



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 8 September 2021**

**Commencing at 7pm**

**Held by Virtual Livestream**

**Anthony Judd  
Chief Executive Officer  
Buloke Shire Council**



**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****MOTION:**

That Council adopt the Minutes of the Council Meeting held on Wednesday, 11 August 2021.

**MOVED: CR ALAN GETLEY**

**SECONDED: CR DAVID POLLARD**

**CARRIED.  
(R1012/21)**

**4. REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

There were no declarations of interest.

**6. QUESTIONS FROM THE PUBLIC**

NIL

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#### **NEXT MEETING**

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN NULLAWIL COMMUNITY BUILDING, NULLAWIL ON WEDNESDAY, 15 SEPTEMBER 2021 AT 2.30 PM.

**Anthony Judd**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

**7. PROCEDURAL ITEMS****7.1 REPORT OF COUNCILLOR ASSEMBLIES**

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

**MOTION:**

That the Council note the report of Councillor Assembly Meetings held on 4 and 18 August 2021.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R1013/21)**

- Attachments:**
- 1 Councillor Briefing Record - 4 August 2021
  - 2 Councillor Briefing Record - 18 August 2021

**KEY POINTS/ISSUES**

Transparency is a fundamental principle of democratic governance.

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, designed to improve public transparency in Council's decision making processes and to assist the community in understanding the information that is accessible to them.

As per the Council Meeting Schedule adopted 23 November 2020, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefings held on 4 and 18 August 2021 is attached for public information.

## 7.2 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** CR/13/01

### PURPOSE

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any particular recognition of achievement that Council has received or been awarded in the past month.

### MOTION:

That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.

**MOVED:** CR CAROLYN STEWART

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R1014/21)**

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Mrs Hilda Fraser Goodwin Village Donald	26 August 2021	To celebrate and congratulate Mrs Fraser for reaching the significant milestone in life of 100 years of age.
Mattell Inc (American Toy Company)	Dr Kirby White Specialist General Practitioner Bendigo (former Charlton Resident)		Recently being selected as one of six professional women, considered a role model, having a "Dr Kirby White" "Barbie Doll" image created, to honour her efforts during the COVID-19 Pandemic.
Buloke Shire Council	Mr Allan McGillivray Captain Wooroonook Country Fire Authority		Recently reaching the significant milestone of providing 45 years of dedicated voluntary service as Captain of the Wooroonook Country Fire Brigade.
Australian Museums and Gallery Associations Victoria	Charlton Golden Grains Museum		For recently obtaining accreditation as a Museum with Australian Museums and Gallery Associations Victoria, the peak body for quality Museums in Victoria.

<b>Provider</b>	<b>Recipient</b>	<b>Date</b>	<b>Purpose for Recognition</b>
Royal Flying Doctor Service	Apryl Start Former Charlton Resident		One of six Rural Health Medicine Students studying at La Trobe University's Bendigo and Mildura Campuses, to receive a \$4,000 "Give Them Wings" Scholarship from Royal Flying Doctor Service and an opportunity to experience a day in the life of The Flying Doctor.

### 7.3 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/06/06

#### PURPOSE

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

**NO MOTION REQUIRED – NO UPDATES REQUIRED TO BE RECORDED**

**Attachments:** Nil

#### TABLE OF CORRESPONDENCE

Council Initiative	Correspondence sent to	Date sent	Date of Response	Summary of Response
Safety Upgrade – Boort Charlton Rail Crossing Safety Requirements	Jacinta Allan MP, Ben Carol MP  Copy to: Louise Staley MP Paul Northey RRV	30/4/21	16/6/21  17/5/21	Jacinta Allan MP, Advised as the matter raised falls within the portfolio responsibilities of the Hon Ben Carroll MP, Minister for Roads her office is forwarding the correspondence for consideration.  Louise Staley provided council with a copy of the advocacy letter sent from her office to the Hon Jacinta Allan Minister for Transport Infrastructure advocating on behalf of Council for the upgrade.
Requirement for site for new Charlton Fire Brigade Station	Danny Pearson MP, Copy to: Louise Staley MP, Jaala Pulford MP,	30/4/21	18/6/21	Danny Pearson MP Advised he has sought advice from the CFA regarding this matter and notes that the CFA acknowledges that the need for a new station and securing a site continues to be a high priority. Minister Pearson has requested that the CFA continue to provide updates to the Charlton Fire Brigade management team on the progress of site acquisition.

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

**Author's Title:** Statutory Administration Support

**Department:** Works and Technical Services

**File No:** DB/14/01

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 August 2021 to 31 August 2021.

#### MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 August 2021 to 31 August 2021.

**MOVED:** CR DAVID VIS

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1015/21)**

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Date Approved
20210090	3702353098024	10 Jenkins Street, Charlton	Alterations to existing dwelling	05/08/2021
20210091	5402337333002	1262 Borung Highway, Wooroonook	Demolition and removal of former Wooroonook Fire Station buildings	05/08/2021
20210105	9265901987291	Boort-Wycheproof Road, Wycheproof	Hay Shed	12/08/2021
20210106	9997157601660	Calder Highway, Bimbourie	Storage Shed	12/08/2021
20210107	7282351284102	23 Corack Road, Donald	Swimming Pool & Safety Barrier	19/08/2021

**LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR**

<b>Permit No.</b>	<b>Address</b>	<b>Project Description</b>	<b>Date Approved</b>
20210103	The Strip Lane, Laen East	Farm Shed	30/07/2021

**7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE****Author's Title:** Planning Officer**Department:** Works and Technical Services**File No:** LP/09/01**PURPOSE**

This report provides information on planning applications under consideration by staff and the status of each of these applications.

**MOTION:**

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

**MOVED:** CR DAVID POLLARD**SECONDED:** CR CAROLYN STEWART

**CARRIED.**  
**(R1016/21)**

**Attachments:** Nil**LIST OF PLANNING APPLICATIONS**

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA920/21		65 Horace Street, Sea Lake CA 32A Section A Parish Burupga	1/04/2021	Liquor licence	Permit Issued
PPA926/21		294 Corack East- Chirrup Road, Corack East CA 40 Sec. D Parish of Corack East	29/04/2021	Two lot subdivision of land (boundary realignment)	Permit Issued
PPA928/21		2 Campbell Street, Birchip Lot 6, 7, 8, 9 PS058023	13/05/2021	Use and development of land for a service station (diesel fuel cell), construct and display a business identification sign and alter access to a Road Zone, Category 1	Public Notice Referral
PPA929/21		Morgans Road, Donald CA2 Parish Donald	25/05/2021	Two lot subdivision of land & use& dev of land for animal production (cattle)	Permit Issued

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA932/21		Borong Highway, Gil Gil CA 2 Section 5 Parish Banyenong	17/06/2021	Amend PPA756/18, Place of assembly, Arts and Music Festival (temporary change of dates)	Permit Withdrawn
PPA933/21		11 Learmonth Street, Charlton Lot 4 LP132788	21/07/2021	Use and development of land four dwellings on a lot	Public Notice Referral
PPA934/21		13 Learmonth Street, Charlton Lot 3 LP132788	21/07/2021	Use and development of land four dwellings on a lot	Public Notice Referral
PPA935/21		1094 Sea Lake - Springfield Road, Sea Lake CA 9 Parish of Berriwillock	20/07/2021	Use and development of land for a camping and caravan park (pop-up hotel)	Public Notice Referral
PPA936/21		Calder Highway, Woosang Lots 2 & 5 PS896969	26/07/2021	Use and development of land for a single dwelling	Public Notice Referral
PPA937/21		86 Lanes Road, Jeffcott CA 63 Parish of Wooroonook	28/07/2021	Two lot subdivision of land (rural dwelling excision)	Public Notice Referral
PPA938/21		70 H Vogels Road, Watchem West CA 56 & 56A Parish of Carron	5/08/2021	Two lot subdivision of land (rural dwelling excision)	Public Notice Referral
PPA939/21		90 Mullane Road, Watchem Lot 1 PS 691954	26/07/2021	Use/dev of land for animal production (free range chicken farm), construction of four sheds and increase capacity to 267,000 birds	Public Notice Referral
PPA940/21		Taylor's Road, Ballapur CA20A & 20B Parish of Ballapur	26/07/2021	Use and development of land for a single dwelling, create or alter access to Road Zone, Category 1	Public Notice Referral
PPA941/21		350 Broadway, Wycheproof Lot 1 TP391928	18/08/2021	Building and works to locate a shipping container for storage	New
PPA942/21		Donald-Swan Hill Road, Corack East CA 1 Sec. A Parish of Corack East	26/08/2021	Amenities building at Corack Hall	New

## 8. GENERAL BUSINESS

### 8.1 POLICY REPORTS

#### 8.1.1 PUBLIC INTEREST DISCLOSURE POLICY

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** CM|14|14

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

#### PURPOSE

For the Council to consider the Public Interest Disclosure policy.

#### SUMMARY

The *Public Interest Disclosure Act 2012* (the Act) is legislative framework for receiving protected disclosures and protecting those who make them.

Council is required to have effective processes in place for the management of protected disclosures as a requirement under the Act.

#### MOTION:

That Council adopt the Public Interest Disclosure policy.

**MOVED:** CR DAVID VIS

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1017/21)**

**Attachments:** 1 Public Interest Disclosure Policy

#### DISCUSSION

The Act encourages and facilitates the disclosure of improper conduct by public bodies or public sector employees. It protects people who report improper conduct aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

The Act provides certain protections for people who make disclosures and carries several civil and criminal penalties related to breaching confidentiality.

A review of Council's Public Interest Disclosure policy (formerly, Protected Disclosure policy) has been undertaken to ensure compliance with the requirements of the Act. The revised policy has been attached to this report.

#### RELEVANT LAW

Relevant sections of the Act and the *Independent Broadbased Anti-corruption Commission Act 2011* are provided in the policy.

**RELATED COUNCIL DECISIONS**

The policy was last adopted by the Council at its meeting held July 2018.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to declare in relation to this report.

## 8.2 MANAGEMENT REPORTS

### 8.2.1 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2021 - 2025

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** EM/01/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

#### PURPOSE

The purpose of this report is for Council to consider and endorse this draft Domestic Animal Management Plan 2021 – 2025 to be made available for public community consultation.

#### SUMMARY

Under the provisions of the *Domestic Animals Act 1994* (the Act) all Councils in Victoria have developed a Domestic Animal Management Plan (DAMP) which is renewed every four years. Council staff have reviewed the current Domestic Animal Management Plan and have produced a draft for community consultation as part of the process of renewing Council's Domestic Animal Management Plan.

#### MOTION:

That Council release the Draft Domestic Animal Management Plan 2021 – 2025 for a 28-day public community consultation process.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR CAROLYN STEWART

**CARRIED.**  
**(R1018/21)**

**Attachments:** Nil

#### DISCUSSION

The draft Domestic Animal Management Plan (DAMP) 2021 – 2025 has been prepared in accordance with the format and sequence required by the Department of Jobs, Precincts and Regions.

The plan outlines Council's services, programs and policies established to administer the requirements of the Act, and the management of dog and cat issues in the community. Council's DAMP promotes responsible pet ownership, and the welfare of cats and dogs in the community. The plan also assists in the protection of the community and environment from nuisance dogs and cats, and in minimising the risk of attacks by dogs. The plan encourages the registration of and identification of dogs and cats. Council reviews the plan annually and the plan is required to be renewed every four years.

Council will release the draft DAMP and call for public submissions, prior to a final review and bring back for adoption at a future Council meeting.

**RELEVANT LAW**

The renewal of Councils Domestic Management Plan is in accordance with the requirements of the *Domestic Animals Act 1994*.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

Council has the option of not endorsing the draft DAMP document to go out for public consultation at this stage.

**SUSTAINABILITY IMPLICATIONS**

The preparation of the DAMP in itself has no sustainability implications.

The policies and actions in the DAMP contribute to community safety and well-being. The management of feral and stray animals contributes to environmental protection and sustainability.

**COMMUNITY ENGAGEMENT**

Community consultation will commence soon after Council endorses the draft plan to go out for community consultation. This consultation will provide the opportunity for the community to be engaged in strategic planning and strategic decision making.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The draft Domestic Animal Management Plan 2021 – 2025 has been prepared in accordance with the principles of pursuing innovation and continuous improvement.

**COLLABORATION**

No external collaboration has been sought with other Councils and Governments and statutory bodies in the preparation of the draft DAMP. External bodies will have the opportunity to provide a submission during the consultation period.

Internal collaboration has been carried out within the Development Services Department and with the Director Works and Technical Services

**FINANCIAL VIABILITY**

The draft DAMP has been prepared by Council staff.

Policies and actions contained within the draft DAMP can affect domestic animal registration numbers, some educational and promotional activities may incur some expenses.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

All Councils in Victoria have developed a Domestic Animal Management Plan which is renewed every four years.

**COUNCIL PLANS AND POLICIES**

The Domestic Animal Management Plan is in accordance with, and complementary to the Council Plan, in particular the Community Wellbeing and Built and Natural Environment themes.

**TRANSPARENCY OF COUNCIL DECISIONS**

In order to promote transparency, Council will consider this recommendation to endorse the Draft Domestic Animal Management Plan 2021 – 2025 to be made available for public community consultation in an open meeting.

**CONFLICTS OF INTEREST**

No officers involved in the preparation of this report have a conflict of interest in the subject matter of this report.

## 8.2.2 COMMUNITY GRANTS AND SPONSORSHIPS

**Author's Title:** Community Development Officer

**Department:** Community Development

**File No:** GS/09/42

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

### PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants and Sponsorship Program

### SUMMARY

Presenting three applications for the Community Grants and Sponsorship program for the Financial Year 2021/2022.

### MOTION:

That Council allocates the following funding under the Community Grants and Sponsorship program:

\$600 Small Equipment grant to Wycheproof Men's Shed;

\$1000 Small Equipment Grant to Wycheproof Caravan Park; and

\$500 Sponsorship Grant for Charlton Rotary Art Show.

**MOVED:** CR CAROLYN STEWART

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1019/21)**

**Attachments:** 1 Disclosure of Conflict of Interest  
2 Community Grants 2021-2022

### DISCUSSION

Council has received the below listed funding application under the Community Grants and Sponsorship Program.

Each of these applications have been assessed as per the Community Grant Guidelines as accepted by Council. The Senior Leadership Team recommends the following grants for council's consideration and final decision on the allocations.

<b>Project:</b>	<b>Technological Advancement of Wycheproof Men's Shed</b>
Organisation:	Wycheproof Men's Shed
Amount Applied:	\$600 Small Equipment grant
Funding Amount Recommended:	\$600
Full project cost:	\$1325.16

Project Description:	<p>The Men's Shed will purchase a laptop for use of the Wycheproof Men's Shed users.</p> <p>The equipment will be used as a tool in governance, communication, information sourcing and digital literacy</p> <p>The technological advancement of Wycheproof's Men's Shed project aligns with Council's Priority 2 (Community Wellbeing)</p>
Project Benefit:	<p>A laptop computer for the Shed will be beneficial for all members through the improvements to governance, communication, information sourcing and digital literacy mentoring by tech-savvy members and sharing of new skills and knowledge; will encourage more participation in activities of the Wycheproof Men's Shed.</p>

<b>Project:</b>	<b>Defibrillator Opportunity</b>
Organisation:	Wycheproof Caravan Park
Amount Applied:	\$1000 Small Equipment Grant
Funding Amount Recommended:	\$1000
Total Project Cost:	<p>\$2235.44</p> <p>This includes another \$1000 in dollar for dollar funding from a Federal Government funding subsidy</p>
Project Description:	Setting up a defibrillator in the Wycheproof caravan park
Project Benefit:	<p>It will mean that the whole community of Wycheproof will have more access to a defibrillator, and tourists staying in the caravan park will be able to use this potentially life-saving service.</p> <p>NB: Officers have clarified that the ongoing responsibility for servicing and maintaining belongs to the Caravan Park lessees.</p>

<b>Project:</b>	<b>Charlton Art Show Sponsorship</b>
Organisation:	Charlton Rotary Club
Amount Applied:	\$500
Funding Amount Recommended:	\$500
Full project cost:	\$24,000
Project Description:	<p>The Art Show is one of Charlton's major cultural events that is held each year. It features the work of both local &amp; regional artists &amp; photographers from a wide area. The Buloke Shire would be sponsoring this event.</p> <p>Council also supports the Art show by providing the hall as a venue free of charge,</p>
Project Benefit:	<p>The event will engage with members of the community and create a tourism opportunity, and a chance for locals and tourists to see some local art.</p> <p>This is a significant event in the Charlton community calendar</p>

**RELEVANT LAW**

Not Applicable

**RELATED COUNCIL DECISIONS**

Not Applicable

**OPTIONS**

Council has the option not to allocate funds as per recommended or defer for further information.

**SUSTAINABILITY IMPLICATIONS**

The above Projects do not have any sustainability implications

**COMMUNITY ENGAGEMENT**

The Manager of Community Services has engaged with applicants during the development of proposals.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable

**COLLABORATION**

Not Applicable

**FINANCIAL VIABILITY**

These applications for the 2021/22 Financial Year from the \$20,000 allocation for Community Grants, a total expenditure for the year of \$7,033. The applications sit within the funding allocations.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.

Community Grant Guidelines.

Community Engagement Policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not Applicable

**CONFLICTS OF INTEREST**

Rebecca Postlethwaite, Community Development Officer, declared a conflict of interest for the Charlton Rotary Club Sponsorship Grant. Management of conflict of interest document is attached to this report.

### 8.2.3 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

#### PURPOSE

To ensure the currency and accuracy of the Instrument of Delegations to the Chief Executive Officer (CEO).

#### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date.

#### MOTION:

That Council resolve that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**MOVED:** CR DAVID VIS

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R1020/21)**

**Attachments:** 1 Instrument of Delegation to the CEO

#### DISCUSSION

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function effectively if this was the case. Instead, decision-making power can be delegated to special committees

or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Delegations are different from authorisations. The decision of a delegate of Council is deemed to be a decision by Council. The decision by a person appointed by Council to a statutory position, for example, an Authorised Officer, is not. That person's powers and responsibilities are quite distinct from those of Council.

Most statutes impose limitations on the powers which may be delegated. Usually, one of the powers which may not be delegated is the delegation power itself. However, this limitation does not apply in respect of delegation to the CEO. Under Section 11 of the *Local Government Act 2020*:

*“(1)(b) The instrument of delegation to the chief executive officer may empower the chief executive officer to delegate any power of the Council other than the power, duty or function specified in subsection (2).”*

The Instrument of Delegation to the CEO may therefore empower the CEO to exercise various powers of the Council, subject to limitations and exceptions specified in the instrument but including the power to delegate powers to Council officers.

In this instance the Instrument of Delegation to the CEO has been updated to include a limitation of expenditure, excluding contracts or expenditure which Council is required to make by or under legislation. Best practice governance procedures suggest delegations and should be reviewed and adopted on at least an annual basis.

This report sets out the following proposed document Instrument of Delegation to the Chief Executive Officer (S5).

#### **RELEVANT LAW**

Section 11 of the *Local Government Act 2020* provide the Power for Council to delegate a power, duty or function to the CEO, subject to specific limitations specified in this section of the Act.

#### **RELATED COUNCIL DECISIONS**

The Instrument of Delegation to the CEO was adopted by Council on 10 June 2020.

#### **OPTIONS**

Council may decide not it adopt the instrument whereby every decision will need to be adopted by Council except powers, duties, or functions that are invested in CEO by the *Local Government Act 2020*, and any other Act that directly provides these powers to the CEO.

Council may also decide to include any other exception or limitation to the Instrument of Delegation to the CEO.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Register of Delegations will be made available on Council's website when adopted.

**CONFLICTS OF INTEREST**

There are no conflicts of interest.

## 8.2.4 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To sub-delegate powers conferred to Council by s437(2) of the *Environment Protection Act 2017* by Instrument of delegation from the Environment Protection Authority dated 4 June 2021.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### MOTION:

That Council:

1. Exercise the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S18-Instrument of Sub-Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
3. The instrument comes into force immediately the common seal of Council is affixed to the instrument; and
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR CAROLYN STEWART

**CARRIED.**  
**(R1021/21)**

**Attachments:** 1 s18-Instrument of Delegation under the Environment Protection Act 2017

**DISCUSSION**

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function effectively if this was the case. Instead, decision-making power can be delegated to special committees or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Recent amendments to the *Environment Protection Act 2017* has resulted in changes to the requirements of the Act. The Environment Protection Authority Delegated to Council via Instrument of Delegation dated 4 June 2021, a number of provisions for activities undertaken by Council.

The instrument of Delegation to the Chief Executive Officer generally allows for the Chief Executive Officer to sub-delegate to staff. This is where Act or Regulations do not include a specific power of Delegation. The *Environment Protection Act 2017* contains a specific power of delegation, by which the Environmental Protection Authority has delegated by Instrument to Council, therefore Council can only be sub-delegate to staff.

**RELEVANT LAW**

Section 437(2) of the *Environment Protection Act 2017*.

**RELATED COUNCIL DECISIONS**

These are new provisions contained in the Environment Protection Act 2017 that commenced on 1 July 2021.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation all decisions in relation to the provisions contained in the attached instrument will be required to be made by Council.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Senior staff were consulted during the review process to ensure the delegations related to staff in performing their roles within council.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to disclose in relation to this report.

## 8.2.5 S6 - INSTRUMENT OF DELEGATION TO STAFF

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To review and update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### MOTION:

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument;
3. On the coming into force of the Instrument all previous delegations from S6 Instrument of Delegation by Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt.

**MOVED:** CR CAROLYN STEWART

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R1022/21)**

**Attachments:** 1 S6 - Instrument of Delegation

**DISCUSSION**

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, and to meet a range of legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

The legislation referred to in the Instrument does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

**RELEVANT LAW**

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

**RELATED COUNCIL DECISIONS**

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 12 August 2020.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation all decisions in relation to the provisions contained in the attached instrument will be required to be made by Council.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to disclose in relation to this report.

## 8.2.6 ADVOCACY STRATEGY

**Author's Title:** Chief Executive Officer

**Department:** Office of the CEO

**File No:** ED/03/02

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

This report is presented for Council to consider the adoption of the revised Advocacy Strategy

### SUMMARY

Following the development of Council's Long Term Community Vision and Plan development, a review and redevelopment of the Advocacy Strategy has been undertaken.

### MOTION:

That Council adopt the draft Advocacy Strategy and review the Strategy within 12 months.

**MOVED:** CR DAVID VIS

**SECONDED:** CR CAROLYN STEWART

**CARRIED.**  
**(R1023/21)**

**Attachments:** 1 Buloke Shire Council Advocacy Strategy - 2021 to 2022

### DISCUSSION

The redevelopment of an Advocacy Strategy is a commitment from the Council Plan and the year 1 annual plan. This follows the development of Council's first Advocacy Strategy, which was adopted in May 2020.

The first Advocacy Strategy was a platform for significant funding outcomes, which many of the priorities funded over the previous 15 months. This includes:

- Streetscape funding
- Playspaces funding
- Key freight route funding
- Lake Tyrrell intersection funding
- Charlton Rex Theatre funding
- Upgrades to Birchip Community Leisure Centre and lighting upgrades across sporting grounds
- Caravan Park Upgrades across the Shire
- Blackspot funding across key locations
- Allocation of funds to Charlton and Birchip drainage projects
- Wycheproof wetlands project
- EV charging points, conversion of street lighting to LED and funding for tree canopy cover.

Given both the success in achieving the key initiatives from the 2020 Advocacy Strategy as well as the significant community engagement undertaken during the development of the Council Plan and Community Vision, it is a relevant time to review the Advocacy Strategy.

To achieve the vision of the 2021 – 2025 Council Plan and Long Term Community Vision, Council needs to advocate on behalf of our community to key decision-makers. This document is intended to aid in advocacy activities led by Council by setting out a clear and compelling case for financial and policy support. The Buloke Shire Council Advocacy Strategy is a document that outlines the strategic priorities for Buloke and highlights the major advocacy campaigns Council will support, lead and pursue. In considering the strategic priorities and projects, Council has reviewed relevant strategies and plans, including:

- Council Plan and Community Vision
- Economic Development and Tourism Plan and Investment Attraction Plan
- Master Plans
- Inclusiveness Plan
- Regional Plans, such as the Loddon Mallee Economic Growth Strategy
- Relevant asset management plans.

The above strategies and plans have all been established through rigorous consultation with our community

This Advocacy Strategy follows the same themes identified by Buloke residents in the development of the Buloke 2030 Community Plan. These strategic themes are:

- Our Built and Natural Environment
- Our Community Wellbeing
- Our Economy
- Our Council and Community Leadership

The Strategy includes seventeen priorities, many of which are infrastructure projects that can be staged. Whilst the strategy highlights the strategic priorities, it doesn't prohibit Council from applying for funding and requesting government support on other initiatives.

Key initiatives include:

- Cabin installation at lakes and caravan parks across the Shire
- Housing projects, commencing with the Birchip Housing Development
- Greening Buloke and securing grants for tree planting, retrofitting buildings and biodiversity projects
- Civic Precinct and community hub projects across all townships
- Continuing the investment into the arts trail
- A renewed funding call for recreation reserves and aquatic facilities across the Shire.

It also calls for state and federal government policy shifts, particularly around:

- A housing investment incentive package for rural areas
- Increased funding for asset renewal for small rural councils
- Rural-proofing childcare provision
- Full completion of the Murray Basin Rail project

Given the rapid changing environment, it has been recommended that the strategy be reviewed in twelve months.

#### **RELEVANT LAW**

There are no relevant law implications.

**RELATED COUNCIL DECISIONS**

Council adopted the first Advocacy Strategy in May 2020.

**OPTIONS**

Council can choose to not adopt the Advocacy Strategy. It is worth noting that this document can be reviewed at any time.

**SUSTAINABILITY IMPLICATIONS**

The Strategy includes a priority focussed on enhancing the environmental performance of the broader Buloke community.

**COMMUNITY ENGAGEMENT**

This Advocacy Strategy has been developed through a review of a large range of strategies, plans and consultation efforts of Council in recent years.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The first Advocacy Strategy wielded extremely positive results from funding providers over the past 15 months. This document will build on the success of the advocacy efforts of Council.

**COLLABORATION**

This strategy pulls from a range of internal and external strategic documents and the only way for Council to deliver on these community priorities is to do it in partnership with other levels of government and the community

**FINANCIAL VIABILITY**

Council is heavily reliant on external funding for the delivery of large scale capital works projects. Ultimately, one of the key aims of this document is to attract external funding for the for the delivery of the important projects detailed in this Advocacy Strategy. If funding is received, this will form part of future capital works programs.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

This document will feed into key regional strategic plans, including the Mallee Regional Partnership priorities.

**COUNCIL PLANS AND POLICIES**

This Advocacy Strategy has strong alignment with key strategy and policy documents, including the Council Plan and Economic Development and Tourism Strategy

**TRANSPARENCY OF COUNCIL DECISIONS**

This report is being made in open Council meeting.

**CONFLICTS OF INTEREST**

No officer involved in the development of this report has a known conflict of interest

**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**8.5 REPORTS FROM COUNCILLORS****Report from Mayor Cr Daryl Warren – Mount Jeffcott Ward**

12/8/21	Loddon Campaspe Mayors CEO Forum Workspace meeting Bendigo
13/8/21	LMWRRG Finance and Risk Meeting via Zoom Rural Councils Victoria Zoom meeting
16/8/21	Birchip Forum Zoom meeting
17/8/21	CEO/Mayor meeting
18/8/21	Present to Victorian Electoral Commission Boundary Review Zoom Council Briefing via Zoom
19/8/21	Chair the Birchip PCG Townscape meeting
20/8/21	Introduction to Fire Services Victoria with CEO via Zoom
23/8/21	Buloke Tourism Board AGM via Zoom
24/8/21	CEO/Mayor meeting
25/8/21	NBN Funding opportunity, rural / regional upgrades meeting via Zoom
31/8/21	CEO/Mayor meeting ABC radio interview with Mayor of Queenscliffe, The Vax Race. Radio 3AW radio interview Mayor of Queenscliffe, The Vax Race.
1/9/21	Sunrise Channel 7 Mayor of Queenscliffe, The Vax Race. Council Briefing via Zoom
2/9/21	ABC Radio interview the Border Bubble changes for LGA's
3/9/21	Connecting Victoria Funding meeting via Zoom
8/9/21	Council Meeting live stream.

**Farewell to Director Community Development and Chief Executive Officer**

Cr Stewart acknowledged the departure of the Director Community Development, Mrs Rose Harris, and offered the thanks of her constituents, for Mrs Harris's invaluable contribution to the Buloke Shire. Cr Stewart stated, from our traditional owners, LGBTIQ Sector, and everyone else in between, your demonstrated empathy, understanding and passion has been truly appreciated. Cr Stewart noted how Mrs Harris's positivity and enthusiasm has been infectious to all involved. Noting the Buloke communities have been so much richer for Mrs Harris being part of it.

The Mayor, Cr Warren, stated on behalf of the Council he would like to acknowledge the departure of the Chief Executive Officer, Mr Anthony Judd, and thank him very much for his contribution to the organisation over the last 16 years. The Mayor noted that Mr Judd, as a person and a man, has grown so much, as has the organisation, in those years, and passes on the Council's heartfelt thanks for his efforts for looking after the organisation works, which is not always an easy job.

The Mayor stated he echoes those magnificent words of Cr Stewart's to Mrs Harris for her contribution to the Buloke Shire.

The Mayor noted you will be sadly missed by the Council, communities and staff, and will be both, “hard acts to follow”, however we will do our best to carry on. Hopefully you both won’t be lost to the Buloke communities.

The Mayor finished off by saying, thank you very much and sadly with the current restrictions, Council can’t afford you the send-off you truly deserve for years of service to the Council and the community.

Cr Vis offered his thanks also to Mrs Harris for her dedication with her work, and for all she has done in her time with Council and wished her well in the future.

Cr Vis advised of his devastation when he heard that Mr Judd had resigned. Cr Vis stated that Mr Judd has proven his worth many times, and has been an absolute stalwart lobbying for the Buloke Shire and its people. Cr Vis wished Mr Judd well and advised that the Council have very big shoes to fill. Cr Vis personally said farewell to Mr Judd, and wished him and his family all the best.

## **8.6 MATTERS WHICH MAY EXCLUDE THE PUBLIC**

Nil

**9. OTHER BUSINESS**

**9.1 NOTICES OF MOTION**

Nil

**9.2 QUESTIONS FROM COUNCILLORS**

Nil

**9.3 URGENT BUSINESS**

Nil

**9.4 ANY OTHER BUSINESS**

Nil

**10. MEETING CLOSE**

Meeting closed at 7.36pm.