



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 14 June 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, 14 June 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

Hannah Yu

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, 10 May 2023 and Council adopt the Minutes of the Council Meeting held on Wednesday, 7 June 2023.

**Moved:** CR DARYL WARREN

**Seconded:** CR BERNADETTE HOGAN

**CARRIED.  
(R091/23)**

**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**

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Nil

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Nil

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NIL

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NIL

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NIL

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NIL

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NIL

**10. MEETING CLOSE****NEXT MEETING**

THE NEXT COUNCIL MEETING WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 12 JULY 2023 AT 7:00PM.

**Wayne O'Toole**  
**CHIEF EXECUTIVE OFFICER**

## **6. QUESTIONS FROM THE PUBLIC**

### **6.1 MARTIN SCHOONDERWOERD – ITEM 8.2.1 – PLANNING PERMIT APPLICATION 23012**

#### **BACKGROUND:**

In email correspondence with Council Staff dated May 11 2023, it was noted that the responsible authority could take into account the support expressed by individuals in their decision-making process.

This suggests that the signatures collected by the applicants could potentially impact the outcome.

Given that I have discovered inconsistencies in the applicants' responses to objections, which I have previously pointed out to Council staff, I am now questioning the validity of the signatures the applicants have collected.

#### **QUESTION 1: Asking if these signatures are considered in the decision-making process?**

**ANSWER BY DIRECTOR COMMUNITY DEVELOPMENT:** There is no specific provision in the Act for considering submissions in support of an application, however there is no reason why supporters should not tell the responsible authority about their support for a proposal and for the authority to consider this in making its decision. Letters of support are not treated as objections.

#### **QUESTION 2: How does Council ensure the authenticity of these signatures?**

**ANSWER BY DIRECTOR COMMUNITY DEVELOPMENT:** Council did not take any actions to ensure the authenticity of the signatures for either the submissions that were objections, or the letters of support.

#### **QUESTION 3: Specifically, what exactly did all those supporters sign and how does the Council verify the residency status of the supporters?**

**ANSWER BY DIRECTOR COMMUNITY DEVELOPMENT:** The supporters signed letters that expressed support for the proposed extension of trading hours. Council took no action to verify the residence status of the authors of either the support letters or the authors of the objections. The authors of the letters of support made no claims in regard to their residency status of Council to verify.

#### **QUESTION 4: My second question would be that if these signatures are considered, then why was I not given a copy and a chance to see and respond like the applicant was in their response to objectors?**

**ANSWER BY DIRECTOR COMMUNITY DEVELOPMENT:** It is standard practice for an objection to be redacted and forwarded to an applicant to provide the applicant with an opportunity to address an objector's concerns, and perhaps offer mitigation or a solution to the objector's concerns, and that the objection may be resolved and withdrawn. If Council believe a mediation meeting with the applicant and objectors may be of value a mediation meeting may be organised. There is no role for an objector to an application to respond to letters of support.

## **6.2 LEIGH SCHOONDERWOERD – ITEM 8.2.1 – PLANNING PERMIT APPLICATION 23012**

### **BACKGROUND:**

In the Buloke notice of an application for a planning permit, it explicitly states, “all letters that the Council receives in relation to this application will become part of the application file and are public documents which anybody may ask to view.”

During out mediation, when I asked to see the letters and signatures that the applicants presented, my request was denied.

Furthermore, my husband was also denied access when he requested to review these documents in his email sent to you on May 11, 2023.

**QUESTION 1: Considering these signatures where mentioned in the report could you please provide clarity on why our requests to access these public documents were refused?**

**ANSWER PROVIDED BY DIRECTOR COMMUNITY DEVELOPMENT:** Although the introductory letter did use the term ‘letters’ the ‘notice of an application for a Planning Permit’ included with the introductory letter states the “Responsible Authority must make a copy of every **objection** available at its office for any person to inspect during office hours...”.

The Planning & Environment Act 1987 at Section 57 (5) says “The responsible authority must make a copy of every **objection** available in accordance with the public availability requirements.”

The request to view these submissions was denied as the letters were not objections and are therefore not public documents.

**FURTHER BACKGROUND:** Under Section 60 of the Planning and Environment Act 1987, the responsible authority is required to take into account any significant social and economic effects that may result from the proposed use or development.

Keeping this provision in mind, my husband presented evidence suggesting that the applicants intend to apply for an alcohol licence as well.. Given the potential social and economic implications of such a licence, it raises concerns as to why this detail is not mentioned in your report.

**QUESTION 2: Could you kindly provide an explanation as to why the prospect of an alcohol licence, was omitted from your assessment?**

**ANSWER BY DIRECTOR COMMUNITY DEVELOPMENT:** No planning permissions for a liquor licence have been applied for in this application.

## 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 3 and 17 May 2023.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R092/23)**

- Attachments:**
- 1 Councillor Briefing Record - 3 May 2023
  - 2 Councillor Briefing Record - 17 May 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 3 and 17 May 2023 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 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 GRAEME MILNE

**SECONDED:** CR DARYL WARREN

**CARRIED.**  
**(R093/23)**

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Birchip Community Emergency Response Team Organisation	Rachel Ferrier and Keiko Nakamura Birchip	5.6.23	For each being awarded their 15 year Long-Service Recognition Certificate with the Birchip Community Emergency Response Team (CERT) as well as a Competent Driving Award.  NB: Both Rachel and Keiko have now completed almost 17 years of service to the CERT.
Governor General King's Birthday 2023 Honours List The General Division of the Order of Australia	Mrs Leonie Burrows OAM Mildura	11.6.23	For her service to the community of Mildura
Governor General King's Birthday 2023 Honours List The General Division of the Order of Australia	Mr Robert Gersch OAM Nhill	11.6.23	For his service to local government and to the community

### 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.

#### MOTION:

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

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**

**(R094/23)**

**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.

<b>Council Initiative</b>	<b>Sent to</b>	<b>Sent</b>	<b>Response</b>	<b>Purpose of Letter/Response</b>
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.

## 7.4 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 May 2023 to 31 May 2023.

#### MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 May 2023 to 31 May 2023.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR DAVID POLLARD

**CARRIED.**

**(R095/23)**

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Permit No.	Address	Project Description	Date Approved
NIL				

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

Council Ref.	Permit No.	Address	Project Description	Date Approved
PBLD23064	7601708366844	Richards Road (Srubbery Lane), Litchfield	Proposed Managers Residence	08/05/2023
PBLD23074	7635017479634	Austerbery Road, Sea Lake	Machinery Shed	24/05/2023
PBLD23075	2568776571224	Borong Highway, Gil Gil	Storage Shed	20/05/2023

## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Community Development

**File No:** LP/09/01

**Question was taken on notice by Cr Warren – in regards to Objection for PA 23010 and Objection for PA 23013**

*In regards to the noted objections to the 6 lot subdivision in Wycheproof (PA 23010) , and the 5 lot subdivision in Sea Lake (PA 23013), is this something Council needs to consider given the issues associated with housing availability?*

### 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.  
(R096/23)**

**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
PA23012	Main Street, Culgoa	01/02/2023	Extend hours of trade for existing food and drinks premises	Report to Council
PA23013	Hannon Street, Sea Lake	06/02/2023	Five-lot subdivision of land	Objection
PA23014	Hannon Street, Sea Lake	31/01/2023	Five-lot subdivision of land and the use and development of land for five dwellings	Permit Issued

Application No	Address	Date Rec	Summary of Proposal	Status
PA23015	Birchip-Wycheproof Road, Narraport	16/02/2023	Two-lot subdivision of land, use and development of land for a veterinary clinic and associated dwelling and create or alter access to a road in the Principle Road Network (TRZ2)	Permit Issued
PA23016	Jenkins Street, Charlton	06/03/2023	Building and works for the extension of carport and construction of verandah	Permit Issued
PA23017	Donald Street, Charlton	23/03/2023	Use and development of the land for a store (domestic shed) within the Township Zone Buildings and works within the Land Subject to Inundation Overlay	Permit Issued
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)	Notice of Application 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
VS23007	Mildura Way, Charlton	15/05/2023	Demolish a section of masonry fence, works to reconstruct, and make gate opening wider	Permit Issued

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 action and the SOA for the 10 May 2023 Council Meeting Resolutions.

### MOTION:

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

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR GRAEME MILNE

**CARRIED.  
(R097/23)**

**Attachments:** 1 Actions Taken on Council Resolutions - On Outstanding items and 10 May 2023 Council 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 and introducing the SOA for the 10 May 2023 Council Meeting Resolutions.

**8. GENERAL BUSINESS**

**8.1 POLICY REPORTS**

Nil

## 8.2 MANAGEMENT REPORTS

### 8.2.1 PLANNING PERMIT APPLICATION PA23012 - FOR A CHANGE OF USE TO EXTEND BUSINESS HOURS - 6 MAIN STREET, CULGOA

**Author's Title:** Planning Officer

**Department:** Community Development

**File No:** LP/09/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Economy

#### 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 has been received by Council on the 1<sup>st</sup> of February 2023 for an extension of trading hours for a food and drinks premises in the Township Zone. A food and drink premises in the Township Zone is a Section 2 – permit required – land use. The application is to extend the hours of operation to allow trading from 6.00am to 6.00pm Monday to Thursday and from 7.00am to 10.00pm Friday, Saturday, and Sunday.

The business is a long-established use and is operating under existing use rights, no planning permit exists. A use in Section 2 of a zone for which an existing use right is established may continue provided any restriction to the use continues to be met. This includes any implied restriction on the extent of activities within the use.

As the proposal is to extend the operating hours outside of the existing extent of the use, a requirement for a planning permit is triggered.

#### MOTION:

That Council:

Having caused notice of Planning Application No. PA23012 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 Grant a Notice of Decision to Grant a Permit under the provisions of 32.05-2 of the Buloke Planning Scheme in respect of the land known and described as 6 Main Street, Culgoa (Lot 1 TP751938), for the extension of trading hours in accordance with the endorsed plans, with the application dated 1st February 2023, subject to the following conditions:

Draft permit conditions:

##### *General conditions*

1. The use of the land must only occur between the hours of:

- 6.00am – 6.00pm Monday- Thursday
- 7.00am – 10.00pm Friday – Sunday

unless these hours are varied with the written consent of the responsible authority.

##### *Amenity*

2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash,

dust, waste water, waste products, grit or oil

d) Presence of vermin, or

e) in any other way

to the satisfaction of the responsible authority.

3. The use and development of the land must not interfere with surrounding existing uses, including residential.

*Permit expiry*

This permit will expire if:-

- The use does not start within two (2) years of the date of this permit; or
- The use is discontinued for a period of two (2) years.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition

**MOVED: CR DARYL WARREN**

**SECONDED: CR BERNADETTE HOGAN**

**AMENDMENT TO MOTION BY CR BRONWYN SIMPSON:**

That Council:

Having caused notice of Planning Application No. PA23012 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 Grant a Notice of Decision to Grant a Permit under the provisions of 32.05-2 of the Buloke Planning Scheme in respect of the land known and described as 6 Main Street, Culgoa (Lot 1 TP751938), for the extension of trading hours in accordance with the endorsed plans, with the application dated 1st February 2023, subject to the following conditions:

Draft permit conditions:

*General conditions*

1. The use of the land must only occur between the hours of:

- 6.00am – 6.00pm Monday- Thursday
- 7.00am – 8.00pm Friday – Sunday

unless these hours are varied with the written consent of the responsible authority.

*Amenity*

2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) Presence of vermin, or
  - e) in any other way
- to the satisfaction of the responsible authority.
3. The use and development of the land must not interfere with surrounding existing uses, including residential.

*Permit expiry*

This permit will expire if:-

- The use does not start within two (2) years of the date of this permit; or
- The use is discontinued for a period of two (2) years.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition

**MOVED: CR BRONWYN SIMPSON**

**NO SECONDER:**

**AMENDMENT LAPSED.**

**ORIGINAL MOTION PUT**

That Council:

Having caused notice of Planning Application No. PA23012 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 Grant a Notice of Decision to Grant a Permit under the provisions of 32.05-2 of the Buloke Planning Scheme in respect of the land known and described as 6 Main Street, Culgoa (Lot 1 TP751938), for the extension of trading hours in accordance with the endorsed plans, with the application dated 1st February 2023, subject to the following conditions:

Draft permit conditions:

*General conditions*

1. The use of the land must only occur between the hours of:

- 6.00am – 6.00pm Monday- Thursday
- 7.00am – 10.00pm Friday – Sunday

unless these hours are varied with the written consent of the responsible authority.

*Amenity*

2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) Presence of vermin, or
  - e) in any other wayto the satisfaction of the responsible authority.
3. The use and development of the land must not interfere with surrounding existing uses, including residential.

*Permit expiry*

This permit will expire if:-

- The use does not start within two (2) years of the date of this permit; or
- The use is discontinued for a period of two (2) years.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition

**Moved:** CR DARYL WARREN

**Seconded:** CR BERNADETTE HOGAN

**CARRIED.**

**(R098/23)**

**Attachments:** Nil

**DISCUSSION**

A Planning permit application has been received by Council on the 1<sup>st</sup> of February 2023 for an extension of trading hours for a food and drinks premises in the Township Zone. A food and drink premises in the Township Zone is a Section 2 – permit required – land use.

**Proposal**

The application is to extend the hours of trade at an existing food and drinks premises. The proposal is to extend the hours of trading to:

- 6.00am – 6.00pm Monday- Thursday
- 7.00am – 10.00pm Friday – Sunday

***Subject site and locality***

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of 1651m<sup>2</sup> and currently contains:

- The existing food and drink premises (café)
- The shop frontage adjoins Main Street.
- Angle parking out the front of the shop
- Minor outbuildings

The main site/locality characteristics are:

- The area is mostly flat
- Directly opposite over Main Street are residential properties, comprising free standing single dwelling per lot uses.
- Diagonally opposite to the north is a 1982m<sup>2</sup> allotment used for a park.
- Adjoining the property to the north is a Hotel
- Adjoining the property to the south is a CFA property
- Along Main Street there exists a mix of buildings including buildings that in the past were used for commercial purposes now used for residential purposes, the town hall, single storey dwellings, a park, and a disused bowling green
- The property is located in the centre of Culgoa township. Culgoa township had a population of 86 in the 2021 census
- Culgoa is located on the Calder highway 34km south of Sea Lake and 43km north of Wycheproof

***Assessment***

The land is zoned Township Zone (TZ). The purpose of the Township zone includes:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.

The Heritage Overlay is applied to the property. No permit is required under the Heritage Overlay as no building and works are proposed.

A planning permit is required at Clause 32.05-2. The land use 'food and drink premises' is a Section 2 use, planning permit required, in the Township Zone. As the food and drink premises land use was lawfully carried out prior to the approval date of the Buloke planning scheme, the premises are operating under existing use rights. No planning permit exists.

A use in Section 2 of a zone for which an existing use right is established may continue provided any restriction to the use continues to be met. This includes any implied restriction on the extent of activities within the use.

As the proposal is to extend the operating hours outside of the existing extent of the use, a planning permit is required.

<b>Decision Guideline – Township Zone</b>	<b>Comments</b>
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 extension of trading hours will not have a negative impact on town character.</i>
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	<i>Services are connected. The proposal will not have a significant effect on services</i>
The effect that existing uses on adjoining or nearby land may have on the proposed use.	<i>The adjoining existing uses will not have an impact on the proposed use</i>
The scale and intensity of the use and development.	<i>The scale and intensity of the use will have no impact on the immediate amenity of the area</i>
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	<i>The extended operating hours will not generate additional traffic movements to the extent that there will be a significant detrimental effect on amenity. There is ample provision for on street parking at the location.</i>

### ***Municipal Planning Strategy (MPS)***

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

<b>02 MUNICIPAL PLANNING STRATEGY</b>
<b>02.03 STRATEGIC DIRECTIONS</b> <b>02.03-6 Economic development</b> Council's strategic directions in this clause relevant to this application include: <ul style="list-style-type: none"> <li>Encouraging economic development and activity that increases opportunities for the community.</li> </ul>
<u>Comments:</u> <i>The proposal is consistent with Municipal Planning Strategy.</i>

### ***Planning Policy Framework (PPF)***

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

<b>17 ECONOMIC DEVELOPMENT</b>
<b>17.01-1S Diversified economy</b> Objective: to strengthen and diversify the economy Strategies include supporting rural economies to grow.

**17.02-1S Business**

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

Strategies include providing small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

**17.04-1L Tourism**

Strategy in this local policy includes encouraging use and development that facilitates tourism experiences including natural and cultural heritage, landscapes, events and culinary products with a local focus.

Comments:

*The proposed extension of trading hours is consistent with the planning policy framework.*

**15.03 HERITAGE****15.03-1S Heritage conservation****Objective**

To ensure the conservation of places of heritage significance.

Comments:

*The Heritage Overlay applies to the subject land and is specified in the Schedule to the Overlay.*

*The building is of LOCAL significance and has been identified in the Shire of Buloke Heritage Study.*

*No building and works are proposed; there will be no impact on the heritage significance of the property.*

**The decision guidelines of Clause 65**

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

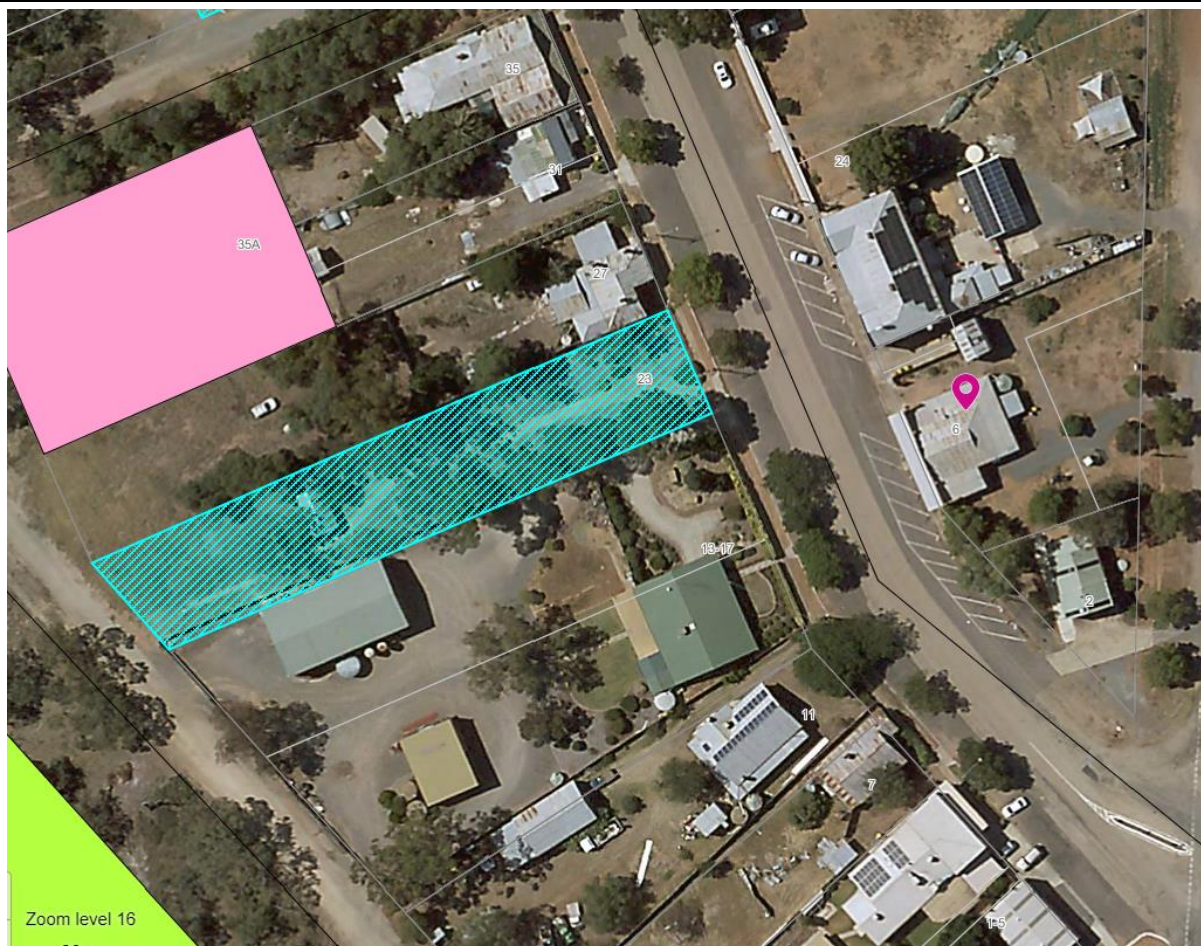
Decision Guidelines	Comments
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>The subject land is not likely to be contaminated and is not highlighted on the EPA Register.</i>
The Municipal Planning Strategy and the Planning Policy Framework.	<i>These have been considered in more detail above.</i>
The purpose of the zone, overlay or other provision.	<i>The proposed extension of trading hours is consistent with the purpose of the zone. The Township zone provides for a range of commercial uses in small towns.</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 extension of trading hours is considered to be orderly planning</i>
The effect on the environment, human health and amenity of the area.	<i>The proposed extension of trading hours is not likely to have a negative impact on the environment, human health or amenity of the area.</i>

The proximity of the land to any public land.

*The nearest public land is the Council owned park opposite and the Council owned Bowling Club land.*

*There is substantial public land reserve on the watercourse to the west of the subject land.*

*The proposal will have no impact on public land in the immediate area.*



Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

*The proposed extension of trading hours will not have an impact on land degradation or reduce water quality.*

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

*The proposed extension of trading hours will not have an impact to existing stormwater discharge.*

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.

*The proposed extension of trading hours will not increase any hazard.*

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

*The extension of trading hours will not generate additional traffic and delivery movements to an extent that will affect traffic flow and road safety.*

The impact the use or development will have on the current and future development and operation of the transport system.

*The extension of trading hours will not generate additional traffic and delivery movements or make any changes to the road reserve that may affect the future development of the transport system.*

**Summary of Key Issues**

A permit is required to extend the hours of operation of the business as the business is operating in the Township Zone and the operation of a retail business in the TZ is a permit required land use.

Fifteen (15) objections were received to the application. The objections did not raise any planning issues but focused on their belief that the town is not large enough for two businesses to provide meals in the evening and that this may have a social and economic impact. Generally, objections relating to commercial advantage would not be considered by the responsible authority. However, under Section 60 of the Planning and Environment Act 1987, the responsible authority must consider any significant social effects and economic effects which the responsible authority considers the use or development may have. Section 60 says that the responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect. Food and drink providers in the township of Culgoa rely on through traffic on the Calder Highway in addition to custom from local residents in the immediate area to sustain their businesses. An additional food and drink provider provides a further dining option for both locals and through travellers and may therefore generate further economic activity and opportunities for employment, as well as opportunities for further social interaction and engagement in Culgoa. Council planning officers consider that the proposed extended operating hours will not have a significant detrimental social effect.

**Conclusion**

Council planning officers recommend that a Notice of Decision to Grant a Permit for the extension of operating hours for the food and drink premises be issued.

**RELEVANT LAW**

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

**RELATED COUNCIL DECISIONS**

Planning permit A46/04 – for business signage

**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. PA23012 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 32.05-2 of the Buloke Planning Scheme in respect of the land known and described as 6 Main Street, Culgoa (Lot 1 TP751938), for the extension of trading hours with the application dated 1st February 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 2 notices to the owners and occupiers of adjoining land.
- Placing a sign on site

The notification has been carried out correctly.

Council has received 15 objections. The key issues that were raised in the objections are:

- That the town is unable to sustain two food and drink premises due to the small township population.

Council has received in excess of 70 signed submissions of support from within the township, the surrounding townships and districts, and through travellers.

Consultation was undertaken and included:

- A mediation meeting was held on the 9<sup>th</sup> May 2023 at 10.30am in the Culgoa Bowling Club facility. An invitation to attend was sent to all 15 objectors. In attendance were the applicants, and two of the objectors. No agreement was able to be reached on alterations to the proposal that would result in the withdrawal of any objections

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

n/a

#### **COLLABORATION**

External Referrals/Notices Required by the Planning Scheme: n/a

#### **FINANCIAL VIABILITY**

n/a

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

n/a

#### **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.

## 8.2.2 CLIMATE CHANGE MITIGATION AND ADAPTATION STRATEGY PROGRESS REPORT

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

**Department:** Community Development

**File No:** EM/13/20

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Built and Natural Environment

### Question was taken on notice by Cr Warren – Budget Allowance Implementation of Strategy Outcomes

*Cr Warren asked how much has been set aside in the Budget 2023 – 2024 to support the implementation of the Climate Change and Adaptation Strategy Outcomes?*

### PURPOSE

The purpose of this report is for Council to be given an update on progress against the Climate Change Mitigation and Adaptation Strategy and Plan.

### SUMMARY

Buloke Shire Council adopted a 10-year Climate Change Mitigation and Adaptation Strategy and Plan in October 2021. The Plan outlines 50 actions categorised into 13 goals for climate action. This is the first progress report against those actions.

### MOTION:

That Council notes the progress made against the Climate Change Mitigation and Adaptation Strategy and Plan.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.  
(R099/23)**

**Attachments:** 1 Climate Change Mitigation and Adaptation Actions

### DISCUSSION

Buloke Shire Council adopted a 10-year Climate Change Mitigation and Adaptation Strategy and Plan in October 2021.

The Plan outlines 50 actions categorised into 13 goals for climate action:

- Integrate climate into Council operations
- Robust emissions measurement
- Ongoing emergency management
- Waste and landfill emissions reductions

- Council building improvements
- Community building improvements
- Energy security and technology switching
- Low emission transport
- Transport infrastructure improvements
- Improve septic tank management
- Enhance biodiversity, conservation, and revegetation
- Adaptive agriculture
- Shared community vision

Highlights in the progression of the plan include:

- Commitment to reach net zero emissions by 2050
- Successful staging and support of the MASH Program
- Three resilience building projects delivered with a fourth about to be implemented
- Partnership with Yarriambiack Shire Council to deliver a glass crushing program
- Implementation of 'Quick Action' Sustainability Grants as part of Council's Community Grants Program
- Donald and Tarnagulla Microgrid Feasibility Study
- Successful grant application for the updating of Council's Onsite Domestic Wastewater Management recording system.

Whilst implementation of such an ambitious plan will take time and progress can be incremental, progress has been made against the vast majority of the actions.

It is worth noting that the plan was devised and adopted during the COVID-19 pandemic and that some internal resources have also been otherwise focused on the October 2022 flood event.

The attached table outlines a status update on each of the actions of the plan.

#### **RELEVANT LAW**

Federal Government - The Paris Agreement

State Government - Victoria's Climate Change Act 2017

Victoria's Climate Change Strategy 2021-2025

Local Government - The *Local Government Act* 2020 (Vic)

#### **RELATED COUNCIL DECISIONS**

Council adopted the Buloke Shire Council Climate Change Mitigation and Adaptation Strategy and Plan on 13 October 2021.

#### **OPTIONS**

Not applicable.

#### **SUSTAINABILITY IMPLICATIONS**

The plan contains a high-level Action Plan that outlines achievable actions categorised into 13 goals for climate action.

#### **COMMUNITY ENGAGEMENT**

Whilst community engagement has been undertaken around projects such as MASH and the Donald and Tarnagulla Microgrid Feasibility project as this is a progress report no additional engagement has been required.

## **INNOVATION AND CONTINUOUS IMPROVEMENT**

Council has many roles in the delivery of the Action Plan including:

- Leader. Planning and providing direction
- Provider. Delivering services and projects
- Partner. Forming partnerships with other stakeholders in the interest of the community
- Facilitator. Bringing groups and interested parties together
- Supporter. To support and advocate for the community
- Regulator. Regulating some activities through legislation

## **COLLABORATION**

Key collaborative bodies in the progression of this plan include the Central Victorian Greenhouse Alliance, Landcare groups and the Victorian State Government.

During the compilation of the plan key partners engaged included:

- Birchip Cropping Group
- Central Victorian Greenhouse Alliance
- Victorian Government Department of Environment, Land, Water and Planning (DELWP)
- Sustainability Victoria
- South-East Mallee, Buloke and Northern Grampians Landcare
- North Central Catchment Management Authority
- Victorian Government Department of Jobs, Precincts and Regions (DJPR)

## **FINANCIAL VIABILITY**

Most outlined actions aim to utilise internal staff resourcing for advancement. Other actions require securing of funding from other levels of government or inclusion in Council's long term financial planning and budgeting.

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

### **Federal Government**

The Paris Agreement is an agreement within the United Nations Framework Convention on Climate Change (UNFCCC) which seeks to avoid a global temperature increase of more than 2°C above preindustrial levels, and ideally keep them below 1.5°C. Under the Paris Agreement, countries must set climate change targets. Australia currently has a target to achieve between 26-28% emissions reduction on 2005 levels by 2030.

### **State Government**

Victoria's Climate Change Act 2017 and The *Local Government Act 2020* (Vic) identifies several overarching governance principles which create obligations for councils in the context of climate change.

## **COUNCIL PLANS AND POLICIES**

Long-Term Community Vision and Council Plan 2021-2025  
Municipal Emergency Management Plan

## **TRANSPARENCY OF COUNCIL DECISIONS**

This report is brought to an open Council Meeting in the interests of transparency.

## **CONFLICTS OF INTEREST**

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

## 8.2.3 SUMMARY OF PUBLIC BUDGET SUBMISSIONS - DRAFT ANNUAL BUDGET 2023/24

**Author's Title:** Manager Financial Strategy

**Department:** Corporate and Organisational Performance **File No:** FM/05/02

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

The purpose of this report is to present a summary of public submissions in relation to the Buloke Shire Council Draft Annual Budget 2023/24.

### SUMMARY

At the Council Meeting held on 10 May 2023, Council resolved for the Draft Annual Budget 2023/24 to be publicly advertised in accordance with the Council's Community Engagement Policy. On 11 May 2023, the community was invited to make budget submissions over the three-week advertisement period, which ceased at 12 noon on 1 June 2023.

Council has received five submissions to the Draft Annual Budget 2023/24, two of which were received prior to the advertisement period. Two recent submissions relate to feedback and comments of support for Council's Draft Annual Budget. Council received one late submission which has been included for consideration.

People who have made a submission have been invited to attend the 14 June 2023 Council Meeting to present on their submissions.

Councillors will have a further opportunity to discuss submissions at the 21 June 2023 Councillor briefing and will seek to consider the Annual Budget 2023/24 at its special meeting on 27 June 2023.

SUSPENSION OF STANDING ORDERS	
<b>MOTION:</b> That standing orders be suspended at 7.54pm.	
<b>MOVED:</b>	<b>CR GRAEME MILNE</b>
<b>SECONDED:</b>	<b>CR DARYL WARREN</b>
<b>CARRIED.</b> <b>(R100/23)</b>	

**RESUMPTION OF STANDING ORDERS****MOTION:**

That Standing Orders be resumed at 1.28pm.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**

**(R101/23)**

**MOTION:**

That Council receives and notes each public budget submission made in relation to Buloke Shire Council's Draft Annual Budget 2023/24 as endorsed for advertisement on 10 May 2023.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR DAVID POLLARD

**CARRIED.**

**(R102/23)**

- Attachments:**
- 1 Public Budget Submissions 2023-24 - Martin Duke – Friends of Mt Wycheproof
  - 2 Public Budget Submissions 2023-24 - David Bell
  - 3 Public Budget Submissions 2023-24 - Martin Duke (feedback and questions)
  - 4 Public Budget Submissions 2023-24 - Ricky Allan - Wycheproof-Narraport Football Club (feedback)
  - 5 Public Budget Submissions 2023-24 - De-Anne Ferrier

**DISCUSSION**

Prior to and over the course of the community engagement period for the Draft Annual Budget 2023/24, four submissions were received from members of the Buloke community. One further submission was received after the engagement period. A summary of these submission is tabled below and further detail is included in the attachments to this report. Three of the submissions will have budget implications if they are to be pursued by Council.

**Submissions received in relation to the Draft Annual Budget 2023/24:**

<b>Submission date, person, presentation preference</b>	<b>Description of request</b>	<b>Officer comment</b>
21/10/2022  Mr Martin Duke – Friends of Mt Wycheproof  <i>Elected to present at Council Meeting? No.</i>	Spot spraying of weeds on the Mount Wycheproof by contractor.  Budget implications: \$10,000 per annum, ongoing	Following consultation with the Environmental Compliance team, this would require an additional budget allocation.
20/02/2023  Mr David Bell  <i>Elected to present at Council Meeting? Yes.</i>	Electric vehicle charging stations in Birchip.  Budget implications: Costings TBC	This project was considered during the 2023/24 capital projects prioritisation process however did not proceed to the final list of projects recommended.
01/06/2023  Mr Martin Duke  <i>Elected to present at Council Meeting? No.</i>	Provision of feedback and general questions regarding details displayed in the Draft Annual Budget 2023/24.  Budget implications: Nil	Answers to all queries to be provided to the submitter.
01/06/2023  Mr Ricky Allan  <i>Elected to present at Council Meeting? No.</i>	Acknowledgement and thank you to Council for the inclusion of budget relating to the development of the Wycheproof Recreation Reserve Master Plan.  Budget implications: Nil – project included in Draft Budget subject to external funding.	Project included in Draft Budget subject to external funding. Response to be provided to submitter.
09/06/2023  De-Anne Ferrier  <i>Elected to present at Council Meeting? Yes.</i>	Feasibility study and concept designs relating to an additional building at the Birchip Early Learning Centre.  Budget implications: \$15,000	This project is in the feasibility stage and has not been included in the Draft Budget at this point. More information to be provided to Councillors.

All submitters to the Draft Budget have been invited to address Council with two electing to take up this opportunity. These presenters will be allowed 15 minutes for their presentation, consisting of 10 minutes for the presentation and 5 minutes for any questions from Councillors.

**RELATED COUNCIL DECISIONS**

Council endorsed to advertise the Draft Annual Budget 2023/24 for community consultation at the Council Meeting on 10 May 2023.

**COMMUNITY ENGAGEMENT**

The Draft Budget engagement process comprised media information across print, social and radio media. A copy of the Draft Budget was placed on the Council's website. A presentation was also made to community forums at the Community Forum Summit on 16 May 2023. The process of community engagement is consistent with the Council's community engagement policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Council's engagement approach provided for receipt and consideration of submissions to the Draft Budget at the 14 June 2023 Council Meeting which is open to the public. Private information has been excluded from this report and attachments.

**CONFLICTS OF INTEREST**

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

**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**8.5 REPORTS FROM COUNCILLORS****Mayor's Month**

ABC interview Emu working group

ABC interview VNI-West

Sea Lake Deb Ball

Weekly meetings with CEO Wayne O'Toole

Monthly Briefings

Ordinary Council Meeting

Small Towns Big Difference workshop with Cr Milne, Cr Simpson, Cr Pollard & Staff

Flow FM Shire Issues

ABC Interview Child Care Charlton

ABC Interview (Swan Hill) VNI West Transmission lines

Camp Draft Charlton Meeting with Cr Pollard & CEO Wayne O'Toole

Take several phone calls, Rate Payers, Emus & AEMO

Meeting with Dr Anne Webster & Jade Benham

Attend with Kerrie Soulsby - VNI West fortnightly meeting including VFF, NGSC, and AEMO

Wimmera Southern Mallee Transport group meeting

Charlton Long Day Care Meeting

MAV State Conference (Melbourne)

Wimmera Regional Mayors & CEO meeting

Chair Emu Working Group Meeting

Visitor economy meeting

IDAHOBIT Ceremony

Chair Community Budget Evening with Cr Warren, Cr Milne, Cr Pollard, Cr Simpson, and Cr Hogan

Cr Alan Getley

**Mayor**

**Report from Cr Daryl Warren – Mount Jeffcott Ward**

16/5/23	Buloke Shire Community Summit - Wycheproof
17/5/23	Meals on Wheels - Donald
	Councillor Briefing - Berriwillock
7/6/23	Meals on Wheels - Donald
	Councillor Briefing - Birchip
8/6/23	AEMO Stakeholders Meeting - Wycheproof
	Workspace Meeting - Bendigo
13/6/23	Watchem Progress Association Meeting
14/6/23	Meeting with Jade Benham MP - Donald
	Council Meeting - Wycheproof

Cr Daryl Warren

**Councillor**

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

Nil

**9.2 QUESTIONS FROM COUNCILLORS****9.2.1 CR WARREN – INVESTIGATION MATTER**

QUESTION 1: Cr Warren referred to an investigation matter involving a claim against himself and other Councillors, along with references under the Local Government Act 2020 as to indemnity of Councillors, and is seeking clarification on the availability of legal assistance for this claim, whether it is available through Council's Professional Indemnity Insurance or will it need to be sought privately?

QUESTION 2: Further to above question, Cr Warren asked should private legal assistance need to be sought by himself, will Council cover the costs of such cover?

ANSWERS PROVIDED BY DIRECTOR CORPORATE AND ORGANISATIONAL PERFORMANCE: In regards to coverage for Councillors around legal action, the Local Government Act 2020 provides for Councillors that may potentially be sued in the context of their role as Councillor or for a decision (or vote) made by a Councillor, however legal action of any Councillor against any other person, or legal action directed toward a Councillor for a personal legal matter is not covered by Council, unless it is covered by Council under a resolution of Council.

As for points surrounding the investigation mentioned, under the Governance Rules of Buloke Shire Council I'd suggest that the administration cannot answer that part of the question particularly on matters that pertain to an area that we have no ability to comment on.

**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 8.41pm.