key steps are for Council to

- 1) Finalise design for the monument structure noting materials and the content for proposed signage
- 2) Submit a permit application for the structure under the Great Ocean Road Authority Memorials and Plaques process
- 3) *Work with the with the land managers (GORCAPA) on an application for Marine and Coastal Act (MACA) consent.*

In the completion of the consent the following is required:

- Engineering and specifications for the monument
- Site Risk Assessment
- Cultural Heritage support

- Signage design and specifications

**The timeframe for the planning phase we think will take 4 months to complete.
Restatement of the beacon can progress post consent approval.**

Rob Favata

D24/128325

Dear Council Office Holders & Councillors

I live at 45 Gardiners Road Barongarook, and for the past 12 months, I have been consumed with the activities being undertaken 200 meters from my property, i.e. the sand quarry at 165 Bushbys Road Barongarook.

For the past 8 weeks, the resident group have been alerting Council and Victorian Government regulators to what I believe is a breach of process in granting the quarry operator its original licence (EIL817), and nobody appears to be at all interested in properly addressing the situation.

The resident group was alerted to a possible administrative issue when on Wednesday 29th May, we received a response from Shire employee, Darren Rudd, regarding a request to access planning permits for the sand quarry. The request to view evidence of Council/Shire issued planning permits for 165 Bushbys Road Barongarook was refused on the grounds that 'Council does not have records of a planning permit'.

Based on the admission, the resident group have undertaken a significant and thorough investigation of Council meetings and reviewed the relevant Acts that controlled the issuing of the initial license. Following an exhaustive search, the resident group believe that the sand quarry was incorrectly granted a licence and continues to operate without the necessary documentation.

In the time that the group has been advocating on behalf of impacted residents, it has been told a wildly changing series of 'facts' by Shire officials and Victorian Government agencies.

Facts like;

- all is in order
- all necessary permits were issued
- dust and noise studies were correctly conducted
- the quarry is operating under a legally acquired Work Authority

Just recently, the Shire's communication 'tone' has altered from a position of 'legally acquired permits' to one where the quarry is operating under 'existing use rights'.

The purpose of this letter is to alert the following people to what I believe to be an industrial quarry operating within a residential area, possibly without the necessary legal right to do so.

The question I wish to pose to each recipient of this letter is as follows:

1. Are you aware of the information uncovered by the resident group, i.e. quarry operating without a Shire planning permit ?
2. Have you investigated the situation discussed in this letter for yourselves?
3. Are you comfortable with the position currently forwarded by the Shire?

Response from General Manager Infrastructure and Operations

Council is aware that the quarry is lawfully operating under a valid Work Authority and that Earth Resources are the responsible authority for the permissions in place that allow the quarry to rights are demonstrated under the relevant planning scheme. In this instance Council in a letter dated 9 September 1996 advised the then Department of Energies and Minerals that the Barongarook Sand Quarry benefits from existing use rights. This also responds to the following two questions.

David Walsh

We have received a question from Mr Walsh regarding drainage in the vicinity of Aireys Street Colac. Unfortunately, some of our key staff are away and we don't have all the information to provide a comprehensive response and so we will take that question on notice.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber

Now the first question is on the Broiler Farm, now it's a proposed farm for 1.5 million birds in four sheds. The first question or first part of the question does the shire have an intensive industrial farming policy and the second part of the question is it true that any birds including native birds that approach the facility will be shot?

Response from Chief Executive Officer

We will take this question on notice Mr Webber.

Tony Webber

Second question is about the chairs in front of the Apollo Bay Hotel on the foot path now if you go down and have a look at them they're blocking the foot path quite a lot wheelchairs will have trouble getting up the street and when we have big crowds here people will be forced onto the road so the question is was these chairs approved and number of them?

Response from Chief Executive Officer

Yeah so I'm happy to take that one through the chair Mr Weber, I have looked into that one myself recently and we're not at the end of our process but I can confirm that the hotel did the right thing and applied for a local law permit to have furniture in the footpath the permit that has been issued very clearly spells out the requirements and including clearance from both the curb for vehicles and also from the building line um we think that it's valid that the matter has been raised because it's unclear that they are complying with the permit and we're going to make sure we come down and work with the hotel to make sure that they do comply and that may require them to change some arrangements but we'll work through that that's where it's at.

Tony Webber

Thank you, the third question is about the rates collected here and the money spent from those rates we've asked the question before can we have an estimate of what's spent in this along the coast we know what the rates collected is can so can we have an estimate on what the money spent from the rate Revenue?

Response from Chief Executive Officer

Thanks Mr Weber I'll respond to this one also so calculating the rate Revenue and there's actually some information at the end of today's agenda relating to that calculating the rate revenue is a is a reasonably straightforward matter calculating expenditure is less clear and that is because expenditure some things are consistent year on year some things are very easy to identify and calculate like project allocations and some things may vary year- on-year and we don't budget geographically and what I mean by that is we often budget our services based on capacity so we have the capacity to have a certain number of graders and trucks and people and we deliver we know that we can generally meet our road management plan and maintenance with that for example just using roads but actually what needs to be done in any year we might end up grading one Road in the north four times two times last year one times next year and we account for that when we spend the money but we don't budget that way so it's actually much more complicated to account for geographically expenditure you'd have to take into account the different service costs the overheads ETC we don't budget that way we do drill in when we need to for certain reasons but it's much more complex and challenging to try and present that information in a way that is Meaningful and helpful. I know that's not the answer that you're looking for but it is a more complex difficult thing.

Tony Webber

We have had that answer in the past we got an answer a number of years ago on how much was spent and how much was collected, so I believe it is possible.

Response from Chief Executive Officer

Yeah my comment on the previous modelling is that it was response to a request it was given in good faith but it took a very simplistic approach that I actually don't think represents where expenditure happens the assumptions under that were largely assumed that the cost of a service was the same per capita regardless of where the people were and I think that's not a valid assumption but about 70% of the services were presented on that basis okay so I think the officers at the time genuinely tried to respond to the request with their limited ability to do it in a sophisticated way but I don't think it is helpful to apply that simplistic approach because I don't think it's a valid approach.

Tony Webber

The final question is about the rubbish bins when we get strong wind down here the rubbish bins blow over near where my mother lives a fellow was picking up hundreds of cigarette butts after a couple of weeks ago collecting the rubbish and there was still rubbish collected around the place because the bins blow over you've got light packaging and it just goes everywhere so I believe you're doing a renegotiation of the waste management is that correct?

Response from Chief Executive Officer

Mr Weber I may in part throw this to another manager in a moment I assume you're talking about residential curbside bins. Our current curbside collection contract doesn't finish until 2027 right so we're not negotiating anything at the moment but we are happy to try and find ways to work with our contractor and residents to try and secure bins I don't know if you put a big rock on top I'm not sure I'm not sure if our manager of services and Ops can provide any further information.

Response from Manager Operations and Services

Thank you for the question it is it is certainly a problem in areas with predominant winds we are working and we have had many conversations with our current contractor there are certain devices which can be retrofitted to bins to assist the bins from actually blowing open they're being trialled but we're still actually looking for the one that would prove most successful so it's a work in progress and we'll come back to you on that.

Tony Webber

Right and the other problem is that the when the bins actually tip over the waste management people won't pick them up because they're on their side so that's another thing you may need to discuss with them.

Response from Manager Operations and Services

Thank you, happy to discuss that with our contractor it is unfortunate in any circumstance when a bin tips over it's not the best situation for garbage drivers to exit the truck to actually pick it up but it is a commitment of the contractors to come back and pick that up so please, please let us know if that happens.

Yvonne Francis

I live at 5 Montrose Avenue Apolo Bay and I own the shop that's currently being renovated at 129 to 131 Great Ocean Road my question comes from the fact that I was reading the Colac Herald today and I noted that councillor Graham Costin is considering leaving the council and I'd like to discuss that I feel it's a shame Graham isn't going to stand another term of office on Council he's so right to prioritise housing and child care and the environment as I do. If we want to see a sustainable Planet we'll all have to stop wasteful practices like encouraging mcmanions to be sprawling through the forests and the coast such a waste of energy servicing them. Please reconsider Graham Apollo Bay, has abandoned teacher plats and an old preschool crying out for young renters who can't afford to accommodation. My question is would Graham Coston please reconsider his decision?

Response from Councillor Graham Costin

Thankyou Ivon, we'll have a coffee and talk about it.

Mrs Barbara Beach

Madame mayor, CEO and councillors I do this with a heavy heart because on Friday the beach family learned that if this project goes ahead we will have 24 trucks between 12 midnight and 6:00 a.m. plus all the chicken catches and everything else that goes with catching and loading and putting these chickens down Mooleric Road. Our houses on the east side with all the infrastructure wool shed and

shedding and everything else is on the west so if this project goes ahead, rod and Jeffrey will find it difficult with continual traffic all day and now we will find it difficult all night as well. Did the councillors and other staff know before us on Friday that that was going to be the figures we'd have to endure? The other thing I'd like to mention is in the documentation about this being a major project, the Barwon water have said that the pipeline is a minor infrastructure, it is not. It has to go under the railway line under Vic roads, a pumping station has to be approved, there's no license with anyone to do with groundwater, they will have to contain up at the site a 30 meter, 4 Meg Dam there's no dewatering license with Southern Rural Water. We were pleased to see that Corangamite Catchment have now acknowledged in their documents they're saying 320 hectare catchment from the north, when the planning officer said that the water went North. Water can't go up hill, it goes South and Southeast, and the photos I gave everyone the councillors shows you the water that's had to come down and go between the Bennett property and ours on many many occasions and going and the other direction it's Southeast through Russell Young's con Lane so the water is our major worry and sadly today I received another threat from by Jeffrey again the James Wentworth again put a threat to me to make a decision what we wanted to do or otherwise it' be too late with us and I do not like that kind of conduct on any professional level.

Response from Chief Executive Officer

Officers who've been working through the assessment of process clearly would have had a good understanding of vehicle movements etc. Council has received the full report and technical information on Thursday that's when we distribute the agenda in full to councillors that's the answer to that.

Tanya Bennett

I live at 60 Birregurra Road, Birregurra. So Madame mayor, councillors and all office bearers. I am deeply concerned about this project and after reading about what bios has had read, there are some vulnerable species there and they're going to be well there's going to be a demise and should they be taken care of there are things, mitigation, that we can address, but that is not always successful and building fences around particular buildings is not going to keep out the birds, the migratory birds, nor the Boger who flies great distances to fodder and you're going to be leaving baits and uh all these chemicals lying around what for the birds and all those other deer creatures up there to digest. We're not going to have a wet land we're not going to have any migratory birds coming through or going further to Lake industry, Lake areas. So secondly, why are we considering this proposal when we know that federal government has to approve this first on some of these species. Shouldn't we be looking at that? This is going to be the demise of that area so I seriously think you should consider that. Secondly, Mrs Beach I think has put up with enough living at 30 Mooleric Road and when she asked questions about the movement of trucks the reply she got was from some people were that, Mrs Beach you'll have to get used to this and you will get reprieve one week a month where there'll be no trucks. Now these truck movements I here go, could you please tell us how many trucks are going to go through? And to what hours is Mrs Beach and the family going to be put up with?

Response from Chief Executive Officer

Through the chair, so the final details of any approval are yet to be determined by Council if an approval is granted and so we can't give detailed commitments about numbers of trucks.

6 PETITIONS / JOINT LETTERS

Nil.

7 DECLARATIONS OF INTEREST

Anne Howard	Item 9.5 – Request to Discontinue Road Reserve and consolidate into 80a Hart Street, Colac and Notice of intention to dispose of the consolidated land.	General	Proximity to residence
Cr Hanson	Item 9.13 – Award of Contract 2425 – Provision of Internal Audit Services	General	Held a position at Finder for many years and maintain friendships with current employees.

8 CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Hart, Seconded Cr Potter

That Council confirm the minutes of the Council Meeting held on 26 June 2024 subject to attaching the resolution of 24 April 2024 that was the subject of a rescission motion at Item 10.1.

CARRIED 7 : 0

Item: 9.1

Community Asset Committees - New members and Proposed Renaming of Apollo Bay Senior Citizens Centre

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

- 1. Appoints Mardhiyyah Muhammad to the Apollo Bay Senior Citizens Centre Community Asset Committee.*
- 2. Appoints Catriona Holyoake to the Birregurra Public Hall Community Asset Committee.*
- 3. Notes that renaming of the Apollo Bay Senior Citizens Building to better reflect the current broad community use is a matter that should be subject to community consultation, and this may be an activity that may be considered in early 2025 in the new Council term.*

RESOLUTION

Moved Cr Costin, Seconded Cr Finnigan

That Council:

- 1. Appoints Mardhiyyah Muhammad to the Apollo Bay Senior Citizens Centre Community Asset Committee.*
- 2. Appoints Catriona Holyoake to the Birregurra Public Hall Community Asset Committee.*
- 3. Recommends consideration of an action in the 2025-26 Annual Plan to consult with the community and consider the renaming of the Apollo Bay Senior Citizens Centre.*

CARRIED 7 : 0

Item: 9.2

Designation of an Apollo Bay Bushfire Place of Last Resort

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. BPLR Assessment Apollo Bay Golf Course June 2024 [9.2.1 - 4 pages]

RECOMMENDATION

That Council:

1. *Designates part of the Apollo Bay Golf Course at Point Bunbury (east of Trafalgar Street) as a Neighbourhood Safer Place - Bushfire Place of Last Resort, subject to:*
 - a. *Certification by the Country Fire Authority in accordance with Section 50G of Country Fire Authority Act 1958; and*
 - b. *Consent from Great Ocean Road Coast and Parks Authority as the land controller in accordance with Section 50G of Country Fire Authority Act 1958 (CFA Act).*
2. *Advises the Colac Otway Shire Municipal Emergency Management Planning Committee and the Apollo Bay community, via the Apollo Bay News, of Councils' decision.*
3. *Notes that when actions in point 1 above are complete, the following actions will be taken to implement the decision:*
 - a. *Establish the Bushfire Place of Last Resort through appropriate signage and community notification.*
 - b. *Update the Colac Otway Shire Neighbourhood Safer Places Plan to include the new Bushfire Place of Last Resort.*
4. *Notes that the Bushfire Place of Last Resort will be maintained in accordance with a land management agreement with the Great Ocean Road Coast and Parks Authority.*

ALTERNATIVE MOTION

Moved Cr Costin, Seconded Cr Arnott

That Council:

- 1. Designates part of the Apollo Bay Golf Course at Point Bunbury (east of Trafalgar Street) as a Neighbourhood Safer Place - Bushfire Place of Last Resort, subject to:
 - a. Certification by the Country Fire Authority in accordance with Section 50G of Country Fire Authority Act 1958; and*
 - b. Consent from Great Ocean Road Coast and Parks Authority as the land controller in accordance with Section 50G of Country Fire Authority Act 1958 (CFA Act).**
- 2. Advises the Colac Otway Shire Municipal Emergency Management Planning Committee and the Apollo Bay community, via the Apollo Bay News, of Councils' decision.*
- 3. Notes that when actions in point 1 above are complete, the following actions will be taken to implement the decision:
 - a. Establish the Bushfire Place of Last Resort through appropriate signage and community notification.*
 - b. Update the Colac Otway Shire Neighbourhood Safer Places Plan to include the new Bushfire Place of Last Resort.**
- 4. Notes that the Bushfire Place of Last Resort will be maintained in accordance with a land management agreement with the Great Ocean Road Coast and Parks Authority.*
- 5. Will pursue any opportunities that may emerge to re-establish the Bushfire Place of Last Resort at the former foreshore location.*

AMENDMENT MOTION

Moved Cr Potter, Seconded Cr Hart

That Council:

- 1. Designates part of the Apollo Bay Golf Course at Point Bunbury (east of Trafalgar Street) as a Neighbourhood Safer Place - Bushfire Place of Last Resort, subject to:
 - a. Certification by the Country Fire Authority in accordance with Section 50G of Country Fire Authority Act 1958; and*
 - b. Consent from Great Ocean Road Coast and Parks Authority as the land controller in accordance with Section 50G of Country Fire Authority Act 1958 (CFA Act).**
- 2. Advises the Colac Otway Shire Municipal Emergency Management Planning Committee and the Apollo Bay community, via the Apollo Bay News, of Councils' decision.*
- 3. Notes that when actions in point 1 above are complete, the following actions will be taken to implement the decision:
 - a. Establish the Bushfire Place of Last Resort through appropriate signage and community notification.*
 - b. Update the Colac Otway Shire Neighbourhood Safer Places Plan to include the new Bushfire Place of Last Resort.**

4. *Notes that the Bushfire Place of Last Resort will be maintained in accordance with a land management agreement with the Great Ocean Road Coast and Parks Authority.*

CARRIED 5 : 2

Division For: Cr White, Cr Hart, Cr Potter, Cr Arnott and Cr Hanson

Against: Cr Costin and Cr Finnigan

RESOLUTION

Moved Cr Costin, Seconded Cr Arnott

That Council:

1. *Designates part of the Apollo Bay Golf Course at Point Bunbury (east of Trafalgar Street) as a Neighbourhood Safer Place - Bushfire Place of Last Resort, subject to:*
 - a. *Certification by the Country Fire Authority in accordance with Section 50G of Country Fire Authority Act 1958; and*
 - b. *Consent from Great Ocean Road Coast and Parks Authority as the land controller in accordance with Section 50G of Country Fire Authority Act 1958 (CFA Act).*
2. *Advises the Colac Otway Shire Municipal Emergency Management Planning Committee and the Apollo Bay community, via the Apollo Bay News, of Councils' decision.*
3. *Notes that when actions in point 1 above are complete, the following actions will be taken to implement the decision:*
 - a. *Establish the Bushfire Place of Last Resort through appropriate signage and community notification.*
 - b. *Update the Colac Otway Shire Neighbourhood Safer Places Plan to include the new Bushfire Place of Last Resort.*
4. *Notes that the Bushfire Place of Last Resort will be maintained in accordance with a land management agreement with the Great Ocean Road Coast and Parks Authority.*

CARRIED 7 : 0

Item: 9.3

Consideration of Submissions - Proposed Kennett River Speed Limit Changes

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Summary of the submissions for Kennett River Shared Pedestrian Zone [9.3.1 - 4 pages]

RECOMMENDATION

That Council:

1. *Notes that the Kennett River Shared Zone and Speed Reduction proposal was exhibited in accordance with Council's previous direction.*
2. *Notes that twenty-two submissions were received in response to the exhibition of the Kennett River Shared Zone and Speed Reduction proposal and that submitters were heard at a Submissions Committee meeting on 12 June 2024.*
3. *Having considered all submissions decides:*
 - a. *To endorse the proposed 20km/h speed limit within the area nominated in Figure 1 in Kennett River.*
 - b. *Not to proceed with a Shared Pedestrian Zone.*
 - c. *To implement line-marking and signage to better delineate parking/access and create one-way traffic conditions (clockwise) on the unnamed road that services Kafe Koala and gives access to the river and associated carparking.*
4. *Notes that point 3(c) will be interim works and that the Great Ocean Road Coast and Parks Authority will undertake further works to improve road user safety as part of a project funded through the Geelong City Deal.*
5. *Submits a request to the Department of Transport and Planning for approval of the speed change in point 3.*
6. *Allocates \$10,000 from the Unallocated Discretionary funds to facilitate the short-term traffic management improvements at Kennett River that are proposed in point 3(c).*

RESOLUTION

Moved Cr Costin, Seconded Cr Hart

That Council:

- 1. Notes that the Kennett River Shared Zone and Speed Reduction proposal was exhibited in accordance with Council's previous direction.*
- 2. Notes that twenty-two submissions were received in response to the exhibition of the Kennett River Shared Zone and Speed Reduction proposal and that submitters were heard at a Submissions Committee meeting on 12 June 2024.*
- 3. Having considered all submissions decides:*
 - a. To endorse the proposed 20km/h speed limit within the area nominated in Figure 1 in Kennett River.*
 - b. Not to proceed with a Shared Pedestrian Zone.*
 - c. To implement line-marking and signage to better delineate parking/access and create one-way traffic conditions (clockwise) on the unnamed road that services Kafe Koala and gives access to the river and associated carparking.*
- 4. Notes that point 3(c) will be interim works and that the Great Ocean Road Coast and Parks Authority will undertake further works to improve road user safety as part of a project funded through the Geelong City Deal.*
- 5. Submits a request to the Department of Transport and Planning for approval of the speed change in point 3.*
- 6. Allocates \$10,000 from the Unallocated Discretionary funds to facilitate the short-term traffic management improvements at Kennett River that are proposed in point 3(c).*
- 7. Obtains written endorsement of a preliminary design plan by both community organisations prior to implementation of point 3(c).*

CARRIED 7 : 0

Item: 9.4

Use and Development of a Special Class Broiler Farm, Use and Development of 4 Dwellings and associated works at 320 Mooleric Road Birregurra PP159/2023-1

ADDRESS AND PROPERTY DETAILS	320 Mooleric Road BIRREGURRA Lot 3 TP372519 V/F: 10991/354, Lot 4 TP 372519 V/F: 10991/357 Lot 1 TP247757 V/F: 10991/350, Lot 4 TP 247757 V/F: 10991/353 Lot 6 TP247757 V/F: 10991/350, Lot 7 TP 247757 V/F: 10991/353, Parish of Birregurra Road reserve north of Lots 1 and 3 TP372519	APPLICATION NUMBER	PP159/2023-1
PROPOSAL	Use and development of a Special Class Broiler Farm, 4 dwellings and associated buildings and works and Native vegetation removal		
PERMIT TRIGGERS	<p>Clause 35.07-1 – Use of Land for Broiler Farm – FZ</p> <p>Clause 35.07-1 – Use of Land for four Dwellings – FZ</p> <p>Clause 35.07-4 – Buildings and Works Associated with Section 2 Use – FZ</p> <p>Clause 52.17 – Native Vegetation Removal</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Four (4) or more objections – nine (9) objections received		
ZONE	Farming Zone (FZ)	OVERLAYS	Nil
COVENANTS	N/A		
CULTURAL HERITAGE	The land is partially in an area of cultural heritage sensitivity and the proposal constitutes a high impact activity. The applicant has submitted a plan identifying the ‘activity area’ that excludes the		

Item: 9.4

Use and Development of a Special Class Broiler Farm, Use and Development of 4 Dwellings and associated works at 320 Mooleric Road Birregurra PP159/2023-1

	culturally sensitive areas and therefore a Cultural Heritage Management Plan is not required.		
OFFICER	Helen Evans	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive		
ATTACHMENTS	Nil		

RECOMMENDATION

That Council, in accordance with Section 64 of the Planning and Environment Act (1987) resolve to issue a Notice of Decision to Grant a Permit for the Use and development of a Special Class Broiler Farm (total of 1,560,000 birds), 4 dwellings and associated buildings and works and Native vegetation removal within the activity area shown on the site plan at 320 Mooleric Road Birregurra and unused government road north of Lot 1 and TP372519, (Lot 3 TP372519 V/F: 10991/354, Lot 4 TP 372519 V/F: 10991/357, Lot 1 TP247757 V/F: 10991/350, Lot 4 TP 247757 V/F: 10991/353 Lot 6 TP247757 V/F: 10991/350, Lot 7 TP 247757 V/F: 10991/353, Parish of Birregurra, Road reserve north of Lots 1 and 3 TP372519), subject to the following conditions:

AMENDED PLANS

- 1. Prior to commencement of the use and/or development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified as follows:*

Site plan (Spirecom Project No. Current - 6391 VER 1 Sheet 1 of 13, dated 8/7/23 and received on 7/3/2024) modified to show:

- i. The annotation on the plans changed from "farm 1" and "farm 2" to 'site 1' and 'site 2'.*
- ii. The retention basins accurately depicted for sites 1 and 2.*
- iii. The lot boundary of the consolidated land (as required under condition 4 of this permit) and the activity area (including the access through the road reserve to the north of the site) shown on the plan*

- iv. The vehicle entrance from the road reserve north of the site, including the distance from the western boundary of the site*
- v. A legend describing the items shown on the site plan including, but not limited to bunding, fencing and landscaping*
- vi. Dimensions of setbacks of buildings and works from lot boundaries, "sensitive vegetation areas" (as annotated on the plans) and areas of cultural heritage sensitivity*
- vii. Details of the location, height, type and materials of fencing around site 1 and site 2*
- viii. Details of the location, height, type and materials of fencing around the two sites around the "sensitive vegetation areas" and areas of cultural heritage sensitivity*
- ix. Details of the locations, dimensions and materials of the bunding proposed around site 1 and site 2*
- x. A concrete hardstand area located at the entrance to each broiler shed*
- xi. Location of silos, fans and water tanks*
- xii. Location of a bunded area for the storage of chemicals*
- xiii. Area(s) for parking articulated vehicles involved in loading and unloading stock, feed, litter and waste*
- xiv. Compliance with the recommendations at section 1.5 of the Technical Memorandum prepared by GHD (Project No. 12629222, dated 12 March 2024), including ensuring residences, pump station infrastructure and, where possible, bunding and the access are outside the 1% flood extent*
- xv. Internal roads and parking areas designed to ensure efficient traffic flow and to reduce the need for vehicles to reverse, avoiding the use of sharp turns and allowing for vehicles to leave travelling in a forward direction*
- xvi. A notation stating that Internal roads and parking areas are constructed of a compacted sub-base with table drains, and a compacted gravel layer with a camber to shed rainwater to the drain*
- xvii. The locations and extent of native vegetation removal*

Building plans

- xviii. Dimensions of the proposed dead bird freezer (refrigerated container)*

Stormwater retention basin plan (Spirecom Project No. Current - 6391 VER 1 Sheet 10 of 13 dated 8/7/23 and received on 28/7/2023) modified to show:

- xix. Walls of retention basins completely stable and watertight, with a suitable foundation and constructed of compacted clay material.*
- xx. The embankment of retention basins at least 600mm above ground to ensure no surface water is captured.*
- xxi. The maximum depth of retention basins not more than 3m below natural ground level.*
- xxii. The spillway of the retention basins constructed of rock or similar non-erodible material.*

ENDORSED PLANS

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*

CONSOLIDATION OF LAND

- 4. Prior to the commencement of development, or by such later date as is approved by the Responsible Authority in writing, Lots 3 and 4 TP372519 (V/F: 10991/354 and V/F: 10991/357) and Lots 1, 4, 6 and 7 TP247757 (V/F: 10991/350, V/F: 10991/353 V/F: 10991/350 and V/F: 10991/353), Parish of Birregurra must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority and a copy of the title must be submitted to the Responsible Authority.*

FENCING/EXCLUSION AREAS

- 5. The broiler farm must only operate within the activity areas shown on the endorsed plans. Prior to the commencement of any construction or vegetation removal works, permanent post and wire fencing must be erected around all areas identified on the endorsed plans as areas of cultural heritage sensitivity or containing sensitive/native vegetation to the satisfaction of the Responsible Authority. This includes that section of the unused road reserve to the immediate north of the site through which access to the site will be obtained. The fencing must:*
 - Include signage that clearly identifies these areas as Protection Zones*
 - Ensure that existing sensitive areas are protected from any disturbance associated with the construction of the access within the road reserve to the north of the site and the construction of the internal driveways*

ENVIRONMENT MANAGEMENT PLAN

- 6. Prior to the commencement of the broiler farm use, an Environment Management Plan to the satisfaction of the Responsible Authority relating to the operation of the broiler farm must be submitted to and approved by the Responsible Authority. The Environment Management Plan must be prepared in accordance with the 'Victorian Code for Broiler Farms' 2009 (as amended). When approved the Environment Management Plan will be endorsed and will then form part of the permit.*
- 7. The Environment Management Plan must be routinely audited in accordance with the requirements of the Broiler Code to the satisfaction of the Responsible Authority Any revision to the Environment Management Plan must be to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. When approved, the revised Environment Management Plan will be endorsed and will then form part of the permit.*

8. *The use must at all times be undertaken in accordance with the most current version of the endorsed Environment Management Plan.*

CONSTRUCTION MANAGEMENT PLAN

9. *Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. Details of the erection of any temporary buildings and facilities, including light and heavy vehicle parking areas, equipment storage compounds, diesel generators, diesel compressors, services, and amenities. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.*

The Construction Management Plan must also show all areas to be protected, including areas of cultural heritage sensitivity and "sensitive vegetation".

10. *All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

Erosion Control

11. *All works must be undertaken in a manner that minimises soil erosion to the greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.*

Topsoil Retention

12. *All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on disturbed ground after completion of the earthworks and revegetated to prevent erosion, all to the satisfaction of the responsible authority.*

CONSTRUCTION TRAFFIC

13. *Unless otherwise agreed in writing by the Responsible Authority, all truck movements associated with the construction of Mooleric Road, the construction of the road reserve north of Lots 1 and 3 TP372519, and the construction of the broiler farm site must operate between the hours of:*

- a. *7:00 am to 6:00 pm, from Monday to Friday*
- b. *7:00 am to 1:00 pm on Saturdays*

No truck movement on Sunday or on public holiday.

TRAFFIC MANAGEMENT PLAN

14. Prior to the commencement of any works relating to the development hereby permitted, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted to and approved by the Responsible Authority. All traffic management associated with the development hereby permitted must be undertaken in accordance with the approved plan. Traffic management must have regard both to the Mooleric Road upgrade between the quarry entrance and the subject site entrance and the construction of access on the road reserve to the north of the site.

BROILER FARM

15. The broiler farm must at all times comply with the Victorian Code for Broiler Farms 2009 (as amended), including:

- Any requirement under Part 5. Classification of Broiler Farms, for an Odour Environmental Risk Assessment (Odour ERA).*
- Part 6. Odour Environmental Risk Assessment (Odour ERA).*
- Any additional requirement of the Environment Protection Authority Victoria*

16. The combined capacity of the broiler farm, comprising site 1 and site 2, must not exceed 1,560,000 birds.

17. The use must not commence until a reticulated water supply has been connected to the site.

18. Other than for the pickup and delivery of live birds, and emergency deliveries associated with the immediate wellbeing of the birds, any deliveries to and collections from the subject land must occur between the hours of:

- a. 7:00 am to 6:00 pm, from Monday to Friday*
- b. 7:00 am to 1:00 pm on Saturdays*

No truck movement is permitted on Sundays or public holidays.

19. The loading and unloading of vehicles associated with deliveries to and collections from the site must only be carried out entirely within the subject land.

20. No solid or liquid waste storage associated with the broiler farm activity (including temporary litter stockpiles, compost piles and litter spreading areas) is permitted. All used litter associated with the broiler farm use must be immediately removed from the subject land following the clearance of birds from each shed to the satisfaction of the Responsible Authority.

21. Dead birds must:

- *Not be composted on the site.*
- *Not be incinerated or buried on the site unless in an emergency and only with the prior written permission of the relevant authorities.*
- *Be collected at least daily and promptly chilled or frozen and subsequently removed from the subject land to the satisfaction of the Responsible Authority.*

22. Adequate freezers must be provided for the dead birds before collection.

23. The management and disposal of dead birds must be designed to minimise the likelihood of disease transmission, comply with the National Biosecurity Manual for Contract Meat Chicken Farming (or as amended) and minimise odour and dust generation.

24. The collection point (for the collection vehicle) must be as far as practical away from the farm site to ensure that dead bird bins are not left in public view, and the collection vehicle does not come close to the broiler sheds.

25. Dead bird collection vehicles and all containment systems must be leak proof and vermin proof.

26. Secure sheds, with an impermeable concrete base and appropriate bunding to avoid contaminated runoff, must be provided to store chemicals, fuels, chemical waste and/or waste containers (before disposal).

27. The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the Responsible Authority. Silos and feed systems must be designed, sited and constructed to minimise spills of feed.

28. Wastewater from the washing and disinfecting of sheds must not be allowed to be discharged from the sheds.

29. A back-up supply or storage of water must be available to hold at least one day's total requirement, in case of a breakdown or loss of normal water supply.

30. Security lighting or external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Odour

31. The construction and operation of the broiler farm must be in accordance with the following recommendations in the submitted Odour Impact Assessment (Air Environment, Project No. 0132.2306, Version 4, dated 11 December 2023):

- a. *Prior to the commissioning of the first farm module, an automatic weather station (AWS) must be installed at a suitable location in the vicinity of the farm, to facilitate complaints management and provide meteorological data for ambient odour surveys. The AWS should be installed on a 10 metre mast and consider the requirements of Australian standard AS3580.14 (2014).*
- b. *The Mooleric 24-shed Broiler Farm must be developed in a single stage with the completion and commissioning of sheds at six week intervals allowing field ambient odour surveys to be conducted to assess the progressive impact of the development as sheds come online.*
- c. *Following the field ambient odour survey program, further odour dispersion modelling must be conducted to allow the odour model to be validated (ground-truthed) against the observations.*
- d. *A detailed ambient odour assessment report, detailing the results of the ambient odour survey and model evaluation process, must be prepared for the Environment Protection Authority (EPA) and Council review.*
- e. *In the event that the ambient odour assessment finds an unacceptable level of risk of odour impact at surrounding sensitive receptor locations, the effect of installing stub stacks on the duty fans of some sheds must be modelled and assessed.*
- f. *A further ambient odour survey program must be conducted once the entire 24-shed farm is constructed and built, to allow all impacts from the development to be assessed.*

Following the construction and operation of between 4 to 8 sheds, there must be at least 10 rounds of odour plume assessment conducted during peak stocking density, which must include morning, afternoon and evening odour surveillance to the satisfaction of the Environment Protection Authority.

Any buildings or works required to comply with these recommendations must be documented and submitted to the Responsible Authority for approval as an addendum to the Odour Environmental Risk Assessment to the satisfaction of the EPA and the Responsible Authority.

32. Upon receipt of the findings of condition 31, the permit holder must submit details of any required updated shed design or works to satisfy the recommended mitigation measures of the approved Odour Impact Assessment and a timeframe for undertaking those works. All identified measures or works must be undertaken to the satisfaction of the Responsible Authority in a timeframe agreed by the Responsible Authority.

33. The permit holder must avoid sanitising sheds with odorous chemicals that give rise to offensive odours being detectible off site. Airborne sprays or chemical odours must not be transmitted beyond the subject land to the detriment of any person to the satisfaction of the Responsible Authority.

Traffic Noise Mitigation

- 34. Prior to the commencement of the broiler farm use, the permit holder must notify the Responsible Authority of the commencement date.*
- 35. Within one month of all 24 broiler farm sheds being brought into use, the permit holder must notify the Responsible Authority and the owner/occupier of 30 Mooleric Road that the broiler farm has commenced full operations.*
- 36. No more than 12 truck movements may be made to collect birds from the site between the hours of 10pm and 7am the following morning.*
- 37. The operator of the broiler farm must adopt, operate, and use its best endeavours to enforce a Code of Conduct for drivers of vehicles involved in the use to the satisfaction of the Responsible Authority, and must also make drivers of vehicles not under the operator's control aware of this Code and encourage their compliance. The Code must address the minimisation of truck noise on Mooleric Road.*
- 38. At the written request of the owner/occupier of 30 Mooleric Road to the Responsible Authority, which must be made before the broiler farm has been in full operation for 6 months, the permit holder must without delay prepare a Noise Management Plan assessing impacts on that property prepared by an appropriately qualified acoustic engineer to the satisfaction of the Responsible Authority. When approved the Noise Management Plan will form part of this permit. The Noise Management Plan must include, but not be limited to:*
- a. An assessment of noise levels from traffic associated with the broiler farm use over a period that includes bird delivery and collection. The assessment must include measured noise levels of trucks at the residence on 30 Mooleric Road, or at a nearby location agreed in writing by the Responsible Authority, and commentary on the potential sleep disturbance from those truck movements.*
 - b. Details of the noise mitigation measures to be undertaken if the post-commencement noise assessment, described in the preceding section of this condition, identifies an exceedance of relevant noise limits.*

The assessment must be provided to the Responsible Authority within one month of completion of testing and must include recommendations, if required, to achieve mitigate noise impacts on 30 Mooleric Road and comply with relevant legislation.

- 39. The noise mitigation measures set out in the approved Noise Management Plan must be implemented within six months of the date of approval of the Noise Management Plan, at no cost to the affected landowner at 30 Mooleric Road or the Responsible Authority, unless the consent of the effected landowner to such works is withheld, or if an alternative measure is agreed in writing with the affected landowner and the Responsible Authority.*

ROADS

Mooleric Road

40. *Prior to the commencement of the use or development, unless otherwise agreed in writing by the Responsible Authority, a road improvement design for Mooleric Road - from the entrance to the quarry at 320 Mooleric Road to the intersection of Mooleric Road with the road reserve north of Lots 1 and 3 TP372519 - must be submitted to and approved by the Responsible Authority. The sealed road pavement must be designed and constructed to address the additional traffic generated by the broiler farm to the satisfaction of the Responsible Authority. The road improvement design must include the requisite information listed in Appendix I (Information to be Shown on Plans) of the Infrastructure Design Manual adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).*
41. *Prior to the commencement of the use of the broiler farm, the upgrades to Mooleric Road as specified within the approved road improvement design must be constructed to the satisfaction of the Responsible Authority.*
42. *Prior to the commencement of the use or development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on title of the broiler farm so as to run with the land, and must provide for the following:*
- a. *Prior to the use commencing and In the event that Council either fails to obtain funding for remedial works/an upgrade to Mooleric Road, or the costs of the roadworks exceeds any funding received, the owner undertakes to pay \$200,000 towards the upgrade of that section of Mooleric Road between its intersection with the Princes Highway and the entrance to the quarry at 320 Mooleric Road.*
- b. *The contribution will be paid prior to the broiler farm use commencing.*
- The agreement will be registered on the title of the broiler farm in accordance with Section 181 of the Planning and Environment Act 1987.*
43. *The operator must ensure that trucks to or from the site do not travel at a speed exceeding 40km per hour on Mooleric Road during construction and operation.*
44. *Prior to the commencement of any works associated with the development or road construction, unless otherwise agreed in writing by the Responsible Authority, the developer must erect replacement speed limitation signs along Mooleric Road to the satisfaction of the Responsible Authority.*

Road Reserve North of Site

- 45. Prior to the construction of the access through the road reserve north of Lots 1 and 3 TP372519, the lease on the road reserve with the Department of Energy, Environment and Climate Action (DEECA) to the proposed entrance to the subject site must be cancelled.**
- 46. Prior to the commencement of development, plans drawn by a suitably qualified person showing the construction standard of the access road along the road reserve north of Lots 1 and 3 TP372519 must be submitted to and approved by the Responsible Authority. Once approved, the plans will form part of the permit. The plans, which must provide detail of the vehicular access from Mooleric Road to the vehicle access point to the broiler farm site, must include:**
- a. areas to be protected, including the areas of cultural heritage sensitivity and “sensitive vegetation”, and show details of the proposed permanent fencing.**
 - b. access with a trafficable surface with a minimum width of 6.0m and adequately drained and clear of obstructions for the passage of a firefighting vehicle along that accessway for at least a further 0.5 metres each side.**
 - c. the construction of a swale drain.**
 - d. culverts placed where the access crosses the natural gully, waterways, dips and adequately sized for 1 in 10 year storm (10% AEP). The inlet and outlet must be protected against erosion. The surface of the access at this point and the surrounding area must be suitably constructed and protected against erosion from flows greater than the 1 in 10 year storm.**
 - e. culverts hydraulic capacity must be designed in accordance with guideline 12.9.2 of the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).**
 - f. all construction costs will be at the permit holder’s expense. Maintenance of the vehicular access will be the responsibility and at the expense of the permit holder to the satisfaction of the Responsible Authority.**
- 47. The access in the road reserve north of Lots 1 and 3 TP372519 must be constructed prior to the commencement of the construction of any buildings associated with the broiler farm or dwellings.**

Section 173 Agreement – Road Reserve

- 48. Prior to the commencement of any works, excluding any preliminary vehicle access works agreed in writing by the Responsible Authority within the road reserve north of Lots 1 and 3 TP372519, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for**

the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and enforcement of the agreement. The agreement must contain covenants to be registered on title of the broiler farm, and must provide for the following:

- *The owner is responsible for the construction, maintenance and liability burden of the access (including the associated infrastructure) within the road reserve north of Lots 1 and 3 TP372519, as shown on the approved plan of the access road forming part of PP159/2023-1 or any amendment thereof. This includes all costs associated with the construction, maintenance, and liability of the infrastructure within the road reserve. This responsibility includes the requirement to maintain the road reserve in accordance with Council requirements, including:*
 - a. *The road is to remain open and available for public use at all times.*
 - b. *The surface of the access road must be maintained to ensure that all-weather access is provided.*
 - c. *The drainage of the access road must ensure that stormwater runoff is contained within the table drains/constructed drain and safely discharged.*
 - d. *Permanent vegetation protection in accordance with condition 5*

The agreement will be registered on the title of the broiler farm in accordance with Section 181 of the Planning and Environment Act 1987.

INTERNAL ACCESSWAYS AND PARKING

- 49. *Prior to the commencement of any work within the property boundary, unless otherwise agreed in writing by the Responsible Authority, the internal accessways must be constructed to an all-weather, dust suppressed standard and with a minimum width of 3.5m to the satisfaction of the Responsible Authority.*
- 50. *Any gate to the broiler farm inside the site boundary must be at least 30m inside the boundary so articulated vehicles requiring access can park off the public road while the gate is being opened, to the satisfaction of the Responsible Authority.*
- 51. *The surfaces of the car parking areas, loading areas and access lanes must be constructed and maintained to the satisfaction of the Responsible Authority to prevent dust and untreated drainage runoff.*

STORMWATER

- 52. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

- 53. *Prior to the commencement of the development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan*

must demonstrate how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). The Stormwater Management Plan must include:

- a. the findings and recommendations of the Surface Water Harvesting Potential report (dated 20 March 2023) and the Technical Memorandum prepared by GHD (dated 12 March 2024)*
- b. detailed calculation of stormwater volume proposed for retention and must demonstrate that existing channel will remain unobstructed.*
- c. the mitigation measures to ensure no contamination from the sheds and hardstand areas enter the waterway/surface water.*
- d. locate any drainage outlet so that there are no impacts on native vegetation during the construction of works or caused by the discharge of water from any drainage outlet.*

All works, including construction of the retention basins, must be undertaken in accordance with the approved Stormwater Management Plan and be maintained to the satisfaction of the Responsible Authority.

PROTECTION OF WATERWAYS/WETLANDS/STORMWATER DRAINAGE SYSTEMS

- 54. The site must be developed and managed to ensure that no contaminants, including but not limited to chemicals, sediments, wastes or pollutants, are discharged off site or into the natural water body/stormwater drainage system from the property, and are managed in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority/ are deposited by vehicles on the abutting roads when vehicles are leaving the property, to the satisfaction of the Responsible Authority.*
- 55. Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*
- 56. Adverse impacts on waterways or wetlands must be avoided by ensuring that broiler sheds and outdoor range areas are adequately separated from waterways via setbacks and buffers in accordance with 'Element 1 (E1): Location, Siting and Size (Standard E1 S2 Waterway Protection)' of the Victorian Code for Broiler Farms 2009 (as amended).*

ANCILLARY DWELLINGS

- 57. None of the dwellings hereby permitted may be occupied before the use of the broiler farm has commenced.*

58. The dwellings hereby permitted may only be occupied by persons employed on the subject site.

59. In the event that the broiler farm hereby permitted ceases to benefit from existing use rights under the Colac Otway Planning Scheme, the dwellings must be decommissioned and removed from the site in their entirety within 12 months of the use ceasing, and the land must be reinstated, all to the satisfaction of the Responsible Authority.

60. Access to each dwelling must be provided and constructed to the following standards:

- a. All weather construction.
- b. A load limit of at least 15 tonnes.
- c. A minimum trafficable width of 3.5 metres
- d. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- e. Curves must have a minimum inner radius of 10m.
- f. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- g. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- h. Incorporate a turning area for fire fighting vehicles close to each building by one of the following:
 - I. A turning circle with a minimum radius of eight metres.
 - II. A driveway encircling the dwelling.
 - III. The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle

61. Each dwelling must be connected to a reticulated potable water supply or have alternative potable water supply with adequate storage for domestic use as well as firefighting purposes.

Water Supply - Firefighting

62. Water supply must be to the following standards:

- a. Minimum 20,000 litres of effective water supply for fire-fighting purposes for each dwelling.
- b. Stored in an above ground water tank constructed of concrete or metal.
- c. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- d. Include a separate outlet for occupant use.
- e. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
- f. Be located within 60 metres of the outer edge of the approved building.
- g. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.

- h. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.*
- i. Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling).*

Wastewater

63. A domestic wastewater management system must be constructed concurrently with each of the 2 amenity blocks and the 4 dwellings hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.

BIODIVERSITY

64. To prevent damage to the existing native vegetation within the site or within the access road reserve, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained and/or protected in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.

65. Drainage outlets must be located so that there are no impacts on native vegetation during the construction of works or caused by the discharge of water from any drainage outlet.

66. The recommendations of the following reports must be implemented to ensure that the biodiversity values of the site are protected to the satisfaction of the Responsible Authority:

- a. Biosis Flora and Fauna Assessment Final Report - 320 Mooleric Road Birregurra - 12 October 2023*
- b. Biosis Striped Legless Lizard Targeted Survey Final Report - 320 Mooleric Road Birregurra - Proposed access road - 29 January 2024*
- c. Biosis Flora and Fauna Assessment Final Report - Mooleric Road Birregurra – Pipeline and all-weather access road - 26 February 2024*

LAND MANAGEMENT PLAN

67. Prior to the commencement of development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, be prepared by a suitably qualified person (e.g. an ecological consultant) and be submitted in electronic form. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):

- a. *Site plan;*
- b. *Site description;*
- c. *Overall environmental objectives for management of the land and techniques to achieve these objectives;*
- d. *A description of native plant and animals on site and in the area;*
- e. *A description of the site outside the native vegetation areas;*
- f. *Inclusion of all recommendations/mitigation measures (or similar) as specified in Biosis Flora and Fauna Assessment Final Report - 320 Mooleric Road Birregurra - 12 October 2023;*
- g. *Inclusion of all recommendations/mitigation measures (or similar) as specified in Biosis Striped Legless Lizard Targeted Survey Final Report - 320 Mooleric Road Birregurra - Proposed access road - 29 January 2024*
- h. *Inclusion of all recommendations/mitigation measures (or similar) as specified in Biosis Flora and Fauna Assessment Final Report - Mooleric Road Birregurra – Pipeline and all-weather access road - 26 February 2024*
- i. *Identification of land management issues such as, but not limited to:*
 - i. *techniques to protect and enhance the biodiversity of the land, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas*
 - ii. *methods for the control and eradication of weeds*
 - iii. *methods for the control of pest animals*
 - iv. *the use of fencing which is permeable for native fauna*
 - v. *any re-vegetation of the site using native and indigenous species*
 - vi. *improving the condition of waterway frontages with vegetation*
 - vii. *preventing stock access to waterways*
 - viii. *preventing soil erosion*
 - ix. *using and managing nutrients wisely*
 - x. *improving agricultural chemical use*
 - xi. *practices and procedures to ensure that no significant adverse environmental impacts occur as a result of the use*
- j. *Goal setting and specification of actions and implementation and monitoring of the identified actions;*

The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

68. An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following the commencement of the use of the broiler farm, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:

- a. *permit holder*

- b. *planning permit number*
- c. *reporting year (1-5)*
- d. *date report is submitted*
- e. *who completed the report*
- f. *condition of site against each management commitment*
- g. *actions taken during the year to achieve the management commitment*
- h. *photographs which clearly depict management actions undertaken for the previous year.*

Section 173 Agreement – Land Management

69. Prior to the commencement of any works, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on title, and must provide for the following:

- a. *The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP159/2023-1, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

LANDSCAPING

70. Prior to the commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan, which must be prepared by a suitably qualified person, must be in general accordance with the 'Landscaping – Government Road Birregurra, VIC, 3242' Report by Spirecom (dated September 2023) and must include landscaping in accordance with 'Element 1 (E1): Location, Siting and Size (Standard E1 S2 Waterway Protection)' and demonstrate compliance with 'Element 4 (E4): Landscaping' of the Victorian Code for Broiler Farms 2009 (as amended). The plan, which must be drawn to scale with dimensions, must show (but not limited to):

- a. *a survey (including botanical names) of all existing vegetation to be retained and/or removed*
- b. *buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
- c. *setbacks of landscaping from waterways and wetlands, and appropriate and buffer treatment*

- d. *details of surface finishes of pathways and driveways*
- e. *fencing and other protection measures for native vegetation to the north of the southern boundary of the site*
- f. *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and at maturity, and quantities of each plant*

Screening plantings must include advanced tree specimens (minimum of 2 metres tall when planted).

Plant species should be Ecological Vegetation Class (EVC) appropriate indigenous species. All species selected must be to the satisfaction of the Responsible Authority.

71. Within 12 months of the commencement of the construction of the broiler farm, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

72. Prior to the commencement of the use or development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on title of the broiler farm and must provide for the following:

- *Prior to the commencement of development of the broiler farm, the owner must deposit with the Responsible Authority a sum of money fixed in accordance with Approved Measure E4 M1.8 of the Victorian Code for Broiler Farms 2009 (as amended)*
- *The sum or part of the sum is forfeited if there is any failure by the owner to carry out the agreement to the satisfaction of the Responsible Authority, with the amount forfeited based on the percentage of works undertaken.*
- *Any money paid will be returned to the owner after the 3 year landscaping period to the extent that it has not been forfeited.*

The agreement will be registered on the title of the broiler farm in accordance with Section 181 of the Planning and Environment Act 1987.

73. At the end of the 3 year landscaping maintenance period, an inspection of landscaping works must be requested and the written approval of the Responsible Authority to the works must be obtained.

CCMA CONDITIONS

74. Before the development starts, updated plans must be approved and endorsed by the responsible authority and Corangamite CMA.
- a. The plans must incorporate the recommendations from the Technical Memorandum (1.5 Recommendations from page 8 of the Birregurra Broiler Farm - Stormwater Management Plan, Existing Conditions Flood Assessment 12 March 2024).
 - b. The recommended adjustments to the development proposal from the Technical Memorandum must be assessed against the existing conditions hydraulic model to determine post development flood conditions. The assessment must demonstrate that the development (including earthworks) does not:
 - i. Divert floodwaters to the detriment of any adjoining property.
 - ii. Increase flood velocity on any adjoining property.
 - iii. Increase flood levels on any adjoining property.
 - iv. Earthworks and buildings must not result in a detrimental loss of flood storage.

SOUTHERN RURAL WATER CONDITIONS

75. Operational use of groundwater or catchment surface water in an industrial manner within the footprint of the broiler farm must be licensed under Section 51 of the Water Act 1989.
76. The construction of dams on a waterway or licensed under Section 51 of the Water Act 1989 must be licensed under Section 67 of the Water Act 1989.

DEPARTMENT OF TRANSPORT AND PLANNING CONDITIONS

77. Before the commencement of the use of the development hereby approved, the following works should be undertaken to the satisfaction of the responsible authority and at no cost to the Head, Transport for Victoria;
- I. The existing Give Way signs at the intersection of the Princes Highway and Mooleric Road should be replaced with regulation Stop signs and stop line.
 - II. Stop Sign Ahead signs should be erected on Mooleric Road on the approach to the Princes Highway.
 - III. Relocate or replace the road name sign and 'quarry' sign located on the approach to Mooleric Road from the Princes Highway to maximise sight lines for vehicles exiting Mooleric Road onto the Princes Highway.

EXPIRY

78. This permit will expire if one of the following circumstances applies:
- a. The development has not commenced within three years of the date of this permit.

- b. *The development and vegetation removal is not completed and the use has not commenced within five years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain building permits for the proposed development.*
2. *It is the responsibility of the landowner and developer to ensure compliance with the Flora and Fauna Guarantee (FFG) Act 1988 and the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, ensuring that any works on site comply with the requirements of that legislation. Legless Lizards were detected on site; therefore a referral should be submitted under the Environment Protection and Biodiversity Conservation Act 1999 and any required offsets must be secured before construction commences in areas of the site which comprise identified potential Legless Lizard habitat.*
3. *Prior to the commencement of works associated with the 2 amenity blocks and the 4 dwellings, a separate application to install an onsite wastewater management system for each must be submitted to and approved by Council's Health Protection Unit.*
4. *The approved location of the treatments plant(s) and disposal areas will need to be set back from waterways and channels running north south to the site. These waterways will need to be marked on any proposed site plan that accompanies the onsite wastewater permit application. Setbacks must be maintained in accordance with the EPA Guideline for Onsite Wastewater Management' (May 2024).*
5. *The Health Protection Unit reserves the right to request that the Land Capability Assessment be submitted for approval by a suitably qualified person to support a detailed system design at the wastewater permit application stage. A sealed treatment system is required in an area subject to inundation.*
6. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
7. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
8. *At least seven (7) days before any work starts, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

CCMA

- 9. Prior to earthworks commencing, the permit holder must contact Corangamite CMA to confirm if a works on waterways application needs to be submitted for assessment.*

Barwon Water

- 10. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/or sewerage services to the proposal. All communication between the developer/agent and Barwon Water quote Barwon Water reference number L020673.*

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council defers consideration of this matter to an Unscheduled Planning Committee to be scheduled before 1 August 2024 to enable Councillors time to fully review and comprehend the relevant documentation.

CARRIED 7 : 0

Item: 9.5

Request to Discontinue Road Reserve and consolidate into 80a Hart Street Colac & Notice of intention to dispose of the consolidated land.

OFFICER	David Butterfield
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

- 1. Notes that its Notice of Intention to discontinue part of an unused road reserve adjacent to 80a Hart Street, Colac, was exhibited in accordance with Section 12 of the Road Management Act 2004 and Section 206 of the Local Government Act 1989 and with Council's previous direction given on 27 March 2024.*
- 2. Notes that one submission was received in response to the Notice of Intention to discontinue part of the unused road, and that the submitter was heard at Submissions Committee meeting on 12 June 2024.*
- 3. Having considered the submission received, determines to proceed with discontinuance of the unused road reserve parallel to 80a Hart Street, Colac.*
- 4. Authorises the General Manager of Community and Economy to do all things required to discontinue the Road Reserve as shown on Figure 1 (up to the red line) pursuant to Section 12 of the Road Management Act 2004 and Section 206 of the Local Government Act 1989 and then consolidate the land into the Title for 80a Hart Street Colac.*
- 5. Upon completion of the discontinuance and consolidation process, gives notice of its intention to dispose of the property 80a Hart Street Colac for a period of 6 weeks, calling for public submissions from interested parties.*
- 6. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee in relation to point 5 above.*

7. *If any submissions are received in response to point 5 above, consider these submissions prior to considering at a future Council Meeting whether to proceed with disposal of the property.*
8. *In the event that Council receives no submissions in response to point 5, authorises the General Manager of Community and Economy to:*
 - a. *Obtain a valuation for the consolidate title from a person who holds qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960.*
 - b. *Do all things necessary to commence a disposal process by way of private treaty, for a sale price that is no less than 90% of the valuation obtain in point 8(a) at the time of entering a contract of sale.*
9. *Determines that the net proceeds of any sale of 80a Hart Street, Colac, that arises from this decision should be transferred to the Unallocated Surplus Reserve.*

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council:

1. *Notes that its Notice of Intention to discontinue part of an unused road reserve adjacent to 80a Hart Street, Colac, was exhibited in accordance with Section 12 of the Road Management Act 2004 and Section 206 of the Local Government Act 1989 and with Council's previous direction given on 27 March 2024.*
2. *Notes that one submission was received in response to the Notice of Intention to discontinue part of the unused road, and that the submitter was heard at Submissions Committee meeting on 12 June 2024.*
3. *Having considered the submission received, determines to proceed with discontinuance of the unused road reserve parallel to 80a Hart Street, Colac.*
4. *Authorises the General Manager of Community and Economy to do all things required to discontinue the Road Reserve as shown on Figure 1 (up to the red line) pursuant to Section 12 of the Road Management Act 2004 and Section 206 of the Local Government Act 1989 and then consolidate the land into the Title for 80a Hart Street Colac.*
5. *Upon completion of the discontinuance and consolidation process gives notice including directly to adjoining owners of 80A Hart Street, of its intention to dispose of the property 80a Hart Street Colac for a period of 6 weeks, calling for public submissions from interested parties.*
6. *Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee in relation to point 5 above.*
7. *If any submissions are received in response to point 5 above, consider these submissions prior to considering at a future Council Meeting whether to proceed with disposal of the property.*
8. *In the event that Council receives no submissions in response to point 5, authorises the General Manager of Community and Economy to:*

- a. Obtain a valuation for the consolidate title from a person who holds qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960.*
 - b. Do all things necessary to commence a disposal process by way of private treaty, for a sale price that is no less than 90% of the valuation obtain in point 8(a) at the time of entering a contract of sale.*
- 9. Determines that the net proceeds of any sale of 80a Hart Street, Colac, that arises from this decision should be transferred to the Unallocated Surplus Reserve.*

CARRIED 7 : 0

Item: 9.6

Safer Local Roads & Streets Program - Potential Projects

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

1. *Notes the opportunity for it to nominate projects for improvement of road safety on its local roads network under the Safer Local Roads and Streets Program, with a total value of \$2million.*
2. *Endorses the following projects to be considered for approval by the Department of Transport and Planning and Transport Accident Commission under the Safer Local Roads and Streets Program:*
 - a. *Connor Street, Colac (Corangamite to Hart Streets) – Two Raised Pedestrian Crossings.*
 - b. *Bromfield Street, Colac (Corangamite to Gellibrand Street) – Two Raised Pedestrian Crossings.*
 - c. *Pascoe Street, Apollo Bay (Moore to Nelson Street) – New Raised Pedestrian Crossings and a Roundabout at Moore Street.*
 - d. *Armstrong Street, Colac – New Compact Roundabout at Armstrong Street and Pound Road intersection & Road Safety Audit to identify other improvements*
 - e. *Implementation of Colac CBD 40km/hr speed limit.*
 - f. *Safety Treatment at Intersection of Conns Lane & Cape Otway Road, Birregurra.*
 - g. *Bushbys Road, Barongarook – Safety treatment works*
 - h. *Gellibrand Street, Colac – New Mid Block Pedestrian Crossing*
 - i. *Road Widening at a Blind Corner on Mingawalla Road approaching Sunny Hills Road Intersection, Beeac.*
 - j. *Warrobie Road and Mckay Road Intersection, Irrewarra – Road Safety Audit*

3. *Notes that the projects endorsed in point 2 will be presented to the Department of Transport and Planning and Transport Accident Commission before funding applications are submitted and some projects may not progress if they are not supported by Department of Transport and Planning and Transport Accident Commission or do not meet the eligibility criteria.*
4. *Notes that the combination of projects put forward as final applications will be designed to maximise the use of the funding available.*
5. *Submit a funding application through SmartyGrant for the endorsed projects once reviewed by the Department of Transport and Planning and Transport Accident Commission.*

CARRIED 7 : 0

Item: 9.7

Elliminyt Recreation Reserve Pavilion Redevelopment - proposed funding application to Housing Support Program

OFFICER	Jarrold Woff
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Arnott, Seconded Cr Hanson

That Council:

- 1. Notes that the Elliminyt Recreation Reserve Pavilion Redevelopment project is a priority in its adopted Advocacy Framework and Advocacy Priorities and that concept plans and cost estimates have been prepared for this project.*
- 2. Endorses the Elliminyt Recreation Reserve Pavilion Redevelopment project to be submitted to the Federal Government's Housing Support Program – Community Enabling Infrastructure Stream, seeking a grant of \$6,600,000 (esc. GST) which represents the total project budget.*
- 3. Authorises the Chief Executive Officer to submit the application for the Elliminyt Recreation Reserve Pavilion Redevelopment to the Housing Support Program – Community Enabling Infrastructure Stream.*
- 4. Authorises the Chief Executive Officer to enter into a funding agreement should the application for the Elliminyt Recreation Reserve Pavilion Redevelopment be successful.*

CARRIED 5 : 2

Division For: Cr Potter, Cr White, Cr Hanson, Cr Finnigan, Cr Arnott

Against: Cr Hart and Cr Costin

Final Vote: CARRIED 7 : 0

Item: 9.8

Donaldson Street Park Redevelopment - proposed funding application to VicHealth's Growing Healthy Communities Grant Program

OFFICER	Nicole Frampton
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Finnigan, Seconded Cr Potter

That Council:

- 1. Endorses the Donaldson Street Park Upgrades Stage 2 project to be submitted to VicHealth's Growing Healthy Communities Grants program, seeking a grant of \$150,000 (exc. GST).*
- 2. Authorises the Chief Executive Officer to submit the application for the Donaldson Street Park Upgrades Stage 2 to VicHealth's Growing Healthy Communities Grants program.*
- 3. Authorises the Chief Executive Officer to enter into a funding agreement should the application for the Donaldson Street Park Upgrades Stage 2 be successful.*

CARRIED 7 : 0

Item: 9.9

Governance Rules 2024

OFFICER	Kendrea Pope
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Revised Government Rules proposed for adoption

RECOMMENDATION

That Council:

- 1. Notes and considers the submissions to the draft Governance Rules made during the public exhibition period.*
- 2. Endorses the Governance Rules 2024 (Attachment 1) which have been revised following public exhibition.*
- 3. Authorises Council officers to make minor editorial amendments to formatting, section and cross-reference numbering and document control information to the Governance Rules document prior to its publication.*

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council:

- 1. Notes and considers the submissions to the draft Governance Rules made during the public exhibition period.*
- 2. Endorses the Governance Rules 2024 (Attachment 1) which have been revised following public exhibition with the following further changes:*
 - Adding at 39.1 a prohibition on a rescission being lodged which seeks to overturn a decision to adopt the Council budget.*
 - Inserting at 40.1 the words 'is not seconded or is withdrawn' after the words 'is lost or fails to be moved'.*

- *Introducing a new provision relating to petitions that provides an opportunity for the head petitioner to briefly address Council during public question time at a meeting for which a petition is scheduled to be tabled.*
3. *Authorises Council officers to make minor editorial amendments to formatting, section and cross-reference numbering and document control information to the Governance Rules document prior to its publication.*

CARRIED 6 : 1

Division For: Cr White, Cr Potter Cr Hart, Cr Hanson, Cr Arnott and Cr Costin

Against: Cr Finnigan

Item: 9.10

Adoption of Revised Procurement Policy

OFFICER	David Butterfield
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Revised Procurement Policy for adoption - July 2024 [9.10.1 - 34 pages]2. Current Procurement Policy Version 3.4 [9.10.2 - 18 pages]

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

1. *Notes that the draft Procurement Policy was exhibited in accordance with its direction given on 22 May 2024.*
2. *Notes that no submissions were received in response to the exhibition of the draft Procurement Policy.*
3. *Adopts the revised Procurement Policy (Attachment 1).*

CARRIED 7 : 0

Item: 9.11

Adoption of Revised Complaints Policy

OFFICER	Gwynneth Cowley
GENERAL MANAGER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Complaints Policy - presented for adoption July 2024 [9.11.1 - 17 pages]2. Complaints Policy - with tracked changes July 2024 [9.11.2 - 17 pages]

RESOLUTION

Moved Cr Finnigan, Seconded Cr Hart

That Council:

1. *Notes that the draft Complaints Policy was exhibited in accordance with its direction given on 22 May 2024.*
2. *Notes that no submissions were received in response to the exhibition of the draft Procurement Policy.*
3. *Notes that amendments have been made to the exhibited policy to incorporate recommendations of the Audit and Risk Committee and further improve grammar and readability.*
4. *Adopts the revised Complaints Policy (Attachment 1).*

CARRIED 7 : 0

Item: 9.12

Award of Contract 2304 - Cleaning Services

OFFICER	Cameron Duthie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

PROCEDURAL MOTION

Moved Cr Hart, Seconded Cr Arnott

That Council vote to move this item to the last item in the Open Agenda.

CARRIED 7 : 0

Note: This item was moved to the end of the Open Agenda to be considered after Item 9.23

Item: 9.13

Contract 2425 – Provision of Internal Audit Services

OFFICER	Mike Summerell
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

Cr Hanson declared a conflict of interest pursuant to Section 127 of the Local Government Act 2020 and left the meeting, returning at 7.16pm after the discussion on the item concluded.

Cr Hanson	Item 9.13 – Award of Contract 2425 – Provision of Internal Audit Services	General	Held a position at Finder for many years and maintain friendships with current employees.
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RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

- 1. Awards Contract 2425 – Provision of Internal Audit Services to Tenderer 3 for an initial three years, with the option of two (2) by one (1) year extensions at the discretion of Council.*
- 2. Authorises the Chief Executive Officer to execute the contract documents of behalf of Council relating to the award of Contract 2425 – Provision of Internal Audit Services.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal, in regard to this Contract.*
- 4. Notes that the Audit and Risk Committee is supportive of the recommendation to appoint Tenderer 3*

CARRIED 6 : 0

Item: 9.14

Local Government Liability Insurance Renewal

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Potter, Seconded Cr Hart

That Council:

- 1. Accepts the offer of renewal for the 2024-25 year for the MAV Insurance's Liability Mutual Insurance (LMI) Scheme for the amount of \$397,419.56 (inclusive of stamp duty and GST).*
- 2. Authorises the Chief Executive Officer to enact the renewal of Liability Mutual Insurance Scheme contribution.*

CARRIED 7 : 0

Item: 9.15

Proposed amendment to SES lease, Wilson Street Colac

OFFICER	David Butterfield
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	1. Council Resolution 12.12.18 [9.15.1 - 1 page]

RECOMMENDATION

That Council:

- 1. Varies the Lease with the State Emergency Service for 87 Wilson Street Colac, dated 1 February 2019 to change the annual rental amount from \$150 to \$1.10 (including GST).*
- 2. Authorises the Chief Executive Officer to do all things necessary to vary the Lease as per point 1.*
- 3. Notes that all other conditions of the State Emergency Service Lease on 87 Wilson Street Colac will remain unaltered.*

RESOLUTION

Moved Cr Hart, Seconded Cr Potter

That Council:

- 1. Varies the Lease with the State Emergency Service for 87 Wilson Street Colac, dated 1 February 2019 to change the annual rental amount from \$150 to \$1.10 (including GST).*
- 2. Authorises the Chief Executive Officer to do all things necessary to vary the Lease as per point 1.*
- 3. Notes that all other conditions of the State Emergency Service Lease on 87 Wilson Street Colac will remain unaltered.*
- 4. Applies the rent variation retrospectively from the commencement of the original lease and reimburses the difference to the State Emergency Service.*

CARRIED 7 : 0

Item: 9.16

Lake Colac Advisory Committee - Terms of Reference

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Lake Colac Advisory Committee - Terms of Reference - For Endorsement [9.16.1 - 4 pages]

RESOLUTION

Moved Cr Finnigan, Seconded Cr Arnott

That Council:

- 1. Endorses the revised Lake Colac Advisory Committee Terms of Reference (Attachment 1).*
- 2. Seeks Expressions of Interest for the three community positions on the Lake Colac Advisory Committee from Friday 26 July 2024 to Sunday 18 August 2024.*
- 3. Writes to member organisations seeking their acceptance of a position on the Lake Colac Advisory Committee including their nominated representative.*

CARRIED 7 : 0

Item: 9.17

Geelong Regional Library Corporation Alternate Business Enterprise Model

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council:

- 1. Notes that the Local Government Act 2020 requires Regional Library Corporations to transition to a new enterprise model by 30 June 2031.*
- 2. Notes that the Geelong Regional Library Corporation at its 15 February 2024 Board meeting endorsed a Company Limited by Guarantee as its preferred future enterprise model in order to enable project scoping, transition planning, and costing in preparation for member Council decisions.*
- 3. Requests that the Geelong Regional Library Corporation prepares a report for formal consideration by Council at a future Council Meeting, that:*
 - a. Sets out future governance arrangements and indicative cost impacts for member Councils for the delivery of Library Services under the new enterprise model.*
 - b. Seeks the formal approval to transition to the new enterprise model.*

CARRIED 7 : 0

Item: 9.18
Mayoral Election Meeting 2024

OFFICER	Louise Harvey
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Hanson, Seconded Cr Arnott

That Council:

- 1. Notes the changes to the Local Government Amendment (Governance and Integrity) Act 2024 and the Local Government (Electoral) amendment Regulations 2024.*
- 2. Reschedules the Council meeting to elect the Mayor from Wednesday 6 November 2024 to Wednesday 20 November 2024 and notes that the commencement time of 4pm remains unchanged.*

CARRIED 7 : 0

Item: 9.19

Revocation of Waterway Manager Instrument of Delegation

OFFICER	Belinda Rocka
GENERAL MANAGER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. To Be Revoked - Instrument of Delegation from Waterway Manager - Colac Otway Shire Council - as Wate [9.19.1 - 10 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr Costin

That Council revokes the Instrument of Delegation from the Waterway Manager under the Marine Safety Act 2010 dated 17 June 2024 (refer Attachment 1).

CARRIED 7 : 0

Item: 9.20

Revocation of Port Manager Instrument of Delegation

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. To be Revoked - Instrument of Delegation from the Port Manager to Members of Council Staff - Port of [9.20.1 - 14 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr Costin

That Council revokes the Instrument of Delegation from the Port Manager to Members of Council Staff under the Port Management Act 1995 dated 17 June 2024 (refer Attachment 1).

CARRIED 7 : 0

Item: 9.21

Audit and Risk Committee Meeting - Unconfirmed Minutes - 6 June 2024

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Unconfirmed Minutes - Audit and Risk Committee Meeting Minutes - 6 June 2024 [9.21.1 - 24 pages]2. Unconfirmed Minutes Audit and Risk Committee Meeting - 6 June 2024 - Closed Agenda [9.21.2 - 5 pages]

RESOLUTION

Moved Cr Arnott, Seconded Cr Costin

That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 6 June 2024.

CARRIED 7 : 0

Item: 9.22

Report of Informal Meeting of Councillors

OFFICER	Council Business
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors Record - Council Meeting Preparation 26 June 2024 [9.22.1 - 4 pages] 2. Colac saleyards advisory committee - Informal Meeting of Councillors Record - 27 June 2024 [9.22.2 - 1 page] 3. Informal Meeting of Councillors Record - Councillor Briefing 3 July 2024 [9.22.3 - 2 pages] 4. Lake Colac Advisory Committee Meeting - Informal Meeting of Councillors Record - 5 July 2024 [9.22.4 - 1 page] 5. Informal Meeting of Councillors - Councillor Briefing 10 July [9.22.5 - 2 pages] 6. Informal Meeting of Councillors - Pre Planning 10 July [9.22.6 - 2 pages] 7. Informal Meeting of Councilors - Councillor Briefing Meeting 17 July 2024 [9.22.7 - 3 pages]

RESOLUTION

This item did NOT require a Council decision.

Item: 9.23

Rate Revenue by Geographic Area 2023-24 and 2024-25

OFFICER	Xavier Flanagan
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	1. Level of Rate Revenue by Geographic Area [9.23.1 - 2 pages]

RESOLUTION

This item did NOT require a Council decision.

CLOSED SESSION

RESOLUTION

Moved Cr Finnigan, Seconded Cr Hart

That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:

- *Minutes from Closed Session 22 May 2024, as this matter deals with confidential meeting information, as defined under Section 3(1)(h) of the Act, being records of meetings closed to the public under section 66(2)(a).*

CARRIED 7 : 0

- *Item 9.12: Award of Contract 2304 – Cleaning Services, as this matter deals with council business information, as defined under Section 3(1)(a) of the Act, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

CARRIED 4 : 3

Division For: Cr Potter, Cr Hart, Cr Hanson and Cr Finnigan

Against: Cr White, Cr Arnott and Cr Costin

- *Item 5.1: Cinema Lease, as this matter deals with council business information, as defined under Section 3(1)(a) of the Act, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

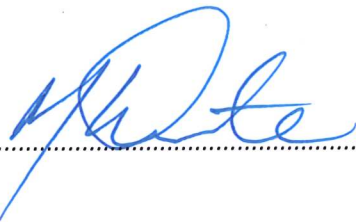
CARRIED 7 : 0

- *Item 5.2: Colac Otway Adaptable Precincts Sites, as this matter deals with land use planning information, as defined under Section 3(1)(c) of the Act, being information that if prematurely released is likely to encourage speculation in land values.*

CARRIED 7 : 0

The meeting was declared closed at 8.56pm

CONFIRMED AND SIGNED at the meeting held on 28 August 2024.


.....MAYOR