



COUNCIL MEETING

MINUTES

Wednesday 12 July 2023

Commencing at 7:00pm

Wycheproof Supper Room

367 Broadway, Wycheproof

**Wayne O'Toole
Chief Executive Officer
Buloke Shire Council**

Minutes of the Meeting held on Wednesday, 12 July 2023 commencing at 7:00pm in the Wycheproof Supper Room, 367 Broadway, Wycheproof**PRESENT****CHAIRPERSON:**

Cr Alan Getley

Mallee Ward

COUNCILLORS:

Cr Bernadette Hogan

Mallee Ward

Cr David Pollard

Lower Avoca Ward

Cr Graeme Milne

Mount Jeffcott Ward

Cr Bronwyn Simpson

Mount Jeffcott Ward

Cr Daryl Warren

Mount Jeffcott Ward

OFFICERS:

Wayne O'Toole

Chief Executive Officer

Daniel McLoughlan

Acting Director Infrastructure and Delivery

Travis Fitzgibbon

Director Community Development

Michelle Stedman

Director Corporate and Organisational Performance

AGENDA**1. COUNCIL WELCOME****WELCOME**

The Mayor Cr Alan Getley welcomed all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to the Elders from other communities who maybe here today.

2. RECEIPT OF APOLOGIES

Cr Carolyn Stewart

Lower Avoca Ward

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

That Council adopt the Minutes of the Council Meeting held on Wednesday, 14 June 2023 and Council adopt the Minutes of the Council Meeting held on Tuesday, 27 June 2023.

Moved: CR BERNADETTE HOGAN

Seconded: CR DARYL WARREN

CARRIED.

(R103/23)

4. REQUESTS FOR LEAVE OF ABSENCE

A request for Leave of Absence has been received from Cr Carolyn Stewart, Lower Avoca Ward, for the period 1 July 2023 until 31 December 2023 inclusive for reasons as provided to Council.

The Mayor has a comment on this request he would like recorded in the Minutes of tonight's Council Meeting.

The Mayor referred to Clause 8 of the Municipal Councillor Ministerial Guides 2015 (the Guidelines) which details 'Duties as a Councillor'.

A Councillor being absent from their role and duties as defined in the Guidelines for a substantial period of time, leaves constituents feeling unrepresented, and requires others Councillors to pick up the increased workload to address the lack of Ward coverage.

Council notes Councillor Stewart's reasons for the request, however given the inherent requirements of the role as per the Guidelines previously mentioned, and the fact that an extended absence means that these requirements are not met.

The Mayor advised he would like to put the following motion:

MOTION: Council refuse the request of leave of absence from Councillor Carolyn Stewart commencing 1 July 2023 and concluding 31 December 2023 inclusive.

Cr Warren called for a Point of Order. Cr Warren stated that it was his understanding as Mayor, Cr Getley cannot move a Motion.

The Chief Executive Officer stated the Mayor has just presented the Motion and asked for a Councillor to Move the Motion.

Moved: CR GRAEME MILNE

Seconded: CR BERNADETTE HOGAN

CR MILNE SPOKE TO MOTION AS MOVER, BUT MOTION WAS NOT PUT TO THE VOTE AT THIS POINT.

ALTERNATE MOTION TABLED: That Council approve a provisional leave of absence for Councillor Stewart commencing 1 July 2023 to 8 August 2023, both dates inclusive; Council writes to Cr Stewart to clarify her intent to claim a Councillor Allowance for the remainder of her request of leave of absence, as per Section 39 (5)(c) of Local Government Act 2020; Council reconsider this request of this leave of absence at the 8 August 2023 Council Meeting, once they have further information.

Moved: CR DARYL WARREN

Cr Pollard called for a Point of Order. Cr Pollard acknowledged that Cr Warren's Motion was not an amendment as it was a completely different motion, and made reference to not being able to have two separate motions on the table at once without the first being discussed and voted on. Cr Pollard suggested that Cr Warren could only foreshadow an alternative Motion.

Chair determined this Point of Order to be in line with the Governance Rules. Cr Warren's Alternative Motion to be foreshadowed.

ORIGINAL MOTION PUT: Council refuse the request of leave of absence from Councillor Carolyn Stewart commencing 1 July 2023 and concluding 31 December 2023 inclusive.

MOVED: CR GRAEME MILNE

SECONDED: CR BERNADETTE HOGAN

THREE IN FAVOUR

TWO AGAINST.

CR HOGAN ABSTAINED FROM VOTING.

CARRIED.

(R104/23)

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

There were no declarations of interest.

6. QUESTIONS FROM THE PUBLIC

6.1 COUNCIL WATCH GROUP – COST OF COST SHIFTING FROM STATE GOVERNMENT 6

7. PROCEDURAL ITEMS

7.1 REPORT OF COUNCILLOR ASSEMBLIES 7

7.2 CORRESPONDENCE INITIATED BY COUNCIL 8

7.3 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS 10

7.4 BUILDING PERMITS - MONTHLY UPDATE 12

7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE 14

7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS 16

8. GENERAL BUSINESS

8.1 POLICY REPORTS 17

NIL

8.2 MANAGEMENT REPORTS 18

8.2.1 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER 18

8.2.2 CONSIDERATION OF LICENCE FOR COMMUNITY ENGAGEMENT - FAST CITIES AUSTRALIA PTY LTD
TRADING AS EVIE NETWORKS - DONALD EV CHARGING STATION 21

8.2.3 PLANNING PERMIT APPLICATION PA23013 - 5 LOT SUBDIVISION OF LAND - 37 HANNON
STREET, SEA LAKE 25

8.2.4	PLANNING PERMIT APPLICATION 928/21 – USE AND DEVELOPMENT OF LAND FOR A SERVICE STATION (FUEL CELL) – 2 CAMPBELL STREET, BIRCHIP	35
8.3	FINANCIAL REPORTS	43
	NIL	
8.4	ORGANISATIONAL REPORTS	44
8.4.1	COUNCIL PLAN 2021-2025 - YEAR 2 ANNUAL PLAN REVIEW	44
8.5	REPORTS FROM COUNCILLORS	47
9.	OTHER BUSINESS	
9.1	NOTICES OF MOTION	50
	NIL	
9.2	QUESTIONS FROM COUNCILLORS	50
9.2.1	COMMUNITY GRANTS SCHEME – CR MILNE	50
	NIL	
9.3	URGENT BUSINESS	50
	NIL	
9.4	ANY OTHER BUSINESS	50
	NIL	
9.5	MATTERS WHICH MAY EXCLUDE THE PUBLIC	50
	NIL	
10.	MEETING CLOSE	

NEXT MEETING

THE NEXT COUNCIL MEETING WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 9 AUGUST 2023 AT 7:00PM.

Wayne O'Toole
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

6.1 COUNCIL WATCH GROUP – COST OF COST SHIFTING FROM STATE GOVERNMENT

QUESTION: Can Council please advise the dollar amount of cost shifting from State Government they estimate they incurred in the 2022 - 2023 financial year?

THE CHIEF EXECUTIVE OFFICER RESPONDED: Having just received this question recently, they have not had a chance to work on this, therefore would like to take the "Question on Notice", and provide a response to Councillors at its August Council Meeting.

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 7 and 21 June 2023.

MOVED: CR DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.

(R105/23)

- Attachments:**
- 1 Councillor Briefing Record - 7 June 2023
 - 2 Councillor Briefing Record - 21 June 2023

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 9 November 2022, 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 7 and 21 June 2023 is attached for public information.

7.2 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.

MOTION:

That the Council notes the record of correspondence initiated by Council and the responses received.

MOVED: CR BERNADETTE HOGAN

SECONDED: CR GRAEME MILNE

CARRIED.

(R106/23)

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
Concerns over the closure of Bendigo Bank – Sea Lake Branch	Marnie Baker, Chief Exec Officer Head Office Bendigo & Adelaide Bank	18.04.2023		Letter sent to find out what the Bank's intentions are and if they would consider continuing provision of service to the Sea Lake community.
VNI West Proposed Transmission Line	Write to: Minister for Climate Action, Energy and Resources; State Electricity Commission; and CEO of Australia Energy Market Operator	12.05.2023		Imploring them to: 1. Consult with the community in a genuine and deliberative manner, ensuring transparency is at the forefront of all consultation; and 2. Listen in a genuine and sympathetic manner to the concerns of the community and relevant subject matter experts and respond in a respectful and considered fashion.

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
VNI West Project	Write and advocate to the Minister for Energy & Resources Lilly D'Ambrosio	12.05.2023		To suspend the installation of the VNI West Project within the Buloke Shire, and implore her to consult in a genuine and open manner to those to be potentially impacted by the installation of the proposed project.

7.3 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 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 DARYL WARREN

SECONDED: CR BERNADETTE HOGAN

**CARRIED.
(R107/23)**

Attachments: Nil

RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Times	Shane O'Shea Donald		For his retirement after providing 51 years of professional, dedicated and extremely loyal service as a journalist and reporter for the Buloke Times.
SuniTAFE Graduation and Awards Ceremony 2023	Blair Hogan Birchip		Following on from 2022, being awarded SuniTAFE's Outstanding Third Year Student in Engineering – Fabrication Trade Blair was then eligible for consideration for Outstanding Apprentice over all trades, at the 2023 Ceremony. It was at this Ceremony he was awarded 3 rd year Apprentice of the Year Award as outstanding apprentice over all trades for the third year.

Provider	Recipient	Date	Purpose for Recognition
Governor General King's Birthday 2023 Honours List The General Division of the Order of Australia	Dr Andrew Barling OAM Former Birchip resident	11.6.23	For being awarded a Medal from the General Division of the Order of Australia (OAM), for his service to community health and for the establishment of the OTIS foundation. (a charity dedicated to providing retreat accommodation in every state of Australia for patients dealing with breast cancer).
Royal Australian Air Force Headquarters Air Academy (HQ AirA) Personnel	RAAF Wing Commander (WGCDR) Garry McKee Formally from Charlton	5.5.23	At the Royal Australian Air Force East Sale Circle the (HQ AirA) personnel gathered to celebrate the significant service and diverse career of (WGCDR) Garry McKee for his 45 years milestone of service and receiving his sixth clasp to his Defence Long Service Medal.
Special Olympics World Games in Berlin	Sophie Nichols Watchem	17 to 25.6.23	Having competed and winning her level in October 2022 at the Special Olympics Australia, Sophie subsequently received an offer to join the Australian team for the Special Olympic World Games in Berlin. Competing against 28 other people, awarded the overall gold for her division. Also awarded gold for floor, silver for vault, fourth for beam and fifth for bars – an outstanding effort!

7.4 BUILDING PERMITS - MONTHLY UPDATE

Author's Title: Statutory Administration Support

Department: Community Development

File No: DB/14/01

EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 June 2023 to 30 June 2023.

MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 June 2023 to 30 June 2023.

MOVED: CR DAVID POLLARD

SECONDED: CR GRAEME MILNE

CARRIED.
(R108/23)

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Address	Project Description	Date Approved
20230009	Galaquil East Road Wilkur VIC 3393	Replacement of existing pool and safety barrier fencing	26/6/2023
20230011	Armstrong Street Charlton VIC 3525	Demolition of existing dwelling and outbuilding	8/6/2023
20230012	Birchip - Sea Lake Road Marlbed VIC 3483	Demolition of a building	22/6/2023

LIST OF BUILDING PERMITS APPROVED BY PRIVATE BUILDING SURVEYOR

Council Ref.	Address	Project Description	Date Approved
PBLD23081	Edgecumbe Road Nyarrin VIC 3533	Machinery Shed	1/6/2023
PBLD23082	Calder Highway Sea Lake VIC 3533	Machinery Shed	1/6/2023
PBLD23083	Corack Road Donald VIC 3480	Verandah	8/6/2023
PBLD23086	Taylor's Road Kinnabulla VIC 3483	Farm Shed	8/6/2023
PBLD23087	Corack Road Birchip VIC 3483	Construction of a shed	14/6/2023
PBLD23088	McGarrys Road Ninda VIC 3593	Shed	19/6/2023
PBLD23091	McPhees Road Watchupga VIC 3485	Farm Shed	23/6/2023
PBLD23092	Abbott Street Birchip VIC 3483	Construction of a dwelling with attached garage	19/6/2023

7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

Author's Title: Planning Officer

Department: Community Development

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 BERNADETTE HOGAN

SECONDED: CR DAVID POLLARD

CARRIED.

(R109/23)

Attachments: Nil

LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PA23010	Broadway, Wycheproof	16/01/2023	Six-lot subdivision of land and the development of land for six dwellings	Objection
PA23013	Hannon Street, Sea Lake	06/02/2023	Five-lot subdivision of land	Report to Council
PA23019	Borong Highway, Gil Gil	22/03/2023	Place of Assembly (Events Centre)	Request for Further Information
PA23020	Church Street, Culgoa	10/05/2023	Use and development of land for a transfer station (install an RV dump point and septic holding tank)	Referral
PPA928/21	Campbell Street, Birchip	14/02/2023	Development of land for a service station (fuel cell), construct and display a business identification sign and alter access to a Road Zone, Category 1	Report to Council
PA23021	Lalbert Road, Culgoa	08/06/2023	Two-lot subdivision of land (boundary re-alignment)	Notice of Application Referral

Application No	Address	Date Rec	Summary of Proposal	Status
PA23022	Blue Allans Road, Sea Lake	21/06/2023	Two-lot subdivision of land (dwelling excision)	Notice of Application Referral

The information published in the list provided, is in accordance with the *Privacy and Data Protection Act 2014* and the *Planning and Environment Act 1987*.

7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 14 June 2023 Council Meeting and 27 June 2023 Special Meeting Resolutions.

MOTION:

Council to note the Status of Action Report for Council resolutions documented on this list.

MOVED: CR BERNADETTE HOGAN

SECONDED: CR DARYL WARREN

**CARRIED.
(R110/23)**

Attachments: 1 Actions Taken on Council Resolutions - On Outstanding items and 14 June 2023 Council Meeting and 27 June 2023 Special Meeting

KEY POINTS/ISSUES

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 the Council's Governance Rules adopted August 2022, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action, and introducing the SOA for the 14 June 2023 Council Meeting and 27 June 2023 Special Meeting Resolutions.

8. GENERAL BUSINESS

8.1 POLICY REPORTS

Nil

8.2 MANAGEMENT REPORTS

8.2.1 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **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 decisions taken under delegation may be reviewed in other spheres, including the judicial system. Therefore, an appropriate record of delegated action must be kept ensuring that decisions or actions are made with support of Council and can be substantiated at a later date.

This report seeks to amend the existing Instrument of Delegation to the CEO by streamlining statutory payments to Government Departments and facilitating timely renewal of annual insurance premiums.

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 upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
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 Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

MOVED: CR DARYL WARREN

SECONDED: CR BERNADETTE HOGAN

CARRIED.

(R111/23)

Attachments: 1 Instrument of Delegation to CEO 12 July 2023

DISCUSSION

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 all decisions were required to be made at Council Meetings. 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 an upper limitation of expenditure for identified purposes, excluding contracts or expenditure which Council is required to make by or under legislation, such as the statutory payment of the Fire Services Levy in accordance with the *Fire Services Property Levy Act 2012*, or for the purposes of necessary insurances. 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 previously adopted by Council on 12 October 2022.

OPTIONS

Council may decide not to adopt the instrument whereby the Instrument of Delegation to the CEO adopted on 12 October 2022 will continue until such time it is revoked by Council resolution.

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

Although not recommended by officers, another option available to Council is to decide not to adopt the proposed instrument and revoke the instrument dated 12 October 2022 which would result in the need for every decision 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. This option is not advised as it would prove very difficult to operate the business of Council without the Instrument of Delegation in place.

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.

8.2.2 CONSIDERATION OF LICENCE FOR COMMUNITY ENGAGEMENT - FAST CITIES AUSTRALIA PTY LTD TRADING AS EVIE NETWORKS - DONALD EV CHARGING STATION

Author's Title: Capital Projects Officer

Department: Infrastructure and Delivery

File No: RO/18/10

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

PURPOSE

The purpose of this report is to give public notice of a proposed Licence ahead of consideration to grant a new licence to Fast Cities Australia Pty Ltd trading as Evie Networks (Evie Networks) for part of the land contained in Certificate of Title Lot 1 TP174450 Volume 9363 Folio 257, 68A Woods Street Donald, for the purpose of an electric vehicle charging station.

SUMMARY

Council released "RFQ262 – Design and Install EV Charger – Donald" on 5 December 2022. No submissions were received against the Request for Quote (RFQ) and the RFQ was not awarded. A Licence option has been proposed by Evie Networks as an alternative for consideration.

A 15-year Licence on a section of 68A Woods Street is proposed for installation of the EV Charger. Its current use is as a public carpark.

Installation of an EV Charger is a deliverable under the Our Region Our Rivers funding agreement.

Under the proposed Licence, Council would receive a licence fee of five per cent of the charging station's Net Operating Income per annum. The EV Charger would be owned, operated and maintained by Evie Networks.

As a precursor to Council formally considering the issuance of any Lease or License not advertised in the Annual Budget, public notice must be provided.

MOTION:

That Council:

1. In accordance with Section 115 of the *Local Government Act 2020*, gives public notice of the intention to grant a Licence to Fast Cities Australia Pty Ltd trading as Evie Networks for part of the land being Lot 1 TP174450 contained in Certificate of Title Volume 9363 Folio 257, 68A Woods Street, Donald on the following terms:
 - a. A 15-year Licence commencing 1 September 2023, and
 - b. A Licence fee of five per cent of the charging station's Net Operating Income payable in arrears on each anniversary of the commencement date during the term.
2. Notes that the public notice shall allow persons to make a submission on the proposed licence in accordance with Section 115 of the *Local Government Act 2020* and Council's Community Engagement Policy, and that all written submissions be received by a date that is at least 21 days after the publication of the notice.

3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to fulfill its functions under Section 115 of the *Local Government Act 2020*, and
4. Receives a further report to consider the granting of a Licence for Fast Cities Australia Pty Ltd trading as Evie Networks following the conclusion of the public notice process.

MOVED: CR DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.

(R112/23)

- Attachments:**
- 1 DM003 Donald - Fast Cities & Buloke Shire Council - DRAFT Licence Agreement
 - 2 DRAFT Fast Cities - Licence Advertisement

DISCUSSION

Evie Networks was founded in 2017 to build Australia's largest electric vehicle fast charging network and give electric vehicle owners across the country the freedom to travel anywhere.

Evie Networks is proposing a licence to operate at 68A Woods Street, Donald, being Lot 1 TP174450 contained in Certificate of Title Volume 9363 Folio 257, and are seeking a 15-year Licence on the premises. The new Licence would commence 1 September 2023.

Council's Leasing and Licencing of Council Facilities Policy provides guidance in relation to types of agreements and how Commercial Tenants are considered.

The policy specifies that a Lease relates to an agreement granting exclusive use of a Council facility (land and/or building owned by Council), whereas a Licence relates to an agreement stating non-exclusive use of a Council facility. Given the proposal is based in a public carpark, this constitutes a Licence-type arrangement. Note that for the purposes of the Policy criteria, the term Lease and Licence is used interchangeably unless otherwise stated.

The additional Policy criteria in relation to Commercial Tenants is as follows:

Commercial Tenants

- Eligibility
 - The proposed use of the Facility provides a community benefit and is aligned with Council's strategic objectives.
 - The proposed Tenant is a register legal entity of good corporate character, is financially viable, holds all lawful qualifications and meets all legislative requirements.
- Term
 - Generally a Lease term will not exceed 5 years, unless exceptional circumstances apply.
 - The term of the Lease with a Commercial Tenant may be negotiated where –
 - a) a demonstrated long term community benefit is evident;
 - b) the commercial tenant has agreed to make a substantial contribution to capital works; or
 - c) Council's commercial return is enhanced by a longer-term tenancy.
 - A one x 5-year option may be offered at Council's discretion.
- Rental
 - To be determined by obtaining a commercial valuation.

Council must undertake community engagement in accordance with its adopted Community Engagement Policy, including receipt and consideration of submissions, prior to making a determination in relation to the proposed Lease.

RELEVANT LAW

In accordance with Section 115 of the *Local Government Act 2020* Council must include any proposal to lease land in a financial year in the budget where the lease is for:

- the rent (for any period of the lease) is greater than \$100,000, or
- the market value of the land is greater than \$100,000, or
- the lease term is greater than ten years.

If Council proposes to lease land and it was not included in the budget, then Council must undertake a community engagement process in accordance with the Council's Community Engagement Policy.

RELATED COUNCIL DECISIONS

The installation of an EV Charger in Donald is a deliverable under the Our Regions Our Rivers project as a part of the Commonwealth Government's Regional Growth Fund.

OPTIONS

Not applicable to this report.

SUSTAINABILITY IMPLICATIONS

The installation of an EV Charger supports the Climate Change Mitigation and Adaptation Strategy and Plan.

COMMUNITY ENGAGEMENT

Prior to Council considering entering into a new Licence, it would be required to follow the process in accordance with Section 115 of the *Local Government Act 2020*. This includes commencing community consultation in accordance with Council's Community Engagement Policy.

INNOVATION AND CONTINUOUS IMPROVEMENT

This Licence will increase Council's charging network to three, located at Sea Lake, Wycheproof and Donald.

COLLABORATION

Council Officers collaborated with the Donald Streetscape Project Advisory Group to determine that EV chargers were a priority deliverable for the township and gave input to the location of the charger.

FINANCIAL VIABILITY

The income derived from the leasing or licensing of Council Facilities will be placed into Council's consolidated revenue and allocated in accordance with Council's annual budget.

The licence fee is five per cent of the charging station's Net Operating Income. Net Operating Income is as per the description below:

Net Operating Income equals the Licensee's gross revenue minus the cost of the onsite energy, billing/transaction fees and bad debts.

Therefore, if the Net Operating Income is negative in value, Evie Networks will not be required to make any payment to Council.

Council initiated an RFQ process for the installation of an electric charging station however, RFQ262 was not awarded.

RFQ262 was released to three companies including Evie Networks with the desire to find a contractor to install an EV charger that was maintained by the installer but owned and operated by Buloke Shire Council. The RFQ closed with no responses received so the process was extended for a further five weeks. By the closing date, Council had not received any RFQ submissions.

Evie Networks who have previously supplied two EV chargers for Council in Wycheproof and Sea Lake were contacted directly for feedback on the RFQ process. Evie Networks advised their preferred method of supply was to offer a charger under a Licence Agreement rather than an outright install. Evie Networks were invited to submit a License proposal to Council for consideration.

Under the procurement policy, a purchase in this instance qualifies for an exemption as there was an inability to obtain sufficient quotations through the RFQ process. The procurement is within the project budget and in line with the estimated costs for this item. An exemption may be authorised by the Chief Executive Officer to enable a Purchase Order to be raised to Fast Cities Australia Pty Ltd trading as Evie Networks, once a Licence is considered by Council and subsequently rec.

Should Council resolve at a later stage to grant a Licence after the public notice period is completed, then a contribution would be required towards the construction of the electric vehicle charging station. This contribution would be \$50,000 excluding GST and would be fully funded through the Our Regions Our Rivers project. This contribution amount is in line with the estimated cost for this item in the project budget and the total forecast spend is currently under budget for the overall project.

The proposed Licence would be for ten years, commencing 1 September 2023, with one further term of five years, totalling 15 years.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

The Leasing and Licencing of Council Facilities Policy was adopted by Council at its meeting held 14 December 2022.

TRANSPARENCY OF COUNCIL DECISIONS

Council will give public notice of intention to Licence under Section 115 of the *Local Government Act 2020* as per the attachment "Fast Cities - Licence Advertisement"

CONFLICTS OF INTEREST

No officer involved in the preparation of this report has a conflict of interest.

8.2.3 PLANNING PERMIT APPLICATION PA23013 - 5 LOT SUBDIVISION OF LAND - 37 HANNON STREET, SEA LAKE

Author's Title: Manager Development Services

Department: Community Development

File No: LP/09/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

PURPOSE

For Council to consider the information in this report and, as the Responsible Authority, resolve to issue a Notice of Decision to grant a Permit or Notice of Refusal.

SUMMARY

A Planning Permit application was received by Council on the 25th January 2023 for a 5 lot subdivision of land, and to alter access to a Transport Zone 2 at 37 Hannon Street, Sea Lake. The proposed subdivision would result in five allotments, each being 404 square metres in area. Access to proposed Lot 1 will be from Hannon Street, Lot 2, 3 & 4 from Horace Street (Calder Highway) and Lot 5 from Hughes Street.

MOTION:

That Council:

having caused notice of Planning Application No. PA23013 to be given under Section 52 of the *Planning and Environment Act 1987* and/or the planning scheme, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of 32.05-5 and 52.29-2 of the Buloke Planning Scheme in respect of the land known and described as 37 Hannon Street, Sea Lake (Lot 1 TP251694W), for the five-lot subdivision of land, and alter access to a Transport Zone 2 in accordance with the endorsed plans, with the application dated 25/01/2023, subject to conditions (attached).

MOVED: CR DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.

(R113/23)

Attachments: 1 PA23013 Draft Permit Conditions

DISCUSSION

A Planning Permit application was received by Council on the 6th February 2023 for a 5 lot subdivision of land, and to alter access to a Transport Zone 2 at 37 Hannon Street, Sea Lake. The proposed subdivision would result in five allotments, each being 404 square metres in area. Access to proposed Lot 1 will be from Hannon Street, Lot 2, 3 & 4 from Horace Street (Calder Highway) and Lot 5 from Hughes Street.

Subject site and locality

The site has a total area of 2020 square metres and currently contains:

- Vacant land

The main site/locality characteristics are:

- The land is located within a mixed use area in the township of Sea Lake.
- The site abuts road reserve on three boundaries: Hughes Street to the north, Horace Street (Calder Highway) to the east and Hannon Street to the south.
- The land adjoins residential land containing a single dwelling to the west.
- A religious building is located opposite over Horace Street.
- Vacant land and residential uses to the north over Hughes Street.
- Sea Lake Showgrounds are located to the south over Hannon Street.
- The subject land is located 250 metres north of the main commercial street of Sea Lake.
- The site is relatively flat with no significant features upon the site
- No significant vegetation exists on the land or surrounding land

Assessment

The land is zoned Township Zone (TZ), no planning overlays apply to the property.

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

In accordance with Clause 32.05-5, a planning permit is required to subdivide land in TZ and must meet specified requirements of Clause 56.

Decision Guideline	Comments
General	
The Municipal Planning Strategy and the Planning Policy Framework.	<i>These have been considered, please refer to details below.</i>
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	<i>The proposed development is not typical of the existing neighbourhood character as the development is a higher density than typical of Sea Lake. However, there are developed lots of a similar density in the north-east of the township. The proposed density is considered appropriate and adds to the diversity of lots sizes in the town.</i>
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	<i>Utility services are available to the subject land.</i>
Provision of car and bicycle parking and loading bay facilities and landscaping.	<i>The proposed allotments will allow for the provision of car and bicycle parking and for landscaping.</i>
The effect that existing uses on adjoining or nearby land may have on the proposed use.	<i>Adjoining residential uses will have no impact on the proposed subdivision.</i>
The scale and intensity of the use and development.	<i>The development is of a higher density than typical of Sea Lake. Higher density and increased diversity of housing is supported by policy in the Buloke Planning Scheme.</i>

Decision Guideline	Comments
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	<i>The 5-lot proposal will potentially generate more traffic movements than typical of a single allotment depending on future development. Lots 1 & 5 will gain access from Hannon and Hughes Streets respectively. Neither Hughes or Hannon Streets are the main thoroughfares for the town. Lots 2-4 will gain access from Horace Street (Calder Highway). It is considered that the traffic movements generated by the proposed development will not have a significant detrimental negative effect on safety or amenity.</i>
Subdivision	
The pattern of subdivision and its effect on the spacing of buildings.	<i>The pattern of the subdivision is adapted to the shape of the original allotment. Each allotment is identical in shape and size and will allow for appropriate spacing of buildings for future development.</i>
For subdivision of land for residential development, the objectives and standards of Clause 56.	<i>These have been considered, please refer to details below.</i>

Clause 56 Residential Subdivision Analysis

Standard	Comment
56.03-5 Neighbourhood character objective	<i>The proposed pattern of the subdivision responds to the surrounding existing land uses, noting that the land to the west, north and north-east are developed for residential housing.</i>
56.04-2 Lot area and building envelopes objective	<i>The proposed allotments will each be 404m² in area. A building rectangle measuring 10 metres by 15 metres can adequately be provided on each proposed allotment.</i>
56.04-3 Solar orientation of lots objective	<i>The proposed lots will have adequate solar access for future dwellings.</i>
56.04-4 Street orientation objective	<i>All lots will front Horace Street, although Lot 1 and Lot 5 will be accessed from Hannon and Hughes Streets respectively Street, ensuring good passive surveillance and visibility.</i>
56.04-5 Common area objectives	<i>There will be no common property created as part of this subdivision.</i>
56.06-8 Lot access objective	<i>Proposed Lots 2, 3 & 4 will gain access from an arterial road. The Department of Transport has not objected to the proposal subject to conditions. Specifically, that Lots 1 & 5 should not gain access from Horace Street (Calder Highway). Safe access will be provided to the proposed lots via new crossovers, constructed to the relevant authorities' specifications.</i>
56.07-1 Drinking water supply	<i>The proposed lots will be connected to existing mains water.</i>
56.07-2 Reused and recycled water objective	<i>There are no reused and recycled water supply systems proposed as part of this subdivision.</i>
56.07-3 Wastewater management objectives	<i>The proposed lots will be connected to reticulated sewerage to the satisfaction of GWMWater.</i>
56.07-4 Stormwater management objectives	<i>Stormwater and drainage infrastructure will be provided to the satisfaction of Buloke Shire Council.</i>
56.08-1 Site management objective	<i>No construction is proposed as part of the application.</i>

Standard	Comment
57.09-1 Shared trenching objective	<i>Any new connections will be provided in shared trenching where possible.</i>
56.09-2 Electricity, telecommunications and gas objectives	<i>Any new electricity and Telecommunications connections will be designed and constructed in accordance with the requirements of each service provider. Reticulated gas is not available in Sea Lake</i>
56.09-3 Fire hydrants objective	<i>If required, fire hydrants will be provided to the satisfaction of the Country Fire Authority.</i>
56.09-4 Public lighting objective	<i>Adequate existing public is available to the subject site</i>

The subject land is adjacent to a Transport Zone 2. Clause 52.29 Land adjacent to the Principal Road Network is applicable.

Purpose of Clause 52.29

To ensure appropriate access to the Principal Road Network and to ensure appropriate subdivision of land adjacent to Principal Road Network

A permit is required to subdivide land adjacent to a road in a Transport Zone 2 (TRZ2).

Decision Guidelines	Comments
The views of the relevant road authority.	<i>The Department of Transport has no objection to the proposal subject to conditions.</i>
The effect of the proposal on the operation of the road and on public safety.	<i>The proposal will not impede the operation of the road or impact public safety.</i>

Municipal Planning Strategy

The following Municipal Planning Strategies have been considered as part of this application:

02 MUNICIPAL PLANNING STRATEGY
02.03 STRATEGIC DIRECTIONS
02.03-1 Settlement and housing
Council's strategic directions for settlement and housing are: <ul style="list-style-type: none"> • Encouraging residential and economic development in the main townships that have reticulated infrastructure including Birchip, Charlton, Donald, Sea Lake and Wycheproof. • Maintaining urban character, amenity and services. • Directing subdivision development to locations on the established road network. • Providing accommodation, services and independent living for older residents.
<u>Comments:</u> <i>The proposal is consistent with Municipal Planning Strategy. It will offer diversity of lots within the serviced township of Sea Lake.</i>

Planning Policy Framework (PPF)

The following Planning Policy Framework have been considered as part of this application:

11 SETTLEMENT
11.03 PLANNING FOR PLACES 11.03-6S Regional and local places Objective To facilitate integrated place-based planning. Strategies include considering the distinctive characteristics and needs of regional and local places in planning for future land use and development.
<u>Comments</u> <i>The proposal responds to the distinctive character and needs of Sea Lake and surrounding areas. The proposal provides infill development within an existing residential area and supports the existing town structure rather than seeking additional growth areas and extension of services.</i>
13 ENVIRONMENTAL RISKS AND AMENITY
13.07 AMENITY, HUMAN HEALTH AND SAFETY 13.07-1L-02 Township amenity protection This policy applies to land in the Township Zone Strategies include to protect the amenity and character of residential and other sensitive land uses within the main towns.
<u>Comments</u> <i>The proposed development is of a residential nature, and it is not considered that the use will significantly affect the amenity of nearby sensitive uses.</i>
15 BUILT ENVIRONMENT AND HERITAGE
15.01 BUILT ENVIRONMENT 15.01-3S Subdivision Design Objective To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by: <ul style="list-style-type: none"> • Creating compact neighbourhoods that have walkable distances between activities. • Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people. 15.01-5S Neighbourhood character Objective To recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies include: <ul style="list-style-type: none"> • Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
<u>Comments:</u> <i>The proposed development is consistent with the policies of clause 15 - Built Environment. The proposal adds diversity to the lot sizes and housing diversity in Sea Lake.</i>
16 HOUSING
16.01 RESIDENTIAL DEVELOPMENT 16.01-1S Housing supply Objective To facilitate well-located, integrated and diverse housing that meets community needs. Strategies include: <ul style="list-style-type: none"> • Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people • Encourage higher density housing development on sites that are well located in relation to jobs and services.

- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

16.01-1L Housing diversity in Buloke

Strategies include:

- Facilitate new and diverse housing opportunities within existing township boundaries.
- Encourage residential development that offers housing forms best suited to the household structures and age-groups in the municipality.
- Increase the mix of housing types and densities to reflect the needs of older people in the community.

16.01-2S Housing affordability**Objective**

To deliver more affordable housing closer to jobs, transport and services.

Strategies include:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.


Comments:

The proposal is supported by state and local planning policy.

The decision guidelines of Clause 65**65.01 Approval of an Application or Plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

Decision Guidelines	Comments
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>The subject land is not likely to be contaminated and is not highlighted on the EPA Register.</i>
The Municipal Planning Strategy and the Planning Policy Framework.	<i>These have been considered in more detail above.</i>
The purpose of the zone, overlay or other provision.	<i>The proposed subdivision meets the purpose of the zone and provision of the Planning Scheme.</i>
Any matter required to be considered in the zone, overlay or other provision.	<i>These have been addressed earlier in the Report.</i>
The orderly planning of the area.	<i>The proposed subdivision of land is considered orderly planning.</i>
The effect on the environment, human health and amenity of the area.	<i>The proposed subdivision of land will not have an impact on the environment, human health, or on the amenity of the area.</i>
The proximity of the land to any public land.	<i>The subject land is located north of the Sea Lake Recreation Reserve, containing the Sea Lake Caravan Park and Traveller's Rest Stop and northwest of the Sea Lake Police Station and public swimming pool.</i>

Decision Guidelines	Comments
 <p><i>Image sourced from Mapshare interactive mapping showing public land 21/06/2023</i></p>	
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<i>The proposed subdivision will not cause or contribute to any land degradation, salinity or reduce water quality.</i>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	<i>Stormwater will be managed to the satisfaction of Council.</i>
The extent and character of native vegetation and the likelihood of its destruction.	<i>No native vegetation will be affected by the proposal.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Not applicable</i>
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	<i>The subject land is not located within a Bushfire Prone area nor will it be affected by flood or erosion. The proposal will not increase any hazard.</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>Not applicable to this application.</i>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>The proposed subdivision will not have an impact on the transport system.</i>

65.02 Approval of an Application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

Decision Guidelines	Comments
The suitability of the land for subdivision.	<i>The subject land is suitable for subdivision.</i>
The existing use and possible future development of the land and nearby land.	<i>The proposed subdivision of land will not have an impact on existing land uses. The proposal will allow for future development of land at an acceptable scale.</i>
The availability of subdivided land in the locality, and the need for the creation of further lots.	<i>The proposed subdivision of land will add five additional lots to the market and offers diversity in lot size as the proposed lots are smaller than the majority of the existing lots in the township.</i>

Decision Guidelines	Comments
The effect of development on the use or development of other land which has a common means of drainage.	<i>Not applicable – there is no development as part of this proposal.</i>
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<i>The proposed subdivision of land takes into consideration the existing physical characteristics of the land. There is no significant vegetation on the land.</i>
The density of the proposed development.	<i>The proposal is of a higher density than typical subdivisions in the township, however lots of a similar size can be found in the north-west of Sea Lake. The proposal offers choice of an alternate lot size.</i>
The area and dimensions of each lot in the subdivision.	<i>Each proposed lot will have an area of 404m², with dimensions measuring 20.1 metres by 21.1 metres each.</i>
The layout of roads having regard to their function and relationship to existing roads.	<i>The proposed subdivision of land will not have an impact on existing road conditions.</i>
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	<i>The proposed subdivision of land does not create or have an impact on existing conditions on movement of pedestrians or traffic.</i>
The provision and location of reserves for public open space and other community facilities.	<i>No native vegetation will be affected by the proposal.</i>
The staging of the subdivision.	<i>Not applicable to this application.</i>
The design and siting of buildings having regard to safety and the risk of spread of fire.	<i>The proposal is not located within the Bushfire Prone area and will not be affected by flood or erosion.</i>
The provision of off-street parking.	<i>There is ample room on each of the lots for onsite car parking.</i>
The provision and location of common property.	<i>Not applicable to this application.</i>
The functions of any body corporate.	<i>Not applicable to this application.</i>
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	<i>All relevant utility services are or will be connected to the subject land.</i>
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	<i>Reticulated sewerage is available for connection to the proposed lots.</i>
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	<i>Not applicable to this application.</i>
The impact the development will have on the current and future development and operation of the transport system.	<i>Not applicable to this application.</i>

The proposal provides for infill development in an established township, offering diversity and affordable housing options. The density of the subdivision is considered appropriate and is supported by state and local policy.

Any future residential development of the land must meet certain objectives and standards of Clause 54, including neighbourhood character, site layout and amenity. This would ameliorate any concerns relating to privacy or overlooking of adjoining properties.

The application was referred to the Department of Transport who have not objected to the proposal subject to conditions. They are allowing the three middle lots to gain access from Horace Street (Calder

Highway). The highway at this location has a speed limit of 60km/h. It is considered that there would not be any impacts on road safety. There are several properties north of the subject site that gain access from the highway, with no major safety impacts.

RELEVANT LAW

The application is being assessed in accordance with the *Planning and Environment Act 1987 (the Act)*

RELATED COUNCIL DECISIONS

N/A

OPTIONS

Council has the option to resolve to issue a Notice of Refusal to Grant a Permit. (motion below)

That Council having caused notice of Planning Application No. PA23013 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Refusal to Grant a Permit under the provisions of 32.05-5 and 52.29-2 of the Buloke Planning Scheme in respect of the land known and described as 37 Hannon Street, Sea Lake (Lot 1 TP251694W), for the 5 lot subdivision of land and alter access to a Transport Zone 2 with the application dated 25/01/2023.

The Notice must state the grounds on which the application was refused.

SUSTAINABILITY IMPLICATIONS

There are no significant environmental sustainability implications.

COMMUNITY ENGAGEMENT

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending one (1) notice to the owners and occupiers of adjoining land.
- Notice in all locally circulating newspaper publications

The notification has been carried out correctly.

Council has received one (1) objection to date. The key issues that were raised in the objection are:

- The density of the subdivision is out of character with the area.
- Privacy will be reduced due to the potential of five new adjoining neighbours.
- Road safety concerns for potential families who may purchase the land.
- The proposal may affect the value of their property

Consultation was not undertaken. The applicant provided the following response to the objector:

- Having a number of backyards abutting another residential property is common in townships and general residential areas.

Therefore, proposing such accords with the planning policies and objectives of the Township Zone within the Buloke Planning Scheme.

- Future dwellings to be constructed upon each allotment will be single storey; and as the proposal is for subdivision and not development, privacy will not be affected by the subdivision proposal.
- In relation to the concerns raised along the Calder Highway, we note that Department of Transport & Planning have advised of no objections subject to conditions.
- An objection on financial grounds is not planning grounds as determined by many VCAT Decisions.

INNOVATION AND CONTINUOUS IMPROVEMENT

N/A

COLLABORATION

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	DoT – conditional consent GWMWater – conditional consent Powercor – conditional consent
Section 52 notices	n/a

Internal Council Referrals	Advice/Response/Conditions
Assets & Infrastructure	No objection

FINANCIAL VIABILITY

There are no significant financial viability impacts. Property valuations may change for rating purposes.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Please see policy discussion at Discussion section of this report.

COUNCIL PLANS AND POLICIES

N/A

TRANSPARENCY OF COUNCIL DECISIONS

In order to promote transparency, Council will consider this resolution in an open meeting.

CONFLICTS OF INTEREST

No officer involved in the preparation of this report has a conflict of interest in the subject matter of this report.

8.2.4 PLANNING PERMIT APPLICATION 928/21 – USE AND DEVELOPMENT OF LAND FOR A SERVICE STATION (FUEL CELL) – 2 CAMPBELL STREET, BIRCHIP

Author's Title: Manager Development Services

Department: Community Development

File No: LP/09/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

PURPOSE

For Council to consider the information in this report and, as the Responsible Authority, resolve to issue a Notice of Decision to grant a Permit or Notice of Refusal.

SUMMARY

A planning permit application was received by Council on the 13th May 2021 for the use and development of land for a service station (fuel cell) at 2 Campbell Street, Birchip. The proposal includes a sign and creating new access to Campbell Street. The facility will be unstaffed, customers will be able to pay for their fuel by using the self-service console integrated into the proposed fuel cell. It will be available for use from 7.00am to 10.00pm, seven days a week.

Council issued a Notice of Decision to Refuse the application at the Wednesday 9th February 2022 meeting. The applicant appealed for a review of the decision to VCAT. The responsible authority's decision was set aside and the matter was remitted to the responsible authority for reconsideration. The application has been re-referred to the relevant authorities, and further public notice has been given.

MOTION:

That Council having caused notice of Planning Application No. 928/21 to be given under Section 52 of the *Planning and Environment Act 1987* and/or the planning scheme, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-1, 34.01-4, 52.05-11 and 52.29-2 of the Buloke Planning Scheme in respect of the land known and described as 2 Campbell Street, Birchip (Lots 6, 7, 8 & 9 LP58023) for the use and development of land for a service station (fuel cell), construct and display a business identification sign, and alter access to a Transport Zone 2, in accordance with the endorsed plans, with the application dated 13/05/2021, subject to conditions (attached).

MOVED: CR DARYL WARREN

SECONDED: CR DAVID POLLARD

CR MILNE CALLED FOR A DIVISION.

IN FAVOUR – CRS WARREN, POLLARD AND GETLEY.

AGAINST – CRS SIMPSON, HOGAN AND MILNE

MAYOR HAD THE CASTING VOTE AND VOTED IN FAVOUR

CARRIED.

(R114/23)

Attachments: 1 PPA928/21 Draft Planning Permit Conditions

DISCUSSION

A planning permit application was received by Council on the 13th May 2021 for the use and development of land for a service station (fuel cell) at 2 Campbell Street, Birchip. The proposal includes a partly internally illuminated business identification sign and creating new access to Campbell Street. The facility will be unstaffed, customers will be able to pay for their fuel by using the self-service console integrated into the proposed fuel cell. It will be available for use from 7.00am to 10.00pm, seven days a week.

Council issued a Notice of Decision to Refuse the application at the Wednesday 9th February 2022 Council meeting. The applicant appealed for a review of the decision to VCAT. The responsible authority's decision was set aside, and the matter was remitted to the responsible authority for reconsideration. By Order dated 14 September 2022 the applicant was required to provide a complete set of plans that showed the proposal modified in accordance with the permit conditions specified by the Head, Transport for Victoria. A Practice Day Hearing was conducted to consider the status of the plans submitted to the Tribunal as they differ from the application plans, and to consider whether notice of the plans should be required to be given. The member, having regard to the difference of the plans submitted in accordance with the permit conditions required by Transport for Victoria and the permit application plans, found that the application should be remitted to the responsible authority for reconsideration. The applicant applied for an amendment to the permit application under section 57A of the Planning and Environment Act 1987, which applies to amending an application after notice has been given. The application has been re-referred to the relevant authorities, and further public notice has been given.

The property 2 Campbell Street, Birchip is zoned Commercial 1 Zone (C1Z) and a narrow 2 metre strip of the land on the eastern boundary is subject to the Heritage Overlay (HO14). HO14 is the Birchip Township Heritage Precinct; 2 Campbell Street is not contributory to the heritage precinct. The property is located at the corner of Campbell Street and Taverner Street and is 50 metres to the west of Cumming Avenue. The adjoining allotment to the east on Campbell Street is a park area owned by Buloke Shire Council. The other adjoining allotment to the east is a dwelling. The adjoining allotment to the north is a GWMWater depot and office. The properties to the west over Taverner Street are dwellings. The property directly opposite to the south over Campbell Street is the Birchip Hotel. The subject site is at the southern end of the Commercial 1 Zone that indicates the main commercial and retail precinct in Birchip.

The site is improved with a small structure that is in poor condition, and the boundary is fenced with 'cyclone' type fencing. There is some vegetation on the east and west boundaries.

The proposed use and development includes:

- Removal of all structures and vegetation on the site except for the north and east boundary fencing, and Lemon Scented Gum on the east boundary
- Placement of an above-ground fuel-cell (tank). The tank will be 12.19m in length, 2.43m in width and a total height of 2.89m.
- Provision of a canopy over the proposed tank and re-fueling area. The canopy will be 10.01m in length and 5.233m in width. It will have a total height of 6m. Two led down lights will be recessed in the underside of the canopy, directly above the pumps.
- The tank and canopy constructed in a T formation, with the centreline of the setback 24.5m from the Taverner Street (east) boundary and 10m from the Campbell Street (south) boundary.
- Remove 2x street trees in nature strip along Campbell Street frontage.
- Construct 2x crossovers along Campbell Street frontage.
- Provision of a business identification and advertising sign. It will:
 - be attached to the ground with all fixings concealed,

- have a total width of 1.2m and height of 2.4m,
- be double sided with a total area of 5.76sqm (2.88sqm on each side), and
- be partly internally illuminated, featuring the company logo and price-board to advertise the fuel available

The property 2 Campbell Street, Birchip is zoned Commercial 1 Zone (C1Z). The purpose of the C1Z is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

At Clause 34.01-1 to use land for a service station is a Section 2 – planning permit required land use. At Clause 34.01-4 a permit is required to construct a building or carry out works.

The property is adjacent to a Road Zone 1 (RDZ1) and Clause 52.29 Land Adjacent to a Road Zone Category 1 applies. The purpose of Clause 52.29 is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

At Clause 52.29-2 a permit is required to create or alter access to a road in a Road Zone, Category 1.

A business identification sign is proposed for the development. Clause 52.05 Signs applies to the development of land for signs. The purpose of Clause 52.05 Signs is:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

A permit is required for an internally illuminated sign with a display area exceeding 1.5 m²

Planning Policy Framework

Clause 13.04-1S Contaminated and potentially contaminated land

Objective - To ensure that contaminated and potentially contaminated land is used and developed safely

Strategies include ensuring contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development and protecting sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school, or children's playground from the effects of contamination.

Section 60 of the Planning and Environment Act 1987 requires a responsible authority, before deciding on a permit application, to consider 'any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development'. Section 60 is applicable to potentially contaminated land, which may affect, or be affected by, use or development.

Planning officers have followed the guidance provided in Planning Practice Note 30 in the consideration of this application. Planning officers use the recommended approach to assessing potentially contaminated land at Table 3 in Planning Practice Note 30.

As the previous land use at this site was a fuel and oil depot there is a potential for contamination of the land. Planning officers consider that the potential for contamination of the land is 'medium' for the purposes of Table 3. The proposed land use and development is not a sensitive use defined in Ministerial Direction No. 1 or Clause 03.04-1S. The outcome of this assessment is for the responsible authority to document its consideration of the potential for contamination to impact the proposal. As the proposed use and development is a non-sensitive use the potential for the potential contamination to affect the proposal is low.

Clause 13.051S Noise abatement

Objective - To assist the control of noise effects on sensitive land uses.

It is considered by Council that the noise generated by the refueling activities will not significantly affect the amenity of the immediate area. The fuel cell will be available for use from 7.00am to 10.00pm, 7 days per week reducing noise generated at night.

A condition on the planning permit will require that the fuel cell be replenished only between the hours of 8.00am to 8.00pm Monday to Friday.

A 3 metre high acoustic wall, sealed at the base with no gaps or holes, and setback 1.5 metres from the allotment boundary will be built for the purpose of noise mitigation.

Clause 13.06-1S Air quality management

Objective – to assist the protection and improvement of air quality

The effect on air quality will be from exhaust emissions from vehicles accessing the site. The use will not in itself contribute to more vehicles on the road. The impact on air quality in the immediate area will be minimal.

Generation of dust will be minimal as the turning circle will consist of 300mm compacted dust suppressed quarry rubble.

Clause 13.07-1S Land use compatibility

Objective - To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 13.07-1L-01 Amenity protection - General

Objective - To encourage use and development without compromising residential amenity or agricultural land use.

The proposed land use is compatible with the purpose of the Commercial 1 Zone to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. Off-site impacts are not inconsistent with a commercial use in commercial zone. Appropriate measures can be utilised to mitigate off site impacts, for example appropriate screening for light spill. A 3 metre high acoustic wall to be constructed on the property will mitigate the light spill from turning vehicles within the site.

Clause 14.02-2S Water Quality

Objective – to protect water quality

There is potential for contaminated stormwater to be generated by a fuel dispensing operation. The fuel dispensing areas are constructed of a bunded concrete area. All stormwater and any fuel spill from the concrete bunded area is directed to a contaminate separator with a treatment capacity of 3000 litres per hour and contains 20 litres of removable storage for fuel removed from water.

The remainder of the site should not produce contaminated stormwater.

Clause 15.01-1S and 15.01-1L Urban design

Objective - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

The proposed development is consistent with the scale and massing of buildings in the immediate area. Traffic movements entering and exiting the site will be slow moving and it is considered that walking, cycling and traffic access and safety in the immediate area will not be significantly impacted.

The development will not detract from the presentation and appearance of the township commercial centre.

Clause 15.01-2S and 15.01-2L-01 Building design

Objective - To achieve building design outcomes that contribute positively to the local context and enhance the public realm

The development will not have a significant detrimental impact on neighbouring properties, the public realm, or the natural environment. The form, scale and appearance of the development are typical of this type of commercial development and are in keeping with the prevailing scale, bulk, streetscape character and built form of the area.

Clause 15.03-1S Heritage Conservation

Objective - to ensure the conservation of places of heritage significance

The site adjoins the Heritage Overlay HO14 – Birchip Township Heritage Precinct. The proposed development will not be readily visible from Cumming Avenue and the development will not detract from the Heritage significance of the Heritage Precinct.

Clause 17.01-1S Diversified economy

Objective – to strengthen and diversify the economy

The proposed fuel cell is an unmanned facility and therefore will not create any ongoing employment directly. The facility will provide fuel services to the district including transport operators, farmers and service providers.

Clause 17.02-1S Business

Objective – To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

The facility is located for accessibility, utilises existing infrastructure, and is located in the existing commercial area.

Clause 18.02-3S Road System

Objective - To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

The proposal makes use of the existing road infrastructure.

Clause 19.02-6S Open space

Objective - To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

The park at the corner of Campbell Street and Cummings Avenue will be largely unaffected by the proposal with the shelter and seating area in excess of 50 metres from the proposed fuel cell infrastructure.

Decision Guidelines - Commercial 1 Zone	
Municipal Planning Strategy and the Planning Policy Framework	<i>Policy discussion in previous section</i>
The interface with adjoining zones, especially the relationship with residential areas.	<i>The property interfaces with C1Z on all adjoining boundaries. C1Z over the highway to the south, TZ over Taverner street to the west.</i>

Decision Guidelines - Commercial 1 Zone	
The effect that existing uses may have on the proposed use.	<i>Existing uses adjoining will not affect service station use of land. Works depot to the north, residence and park to the east, residential over the road to the west, and commercial over the road to the south</i>
The drainage of the land.	<i>Drainage is provided for on plans. Stormwater will be directed to the Legal point of discharge.</i>
The availability of and connection to services.	<i>Services are available at the property</i>
The effect of traffic to be generated on roads.	<i>The service station use will increase traffic movements in the immediate area. The access is from an arterial road (Sunraysia Hwy). The application has been referred to Dept. of Transport, DoT have no objection subject to conditions. Traffic entering and exiting will be slow moving. The majority of the traffic utilising the site will be already on the road network and will therefore not generate additional traffic movement past the school, or on the road network.</i>
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	<i>Vehicles supplying the fuel cell will unload with the supply vehicle totally situated within the property. The fuel cell will be replenished between the hours of 8.00am and 8.00pm Monday to Friday. There is access for emergency vehicles, public transport will be unaffected.</i>
The provision of car parking.	<i>No car parking is proposed. The nature of the land use does not require parking onsite. There is sufficient area on the site for maintenance and service vehicles.</i>
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	<i>The service station does not provide for verandas etc but is not located within a streetscape where verandas are present, no part of the building adjoins the allotment boundary. A 3m acoustic fence will shield the service station from view on 3 sides, landscaping will be provided on the road side of the acoustic shield.</i>

The proposal is in accordance with the purpose of the zone, being a commercial enterprise servicing the community and complementary to other businesses that are utilising diesel fuel.

The proposal represents orderly planning for the area. Department of Transport have been consulted in regard to traffic access and movements, and GWMWater have been consulted for comment on the potential impact to their infrastructure. These authorities do not object to the proposal subject to conditions.

There is some potential for an impact on the amenity of the area. It is considered that the impact on the amenity will not be significant. The facility will be available between the hours of 7.00am to 10.00pm but is considered that in the context of the population of Birchip and the nature of the demand that the majority of the use of the facility will not cause significant detriment to local amenity. Traffic accessing and exiting the site will be slow moving and have good visibility allowing for road safety.

The subject land adjoins a community space. The public space is oriented toward Cumming Avenue and will not be significantly impacted.

The proposal will incorporate measures to mitigate the contamination of stormwater, and any reduction of water quality.

No native vegetation will be removed as part of this proposal. Two small street trees will be removed to facilitate access. The large lemon scented gum on the east of the allotment will be retained.

The proposed use will not contribute to increased flood, erosion or fire hazard.

RELEVANT LAW

The application is being assessed in accordance with the *Planning and Environment Act 1987 (the Act)*

RELATED COUNCIL DECISIONS

Council issued a Notice of Decision to Refuse this application at the Wednesday 9th February 2022 Council meeting. An appeal to review the decision was made to VCAT. VCAT ordered the responsible authority's decision is set aside and the matter is remitted to the responsible authority for re-consideration.

OPTIONS

Council has the option to resolve to issue a Notice of Refusal to Grant a Permit. (motion below)

That Council having caused notice of Planning Application No. PPA928/21 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to issue a Notice of Refusal to Grant a Permit under the provisions of 34.01-1 and 34.01-4, 52.05-11 and 52.29-2 of the Buloke Planning Scheme in respect of the land known and described as 2 Campbell Street, Birchip (Lots 6, 7, 8 and 9 LP58023), for the use and development of land for a service station (fuel cell), construct and display a business identification sign, and alter access to a Transport Zone 2 with the application dated 13/05/2021.

The Notice must state the grounds on which the application was refused.

SUSTAINABILITY IMPLICATIONS

There are no significant sustainability implications. The proposal will not generate traffic movements to the extent that air quality will be affected. Risks to stormwater quality can be mitigated with appropriate measures.

COMMUNITY ENGAGEMENT

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending nine notices to the owners and occupiers of adjoining land.
- Placing two signs on site
- Notice in Buloke Times Newspaper, 22nd March 2023 edition

The notification has been carried out correctly.

Council received one further objection upon giving notice for the amended application. date. The key issues that were raised in the objection are:

- Road safety concerns, close to main intersection of Campbell Street and Cumming Avenue.
- Amenity concerns in the immediate area; noise generated by large vehicles using the fuel cell, and concerns around light spill from the facility

The objections to the original application are taken as objections to the amended application.

INNOVATION AND CONTINUOUS IMPROVEMENT

N/A

COLLABORATION

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Department of Transport: no objection subject to conditions
Section 52 notices	GWMWater: no objection subject to conditions

Internal Council Referrals	Advice/Response/Conditions
Municipal Building Surveyor	Building permit required
Infrastructure planning	Noted: streetscape works and possible future Cumming Avenue works

FINANCIAL VIABILITY

There are no significant financial viability impacts. The property valuation would change for rating purposes.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Please see policy discussion at Discussion section of this report.

COUNCIL PLANS AND POLICIES

N/A

TRANSPARENCY OF COUNCIL DECISIONS

In order to promote transparency, Council will consider this resolution in an open meeting.

CONFLICTS OF INTEREST

No officer involved in the preparation of this report has a conflict of interest in the subject matter of this report.

8.3 FINANCIAL REPORTS

Nil

8.4 ORGANISATIONAL REPORTS

8.4.1 COUNCIL PLAN 2021-2025 - YEAR 2 ANNUAL PLAN REVIEW

Author's Title: Director Community Development

Department: Community Development

File No: CM/13/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

The purpose of this report is to give Council a final update on the actions taken against the Council Plan 2021-2025 - Year 2 Annual Plan.

SUMMARY

Council at its 16 June 2021 Meeting adopted its Long-Term Community Vision and Council Plan 2021-2025 and subsequently developed a Year 2 Annual Plan for the implementation of the strategic objectives. Quarterly progress reports have been provided to Council throughout the financial year.

MOTION:

That Council note the progress made to deliver the strategic objectives noted in the Year 2 Annual Plan for the Buloke Shire Council - Council Plan 2021-2025.

MOVED: CR DAVID POLLARD

SECONDED: CR BERNADETTE HOGAN

CARRIED.

(R115/23)

Attachments: 1 Annual Plan Year 2 Review

DISCUSSION

The purpose of Annual Plans is for Council to develop a series of actions, projects, programs and initiatives for the financial year, in order to achieve the Council Plan 2021-2025.

Council has received progress reports against the Year 2 Annual Plan throughout the 2022/23 year, and attached is the final report on the Annual Plan.

The final report highlights a strong year of delivering on the Annual Plan, and the overarching Council Plan 2021-2025, despite the effects of the October 2022 Flood Event on Council's internal resources and access to external materials and labour. While ten of the actions have been deferred due to the impacts of the flood, 11 have been completed and closed, or completed and remain ongoing. The redevelopment of the Community Engagement Policy was deemed to necessary after a desktop review.

Some of the highlights of the report are:

- Delivery of the Agriculture Resilience Project
- Continuation of VicHealth Local Government Partnership
- Publication of the Loddon Mallee Partnership Early Childhood Education and Childcare in Rural Areas Report
- Strong increase of tourism marketing projects
- Two revisions of the Advocacy Strategy
- Subdivision of the old Sea Lake Primary School site

RELEVANT LAW

The Annual Plan forms part of the review of the Council Plan, required under the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

This item responds directly to the adoption of the Year 2 Annual Plan on 10 August 2022.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Sustainability implications are addressed as part of the Council Plan 2021-2025 under the key strategic objective Our Built and Natural Environment.

There are items included in the Annual Plan relating directly and indirectly to Council's Climate Change Mitigation and Adaptation Strategy.

COMMUNITY ENGAGEMENT

There was significant community engagement undertaken in the development of the Council Plan 2017-2021, which is the basis of the Annual Plan. Further actions have been developed through consultation with the community over the past two years. Projects and programs delivered as part of the Annual Plan were subject to Council's Community Engagement Policy.

INNOVATION AND CONTINUOUS IMPROVEMENT

Reporting on the delivery of strategic objectives ensures continuous improvement and accountability to the community.

COLLABORATION

Many actions achieved in the Annual Plan rely upon the collaboration of other Councils and key peak bodies, local stakeholder groups and the community.

Council partnered directly with the Birchip Cropping Group to deliver the Agriculture Resilience Project and with VicHealth to deliver the Local Government Partnership Program.

FINANCIAL VIABILITY

The items listed in the Annual Plan have been factored into the Annual Budget, which is reported on regularly.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

This report responds directly to the implementation of the Council Plan 2021-2025 and the adopted Annual Plan.

TRANSPARENCY OF COUNCIL DECISIONS

The adoption of regular reporting on the Annual Plan provides strong transparency to the community regarding the key focus areas of Council over the 2022/23 financial year and how Council is tracking against those actions.

CONFLICTS OF INTEREST

I, Travis Fitzgibbon, have no conflict of interest to declare in relation to this report.

8.5 REPORTS FROM COUNCILLORS

Mayor's Month

Weekly Meetings with CEO Wayne O'Toole

Monthly Briefings

Council Meeting (Zoom Canberra)

Special Council Meeting (Budget)

Early Childhood

ALGS Canberra Conference (Our Communities Our Future) Separate (see report below)

ABC interview VNI-West

Flow FM Shire Issues

ABC Interview New TO area & policy

ABC Interview (Swan Hill) VNI West Transmission lines

Take several Phone calls rate payers AEMO

Meeting with Dr Anne Webster & Jade Benham

Attend with CEO Wayne O'Toole fortnightly Meeting including VFF, NGSC, AEMO

Attend MAV Renewable Energy Forum

Chair Emu Working Group Meeting

Inspect Charlton Common with Cr Pollard

TCO Forum Charlton Park With Crs Milne, Pollard, Warren, Simpson & Hogan

Cr Alan Getley – Mallee Ward

Mayor

Australian Local Government Association 2023 National General Assembly

Canberra 13 - 16 June 2023

Tuesday 13th

Attend awards breakfast with CEO Wayne O'Toole & Jo Postlethwaite to receive our National award for flood preparedness the Paddock Run Project. The award was presented by The Hon Kristy McBain who I had the pleasure of Paddock running her at the ceremony.

Did media interviews & TV which was shown throughout the conference.

Attend Regional Forum and discussion (covering work force, housing, disaster funding and general topics)

Meet in Parliament House with Local Member Dr Anne Webster discuss child care in Charlton, sit in Senate Gallery to listen to VNI West speech with 60 Farmers from our region.

Attend dinner with Mayors & CEOs from across Mallee electorate with Dr Webster in Members dining room

Wednesday 14th

Attend Official opening ceremony and welcome to country.

Ministerial address Catherine King MP Local Government Minister

Building a stronger workforce panel session

Ukraine Ambassador address

Future of Local Government Panel

Debate & Vote of motions from delegates across the country

Thursday 15th

A conversation on the voice panel

Leading communities through change panel

Cyclones, Fires and flood panel

Peter Dutton Mp address

Australia's affordable housing crisis panel

Cyber security and Local Government panel

Debate & Vote on motion from member councils

Gala Dinner at Parliament House with PM Albanese and Government ministers

Friday 16th**Australian Council of Local Government Conference**

General discussions on many functions of Local Government from the Labor Government including the Prime Minister and many Cabinet Ministers and the chance to talk with their staff.

The networking of the event was excellent as I got to speak with many ministerial aides & staff to cover off a lot of topics relevant to Buloke, including road betterment funding, flood recovery, swimming pools, housing and many others.

Great opportunity to speak with other Local Governments Councils from across Australia, with many seeking Buloke out to discuss the Paddock Run program.

Cr Alan Getley – Mallee Ward

Mayor

Cr Daryl Warren – Mount Jeffcott Ward

21/6/23	Councillor Briefing Wycheproof
27/6/23	Council Meeting Wycheproof
28/6/23	Meals on Wheels Donald Donald Community Precinct Meeting Donald 2000 Meeting
4/7/23	Councillor Briefing Sea Lake
5/7/23	Donald Men's Shed AGM Powerline Community Meeting Charlton
12/7/23	Council Meeting Wycheproof

Cr Daryl Warren

Councillor

9. OTHER BUSINESS**9.1 NOTICES OF MOTION**

Nil

9.2 QUESTIONS FROM COUNCILLORS**9.2.1 COMMUNITY GRANTS SCHEME – CR MILNE**

CR MILNE ASKED: Regarding the Community Grants Scheme, I have expressed my concern over the last couple of days. I would request that the status quo remain (for Community Grants) until such time as there is a review finalised (of the proposed Guidelines).

CHIEF EXECUTIVE OFFICER ANSWERED: Options regarding the Community Grants Program will be presented at the next Councillor Briefing.

9.3 URGENT BUSINESS

Nil

9.4 ANY OTHER BUSINESS

Nil

9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

Nil

10. MEETING CLOSE

Meeting closed at 7.55pm.