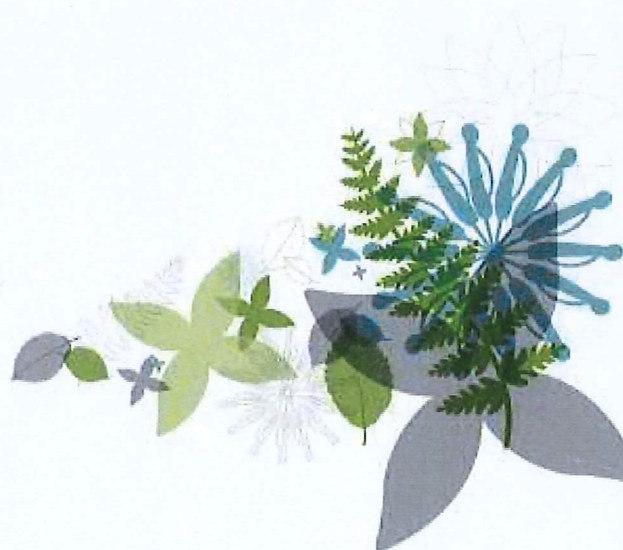




Colac Otway
SHIRE

UNSCHEDULED PLANNING COMMITTEE MEETING
MINUTES

Tuesday 30 July 2024
at 4:30 PM



COLAC OTWAY SHIRE UNSCHEDULED PLANNING COMMITTEE MEETING

Tuesday 30 July 2024

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COLAC OTWAY SHIRE UNSCHEDULED PLANNING COMMITTEE MEETING

MINUTES of the *UNSCHEDULED PLANNING COMMITTEE MEETING OF THE COLAC
OTWAY SHIRE COUNCIL* held at COPACC on Tuesday 30 July 2024 at 4:31 PM.

MINUTES

1 DECLARATION OF OPENING

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
Doug McNeill, Acting General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Mike Summerell, Executive Officer Governance and Business Improvement
Kendrea Pope, Manager Governance
Matilda Hardy-Smith, Coordinator Council Business
Dianne Cornish, Council Business Officer

3 APOLOGIES

Nil.

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: Planning 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 Planning 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 Planning 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).

The sole purpose of this Unscheduled Planning Committee Meeting is to consider the following agenda item:

- Item 7.1: 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

5 QUESTION TIME

Please note, no questions from the public are allowed during Unscheduled Planning Committee Meetings.

6 DECLARATIONS OF INTEREST

Nil.

Item: 7.1

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 | Clause 35.07-1 – Use of Land for Broiler Farm – FZ Clause 35.07-1 – Use of Land for four Dwellings – FZ Clause 35.07-4 – Buildings and Works Associated with Section 2 Use – FZ Clause 52.17 – Native Vegetation Removal | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Four (4) or more objections – nine (9) objections received | |
| ZONE | Farming Zone (FZ) | OVERLAYS Nil |

Item: 7.1

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

| | | | |
|--------------------------|--|--------------------------------|-------------|
| 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 culturally sensitive areas and therefore a Cultural Heritage Management Plan is not required. | | |
| OFFICER | Helen Evans | CHIEF EXECUTIVE OFFICER | Anne Howard |
| DIVISION | Executive | | |
| ATTACHMENTS | <ol style="list-style-type: none">1. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Plans [7.1.1 - 19 pages]2. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Odour Impact Assessment V 4 [7.1.2 - 129 pages]3. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Noise Report [7.1.3 - 11 pages]4. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Traffic Batch Figures [7.1.4 - 1 page]5. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Estd Traffic Generation per Pr [7.1.5 - 1 page]6. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Traffic Movements Assessment [7.1.6 - 14 pages]7. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Broiler Farm Flora & Fauna Ass [7.1.7 - 74 pages]8. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Legless Lizard Survey dated 29 [7.1.8 - 25 pages]9. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Pipeline Flora & Fauna Assessm [7.1.9 - 105 pages]10. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - Biodiversity Memo on Unused ro [7.1.10 - 15 pages]11. P P 159 2023-1 - 320 Mooleric Road BIRREGURRA - Redacted Attachment - GHD Flood Level Memo [7.1.11 - 8 pages] | | |

Item: 7.1

**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**

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

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. *The broiler farm use hereby permitted must not use any groundwater extracted directly from the site for the operations of the broiler farm.*
 19. *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.
 20. *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.*
 21. *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.*
 22. *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.*
 23. *Adequate freezers must be provided for the dead birds before collection.*
 24. *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.*
 25. *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.*
 26. *Dead bird collection vehicles and all containment systems must be leak proof and vermin proof.*

27. *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).*
28. *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.*
29. *Wastewater from the washing and disinfecting of sheds must not be allowed to be discharged from the sheds.*
30. *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.*
31. *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

32. *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.

33. *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.*
34. *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

35. *Prior to the commencement of the broiler farm use, the permit holder must notify the Responsible Authority of the commencement date.*
36. *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.*
37. *No more than 12 truck movements, each comprising one trip to and from the broiler farm, may be made to collect birds from the site between the hours of 7pm and 7am the following morning. (i.e. A "movement" can be considered equivalent to a return trip).*
38. *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.*
39. *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.

- 40. 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

- 41. 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).*
- 42. 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.*
- 43. 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.

44. 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.
45. 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

46. 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.
47. 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.
48. 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

49. 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

- 50. 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.*
- 51. 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.*
- 52. 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

- 53. 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

- 54. 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

55. *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.*
56. *Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*
57. *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

58. *None of the dwellings hereby permitted may be occupied before the use of the broiler farm has commenced.*
59. *Unless with the written consent of the Responsible Authority, based on special circumstances of the residents, the dwellings hereby permitted may only be occupied by persons employed on the subject site with their immediate or extended family.*
60. *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, unless otherwise allowed by the Responsible Authority, through the submission and approval of a planning application. The removal of the dwellings must occur within 12 months of*

the use ceasing, and the land must be reinstated, all to the satisfaction of the Responsible Authority, should a new permit not be issued.

61. 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*

62. 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

63. 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

64. 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

65. 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.
66. 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.
67. 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

68. 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.

69. 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

70. 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

71. 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.

72. 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.

73. 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.

- 74. 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

- 75. 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

- 76. 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.*
- 77. 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

- 78. 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

79. 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.*

CARRIED 7 : 0

AMENDMENT MOTION

Moved Cr Hart, Seconded Cr Finnigan

That council resolve to accept the revised officer's recommendation, but remove Point 59 from the conditions:

"Unless with the written consent of the Responsible Authority, based on special circumstances of the residents, the dwellings hereby permitted may only be occupied by persons employed on the subject site with their immediate or extended family."

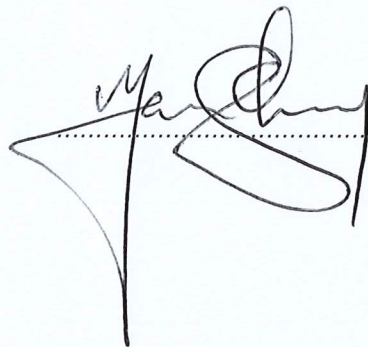
Renumber the remaining conditions accordingly.

LOST 3 : 4

| <i>For</i> | <i>Against</i> |
|--------------------|------------------|
| <i>Cr Hart</i> | <i>Cr Costin</i> |
| <i>Cr Potter</i> | <i>Cr White</i> |
| <i>Cr Finnigan</i> | <i>Cr Hanson</i> |
| | <i>Cr Arnott</i> |

The meeting was declared closed at 5.32pm

CONFIRMED AND SIGNED at the meeting held on 4 December 2024

.....**MAYOR**