



COUNCIL MEETING

MINUTES

Wednesday 8 February 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, 8 February 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

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 December 2022.

Moved: CR DARYL WARREN

Seconded: CR GRAEME MILNE

CARRIED.

(R035/23)

4. REQUESTS FOR LEAVE OF ABSENCE**MOTION:**

Council approve the request for leave of absence from Cr Carolyn Stewart commencing 8 February 2023 to 9 May 2023.

Moved: CR DAVID POLLARD

Seconded: CR BERNADETTE HOGAN

CARRIED.

(R036/23)

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Simpson declared an interest in Item 8.2.6. due to her membership with the Friends of the Mount Wycheproof organisation which is listed as an applicant for funding.

Cr Milne declared an interest in Item 8.2.3. due to the applicant advising him that Cr Milne's employer was intending to advertise on the proposed Major Promotion Sign, relative to the Planning Permit Application.

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NEXT MEETING

THE NEXT COUNCIL MEETING WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 8 MARCH 2023 AT 7:00PM.

Wayne O'Toole
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

6.1 PAMELA BARBER – PROPOSED FUEL STATION IN DONALD

- a) Who will be funding the cost of addressing the camber of the road, drainage improvements, keeping the ground and river waters clear of contaminants from the proposed business and the reconfiguring of access and roadways to ensure safety?

ANSWER PROVIDED BY MAYOR CR ALAN GETLEY:

The costs of addressing these issues falls to the owner or operator of the development.

- b) Can Council assure the neighbouring private residents of the proposed build that there will be no increase of risk to personal health? Can Council also confirm that there will be no increased risk of damage to nearby dwellings due to the increased road traffic, dust, noise, air, and water pollutants?

ANSWER PROVIDED BY MAYOR CR ALAN GETLEY:

If a Notice of Decision to Issue the planning permit is granted the proposed service station required to comply with conditions included in the planning permit that address the amenity effects of the proposed service station in the immediate area, including conditions addressing external lighting, dust, noise, drainage, and landscaping.

The proposed service station would also have to comply with all rules and regulations that apply to a service station from the various external regulatory authorities including the traffic regulations and EPA regulations.

6.2 ELDER ROBERT NICHOLLS – FIRST NATIONS PEOPLE – MT WYCHEPROOF PROTECTION

What are the Shire's ongoing plans for:

- a) The proper protection of Mount Wycheproof and its considerable cultural significance, but also matters such as including fire protection.

ANSWER PROVIDED BY MAYOR CR ALAN GETLEY:

Council is currently progressing the Mount Wycheproof Emu Management Plan and has an active role in fire prevention for all areas of Buloke Shire and is always searching for ways to mitigate fire risk, particularly in challenging and sensitive terrains such as Mount Wycheproof, whilst meeting our obligations under the CFA Act 1958.

- b) Plans for obtaining an urgent cultural heritage management plan for the mount as the first step to the proper and ongoing protection of such a significant cultural site.

ANSWER PROVIDED BY MAYOR CR ALAN GETLEY:

There are no plans or budget currently in place for a Cultural Heritage Management Plan for Mount Wycheproof to be undertaken by Council.

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 December 2022.

MOVED: CR GRAEME MILNE

SECONDED: CR BRONWYN SIMPSON

CARRIED.

(R037/23)

- Attachments:**
- 1 Councillor Briefing Record - 7 December 2022
 - 2 Councillor Briefing Record - 21 December 2022

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 December 2022 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 DARYL WARREN

SECONDED: CR BERNADETTE HOGAN

**CARRIED.
(R038/23)**

Attachments: Nil

RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Lorna Hirst Donald		For reaching the significant age of 100 years in life
Wycheproof P-12 College	Joe Coles		2022 Dux of Wycheproof P-12 College
Donald High School	Sim Singh		2022 Dux of Donald High School
Tyrrell College	Kate Alday		2022 Dux of Tyrrell College
Charlton College	Abby Thompson		2022 Dux of Charlton College
Birchip P-12 School	Alexandra Randall		2022 Dux of Birchip P-12 School
Governor General – Australia Day Honours 2023	Mr Brian Heenan	26/01/23	Order of Australia Medal for service to community sport
Governor General – Australia Day Honours 2023	Mrs Rae Heenan	26/01/23	Order of Australia Medal for service to community sport
Buloke Shire Council	Sharon McLean		For her dedicated and professional 37 years of service at the Charlton Kindergarten

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Deb Whykes		For her dedicated and professional 18 years of service at the Charlton Kindergarten
Buloke Shire Council	Margaret McGrath		For her dedicated and professional 34 years of service at Charlton College
Buloke Shire Council	Bart Maxwell Turgoose	26/01/23	Victorian Agricultural Society - Young Rural Ambassador for Wimmera District
Donald Community	Donald P & A Society Show 2022	26/01/23	Donald Event of the Year 2022
Donald Community	Nicole Nunn	26/01/23	Donald Citizen of the Year 2022
Donald Community	Kiahn Chapman	26/01/23	Donald Young Citizen of the Year 2022
Birchip Community	Sharee Dobson	26/01/23	Birchip Citizen of the Year 2022
Charlton Community	Wes Jenkyn	26/01/23	Charlton Citizen of the Year 2022
Charlton Community	Xanthe Fitzpatrick	26/01/23	Charlton Young Citizen of the Year 2022
Charlton Community	Yeungroon Reunion	26/01/23	Charlton Community Event of the Year 2022 (the event incl. Unveiling of Yeungroon War Memorial, History Project and 100 th Anniversary of Yeungroon Rural Fire Brigade)
Charlton Community	Aleha O'Connor Tyler Riley Crystal Rose- Murray	26/01/23	Youth Volunteer Awards for their work at the Charlton Neighbourhood House
Wycheproof Community	Graeme "Tige" Allan	26/01/23	Wycheproof Citizen of the Year 2022
Wycheproof Community	Joe Coles	26/01/23	Wycheproof Young Citizen of the Year 2022
Wycheproof Community	Wycheproof RSL Sub-Branch's ANZAC Day Event	26/01/23	Wycheproof Community Event of the Year 2022
Sea Lake Community	Jane Stacey	26/01/23	Sea Lake Citizen of the Year
Sea Lake Community	Year 9 Students Jenna Alday Tye Griffiths Brody Kelly Jack Leo Billy McClelland Scarlett McGarry Dayna McKenzie Laura Simpson Ellie Stacey	26/01/23	Sea Lake Junior Citizen of the Year

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 GRAEME MILNE

CARRIED.

(R039/23)

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Sent/to be sent to	Sent	Response	Purpose of Letter/Response
Notice of Motion – December 2022 Council Meeting	Hon Catherine King, Federal Minister for Infrastructure, Transport, Regional Development and Local Government	Yes		Urging the Federal Government to reconsider its decision to reduce the funding for the Roads of Significant Importance program as planned in the October 2022 Budget.
Notice of Motion – December 2022 Council Meeting	Premier Daniel Andrews	20/01/23		To advocate for the Australia Day Ambassador Program to revert to a similar model to recent years to support councils and communities to conduct meaningful Australia Day Events.
Notice of Motion – December 2022 Council Meeting	Member for Mildura Jade Benham	20/01/23		To advocate for the Australia Day Ambassador Program to revert to a similar model to recent years to support councils and communities to conduct meaningful Australia Day Events.

7.4 BUILDING PERMITS - MONTHLY UPDATE

Author's Title: Planning Officer

Department: Office of the CEO

File No: DB/14/01

EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 December 2022 to 31 January 2023.

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

MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 December 2022 to 31 January 2023.

MOVED: CR DARYL WARREN

SECONDED: CR BRONWYN SIMPSON

**CARRIED.
(R040/23)**

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Permit No.	Address	Project Description	Date Approved
20230001	7947755252010	Sutcliff Street, Sea Lake	Shade Sail	12/01/2023
20220108	3773894455536	Jubilee Street, Wycheproof	Swimming Pool or Spa & Safety Barrier	22/12/2022
20220109	8062334339789	Sherwood Street, Birchip	Demolition	22/12/2022

LIST OF BUILDING PERMITS APPROVED BY PRIVATE BUILDING SURVEYOR

Permit No.	Address	Project Description	Date Approved
Nil			

7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

Author's Title: Planning Officer

Department: Office of the CEO

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 GRAEME MILNE

CARRIED.

(R041/23)

Attachments: Nil

LIST OF PLANNING APPLICATIONS

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*.

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA962/21		Corack Road, Donald (Lot 1&2 PS216306M)	11/11/2021	Use and development of land for a service station, construct and display a business identification sign and create or alter access to Road Zone, Category 1	Report to Council
PPA986/22		High Street, Charlton (Lot 1 TP 193629)	01/06/2022	Construct and display an 18.26m2 double-sided, externally illuminated major promotion sign	Report to Council

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA993/22		High Street, Charlton (Lot 1 & 2 TP216537)	08/07/2022	Construction of a shed for domestic use	Permit Issued
PPA999/22		Donald-Swan Hill Road, Towaninny	13/08/2022	Subdivision of land (boundary realignment and dwelling excision) resulting in three lots	Permit Issued
PPA1000/22		Taverner Street, Birchip (Lot 21 LP3071)	15/08/2022	Three-lot subdivision of land and construction of two dwellings	Permit Issued
PPA1003/22		Warracknabeal- Birchip Road, Warmur (CA 34 Parish of Wilkur)	31/08/2022	Subdivision of land (boundary realignment)	Permit Issued
PPA1004/22		Berriwillock-Birchip Road, Berriwillock (CA 3 Sec. 12 Township of Charlton)	05/09/2022	Subdivision of land (boundary realignment)	Permit Issued
PA22001		Wright Street, Charlton (CA19 Sec. 10A, CA20 Sec. 10A, CA21 Sec. 10A)	11/10/2022	Construction of a single dwelling	Permit Issued
PA22002		Golf Park Drive, Charlton (Lot 2 PS311687)	18/10/2022	Construction of a single dwelling	Permit Issued
PA22003		Richards Road, Litchfield (Lot 1 & 2 PS736055)	07/11/2022	Two lot subdivision and dwelling	Review
PA22005		Stannard Road, Watchupga (Lot 1 TP219186)	09/11/2022	Construction of a farrowing shed associated with existing piggery	Review
PA22006		High Street, Wycheproof (Lot 1 TP516215)	15/11/2022	Extension to a dwelling	Review
PA22007		Campbell Street, Birchip and Hillgrove Street, Birchip (CA 2002, CA 12L Sec. 5, CA 12N Sec. 5 & CA 12O Sec. 5, Township of Birchip, PC166801P)	29/11/2022	Boundary realignment of 5 existing tiles into 2 new titles	Review

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PA23008		Cumming Avenue Birchip VIC 3483 (Lot 1 PS210398L, Lot 4 PS439955M)	23/12/2022	Development of land for a residential building and reduction in car parking spaces	Notice of application Referral
PA23009		Donald Road Charlton Vic 3525 (Lot 1 & 2 TP235223F)	16/12/2022	Construction of a gazebo/shed	Notice of application
PA23010		Broadway, Wycheproof (Lot 1 PS826773L)	16/01/2023	Six-lot subdivision of land and the development of land for six dwellings	Notice of application Referral
VS22002		Industry Drive, Donald (Lot 73 PS444989)	26/10/2022	Construction of open-sided shed	Permit Issued
VS22003		Summerhayes Road, Berriwillock (Lot 1 TP392842)	15/11/2022	Construction of a shed	Review
VS22004		Hopetoun-Sea Lake Road, Banyan (CA 45 Parish of Wortongie)	15/11/2022	Construction of a shed	Permit Issued
VS22005		Camp Street Charlton Vic 3525 (Lot 2 TP533649)	08/12/2022	Construction of a shed/carport in a Heritage Overlay	Permit Issued
VS23006		Glen Road Birchip West VIC 3483 (Lot 1 TP821799F)	16/12/2022	Construction of a dwelling in the Farming Zone on a lot less than 40 hectares	New
PPA765/18-3		Borong Highway, Gil Gil (CA 2 Sec. 5 Parish of Banyenong)	21/12/2022	Amendment to application to increase patron numbers from 7000 to 7500, include accommodation for staff and volunteers (Place of Assembly – Music, arts and camping festival)	Review

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 14 December 2022 Council Meetings Resolutions.

MOTION:

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

MOVED: CR GRAEME MILNE

SECONDED: CR DAVID POLLARD

**CARRIED.
(R042/23)**

Attachments: 1 Actions Taken on Council Resolutions - On Outstanding items and 14 December 2022

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 2020, 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 14 December 2022 Council Meeting Resolutions.

8. GENERAL BUSINESS

8.1 POLICY REPORTS

Nil

8.2 MANAGEMENT REPORTS

8.2.1 110 SUTCLIFF STREET SUBDIVISION COMMUNITY ENGAGEMENT OUTCOMES

Author's Title: Capital Projects Officer

Department: Infrastructure and Delivery

File No: CS/16/48

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

PURPOSE

The purpose of this report is to inform Council of the submissions received during community engagement regarding the sale of land at 110 Sutcliff Street Sea Lake.

SUMMARY

Council received Planning Permit Application No: 974/22 for the Proposed Subdivision of Land into nine lots at 110 Sutcliff Street, Sea Lake.

Council is in the process of fulfilling all conditions placed on the approved planning permit No. 974/22. The Council can proceed to sell the nine-lot subdivision surplus land at 110 Sutcliff Street, Sea Lake once those planning conditions are satisfied.

MOTION:

That Council:

1. Notes that following the consultation process in accordance with its Community Engagement Policy, one submission was received to the proposed nine-lot subdivision sale of land at 110 Sutcliffe Street, Sea Lake;
2. Sells the nine-lot subdivision surplus land at 110 Sutcliff Street, Sea Lake by private treaty or auction in accordance section 114 of the Local Government Act 2020 and Council's Sale of Land Policy; and
3. Authorises the Chief Executive Officer to execute the Transfer of Land documents and any other documents required to affect the sale of the land.

MOVED: CR DARYL WARREN

SECONDED: CR BERNADETTE HOGAN

CARRIED.

(R043/23)

Attachments:

- 1 Endorsed Proposed Plan of Subdivision
- 2 Community engagement submission - Laurice McClelland

DISCUSSION

Council, at its September 2022 Council Meeting, resolved to commence the sale of land process for 110 Sutcliff Street, Sea Lake. The process for sale of land includes a period of community engagement which must be undertaken in accordance with the Council's Community Engagement Policy.

Council commenced community engagement associated with the proposed sale of land on 8 November 2022 and submissions were open until 8 December 2022. One submission had been received as at 8 December 2022 as attached to this report, and summarised below:

Sub. No.	Correspondent	Purpose of Submission
1.	Laurice McClelland	Propose lot on northwest corner is set aside for public use, incorporating current commemorative stone, and providing attractive space or community garden for residents

Council will note, in consideration of the submission, the allotments are approximately 450m from the Apex Park, Best Street and the Council Pool, Horace Street. Lions Park is approximately 600m away from the proposed site.

Additionally, further green space established within the Sea Lake township will result in increases to resourcing requirements (financial and human) for Sea Lake and surrounding areas.

The funding agreement with the State of Victoria requires the following scope be delivered by this project.

"Develop the Old School site at 110 Sutcliff Street, Sea Lake into a residential subdivision, including approximately 8 lots. The blocks that are created will be sold to private investors for housing & accommodation."

A number of reports have identified housing as a structural barrier to recruiting and retaining workers. The housing shortage challenge is described in the Mallee Regional Development Strategy:

"Limited access to appropriate housing constrains the region's ability to attract workers and sustain population growth. Most communities throughout the Mallee experience housing shortages, where locals and seasonal workers face lower-than average rental vacancy rates, illegal rooming issues and long wait times for building new homes. The lack of land ready for development, difficulty obtaining investment finance, availability of skilled tradespeople and the rising cost of materials all contribute to this complex issue."

RELEVANT LAW

The requirements of the Local Government Act 2020 are detailed within Division 4 – Powers in relation to land.

RELATED COUNCIL DECISIONS

Council resolved to commence the process for sale of land at its September 2022 Council Meeting.

OPTIONS

Allotment 3 (1007m²) at the corner of Sutcliff & Hannon Streets could be retained for public use but still be connected to all utilities.

SUSTAINABILITY IMPLICATIONS

Planning permit PPA978-22 was approved for the removal of native vegetation in the area of the subdivision. All required offset credits have been procured.

COMMUNITY ENGAGEMENT

Community engagement commenced on Tuesday 8 November and concluded at 12 noon Thursday 8 December 2022. The request for submissions was advertised on social media and local newspapers.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable.

COLLABORATION

The State of Victoria, as represented by its Department of Jobs, Precincts and Regions funded the Sea Lake Housing Development under the Regional Recovery Fund to the value of \$300,000 with an extended project completion date of 1 July 2023.

FINANCIAL VIABILITY

Provision has been made within the adopted 2022/23 budget for the undertaking of the subdivision works at 110 Sutcliffe Street, Sea Lake in accordance with Planning Permit Application No: 974/22. The budgeted amount to implement the works is \$438,000. The State Government provided a grant of \$300,000 for the project with Council contributing \$138,000. An estimated proceed from sales has been allowed for in the Financial Plan in 2023-24 of \$567,000 based on estimate block values at the time of preparing the 2022-23 Budget and Financial Plan. Council Officers managing the sub-division project currently assess the estimated sales proceeds of \$567,000 to be accurate within a suitable tolerance. Once the parcels of land are sold the land will become rateable.

Total committed spend against the project budget as at 31st December 2022 is \$109,305.59.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

At the Council Meeting held Wednesday, 10 August 2022, Council adopted the Council Plan 2021-2025 – Year 2 Annual Plan. A key action in the Council Plan 2021-2025 – Year 2 Annual Plan includes the completion of the subdivision of the former Sea Lake Primary School site and make the blocks available for sale.

TRANSPARENCY OF COUNCIL DECISIONS

This report recommends that the matter be brought back to the Council for further determination following the community engagement process.

CONFLICTS OF INTEREST

I, Trevor Rumbold, have no conflicts of interest in relation to the matters contained within this Report.

8.2.2 PLANNING PERMIT APPLICATION 962/21 - FOR USE AND DEVELOPMENT OF LAND FOR A SERVICE STATION - 39 CORACK ROAD, DONALD

Author's Title: Planning Officer

Department: Office of the CEO

File No: LP/09/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

REGISTRATION FOR PUBLIC PARTICIPATION – GLENN KELLY

PURPOSE

The purpose of this report is for Council to consider this planning permit application and, as the Responsible Authority, resolve to issue a Notice of Refusal or issue a Notice of Decision to Grant a Permit.

SUMMARY

An application was received by Council on 20 October 2021 for the use and development of a Service Station, food and drink premise, associated buildings, works and signage adjacent to a Transport Zone.

The proposed use and development includes:

- Works to install underground stormwater drainage system including oil/water separator
- Works to install underground fuel infrastructure
- Works to level site and lay concrete and crushed rock, hard stand areas
- Works for driveways and crossovers to Elizabeth Street and Corack Road.
- Installation of 5 above-ground fuel tanks comprising; 2 x 110,000 litres diesel, 1 x 55,000 litres unleaded, and 2 x 30,000 litre RON 95 & 98
- Installation of retail bowsters and canopy
- The construction and display of a 4-metre-tall x 2-metre-wide double sided internally illuminated business identification sign
- Construct a building to house food and drink vending machines
- Construct a building for use of amenities
- Repurpose existing shedding for office and storage purposes
- The proposed use will be a 24-hour, 7 days per week self-service facility

MOTION:

That Council having caused notice of Planning Application No. 962/21 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 **refuse to Grant a Permit** under the provisions of 32.05-2, 32.05-10, 52.05 and 52.29 of the Buloke Planning Scheme, in respect of the land known and described as 39 Corack Road, Donald being Lots 1 and 2 Plan of Subdivision 216306M, for the *Use and Development of land for a Service Station (24 hours), construct and display an internally illuminated business identification sign, alter access to a Transport Zone 2 and associated works.*

For the following reasons:

1. The proposed use and development does not meet the purpose of Clause 32.05 Township Zone.
 - The proposal would be an underutilisation of the site
 - The proposal is not consistent with the character of the area
 - The proposal would generate unacceptable amenity impacts on nearby residential land uses in terms of noise, rubbish, light spill and air pollution
2. The proposed use and development does not meet the purpose of clause 52.29 Land adjacent to the Principal Road Network.
 - The proposal would generate unacceptable traffic congestion and safety issues, especially in regard to the speed limit along that particular section of road.
3. The proposed use and development does not meet the objectives and strategies of:
 - Clause 13 Environmental risks and amenity
 - The proposal has the potential for contaminating the land.
 - The proposal has the potential to create unacceptable noise within close proximity to sensitive land use
 - Clause 14 Natural Resource Management
 - The proposal has potential to impact traffic movement to the nearby agricultural land generating an unacceptable traffic risk and safety issue.
 - Clause 15 Built Environment and Heritage
 - The proposal does not respond to the surrounding landscape or character of the area.
 - Clause 16 Housing
 - The proposal has the potential to impact existing residential land use.
 - The proposal takes away suitable land that could be used for residential purposes.
 - Clause 18 Transport
 - The proposal has the potential to have an impact on road safety and create hazards

END OF GROUNDS

MOVED: CR DAVID POLLARD

SECONDED: CR BERNADETTE HOGAN

MOTION WAS LOST.

ALTERNATE MOTION TABLED BY CR MILNE

The Planning Permit Application 962/21 be granted under the list of conditions outlined, to be reviewed in report. (Page 83). Consideration also be given to objectors and explained.

AN AMENDMENT TO ALTERNATE MOTION PROVIDED BY CR WARREN AND WAS AGREED TO BY CR MILNE

The Planning Permit Application 962/21 be granted under the list of conditions to be reviewed in report. (Page 83). Consideration also be given to objectors and explained.

The applicant be encouraged for the Service Station to include an Electric Vehicle charging point.

THE AMENDED ALTERNATE MOTION WAS PUT

The Planning Permit Application 962/21 be granted under the list of conditions to be reviewed in report.

(Page 83). Consideration also be given to objectors and explained.

The applicant be encouraged for the Service Station to include an Electric Vehicle charging point.

MOVED: CR GRAEME MILNE

SECONDED: CR DARYL WARREN

FIVE – IN FAVOUR

ONE – AGAINST.

CARRIED.

(R044/23)

- Attachments:**
- 1 Appendix C1 - Development Plan
 - 2 Appendix C4 - Signage
 - 3 Appendix E1 - SPEL Purceptor Stormwater Treatment
 - 4 Draft Proposed Conditions

DISCUSSION

Subject site & locality

The subject land is situated at 39 Corack Road, Donald also known as Lots 1 and 2 Plan of Subdivision 216306M.

The site has a total area of 5962 square metres and currently contains:

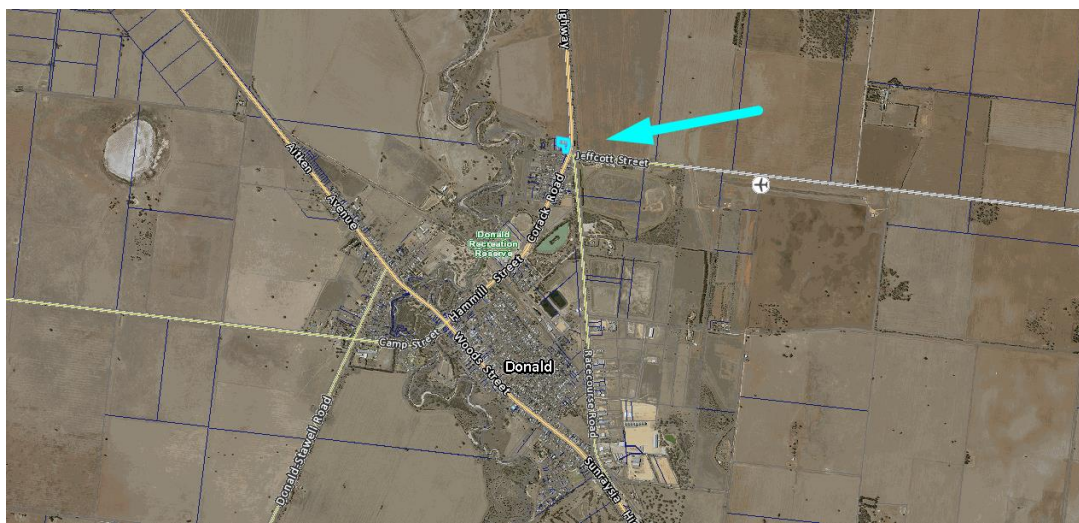
- Vacant land
- Shedding from previous garden & landscape supplies business

The main site/locality characteristics are:

- The site is located at the intersection of Elizabeth Street and Corack Road (Borong Highway) on the northern edge of the Donald township.
- The property is located approximately 1700 metres to the north of Donald Post office
- The site has approximately 93 metres frontage to Corack Road (Borong Highway) and approximately 25 metres frontage to Elizabeth Street.
- The property is made up of two allotments – Lot 1 (1490m²) and Lot 2 (4472m²) – Total 5962m²
- The property adjoins agricultural farmland to the north (cropping and grazing).
- To the east, adjacent Borung Highway, is additional agricultural farmland (cropping and grazing).
- To the southeast on the intersection of Jeffcott Road and Racecourse Road, is the Donald Racecourse.
- Adjoining the property to the south and the southwest along Elizabeth Street is land containing residential use and development.
- Adjoining the north western boundary of the property is vacant land which was previously part of the nursery/soil yard business.



Subject land - Image sourced from VicPlan 28-Dec-22



Locality - Image sourced from VicPlan 28-Dec-22

Title Particulars

Volume 09882 Folio 913 - Lot 1 on Plan of Subdivision 216306M.

Volume 10020 Folio 802 - Lot 2 on Plan of Subdivision 216306M.

The Title Plan shows no easements, restrictions or covenants on title.

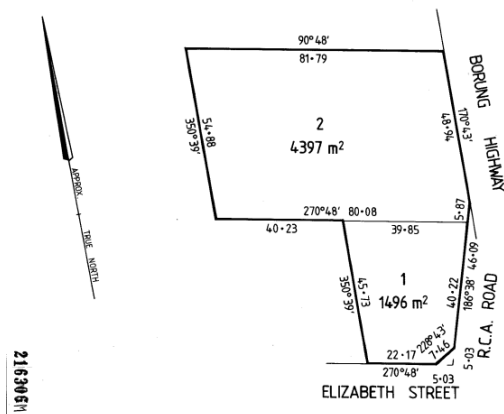


Figure extracted from Title Plan – LP216306M

Proposal

USE

Service station

The proposed service station is a 24hr self-service facility which includes retail fuel pumps with pay facilities. It can be utilised by both light vehicles and heavy vehicles such as B-double trucks.

DEVELOPMENT

Canopy

The proposal includes a 10m x 20.5m canopy over the retail fuel pumps. The canopy is to be a maximum height of 6m.

The canopy is located midway along the northern boundary of Lot 2 PS216306M. The canopy is only 0.5m from this boundary, which abuts high productive agricultural farmland. This means that the closest fuel pump to the northern boundary is 4m.

The canopy is also approx. 30m from the eastern boundary (Corack Road frontage) and approx. 28m from the existing shedding, which are proposed to be used for ancillary office and storage.

The canopy area is to have a concrete surface, as shown in Figure 2 below.

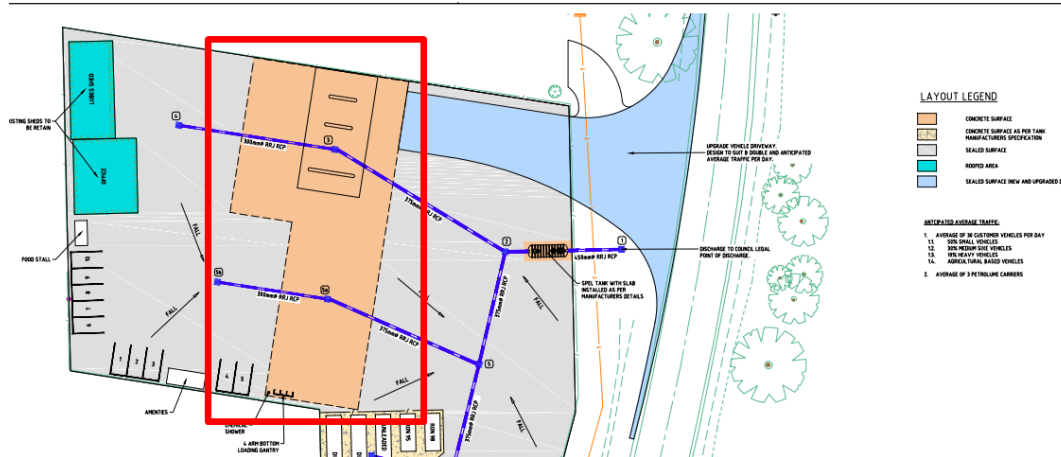


Figure 2. Image extracted from Layout Plan – showing proposed surface types

Office & Storage Shed

The existing shedding on site were once used as an office and storage associated with a former garden and landscape supplies business.

The existing shedding is located at the rear of the site, being approx. 1m off the northern and western boundaries.

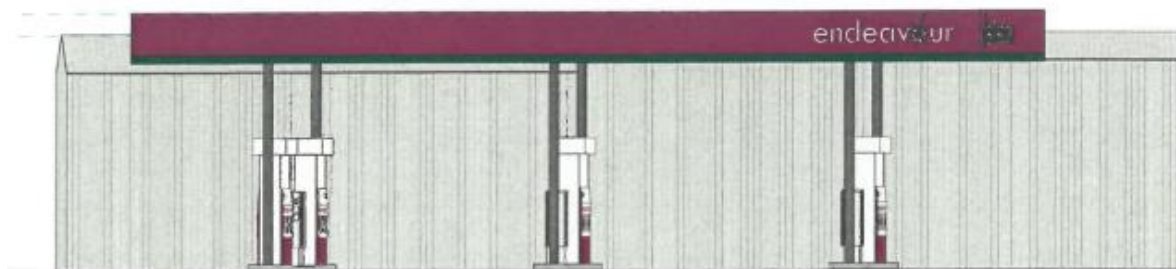
The proposal is to repurpose these buildings. The former 12m x 10m office building will continue to be used administrative purposes associated with the facility.

The former 16m x 7m storage shed, will continue to be used for storage of lubricants associated with Farol/Endeavour, as well as storage of vehicles, equipment and cleaning materials.

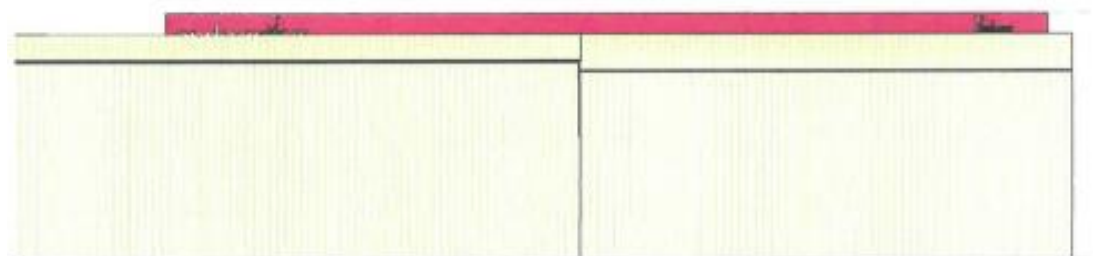
Please refer to images (Figure 2 (above) and Figure 3 (below)) on the Preliminary plans for further information.



Figure 3. Image extracted from Site Plan – showing existing shedding (l) and proposed canopy (r)



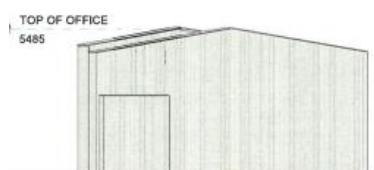
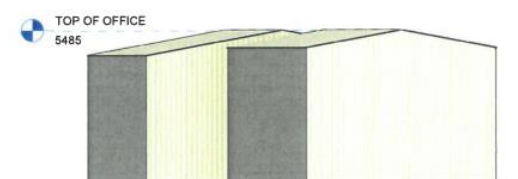
East elevation – proposed Canopy in front of existing office & shed



West elevation – existing shedding with proposed canopy behind



North elevations – proposed Canopy & existing buildings



South elevations – existing buildings (office & storage shed) and proposed Canopy

Fuel tank storage / holding area

The proposal includes a fuel tank holding area which holds five tanks – 2 x 110,000L diesel tanks; 1 x 55,000L unleaded FRL; 2 x 30,000L RON 98 & 95.

The 'Layout Plan' provided with the application indicates that this area is to be concreted to the tank manufacturers specifications.

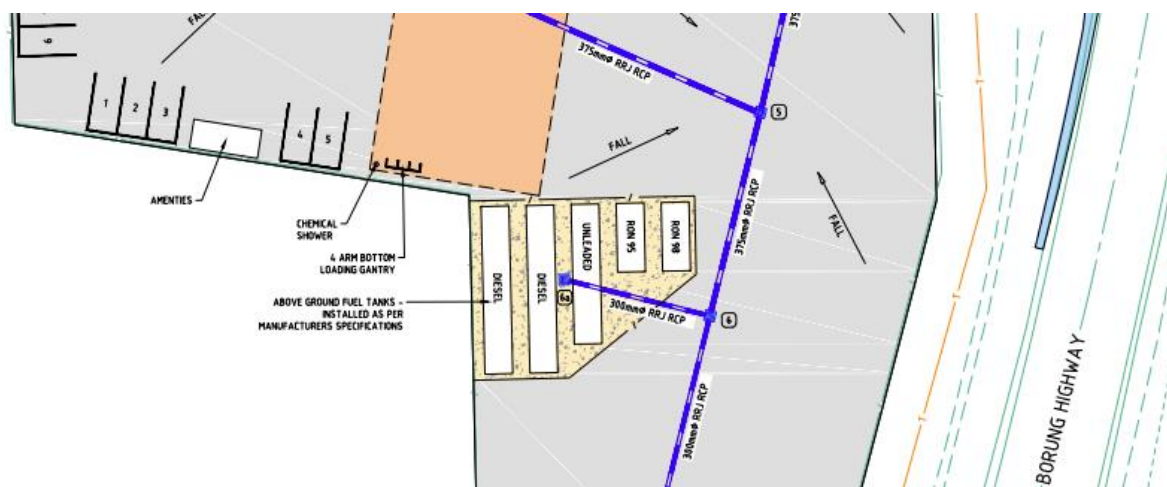


Figure 4. Fuel Storage holding area – extracted from Layout Plan prepared by CAF Consulting 16/08/2022



Figure 5. Fuel Storage holding area in proximity to residence – extracted from Layout Plan prepared by CAF Consulting 16/08/2022

Below are some images of the proposed fuel tanks, which vary in size (L). All tanks have a total height of 5.75m.



North elevation



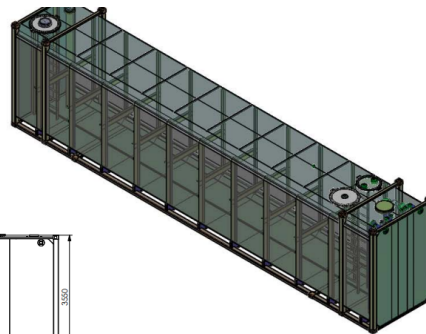
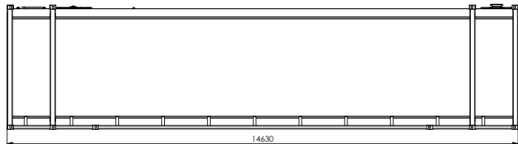
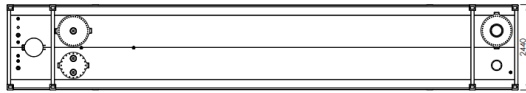
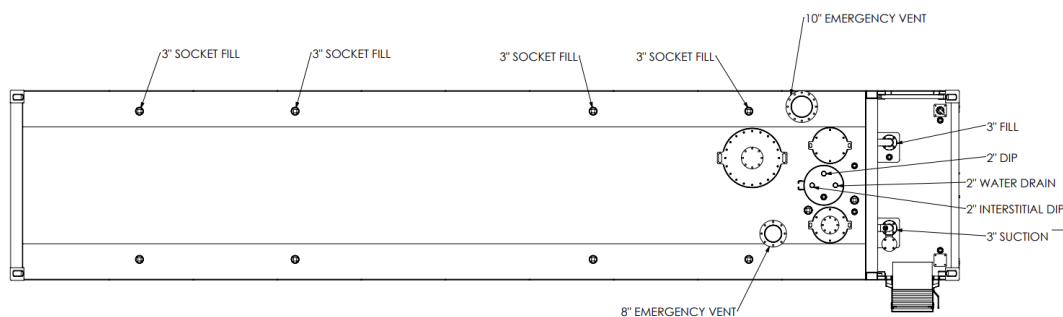
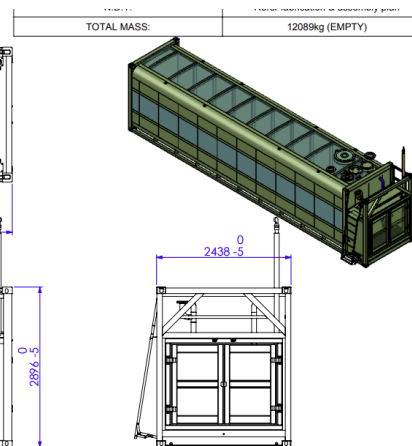
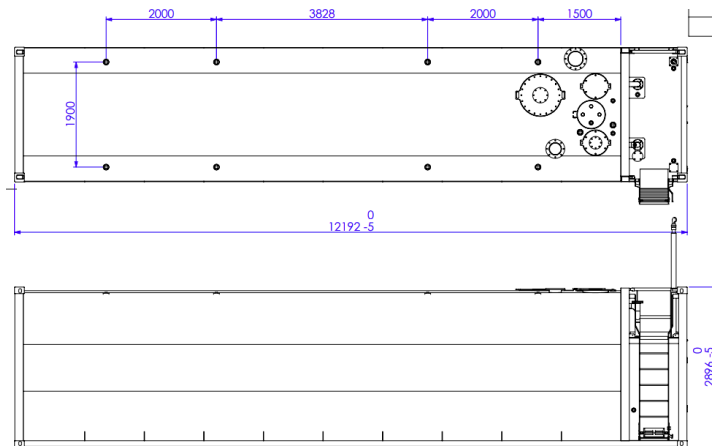
South elevation



East elevation



West elevation

Image sourced from drawing prepared by HOST - Hydrocarbon onsite storage tanks – **Appendix D1**Image sourced from drawings - **Appendix D2 – Fire rated self bund**A HOST Self Bunded Tank fitted with a custom pumping & dispensing solution by Liquip Victoria sourced from **Appendix D3**

Wastewater Facility

The proposal includes the installation of a SPEL Environmental Preceptor just within the eastern boundary of Lot 2 PS216306M. The location of the wastewater facility is not within heavy traffic movement areas. (Figure 6)

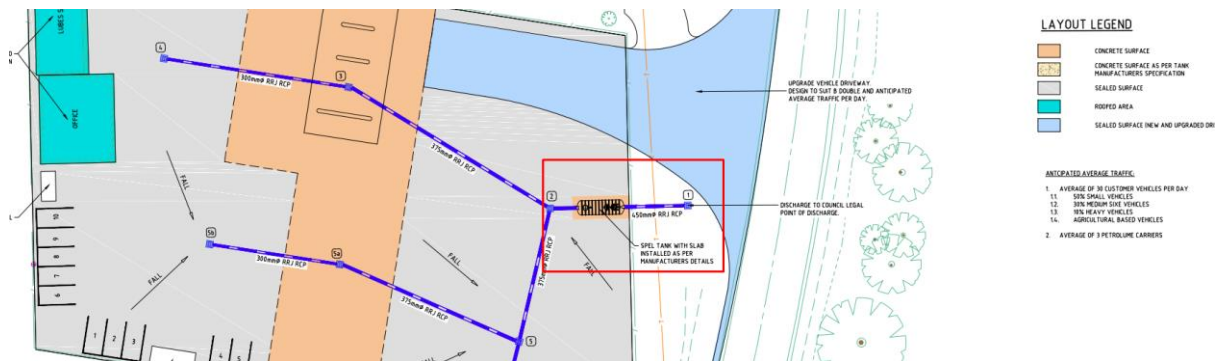


Figure 6. location of SPEL tank – image extracted from Layout Plan prepared by CAF Consulting - 16/08/2022

The applicant states that the Preceptor has been used by Farol Pty Ltd at a number of other sites across Victoria and New South Wales. It is used to collect and treat wastewater and by following the SPEL Environmental Operation and Maintenance Manual, the proposal should not contribute to any environmental hazard during construction or operation.

The system has two chambers and fitted with “automatic closure device specifically designed to treat and contain major oil spills thereby making it suitable for high-risk applications. Careful and proper planning by corporate Australia and government bodies is essential when designing and implementing systems that are effective in protecting our environment”. (Figure 7)

The applicant states that the separator is to treat all flows and is large enough to accommodate for the ‘anticipated maximum oil spillage enabling it to be fully operational at all times.’

Please also refer to **Appendix E** of the application documentation for further information.

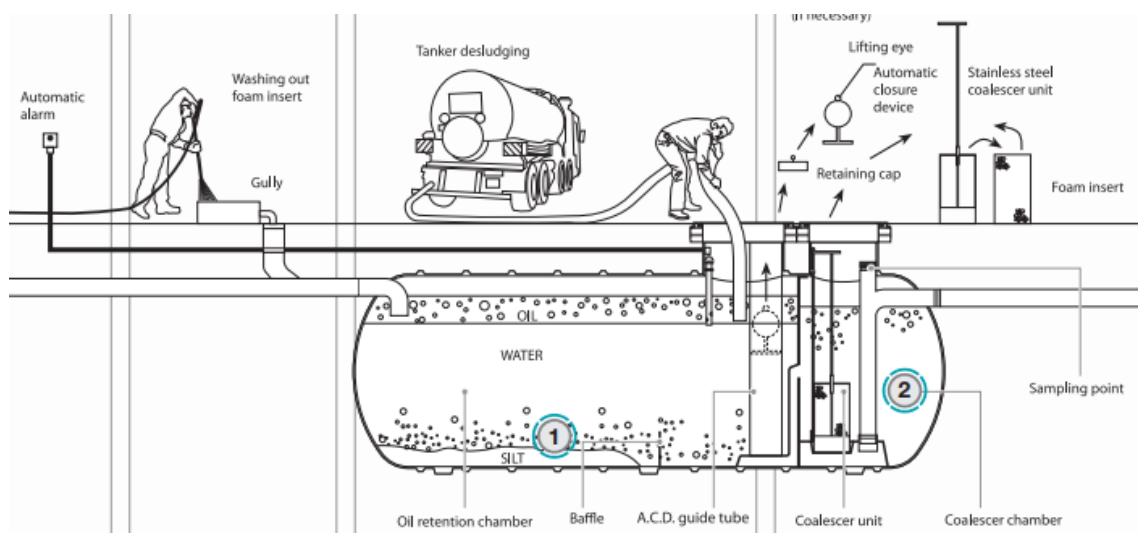


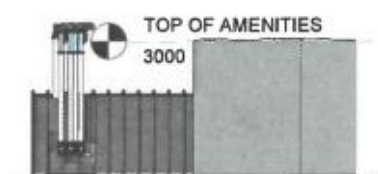
Figure 7. Image sourced from SPEL Puraceptor Class 1 Operational Manual – Appendix E2

Amenities building

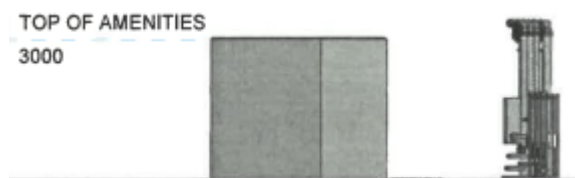
The proposal also includes an amenity building ancillary to the service station.

This building is proposed to be 8m x 3m x 3m high and located midway along the southern boundary of 2 on Plan of Subdivision 216306M. The building is to contain toilets and showers for drivers and visitors.

Full drawings or details were not provided as part of the application, therefore should a Notice of Decision to Issue a Planning Permit be issued, then a full set of drawings must be provided and to the satisfaction of the responsible authority prior to endorsement.



North elevation



South elevation

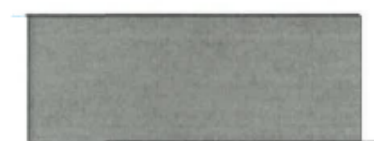
Food Store Building

As the definition of Service Station under Clause 73.03 includes “*b) selling of food, drinks and other convenience goods*” it is considered that a separate permit is not required for the ‘food store’ as stated in the application, but rather an ancillary use.

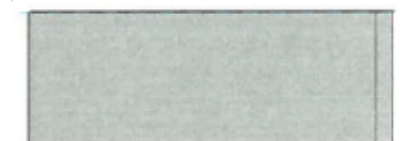
The proposed ‘food store’ or ‘food stall’ as identified on plans submitted to Council, is to be located on the rear (western) boundary of Lot 2 PS216306M, only a few metres south of the existing building, proposed to be used for administration purposes.

The proposed building is approximately 8m x 3m x 3m high. Please refer to diagram below sourced from the Preliminary Plans prepared by CAF Consulting and as submitted as **Appendix C1** with the application.

As there have only been Preliminary plans provided as part of the application, should a Notice of Decision to Issue Planning Permit be recommended by Council, then a full set of drawings must be provided, and must be to the satisfaction of the responsible authority prior to endorsement.



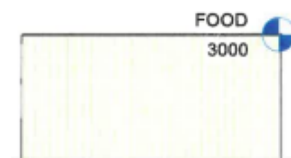
North elevation



South elevation



East elevation



West elevation

Access

The proposal includes two access points, Corack Road (Borong Highway) and Elizabeth Street. (Refer to Figure 8 below.)

Corack Road is a ‘Principal Road Network’ which means it is declared an arterial road and is zoned Transport Road Zone 2 (TRZ2). New or altered access to a TRZ2 triggers the need for a Planning Permit.

Elizabeth Street access is to be restricted to light vehicles (cars) only in an entry/exit direction as it is a local Council road which is sealed, one carriage way but can accommodate two way traffic.

Under existing road conditions the increased traffic movement, truck movements in particular may become hazardous, particularly at the intersection of Elizabeth Street and Corack Road, which can be quite busy at peak times. The traffic assessment provided indicates that the anticipated average for traffic is 30 customer vehicles per day including:

- 50% small vehicles
- 30% medium size vehicles
- 10% heavy vehicles
- Agricultural-based vehicles
- Average of 3 petroleum carriers

The application was referred to Department of Transport (DoT), which initially requested further information. Upon receipt of the information provided, DoT subsequently raised no objection to the proposal subject to several conditions regarding access, surface of the site, lighting, and signage.

Please refer to **Clause 52.29** below for further information regarding Access requirements.



Figure 8 – Principal Road Network – Transport Road Zone - 2

Carparking

The original Preliminary Plan that was submitted with the application provided for (6) car spaces on the western boundary near the food & drink premises/office and five (5) car spaces adjacent to Elizabeth Street. (Figure 9).

After a review and further information required, a Layout Plan (Figure 10) was submitted (Aug-22) which provides for 10 car spaces, all located in the southwestern portion of Lot 2 Plan of Subdivision 216306M near the proposed Food and Amenity buildings.

Please refer to **Clause 52.06** below for further discussion regarding Car Parking requirements.

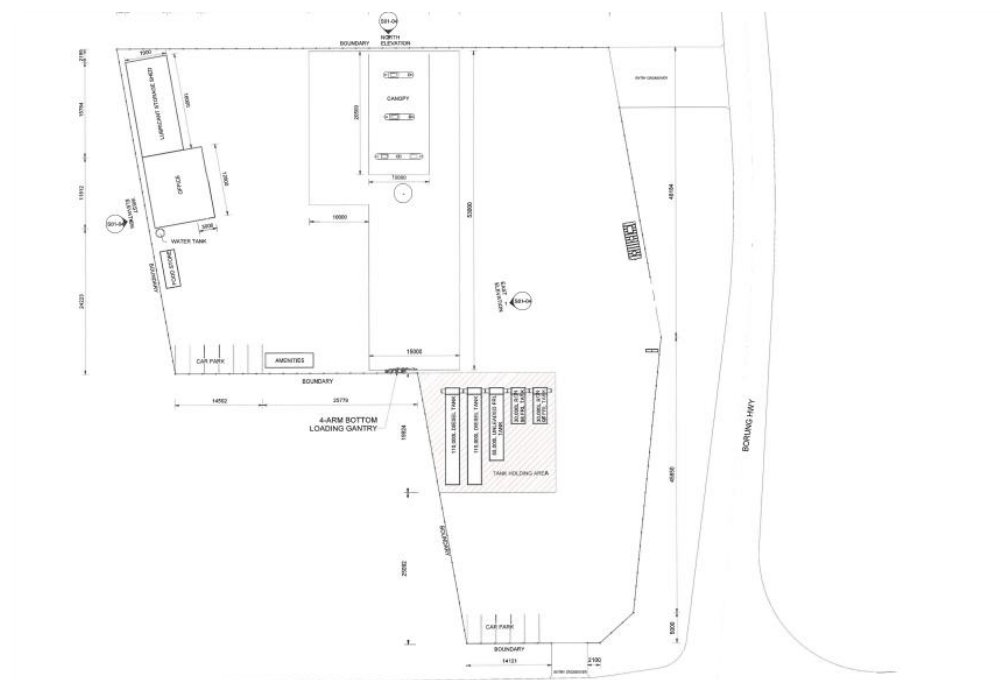


Figure 9 – Image extracted from Preliminary Site Plan - 18/10/2021 - prepared by CAF Consulting

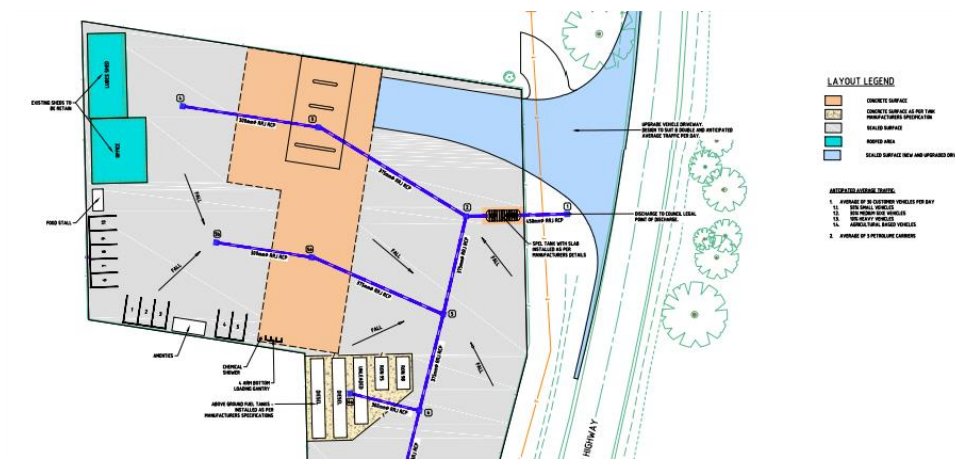


Figure 10 – Image extracted from amended Layout Plan Issue F - 16/08/2022 - prepared by CAF Consulting

Construction & Display of a Sign

The proposal includes the construction and display of an internally illuminated business identification sign which is to be located just inside the property boundary, adjacent to Corack Road (Borong Highway).

The proposed sign is double sided with a total area of 8 square metres (4sqm on each side) with a total width of 2m x 4m high and 400mm wide.

The sign displays the company name, fuel types available and fuel prices, which is internally illuminated.

For detailed plans of the proposed sign please refer to **Appendix C** which was submitted with the application. Please also refer to **Clause 52.05** under Particular Provisions for further information.

Possible Amenity Issues

Lighting

The applicant proposes LED streetlights in and around the retail fuel pumps, which is to provide directional and baffled light to the facility.

The applicant states that they will 'avoid light spill', however the amount of lighting across the site, and how high the poles are, will determine the glare nuisance on nearby residences.

Lighting on the other hand can create a safer environment for the users of the site, for vehicle and pedestrian safety.

Lighting was raised as a key issue by the objectors

The applicant makes mention of a Lighting Plan in **Appendix F** in the Planning Report. However, a plan has not been provided with the application. A Lighting Plan would be conditioned should Council decide to issue a Permit (NOD).

Noise Impact

The possible impact that noise may have on the amenity of the area (particularly nearby residences) has not been addressed in the Planning Report submitted with the application.

The proposed land use and development will increase traffic and truck movement to the site, which will have some noise impact.

Although the proposal *must* meet the requirements of the EPA SEPP N-1, neighbours / objectors have still expressed their concern regarding noise and the operation of the site.

To lessen the impact, an acoustic fence could be adopted around the site. In saying that, this could also add to the visual impact. Please refer to 'Visual Impact' below for further information.

Visual Impact

Visual impact on the amenity of the area has not been considered in the Planning Report but has been identified as a key issue by objectors and by the planning department.

There is the option of providing an acoustic fence around the property, which would be an acceptable treatment from an acoustic amenity point of view. However, constructing such a high fence (which are usually around 2-3m in height) could be considered itself to have negative visual amenity for the nearby residences.

The introduction of an acoustic fence, or colorbond fence, around the perimeter of the property, could also be considered intrusive and out of keeping with the surrounding built form and the character of the area.

Landscaping

Landscaping has not been addressed in the Planning Report submitted with the application.

Landscaping must be considered and assessed against the Decision Guidelines of Clause 32.05-13 (TZ) and local planning policies Clause 15.01.

A Landscape Plan would be conditioned should Council decide to issue a Permit (NOD).

Impact of Dust

Dust emissions were not addressed in the Planning Report. Objectors raised concerns about the impact dust would have on the area.

The site and layout plans provided, state that the site is to be of a 'sealed surface' however it does not specify what type of sealed surface.

Should a Permit (NOD) be issued, then it is suggested that a condition be inserted to ensure that dust emissions are addressed.

Fencing

Fencing of the property has not been addressed in the Planning Report. The site and layout plans provided, state that there is boundary fencing, but does not specify the type.

Should a Permit (NOD) be issued, then it is recommended that the applicant provide an acoustic type fence on the western boundaries of Lot 1 and 2, and part of the southern boundary of Lot 1.

A colorbond type fence should be constructed along the northern boundary adjoining the agricultural farmland, to reduce/minimise rubbish entering the land from the service station site.

If a Permit is granted, then the street frontages, of Corack Road and Elizabeth Street should be 'landscaped' and not fenced, to soften the visual impact along the entrance/exit to the Donald township.

Economic Development / employment

The proposed service station is said to be unmanned. There would be some minor employment regarding cleaning & maintenance of the site, but not a large employment opportunity compared to other service stations in town.

The economic impact does not outweigh other concerns raised or the possible amenity impact it will have on the residential area.

Assessment

The zoning of the land and any relevant overlay provisions

ZONE

Clause 32.05 Township Zone



Image from VicPlan Property Report 28-Dec-22

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.

Comments:

Included in the purpose of the zone is to provide for residential development and a range of commercial, industrial and other uses.

The Township Zone is nestled under '32 Residential Zones'. It can be considered that the prime or first priority of the zone is to provide for residential uses. Keeping in mind that a dwelling is an 'as-of-right' use. The proposal has a primarily commercial focus, offering retail product to all, rather than a community service role for which there is stronger policy support in a residential location.

Included in the purpose of the zone is to encourage development that respects the neighbourhood character of the area. Although the scale of the buildings in the proposed development are considered, in an isolated non-contextual manner, to be not out of proportion to existing buildings, they are very different in character. The proposed buildings, being the canopy, bowsters, and the container style fuel storage, are industrial in style and are not similar to the local character. The land use is different in character being a 24 hour facility generating light and noise in the nature of the commercial service station use, in contrast to the residential use in the immediate surrounds.

*Also included in the purpose of the zone is the allowance of educational, recreational, religious, community and a limited range of other non-residential uses to serve **local community needs in appropriate locations**. Local community need must then be considered when assessing if the proposal is aligned with the purpose of the zone. To make this proposal viable in a commercial sense the proposed service station must intend that a large proportion of its customers will likely be non-local drivers and transport operators utilising the Borung Highway. There is a focus on local need in considering commercial uses in a residential area, and Council officers do not consider that there is strong local community need for this proposal that outweighs other locational and amenity considerations. This is not a situation where local motorists are having to travel to the next town for fuel. Fuel can be purchased in a number of other locations within the township of Donald. There is not a demonstrable unmet local community need in this location.*

32.05-2 Table of Uses

The proposed use of a Service Station falls under Section 2 – permit required.

32.05-10 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

32.05-13 Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Decision Guidelines	Comment
General	
The Municipal Planning Strategy and the Planning Policy Framework.	<i>Whilst acknowledging that a permit is required for a service station under the Township Zone, the local planning policies must also be considered. Relevant planning policies have been carefully assessed and considered and outlined in further detail below in the Report.</i>
The objectives set out in a schedule to this zone.	<i>There are no objectives specified in the schedule to the Township Zone.</i>
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	<i>The responsible authority must consider if the proposal protects and enhances the character of the town and surrounding area. Commercial uses can add diversity, activity, services and character to a town in the appropriate location. The intended location for this facility will not enhance the amenity and character of the residential zoned area. The subject land was formerly used as the only garden and landscape supplies business in the township of Donald. Although the proposed land use plans to utilise the existing buildings, the proposal for a service station, food store and amenities building adjacent to residential land, will have some amenity impact. There is also the aspect of the amount of hard paving covering a large area, which is also incompatible to that of the neighbouring residential and agricultural areas.</i>
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	<i>Relevant utility services are available to the subject land. A Drainage Plan was provided as part of the application (Appendix C2). There are some concerns regarding stormwater and drainage due to the amount of sealed or hard surfaces across the site as part of the development.</i>



Image sourced from GMMWater Interactive Mapping 29/12/2022

In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 .

Reticulated sewerage is available to the site, from the adjoining allotment (47-49 Elizabeth Street).

The design, height, setback and appearance of the proposed buildings and works including provision for solar access.

The design and height of the buildings and the setbacks are appropriate for a commercial service station.

The proposed canopy and retail pumps are setback approx. 30m from the eastern boundary (proposed frontage) on Corack Road (Borong Highway). The minimum setback is 0.5m from the northern boundary, which abuts high productive agricultural farmland. The overall height of the fuel canopy is 6m which is consistent with similar facilities.

The holding fuel tank area abuts the western boundary (of Lot 1) and approx. 24m from the southern boundary (Elizabeth Street) and approx. 14m from the eastern boundary (Corack Road).

The proposed amenities building is to be located adjacent to the southern boundary (on Lot 2) which will be obstructed by an existing shed on the land containing the existing dwelling at 47-49 Elizabeth Street.

The proposed food store building will be setback approx. 1m from the western (rear) boundary next to the existing (and proposed) administration building (on Lot 2).



Image extracted & sourced from the Function Layout Plan, prepared by Traffix Group with setbacks added to the image by Planning Dept.

The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.	<i>Not applicable to this application.</i>
Provision of car and bicycle parking and loading bay facilities and landscaping.	<p><i>There are no car parking requirements specified for a 'service station' but must be to the satisfaction of the Responsible Authority (Council). Car parking has been provided for, and there are appropriate areas for loading and unloading goods.</i></p> <p><i>Further detail has been provided under Clause 52.06 Car Parking below in the Report.</i></p> <p><i>No landscaping is shown on the plans.</i></p>
The effect that existing uses on adjoining or nearby land may have on the proposed use	<p><i>There is the potential for existing and adjoining uses to be incompatible with the proposed commercial service station use considering the 24 hours/7 day a week nature of the proposal.</i></p> <p><i>The existing agricultural use to the north however, may have some impact in terms of heavy agricultural machinery wanting to use the joint accessway as proposed by the applicant, to Corack Road (Borung Highway).</i></p>
The scale and intensity of the use and development.	<p><i>The site area is 5,890sqm.</i></p> <p><i>The whole of the site is to be sealed, with concrete areas under and near the canopy area, and the fuel tank holding area.</i></p> <p><i>The proposed development and the area used for turning of vehicles, can be accommodated on the land. Please refer to image above showing buildings, drainage and access.</i></p>
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	<p><i>Access to Corack Road (Borung Highway) will need to be upgraded and suitable for heavy vehicles. Department of Transport have advised that they have no objection, subject to conditions.</i></p> <p><i>Vehicles utilising the facility can readily access and</i></p>

	<p><i>move around the site in a forward motion.</i></p> <p><i>In terms of amenity and traffic generated by the proposal, there could be possible amenity impacts to the surrounding residential land uses.</i></p> <p><i>There were several key issues that were raised by the objectors. They are:</i></p> <ul style="list-style-type: none"> <i>- Increased traffic in a residential area</i> <i>- Traffic entering Borung highway in the 80km/h speed zone</i> <i>- Access near the intersection of Borung Highway, Elizabeth Street, and Jeffcott Street/Racecourse Rd., and the service road is less than ideal.</i> <i>- Noise from traffic, engine brakes, generators</i> <i>- May encourage truck parking for long periods or overnight in local streets as drivers utilise the amenity building.</i> <p><i>The service station will increase local traffic and traffic noise close to residential uses.</i></p> <p><i>The adjoining Borung Highway carries passing commercial and domestic traffic.</i></p> <p><i>Introducing traffic for a 24/7 service station will have a detrimental effect on the amenity of the immediate area.</i></p> <p><i>Slow moving traffic will enter the highway in an 80km/h zone.</i></p>
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	<i>The proposal will not contribute to over shadowing of neighbouring properties.</i>
Any other decision guidelines specified in a schedule to this zone.	<i>Not applicable – no decision guidelines are specified in the schedule to the Township Zone.</i>

32.05-14 Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 therefore a permit is required to erect a sign. Refer to **Clause 52.05 Signs** under **Particular Provisions** below for further information.

OVERLAYS

No Overlays apply to the subject land.

PARTICULAR PROVISIONS

52.05 SIGNS

Purpose

- 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.

Comments:

The proposal includes the construction and display of an internally illuminated business identification sign which is to be located just inside the property boundary, adjacent to Corack Road (Borong Highway).

The proposed sign is double sided with a total area of 8 square metres (4sqm on each side) with a total width of 2m x 4m high and 400mm wide. The materials proposed to be used are 200mm deep fabricated steel posts and internal steel framework. The panels are 7-year 3M vinyl graphics applied to the faces. Illuminated lettering and logo with LED tubes. Price System are 381mm high White LED price boards with individual power supply. Further detail can be found on plans provided with the application – Appendix C4 – Signage.

The sign displays the company name, fuel types available and fuel prices on a digital display which is internally illuminated.

Although the applicant describes the proposed sign as a Panel/Pylon sign in the Planning Report submitted with the application, this type of sign (pylon) is not defined under 73.02 Sign Terms.

The definition of Panel sign (a sign with an advertisement area exceeding 10 square metres) did not fit the description of the proposed sign either, coming down to Internally illuminated sign and Business Identification Sign. This was backed up with a review of VCAT Reference No. P1923/2015 Item 112.

With the correct definition for the proposed sign, the provisions of Clause 32.05-14 can be considered – being a Category 3 (52.05-13) High amenity area where the purpose is to “ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area”.

Accordingly, a Permit is triggered for an Internally illuminated sign and a Business identification sign (no conditions specified).

The sign is considered appropriate for the type of use and development proposed and will have no impact in terms of safety. However, due to the character of the area, it is not considered compatible with the neighbourhood character and visual appearance of the area.

*For further detailed plans of the proposed sign please refer to **Appendix C** which was submitted with the application.*

52.05-3 Referral of applications

As the proposed sign is within 60m of an arterial road, the application was referred to Department of Transport (DoT) for comment, which subsequently requested further information in terms of a Traffic Impact Assessment Report (TIAR), Revised swept path analysis, Functional layout plan, and advice that access must be sealed and not constructed of crush rock.

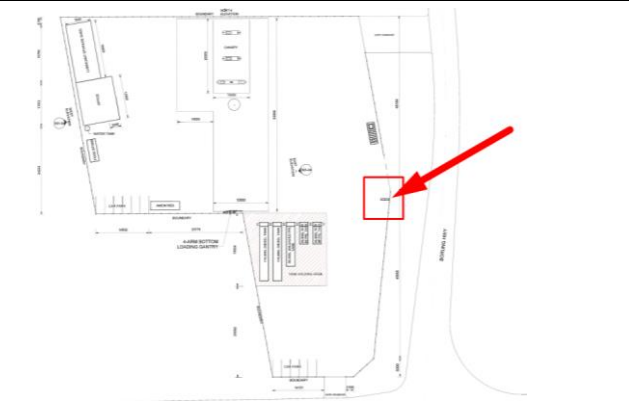
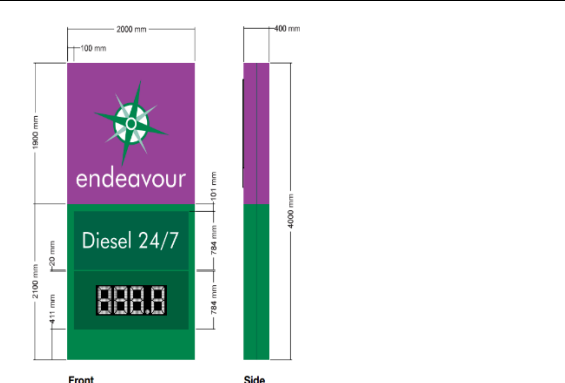
Subsequently, DoT granted approval of the proposal subject to several conditions including, but not limited to:

- *The sign must be contained within the property;*
- *The sign must be dimmable and must not dazzle or distract road users;*
- *The operator must keep a compliance record of the operation of the sign and provide to DoT when requested.*

52.05-6 Application requirements

An application must be accompanied by the following information, as appropriate:

<p>Site context report, using a site plan, photographs or other methods to accurately describe:</p> <ul style="list-style-type: none"> • The location of the proposed sign on the site or building and distance from property 	<p><i>A very brief description was provided in the Planning Report submitted with the application. (Item 3.3).</i></p>
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<p>boundaries.</p> <ul style="list-style-type: none"> • The location and size of existing signage on the site including details of any signs to be retained or removed. • The location and form of existing signage on abutting properties and in the locality. • The location of closest traffic control signs. • Identification of any view lines or vistas that could be affected by the proposed sign. 	<p><i>The sign is to be placed just within the eastern boundary as shown in the image below (left).</i></p> <p><i>There are no other signs proposed on the land other than standard directional signage or business identification signage on the façade of the canopy.</i></p>
 <p><i>Image extracted from Preliminary Site Plan prepared by CAF consulting</i></p>	 <p><i>Image extract from Sign plan – prepared by MetroSigns</i></p>
<p>Sign details</p> <ul style="list-style-type: none"> • The location, dimensions, height above ground level and extent of projection of the proposed sign. • The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms. • Details of associated on-site works. • Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated. • The colour, lettering style and materials of the proposed sign. • The size of the display (total display area, including all sides of a multi-sided sign). • The location of any logo box and proportion of display area occupied by such a logo box. For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety. • Any landscaping details. 	<p><i>A very brief description was provided in the Planning Report submitted with the application. (Item 3.3).</i></p> <p><i>The sign is to be placed just within the eastern boundary as shown in the image above.</i></p> <p><i>The proposed sign is double sided with a total area of 8 square metres (4sqm on each side) with a total width of 2m x 4m high and 400mm wide. The materials proposed to be used are 200mm deep fabricated steel posts and internal steel framework.</i></p> <p><i>The panels are 7-year 3M vinyl graphics applied to the faces. Illuminated lettering and logo with LED tubes. Price System are 381mm high White LED price boards with individual power supply.</i></p> <p><i>The sign displays the company name, fuel types available and fuel prices on a digital display which is internally illuminated.</i></p> <p><i>Landscaping – no details have been provided in the application.</i></p> <p><i>This is likely to be conditioned should Council decide to issue a Permit (NOD).</i></p>

52.05-7 Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

Comments:

Notice of the application was given to adjoining landowners & occupiers, by placing a sign on the land, and on Council's website. Five objections were received as a result of the advertising process, regarding the Service Station in general. Some of the objections had concerns regarding lighting.

52.05-8 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All Signs

Decision Guidelines	Comments
<p>The character of the area including:</p> <ul style="list-style-type: none"> - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character. - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located. - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs. - The consistency with any identifiable outdoor advertising theme in the area. 	<ul style="list-style-type: none"> - Residential land use and development is located to the west, south and southeast of the subject land. - Agricultural land is located to the north and east of the subject land. - The closest water way, being the Richardson River is approx. 370m to the west of the site of the proposed sign. - The proposed sign is typical of the proposed use and development along main roads. - The proposed sign is not likely to have an impact or cause clutter or disorder as there are no other large signs in the area.



Image from Street View – GoogleMaps – facing the subject land



Image from Street View – GoogleMaps – facing East towards the Donald Racecourse



Image from Street View – GoogleMaps – facing southeast, with residential development in view



Image from Street View – GoogleMaps – facing West with residences either side of the road.



Image from Street View – GoogleMaps – facing Northwest - agricultural farmland that abuts the northern boundary.

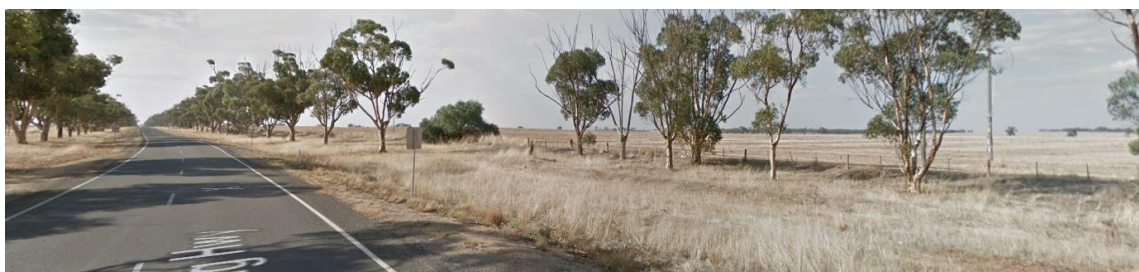


Image from Street View – GoogleMaps – facing Northeast - agricultural farmland that is adjacent to Corack Road (Borong Hwy)

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

- *The proposed sign will not obscure any important views from the public realm or dominate the skyline.*
- *The sign is to assist with identification of the facility for road users and contribute to road safety.*
- *The sign may have some visual impact due to no other large signs of this size in the area.*

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

- *The proposed sign will have some impact on the streetscape setting due to its location and nearby sensitive land uses, as well as agricultural uses. There are no other commercial or industrial land uses in this area.*
- *Landscaping could be an option to soften the landscape, but it has not been proposed as part of the application.*

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.

- *The proposed sign is considered appropriate for the type of proposed land use and development.*
- *The proposed sign is to assist road users with identification of the host site and*

<ul style="list-style-type: none"> - The extent to which the sign displays innovation relative to the host site and host building. - The extent to which the sign requires the removal of vegetation or includes new landscaping. 	<p><i>host building.</i></p> <ul style="list-style-type: none"> - <i>No removal of native vegetation is required and landscaping should be condition in a proposed Permit (NOD) if issued.</i>
<p>The impact of structures associated with the sign:</p> <ul style="list-style-type: none"> - The extent to which associated structures integrate with the sign. - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area. 	<ul style="list-style-type: none"> - <i>The structure of the proposed sign is standard for this type of sign.</i> - <i>The proposed sign does have some potential to have an impact on the landscape and streetscape of the area.</i>
<p>The impact of any illumination:</p> <ul style="list-style-type: none"> - The impact of glare and illumination on the safety of pedestrians and vehicles. - The impact of illumination on the amenity of nearby residents and the amenity of the area. - The potential to control illumination temporally or in terms of intensity. 	<ul style="list-style-type: none"> - <i>The proposed sign is to be internally illuminated using internal LED tubes.</i> - <i>The illumination will assist identification of the service station and will light up the current fuel prices.</i> - <i>The proposed sign must be dimmable and have a suitable control system in place and the operator must also keep a Compliance Record of the operation of the sign.</i>
<p>The impact of any logo box associated with the sign:</p> <ul style="list-style-type: none"> - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign. - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign. 	<p><i>The proposed sign includes the brand name of the company (Endeavour) for identification purposes. This type of signage is consistent with similar type of service stations.</i></p>
<p>The need for identification and the opportunities for adequate identification on the site or locality.</p>	<p><i>The proposed sign is required due to the type of facility it is promoting.</i></p>
<p>The impact on road safety. A sign is a safety hazard if the sign:</p> <ul style="list-style-type: none"> - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property. - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device. - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing. - Is at a location where particular concentration is required, such as a high pedestrian volume intersection. - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows. - Requires close study from a moving or stationary vehicle in a location where the vehicle would be 	<ul style="list-style-type: none"> - <i>The proposed sign is to be located inside and midway along the eastern boundary.</i> - <i>The proposed sign is not in an area that will obstruct the driver's line of sight from the entrance to the site from Corack Road.</i> - <i>The application was referred to Department of Transport (DoT) which has recommended several conditions relating to the maximum illumination levels, and that the proposed sign must be dimmable and have a suitable control system in place.</i> - <i>DoT have specified maximum average luminance for morning, daytime, evening, and overcast weather.</i> - <i>The operator must also keep a Compliance Record of the operation of the sign.</i>

unprotected from passing traffic. - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely. - Is within 100 metres of a rural railway crossing. - Has insufficient clearance from vehicles on the carriageway. - Could mislead drivers or be mistaken as an instruction to drivers.	
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52.06 CAR PARKING

Purpose

- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Comment:

The provision of 10 formal and 6 informal car parking spaces on the land are considered appropriate for the proposed use and development.

The car parking will not adversely affect the amenity of the locality and through permit condition, if a Permit (NOD) is issued, will be constructed to a high standard that is safe and easy to use.

*Please refer to **Clause 52.06-6** for further assessment.*

52.06-1 Scope

Clause 52.06 applies to a new use.

52.06-2 Provision of car parking spaces

Before a new use commences, the number of carparking spaces required under Clause 52.06-5 or in a schedule, must be provided to the satisfaction of the Responsible Authority.

Comment:

Table 1 within Clause 52.06 does not provide statutory car parking requirements for a 'service station'.

52.06-3 Permit requirement

Comment:

As there are no statutory car parking requirements for a 'service station' there is no permit trigger.

52.06-4 Exemption from notice and review

An application is exempt from notice requirements if:

- The application is only for a permit under clause 52.06-3; or
- The application is for a permit under another provision and is exempt from notice and review.

Comment:

Public notice was given of the application to adjoining land owners/occupiers, a sign on the land and by advertising on the Council website. There were 5 objections received. None of these objected to car parking concerns.

52.06-5 Number of car parking spaces required

Table 1 of this clause sets out the car parking requirement that applies

52.06-6 Number of car parking spaces required for other uses.

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

Comments:

The proposed land use and development of a service station is not specified in Table 1 therefore there is not statutory car parking requirement under this clause. Accordingly, where a use is not listed, sufficient carparking must be provided to the satisfaction of the responsible authority.

Although the service station is a 'self-service' and is un-manned, and the carparking demand is minimal, there are other ancillary buildings proposed on the land. Therefore, car parking is considered unquestionable.

The office building is considered ancillary to the service station. However, an 'office' on its own right would need to accommodate for 3.5 car spaces per 100sqm of net floor area (= 3.5)

The storage building is considered ancillary to the service station. However, if assessed as a separate land use, then 10% of the site is to be designated to car parking.

The food store building is also considered ancillary to the service station. It has a floor area of 24sqm which equates to 1 car space should it have been defined as a separate 'food and drink' premises (=1)

The Traffix Group noted in their assessment that parking associated with a service station would typically be beneath a canopy adjacent to the fuel pumps, then the customer would go to the office/store to pay for their fuel or other items from the store inside. A stand-alone convenience shop in this instance has a statutory parking requirement for 10 car spaces.

Although the proposed use and development does not require this type of car parking assessment, it is acknowledged that there may be some customers that may fill up then use the amenities building or purchase pre-packaged food from the food store building.

After reviewing all the above scenarios, it is considered that the proposed 10 car spaces proposed on the Layout Plan is sufficient for this type of proposal. It is of note that there will also be 6 informal car parking spaces adjacent to the bowsters.

53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

53.18-1 Application

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, unless specified.

Comments:

This clause applies to the proposed use and development of a service station, as the exemptions listed under this clause do not apply, and the land is within the Township Zone.

53.18-3 Requirements

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Comments:

The applicant provided a Layout Plan which outlines the drainage lines across the site (Appendix C in the application documentation). The applicant also provided information regarding the proposed SPEL Puraceptor which is to retain and manage stormwater on site.

It is of note, that each of the objectives and standards of this clause have not adequately been addressed in the application.

53.18-5 Stormwater management objectives for buildings and works

- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
- To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2

The stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Comments:

The applicant has not provided any further information regarding reuse of stormwater on the site.

Should Council issue a Notice of Decision to issue a Permit it is recommended that a condition be imposed that a Stormwater Management Plan must be approved and endorsed as part of the proposal.

53.18-6 Site management objectives

- To protect drainage infrastructure and receiving waters from sedimentation and contamination.
- To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Comments:

Other than providing a copy of the SPEL Manual, the applicant had not provided any further information in regard to managing the site prior to or during construction.

Should Council issue a Notice of Decision to issue a Permit it is recommended that a condition be imposed that a Stormwater Management Plan must be approved and endorsed as part of the proposal.

52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Comments:

The proposed use and development requires the existing access to Corack Road (Borong Highway) to be upgraded to a standard that accommodates heavy vehicles including b-double trucks. The proposal also includes a secondary access to Elizabeth Street, which is a local Council road that is considered a single carriage way that can accommodate two-way traffic.

Due to the proposed use and development of the site, the increase of traffic movement, and the problematic intersection at the corner of Elizabeth Street and Corack Road, there has been concerns raised regarding road safety.

It is also considered a dangerous location for access due to the speed limit in this area, with a posted speed limit of 80km/h that applies just past the site, and the speed limit increasing to 100km/h approx. 125m north of the northern site boundary.

The Department of Transport (DoT) initially requested further information as part of the initial referral process, and subsequently approved the proposal subject to several conditions. Please refer to 52.29-4 below for further information.

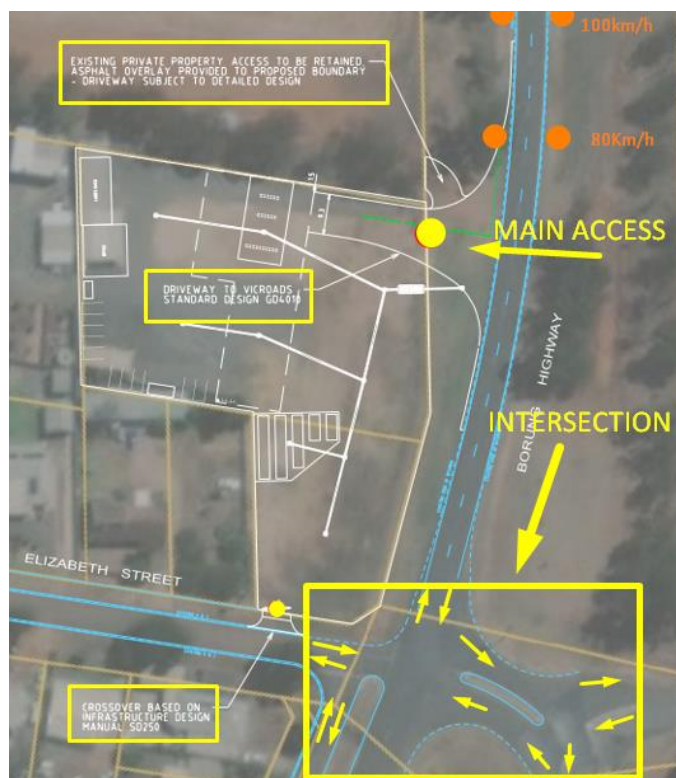


Image sourced from Functional Layout Plan prepared by Traffix Group dated – and altered by planning department to show access, intersection, and speed signs

52.29-1 Application

This clause applies to land adjacent to a road in the Transport Zone 2.

52.29-2 Permit requirement

A permit is required to 'Create or alter access to: A road in a Transport Zone 2'.

Comments:

Corack Road (Borong Highway) is a declared arterial road and is zoned 'Transport Zone 2' (TRZ2). The existing access to the subject land must be upgraded to a standard can accommodate heavy vehicles, including b-double trucks.

52.29-4 Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in clause 66.03.

Comments:

In accordance with Clause 66.03 the application was referred to the DoT for comment and/or condition.

Initially, the DoT requested further information then subsequently granted approval subject to several conditions relating to a revised Function Layout Plan to address access and traffic movement, and conditions relating to signage and illumination.

■ *DoT also stated in their correspondence that accesses are to be treated with an all-weather seal or some other durable surface. Crushed rock is not permitted.*

■ *Please refer to further details under **Clause 52.29-6 Decision Guidelines**.*

52.29-6 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider:

Decision Guidelines	Comment
The Municipal Planning Strategy and the Planning Policy Framework.	<i>Discussed below</i>
The views of the relevant road authority.	<p><i>Initially, as part of the referral process, the DoT requested further information such as:</i></p> <ul style="list-style-type: none"> • <i>Transport Impact Assessment Report (TIAR) – in particular an assessment of the impact on the Borung Highway (Corack Road) at which access is proposed, the nearby intersections and access points abutting the land. The TIAR must also specifically assess the need for turn lanes.</i> • <i>Revised swept path analysis – to show all movements associated within all the proposed access points, including how the largest design vehicle could reasonably enter/exit the site in a safe manner.</i> • <i>Functional layout plan – to show proposed access points from the Borung Highway (Corack Road) including kerb/shoulders, line marking, power poles and other infrastructure within 100m of the proposed access. The plan must also show turn lanes as warranted in the TIAR.</i> <p>■ <i>DoT also stated in their correspondence that accesses are to be treated with an all-weather seal or some other durable surface. Crushed rock is not permitted.</i></p> <p>■ <i>After receipt of the above information, which</i></p>

	<p><i>was prepared by Traffix Group, DoT subsequently approved the proposal, subject to several conditions including a revised Functional Layout Plan to show the driveway to be constructed to cater for a 26m b-double vehicle; a swept path and turning movements of a 26m b-double; and asphalt overlay on arterial roads to reduce tearing of the road surface.</i></p>												
<p>The effect of the proposal on the operation of the road and on public safety.</p>	<p><i>The existing access / crossover to Corack Road (Borong Highway) will need to be constructed to a standard to accommodate heavy vehicles to the satisfaction of DoT.</i></p> <p><i>Of note, Traffix Group conducted a seven day 24hr tube count outside of the sites frontage, on Corack Road.</i></p> <p><i>The average two-way weekday traffic volume along this section was approx. 831 vehicles. Peak hour traffic appeared between 8-9am and 3-4pm.</i></p> <p><i>Table below summarises the peak hour traffic volumes.</i></p>												
<p><i>Table 1: Existing Peak Hour Traffic Volumes</i></p> <table><tr><th>Period</th><th>Northbound</th><th>Southbound</th></tr><tr><td>AM Peak Hour [1]</td><td>31</td><td>33</td></tr><tr><td>PM Peak Hour [1]</td><td>35</td><td>42</td></tr><tr><td>Absolute Peak Hour [2]</td><td>48</td><td>48</td></tr></table> <p>[1] Average weekday traffic volume during relevant morning/afternoon peak hour.</p> <p>[2] Maximum traffic volume recorded across any single hour during the seven-day survey period.</p>		Period	Northbound	Southbound	AM Peak Hour [1]	31	33	PM Peak Hour [1]	35	42	Absolute Peak Hour [2]	48	48
Period	Northbound	Southbound											
AM Peak Hour [1]	31	33											
PM Peak Hour [1]	35	42											
Absolute Peak Hour [2]	48	48											
<p>Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.</p>	<p><i>Not applicable.</i></p>												

PLANNING POLICY FRAMEWORKS

Of relevance to this application:

02 MUNICIPAL PLANNING STRATEGY

02.01 CONTEXT

While the main towns each have a strong and unique identity, a number of features characterise them all. These include:

- the strong focus on the core commercial area;
- the role of major highways in shaping settlement patterns and commercial development;
- the existence of an industrial precinct; and
- the strong delineation between urban and non-urban land use, defined by historic patterns of zoning and servicing.

Another feature of the towns is the way in which sympathetic rural, urban commercial and industrial land uses are interspersed. While the main towns do have distinct commercial and industrial areas, historic patterns of development have created urban areas with mixed land uses.

02.02 VISION

The strategic objectives of the Council Plan are summarised as:

- Recognising and supporting agriculture and business in the local economy.
- Encouraging employment and investment.
- Supporting current and long-term sustainable agriculture.
- Providing facilities and infrastructure that support, connect and contribute to the well-being of a diverse community.
- Protecting and enhancing the natural environment.

02.03 STRATEGIC DIRECTIONS**02.03-1 Settlement and housing**

Council's strategic directions for settlement and housing are:

- Encouraging residential and economic development in the main townships that have reticulated infrastructure, including Donald
- Maintaining urban character, amenity and services.
- Discouraging ribbon development in the vicinity of highways and main roads.
- Directing subdivision development to locations on the established road network.

02.03-3 Environmental risks and amenity

Council's strategic directions for environmental risks and amenity are:

- Adapting to climate change and mitigating its risks.
- Minimising environmental risk including erosion, salinity, bushfire and floodplain management.
- Minimising environmental degradation and mitigating its effects.
- Protecting the amenity and character of sensitive land uses when assessing incompatible use and development.

02.03-4 Natural resource management

Council's strategic directions for natural resource management are:

- Sustainably managing natural resources and agricultural land.
- Protecting valuable agricultural land from inappropriate development.
- Encouraging sustainable farming practices.
- Supporting, promoting and facilitating sustainable, diverse and viable agriculture to provide for long-term economic, social and environmental health.

02.03-6 Economic development

Council's strategic directions for economic development are:

- Encouraging and managing sustainable agriculture as the economic foundation of the municipality.

- Encouraging economic development and activity that increases opportunities for the community.
- Introducing buffer zones to ensure rural dependent enterprises do not harm agricultural productivity or biodiversity values.
- Encouraging renewable energy production to locate in the Shire.

02.03-8 Infrastructure

Council's strategic directions for Infrastructure are:

- Providing financially sustainable service infrastructure including telecommunications, electricity, sewerage and water, to meet present and future needs.
- Encouraging community infrastructure, particularly recreation facilities and community services within Birchip, Charlton, Donald, Sea Lake and Wycheproof.

Comments:

The Township Zone covers all the main towns in the municipality, including Donald. This enables non-residential land uses within this zone. While this zone is flexible, and there are relevant services available to the site, there is the potential for adverse amenity impact on nearby residential and agricultural land uses.

Whilst the proposed service station does bring new development to the township of Donald, it is not considered to add economic activity as it will not 'maintain threshold population' or create a large amount of employment.

The agricultural industry is the 'most significant industry' in the municipality and this needs to be protected. The proposed service station is likely to have some impact to the adjoining agricultural land use in terms of their access and waste entering the site.

It is also important to ensure residential amenity and 'character' of sensitive land uses is protected. The proposed use and development of a service station with its location, including the siting and design of development, access and fuel holding areas does not comply with several the strategic directions and will have an impact on nearby residences, and the local neighbourhood character, where it is supposed to be protected.

10 Planning Policy Framework

Of relevance to this application

11 SETTLEMENT

11.02 MANAGING GROWTH

11.02-1S Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Neighbourhood character and landscape considerations.

- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

11.02-2S Structure Planning

Objective

To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

Strategies

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Comment:

Permitting the proposed use and development limits the opportunity to further provide residential development on the fringe of the Donald township, which also has access to relevant services.

By permitting the proposal, it takes away the neighbourhood character of the area and increases the potential for additional hazards and environmental impacts on the land and its surrounds.

It is considered that this land would be more appropriate for residential land use and development.

11.03 PLANNING FOR PLACES

11.03-2S Growth areas

Objective

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies

Concentrate urban expansion into growth areas that are served by high-capacity public transport.

Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

11.03-6S Regional and local places

Objective

To facilitate integrated place-based planning.

Strategies

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Comments:

By permitting the proposed development, it reduces the ability to increase growth close to existing services and transport corridors.

By permitting the proposal, it has the potential to create safety and amenity issues, which contradicts the strategies listed above under this clause.

13 ENVIRONMENTAL RISKS AND AMENITY

13.04 SOIL DEGRADATION

13.04-1S Contaminated and potential contaminated land

Objective

To ensure that contaminated and potentially contaminated land is used and developed safely.

Strategies

Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.

Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

Comments

The proposed use and development of a service station will leave the land as having 'high potential for contamination' in accordance with the Ministerial Direction and Planning Practice Note 30.

The aim of this clause is to identify, prevent and minimise the risk, through land use and development compatibility and effective controls to prevent or mitigate significant impacts.

By allowing the proposed development, it will limit any future land use and/or development on the site.

It is considered that this land would be more appropriate for residential land use and development.

13.05 NOISE**13.05-1S Noise management****Objective**

To assist the management of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, childcare centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Comments

Noise was a key issue raised by the objectors, in particular the impact from trucks entering and exiting the site. Such noise impacts could be truck exhaust brakes or truck engines while slowing down to site, trucks idle on site, gear changes, noise from refrigeration units that are mounted on trucks.

To lessen the impact, an acoustic fence could be adopted around the site. However, this option could add to the 'visual impact'.

13.07 AMENITY, HUMAN HEALTH AND SAFETY**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.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

Clause 13.07-1L-01 Amenity protection – General**Objective**

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

Strategies

Discourage land use conflicts between agricultural uses and sensitive uses.

Avoid use and development that is prejudicial to agricultural industries or the productive capacity of the land.

Encourage use and development that protects residential amenity and minimises conflict between residential, industrial and rural land.

Clause 13.07-1L-02 Township amenity protection**Policy application**

This policy applies to land within the Township Zone.

Strategies

Protect the amenity and character of residential and other sensitive land uses within the main towns.

Encourage the re-use of vacant housing stock for non-residential land uses in township areas where this avoids unacceptable effects on surrounding residential amenity.

Comments:

As mentioned throughout the assessment, whilst the land is zoned Township Zone, nearby residential land needs to be protected from any future land use or development.

The proposal is not considered compatible with the adjoining and nearby land uses as it is likely that it will have off-site impacts such as noise, light-spill and odour.

This clause aims to encourage use and development that protects residential amenity and minimises conflict.

To contradict this, the policy guideline under this clause states “Ensuring potential noise levels generated by a proposed use are compatible with a residential environment, except for land with access to a road in a Transport Zone 2 or a Transport Zone 3.”

14 NATURAL RESOURCE MANAGEMENT**AGRICULTURE****14.01 AGRICULTURE****14.01-1S Protection of agricultural land****Objective**

To protect the state’s agricultural base by preserving productive farmland.

Strategies

Consider state, regional and local, issues and characteristics when assessing agricultural quality and

productivity.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

14.01-1L-01 Protection of agricultural land

Policy application

This policy applies to all land in the Farming Zone (FZ).

Strategies

Retain agricultural land in productive units.

Maintain land use patterns of large, viable lots for broad acre cropping.

Discourage the fragmentation of agricultural land.

Provide buffers on the subject site for proposals that are potentially sensitive to normal activities in agricultural areas.

Locate buildings or works so as to avoid or minimise loss of good quality agricultural land.

Comment:

The purpose of this clause is to protect and preserve agriculture land.

The proposal will have an impact on the adjoining agricultural land use, in terms of access and waste.

The proposed accessway has been designed for both land uses to use this accessway. This has potential to cause a traffic hazard with vehicles trying to enter the site of the proposed development, at the same time large heavy agricultural machinery trying to enter their land at the same time.

The proposed use of a service station also provides the potential for waste including weeds to enter the agricultural land. This in turn has an impact on the maintaining of the agricultural land, which is the main industry which drives the economy in the Buloke Shire Council.

14.02 WATER

14.02-1S Catchment planning and management

Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Strategies

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

14.02-2S Water Quality

Objective

To protect water quality

Strategies

- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Comments:

The subject land is not within a potable water supply catchment, however it is within 370m of the Richardson River.

Although the subject land is reasonably flat, and the fuel is contained within containers, it is important to consider the possibility of contamination with fuel spills across the site, as well as overland flow of water across the land and into local catchments.

As noted earlier, stormwater management has not been addressed adequately in terms of clause 53.18 and should Council decide to issue a Permit (NOD) then a Stormwater Management Plan needs to be approved by Council.

15 BUILT ENVIRONMENT AND HERITAGE

15.01 BUILT ENVIRONMENT

15.01-1S 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.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

Clause 15.01L Urban design

Strategy

Design development to respect and enhance:

- The presentation of town entrances, supporting their capacity to attract tourism and development.
- The presentation of township commercial centres, streetscapes and facilities.

Clause 15.01-2S Building design**Objective**

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Encourage water efficiency and the use of rainwater, stormwater and recycled water.

Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

15.01-2L-01 Building design**Strategies**

Design buildings and works to be in keeping with the prevailing scale, bulk, streetscape character and built form of the area.

Preserve the historical attributes and visual character of towns through the design, mass and scale of buildings.

15.02-5S Neighbourhood character**Objective**

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.

- Neighbourhood character values and built form that reflect community identity.

15.01-6S Design for rural areas

Objective

To ensure development respects valued areas of rural character.

Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Comments:

The proposed use and development does not meet the objectives of this clause.

The proposal does not create an environment that is considered safe, healthy or functional and does not respond to the surrounding landscape or character of the area, which is mainly residential, with some agricultural land uses.

The proposal is also likely to create a visual impact to the entrance of the Donald township. The proposed development is at odds with the rural character and appearance of the Donald township approach, which consists mainly of residential and agricultural uses.

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

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Comments:

The subject land is considered an appropriate site for further residential development, as it is located within the Township Zone, it has access to relevant services and infrastructure and will not have an impact on the amenity of the area.

17 ECONOMIC DEVELOPMENT

17.01 EMPLOYMENT

17.01-1S Diversified economy

Objective

To strengthen and diversify the economy.

Strategies

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Support rural economies to grow and diversify.

17.01-1R Diversified economy - Loddon Mallee North

Strategies

Support further diversification of the primary production, service, manufacturing and tourism industries.

Comment:

The proposed use and development does not meet this objective as it will not strengthen or diversify the economy.

The proposal is to be unmanned, therefore (with the exception of construction) will create minimal employment opportunities.

17.02 COMMERCIAL**17.02-2S Out-of-centre development****Objective**

To manage out-of-centre development.

Strategies

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Comment:

The proposal is to be located on the northern outskirts of the Donald township, not near an activity centre or industrial zone as specified in the objective to this clause.

And given the existing service stations in the township of Donald, the proposal is not likely to have a great economic impact to the community.

18 TRANSPORT**18.02 MOVEMENT NETWORKS****18.02-4S Roads****Objective**

To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Strategies

Plan and develop the road network to:

- Ensure people are safe on and around roads.
- Improve road connections for all road users.

Protect and develop the Principal Road Network to:

- Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.
- Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.
- Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.
- Improve high-capacity on-road public transport.

Comments:

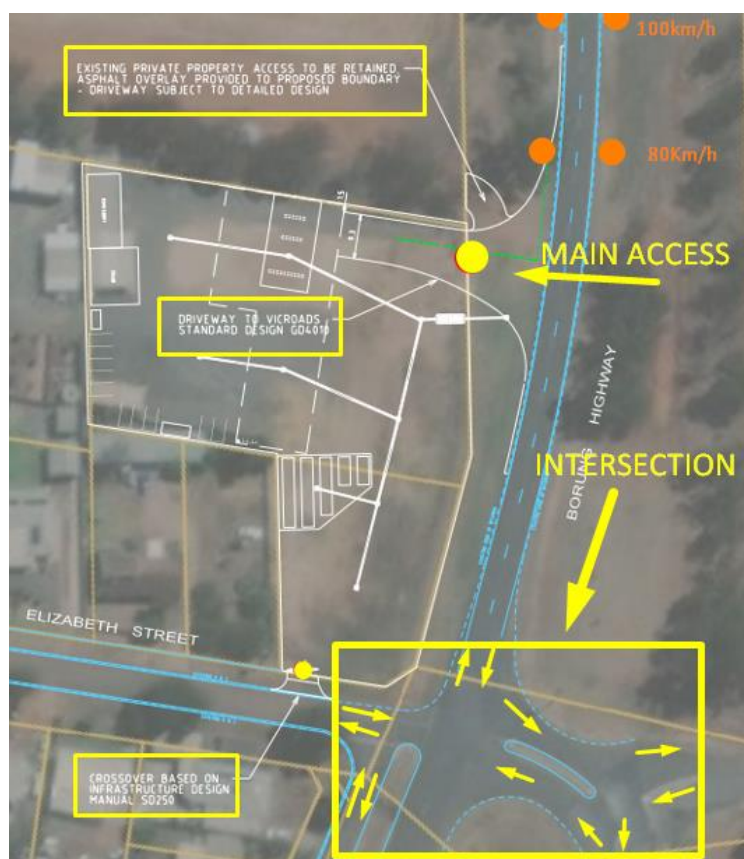
The proposed use and development does not meet the objective to create a safe road network that integrates all movement networks.

Firstly, the proposed accessway is to be used by light and heavy vehicles, as well as large heavy agricultural machinery using the land adjoining the subject land. This is a safety concern and is likely to cause a significant hazard.

Secondly, the location of the accessway being near the existing 80 km/h and 100 km/h speed signs. This poses a massive safety issue with oncoming traffic from the north (at 80-100 km/h) and those entering and/or existing the site.

Thirdly, the proposed secondary access on Elizabeth Street poses an issue with traffic movement at the intersection of Elizabeth Street and Corack Road.

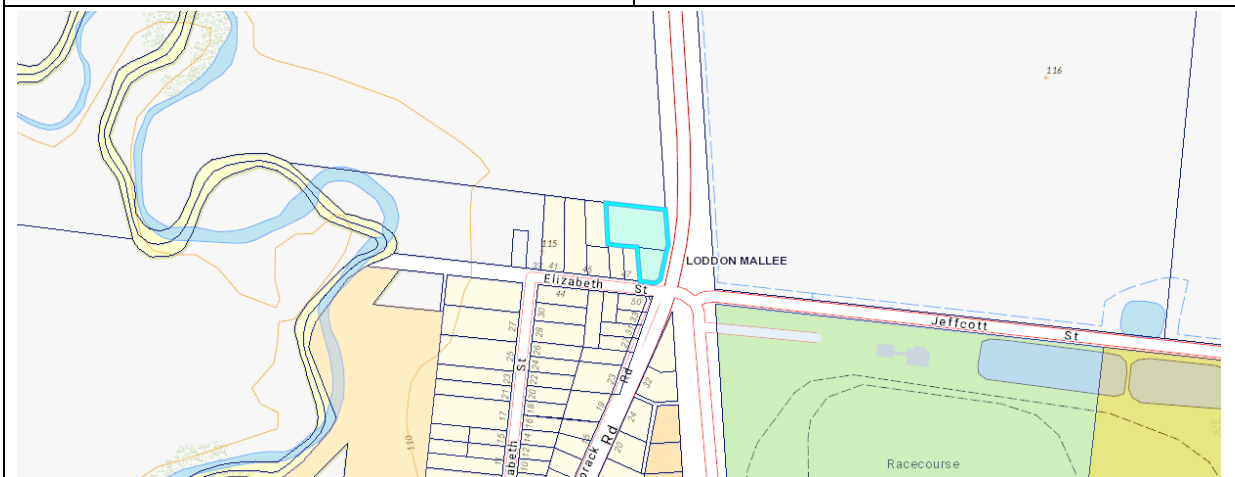
Please see image below identifying the intersections and traffic speed signs of concern.

**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.	<p><i>The subject land is not likely to be contaminated. It is not highlighted on the EPA Register.</i></p> <p><i>By permitting the proposed land use, the subject land a will become a 'high' potential for contamination and it will become difficult for future development on the site.</i></p>
The Municipal Planning Strategy and the Planning	<i>Planning policies relevant to this application</i>

Policy Framework.	<i>have been considered above in detail.</i>
The purpose of the zone, overlay or other provision.	<p><i>The proposal does not meet the primary purpose of the Township Zone, which is nested under 'Residential Zones, which is to provide for residential development.</i></p> <p><i>The proposal does not meet the purpose of Clause 52.05 Signs, as the proposed sign is not considered compatible regarding amenity and visual appearance of the adjoining residential area.</i></p> <p><i>The proposal does meet the purpose of 52.06 Car parking as there is sufficient room to provide carparking on the land.</i></p> <p><i>The proposal does not meet the purpose of Clause 52.29 – to ensure appropriate access to the Principal Road Network.</i></p>
Any matter required to be considered in the zone, overlay or other provision.	<i>All matters have been considered and addressed earlier in the Assessment Report.</i>
The orderly planning of the area.	<p><i>The proposed land use and development of a service station is not considered orderly planning of the area.</i></p> <p><i>The land is more suited for residential development, being within the Township Zone, which is currently sought after.</i></p>
The effect on the environment, human health and amenity of the area.	<i>The proposed land use and development is likely to have an impact on the amenity of the area in terms of noise, increase in traffic movement, light spill from lighting on the land and from the proposed signage. The location of the fuel tanks also poses a safety / hazard risk to nearby neighbouring residential properties.</i>
The proximity of the land to any public land.	<p><i>The subject site is approx. 85m to the north west of the Donald Racecourse, which is the closest parcel of public land.</i></p> <p><i>The proposed service station will not have an impact on the Racecourse itself, but it will increase traffic movement near this intersection which has the potential to cause additional traffic hazards.</i></p>



<i>Image sourced from MapShare interactive mapping showing public land 30/12/2022</i>	
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<p><i>Due to regulated processes, the proposed development is not likely to contribute or cause land degradation or reduce water quality.</i></p> <p><i>Although not in a potable water supply catchment, drainage and stormwater needs to be carefully considered with the Richardson River only 370ms away from the site.</i></p> <p><i>The proposed land use will also limit or control future development of the site and surrounds.</i></p>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	<p><i>Stormwater must be maintained on site, before entering a legal point of discharge.</i></p> <p><i>Concerns were raised by Objectors regarding issues around the large amount of paved surfaces and the issue of stormwater management and drainage.</i></p>
The extent and character of native vegetation and the likelihood of its destruction.	<i>Not applicable to this application – there is no vegetation proposed to be removed.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Not applicable – refer to comments above.</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.	<p><i>The degree of hazard will increase with the proposed land use and development including the storage of fuel containers – the closest of which is only 22m from the nearest dwelling to the west of the holding fuel tank area.</i></p> <p><i>The subject land is also located within the Bushfire Prone Area.</i></p>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<p><i>A traffic assessment was conducted for the proposed use and development.</i></p> <p><i>The assessment indicates that the loading or unloading of fuel should not be an issue due to the size of the land.</i></p> <p><i>The main issue or concern raised by objectors and planning officers is the impact on the amenity of the area with increase of traffic movement, including heavy vehicles such as b-double trucks within a residential area.</i></p> <p><i>Please refer to 52.29 above for further detail.</i></p>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>There will be no further impact.</i>

Relevant incorporated or reference documents

- *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014)
- *Ministerial Direction No. 1 - Potentially Contaminated Land – Planning Practice Note 30*
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)
- *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999)

Summary of Key Issues

The proposed use and development is inconsistent with the Purpose, Objectives and Strategies of the Buloke Planning Scheme.

The proposed use and development does not meet the purpose of the Township Zone which is to allow for a limited range of other non-residential uses to serve local community needs in appropriate locations. The proposed use and development does not serve local community need in the immediate locality but is intended to service through traffic, much of which will be unrelated to the local community need.

The proposed use and development is not considered appropriate for the site and location. The township of Donald is currently experiencing a housing shortage. In light of this, it is considered that the use of this land for a service station is an improper use of residential land.

The proposed use and development is likely to have an impact on surrounding residential land uses and has the potential to increase traffic hazards in this location.

The proposed use and development raises a number of concerns including the potential for unacceptable impacts on neighbouring residences by way of noise, light spill, rubbish and odour.

The proposed use and development raises a number of concerns with regard to road safety due to the location and use of the proposed accessway, its close proximity to the 80 km/h and 100 km/h speed signs and nearby intersection, as well as the increase of traffic within a residential area.

The proposed use and development also has the likelihood of 'potentially contaminating' the land when it could be used for residential purposes, which is the 'purpose' of the Township Zone.

Councils delegated planning officers find the disbenefits surrounding potential impacts on neighbouring residences, road safety and potential contamination of land outweigh any benefits of the proposal. The provision of fuel in this location does not fulfill a stated local community need. The area and the local community are well served by access to fuel provision. Planning officers do not find the proposal to provide a net community benefit.

RELEVANT LAW

The application was assessed in accordance with the *Planning and Environment Act 1987*.

RELATED COUNCIL DECISIONS

PPA293/09 – construction of a building associated with Sand and Soil Business

OPTIONS

Council may choose to resolve to issue a **Notice of Decision to Grant a Permit**. In which case, the following motion would be moved.

That Council having caused notice of Planning Application No. 962/21 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 **Grant a Notice of Decision to Grant a Permit** under the provisions of 32.05-2, 32.05-10, 52.05 and 52.29 of the Buloke Planning Scheme, in respect of the land known and described as 39 Corack Road, Donald being Lots 1 and 2 Plan of Subdivision 216306M, for the *Use and Development of land for a Service Station (24 hours), construct and display an internally illuminated business identification sign, alter access to a Transport Zone 2 and associated works*, in accordance with the endorsed plans, with the application dated 20 October 2021, subject to conditions. (attached)

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 for the use and development of a service station was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending 6 notices to the owners and occupiers of adjoining land.
- Placing a sign on site.
- Placing a Notice in all Newspapers circulating in the Municipality
- Made available on Council's webpage

Notification of the application has been carried out correctly, with submissions due to Council by 9 December, 2021.

As a result of public notice, Council has received 5 objections to date.

The key issues that were raised in the five objections are:

- Increased traffic in a residential area
- Traffic entering Borung highway in the 80km/h speed zone
- The intersection of Borung Highway, Elizabeth Street, and Jeffcott Road/Racecourse Rd, and the service road being less than ideal.
- Increased risk of fire and or explosion.
- Storage of hazardous chemicals.
- Other fuel outlets available – no community benefit
- Increased pollution
- Decrease in property values (not a planning concern)
- Impact on local amenity:
 - Noise – traffic, engine brakes, generators
 - 24 hr light spill
- May encourage truck parking for long periods or overnight in local streets as drivers utilise the amenity building
- Increased hard stand area will generate large amounts of stormwater

Applicant Response

The applicant was given the opportunity to provide a response to the above key issues:

- “Issue 1 - Zone

A detailed assessment against the requirements of the Township Zone is presented in the supporting Planning Report. It is submitted that a planning permit can be granted for the use and that appropriate consideration has been given to siting, design and operational aspects & scheme requirements.

- Issue 2 - Access and Safety

The site has good road access and was previously used for commercial purposes. We anticipate that the application will be referred to DoT / VicRoads (being adjacent to a Road Zone) and that their comments would be considered by Council and incorporated into any planning permit – if & as required.

- Issue 3 - Risk of Explosion

All tanks and equipment are designed & installed to manufacturer specifications with safeguards as required by Industry and Legislative Standards – as presented in Appendix D, E & F of the supporting Planning Report.

- Issue 4 - Property Value

It is a widely held principle, supported by VCAT precedent, that property value is not a valid planning consideration / objection when assessing a planning application.

- Issue 5 - Competition

A number of objections indicate that there is already a 24 hour petrol station in Donald. It is submitted that the proposal will provide market competition, which should be encouraged.

■ Issue 6 - Amenity Impacts

As indicated above, it is submitted that appropriate consideration has been given to siting, design and operational aspects.

It is noted that the site has an area in the order of 5,800sqm, provides for vehicle access & movements and was previously used for commercial purposes.”

The applicant has also made the following notes:

Air Pollution	Vehicle access areas will be constructed of concrete and fine crushed rock to reduce dust.
Noise	The use is required to comply with SEPP (Control of Noise from Commerce, Industry and Trade) No N-1.
Light	Lighting will be baffled & directional and will not spill beyond the property boundaries.
Stormwater	A Drainage Plan has been prepared in line with Council requirements.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable

COLLABORATION

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referral – Department of Transport	<p>Sent: 01/12/2021 Response received: 28/01/2022 Comment: further information required</p> <ul style="list-style-type: none"> • Transport Impact Assessment Report (TIAR) • Revised swept path analysis • Functional layout plan • Access must be sealed and not constructed of crush rock <p>Sent RFI: 21/12/2021 Response received: 02/11/2022 Comment: Consent & conditions (see attached)</p>
Section 52 - GWMWater	<p>Sent: 01/12/2021 Response received: 8/12/2021 Comment: consent & no conditions</p>
Section 52- Powercor	<p>Sent: 01/12/2021 Response received: 2/12/2021 Comment: consent & conditions (see attached)</p>
Internal Council Referrals	Advice/Response/Conditions
Building Surveyor (s52)	<p>Sent: 01/12/2021 Response received 2/12/2021 Comment: - consent & conditions</p>
Infrastructure Planning	<p>Sent: 01/12/2021 Response received 19/01/2022</p>

	Comment: - consent & conditions re crossover (see attached)
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FINANCIAL VIABILITY

There are no significant financial viability impacts.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

See 'Planning Policy Framework' in Discussion section of this report

COUNCIL PLANS AND POLICIES

See 'Planning Policy Framework' in Discussion section of this report

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.

8.2.3 PLANNING PERMIT APPLICATION 986/22 - CONSTRUCT AND DISPLAY A MAJOR PROMOTION SIGN - 146 HIGH STREET, CHARLTON

Author's Title: Planning Officer

Department: Office of the CEO

File No: LP/09/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Built and Natural Environment

REGISTRATION FOR PUBLIC PARTICIPATION – LUKE COURSE

DISCLOSURE OF CONFLICT OF INTEREST – CR MILNE

Cr Milne advised that the applicant declared that Cr Milne's employer was intending to advertise on the proposed Major Promotion Sign, relative to the Planning Permit Application.

CR MILNE WAS NOT REQUIRED TO VACATE THE COUNCIL CHAMBER.

PURPOSE

The purpose of this report is for Council to consider this planning permit application and as the Responsible Authority, resolve to issue a Notice of Decision to Grant a Permit or issue a Notice of Refusal.

SUMMARY

A Planning Permit Application has been received by Council on the 1st June 2022 to construct and display a major promotion sign at 146 High Street, Charlton. The proposed sign will consist of two 18.26 display faces. The sign is intended to be viewed by northwest and southeast bound traffic on High Street (Calder Highway). The proposed sign is to be located in the northeast corner of the allotment.

MOTION:

That Council:

Having caused notice of Planning Application No. 986/22 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 52.05-11 of the Buloke Planning Scheme in respect of the land known and described as 146 High Street, Charlton (Lot 1 TP193629E) , to erect and display a major promotion sign in accordance with the endorsed plans, with the application dated 1st June 2022, subject to the following conditions:

Conditions:

Advertising Signs

1. The location and details of the sign, and any supporting structure, as shown on the endorsed plans must not be altered without the written consent of the Council.
2. The sign must not be illuminated by external or internal lighting except with the written consent of the Responsible Authority.

Referral Authority Conditions - Department of Transport

3. The location and details of the sign shown on the endorsed plans drawn by Gawk Outdoor (Project:

Charlton – Proposed Double Sided, Major Promotion Sign. Project No: 22-018. Drawing No: A02. Date: 11/05/2022. Issue No: 01) must not be altered without the written consent of the Responsible Authority.

4. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
5. The sign must be professionally manufactured from non-reflective or non-fluorescent materials.
6. The sign must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve.
7. The proponent must not use colours that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, if it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows.
8. If the sign is illuminated, the source of the lighting must not be visible from any part of the declared road/highway.
9. If the sign is illuminated, it must not be flashing, cause dazzle or distract road users due to its colouring or luminosity.
10. If the sign is illuminated, the following maximum average luminance and Threshold Increment values must not be exceeded:

Daytime

- Maximum average luminance of greater than 6000 cd/m²

Morning and evening twilight and overcast weather

- Maximum average luminance of greater than 700 cd/m²

Night-time

- Maximum average luminance of greater than 250 cd/m²
- Maximum threshold increment: 20%
- Adaption Luminance: 1

Permit Expiry

11. Unless the sign is removed prior, this permit expires 15 years from the date of issue.

MOVED: CR BERNADETTE HOGAN

SECONDED: CR GRAEME MILNE

CARRIED.

(R045/23)

Attachments: 1 PPA986/22 Plans

DISCUSSION

A Planning Permit Application has been received by Council on the 1 June 2022 to construct and display a major promotion sign at 146 High Street, Charlton. The proposed sign will consist of two 18.26 display

faces. The sign is intended to be viewed by northwest and southeast bound traffic on High Street (Calder Highway). The proposed sign is to be located in the northeast corner of the allotment.

Subject Site and Locality

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

The site has a total area of 2934m² and currently contains:

- Vacant land

The main site/locality characteristics are:

- The allotment is rectangular in shape and is flat.
- The topography of the land in the immediate locality is flat.
- The allotment has 36.3 metre frontage to the Calder Highway.
- The allotment is fenced with rural type mesh fencing.
- There is no major or significant vegetation on the allotment.
- The allotment to the west is zoned Commercial 2 Zone (C2Z), contains a dwelling and is used for residential purposes.
- The property to the east is zoned C2Z and contains a warehouse style commercial building. The site also contains a fuel cell and bowser development with a business identification sign
- To the south of the subject land is a large allotment of 5.82 hectares zoned Township Zone. This allotment contains a dwelling and associated outbuildings. The dwelling is located on the southwest boundary of this allotment.
- The properties opposite the subject land on the other side of High Street (Calder Highway) are zoned Township Zone (TZ) and are used for residential purposes.
- The subject land is located approximately 900 metres to the southeast of Charlton's central commercial district.
- The property is located at the end of a strip of commercial properties, including a roadhouse/truck stop style service station, a motel, and a warehouse with a fuel cell development.
- These properties mentioned above each have a business identification sign associated with the existing commercial use on the property.
- The property is located approximately 330 metres from the town entrance when approaching from the east (from Bendigo)

Assessment

The zoning of the land and any relevant overlay provisions

The land is zoned Commercial 2 Zone (C2Z).

Purpose of the zone:

- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Clause 34.02-8 Signs – Sign requirements are at Clause 52.05. The C2Z is in Category 1

The land is subject to the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO includes: to ensure that development maintains the free passage and temporary storage of floodwaters, minimises

flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The schedule to the LSIO allows building and works of a limited footprint to proceed without the requirement for a planning permit. The proposed structure will have no impact on the flood flows or flood plain storage capacity.

Municipal Planning Strategy (MPS)

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

02 MUNICIPAL PLANNING STRATEGY
<p>02.03 STRATEGIC DIRECTIONS</p> <p>02.03-1 Settlement and housing</p> <p>Council's strategic directions for settlement and housing include:</p> <ul style="list-style-type: none"> • Maintaining urban character, amenity and services. <p>02.03-5 Built environment and heritage</p> <p>Council's strategic directions for built environment and heritage are:</p> <ul style="list-style-type: none"> • Encouraging development that preserves and enhances the character and amenity of townships. <p><i>Comments:</i></p> <p><i>The proposed sign is consistent with the strategies contained in the Municipal Planning Strategy.</i></p>

Planning Policy Framework (PPF)

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

13 ENVIRONMENTAL RISKS AND AMENITY
<p>13.07 AMENITY, HUMAN HEALTH AND SAFETY</p> <p>13.07-1L-01 Amenity Protection – General</p> <p>Objective: to encourage use and development without compromising residential amenity or agricultural land use.</p> <p>Strategies: Encourage use and development that protects residential amenity and minimises conflict between residential, industrial and rural land.</p> <p><i>Comments:</i></p> <p><i>The proposed sign will have no impact on the amenity of nearby residential uses. The sign is separated by 45 metres from the nearest dwelling. The sign will have less visual impact than the construction of a building at less separation distance. The proposed sign will not impede views to significant landscapes.</i></p> <p><i>A condition will be included on the planning permit that the sign is not to be illuminated in any way, further minimising visual impact.</i></p>

15 BUILT ENVIRONMENT**15.01 BUILT ENVIRONMENT****15.01-1S 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.

Strategies include: Ensuring that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

15.01-1L Urban design

Strategy:

Design development to respect and enhance:

- The presentation of town entrances, supporting their capacity to attract tourism and development.
- The presentation of township commercial centres, streetscapes and facilities.

15.01-5S Neighbourhood character

Objective:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies include:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Comments:

The proposed sign is to be located in a mixed-use area that contains a number of existing commercial signs. The proposed sign is of a height and size that will not dominate the skyline, or compromise important views from the public realm. The proposed sign will not be greater in height than existing building mounted signs in the entrance to town.

The proposed sign will not detract from the town entrance, and may add to the diversity and vitality of the area.

The proposed sign will have no significant detrimental impact on road safety. No sightlines will be affected travelling along High Street (Calder Highway). The nearest entry to High Street is from the property adjoining to the southeast, which contains a warehouse and a fuel cell development. Sightlines when entering High Street from this location are unaffected as the proposed sign is sited in excess of 15 metres from the pavement of the highway.

Relevant Particular Provisions

Clause 52.05 Signs

The purpose of this clause 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.

The proposed sign is to be located in the Commercial 2 Zone. Signs in the C2Z are in Category 1 – Commercial areas - minimum limitation. The purpose of Category 1 is to provide for identification and promotion signs and signs that add vitality and colour to commercial areas

Decision Guidelines Clause 52.05-8	Comments
The character of the area	<p><i>The proposed sign does not have a significant negative impact on the natural environment, heritage values, waterways open space or residential character.</i></p> <p><i>The proposed sign will not compromise future desired character of the immediate area. The site is zoned Commercial which is indicative of intended future use and the area is currently a mixed-use area incorporating business identification signs.</i></p> <p><i>The proposed sign does not add to visual clutter along the route. Although there are existing business identification signs, they are spaced at intervals that mitigate a 'cluttered' appearance.</i></p>
Impacts on views and vistas	<p><i>The proposed sign does not obscure or compromise important views from the public realm and will not dominate the skyline. The sign will not impede views to existing business identification signs.</i></p>
The relationship to the streetscape, setting or landscape	<p><i>The proposed sign is not out of proportion with the existing streetscape, not protruding above existing buildings. The proposed sign does not impede views to significant vegetation or landscapes.</i></p>
The relationship to the site and building	<p><i>The proposed sign is free standing and had no relationship to an existing building. The proposed sign will be located in the extreme northeast corner of the allotment to maximise the viewing of the display by Calder Highway traffic. No vegetation will be removed to establish the proposed sign.</i></p>

The impact of structures associated with the sign	<i>The proposed sign is free of any associated structures. The proposed sign is supported by two steel columns. The lowest part of the proposed sign is 2 metres above ground level.</i>
The impact of any illumination	<i>The proposed sign will not be illuminated.</i>
The impact of any logo box associated with the sign	<i>The proposed sign incorporates an 850mm deep skirting board under the main display face. The skirting board is to be of Colourbond with a 'night sky' finish. A permanent 550mm x 1300mm logo is displayed on the skirting board.</i>
The impact on road safety	<p><i>The sign will not:</i></p> <ul style="list-style-type: none"> <i>• Obstruct a driver's line of sight at an intersection or egress from an adjacent property</i> <i>• Obstruct a drivers view of a traffic control device or create a confusing background that may affect a traffic control device.</i> <i>• Dazzle or distract drivers with lighting or flashing</i> <i>• Be located in a high pedestrian volume area</i> <i>• Be mistaken for a traffic control device</i> <i>• Require close study from a moving or stationary vehicle</i> <i>• Invite drivers to turn</i> <i>• Be located within 100m of a railway crossing</i> <i>• Have insufficient clearance from vehicles on the carriageway</i> <i>• Mislead drivers or be mistaken as an instruction to drivers</i>
<p>Major Promotion sign – effect on:</p> <ul style="list-style-type: none"> • Significant streetscapes, buildings and skylines. • The visual appearance of a significant view corridor, viewline, gateway location or landmark site 	<ul style="list-style-type: none"> <i>• The proposed sign will not detract from a significant streetscape, building or skyline.</i> <i>• The proposed sign will not affect a significant view corridor, viewline, gateway location or landmark site</i> <i>• Open space and waterways unaffected.</i>

<ul style="list-style-type: none"> • Open space and waterways. • Residential areas and heritage places. 	<p><i>The sign is not located in proximity to open space or waterways</i></p> <ul style="list-style-type: none"> • <i>The proposed sign will not affect a residential area. The sign is located within a Commercial Zone and is separated by distance from residential uses. The site is not with a Heritage Overlay.</i>
<p>Major promotional sign – locational principles:</p> <ul style="list-style-type: none"> • are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area. • are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways • are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines • In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building. 	<ul style="list-style-type: none"> • <i>The proposed sign is located on a commercial zoned property in a mixed-use area. The property is vacant land. The sign will add diversity and colour to the streetscape without ‘cluttering’ the area</i> • <i>The proposed sign is not located on a tourist or scenic route</i> • <i>The proposed sign will be visible from residences in proximity on High Street. The sign will not dominate the streetscape and is within a mixed-use area containing commercial buildings and signs.</i> • <i>The proposed sign is in an area with mixed built form character and will not be the dominant element of the landscape. The proposed sign is not being mounted on the roof of an existing building.</i>

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 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 sign is not inconsistent with the purpose of the zone, overlay and any other provision as noted in this assessment.</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 sign is considered to be orderly planning</i>
The effect on the environment, human health and amenity of the area.	<i>The proposed sign is not likely to have an impact on the environment, human health or amenity of the area.</i>
The proximity of the land to any public land.	<i>The nearest public land is located on Back St Arnaud Road, Charlton and is currently occupied by the Charlton Harness Racing Club. This land is approximately 250 metres from the location of the proposed sign.</i>
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<i>The proposed sign will not have an impact on land degradation 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>The proposed sign will not have an impact to existing stormwater discharge.</i>
The extent and character of native vegetation and the likelihood of its destruction.	<i>Not applicable – no vegetation is to be removed.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Not applicable – no vegetation is to be removed.</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 proposed sign will not increase any hazard.</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>Loading and unloading considerations are not applicable to this application. Road safety considerations have been addressed in a previous section of this report</i>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>The proposed sign will have no significant impact on the current and future development and operation of the transport system (see previous on road safety)</i>

RELEVANT LAW

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

RELATED COUNCIL DECISIONS

No previous planning permit applications have been received by Council for this property.

OPTIONS

Council may choose to resolve to issue a Notice of Refusal. In which case, the following motion would be moved:

That Council having caused notice of Planning Application No. 928/22 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 refuse to Grant a Permit under the provisions of 52.05-11 of the Buloke Planning Scheme in respect of the land known and described as 146 High Street, Charlton (Lot 1 TP193629E), to erect and display a major promotion sign in accordance with the endorsed plans, with the application dated 1st June 2022.

For the following reasons:**SUSTAINABILITY IMPLICATIONS**

There are no significant sustainability implications.

COMMUNITY ENGAGEMENT

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

- Sending 14 notices to the owners and occupiers of adjoining land.
- Placing a sign on site
- Notice in Newspaper; all publications circulating in the Municipality

The notification has been carried out correctly.

Council has received one objection. The key issues that were raised in the objection are:

- Incompatible with the existing and desired future character of the site and locality
- No locality description in the application, therefore no proper assessment of the impact of the sign

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable for this report.

COLLABORATION

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None
Section 52 notices	VicRoads – no objection subject to conditions

Internal Council Referrals	Advice/Response/Conditions
Municipal Building Surveyor	No objection – may be requirements for footing placement

FINANCIAL VIABILITY

There are no significant financial viability impacts.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Please see policy discussion at Discussion section of this report

COUNCIL PLANS AND POLICIES

Not applicable to this report

TRANSPARENCY OF COUNCIL DECISIONS

In order to promote transparency, Council will consider this resolution in on 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 ANNUAL REPORT 2021-2022

Author's Title: Director Community Development

Department: Community Development

File No: CM/16/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

The purpose of this report is for Council to receive and consider the Buloke Shire Council Annual Report 2021-2022.

SUMMARY

The *Local Government Act 2020* require each Council in Victoria to prepare an Annual Report for each financial year.

The Annual Report is Council's highest level reporting document to the State Government and the community. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's service delivery and performance to the community regarding Council activities over the past financial year.

MOTION:

That Council defer this item until next Council Meeting, scheduled for 8 March 2023.

MOVED: CR BRONWYN SIMPSON

SECONDED: CR DAVID POLLARD

CARRIED.
(R046/23)

Attachments: 1 Annual Report 2021 - 2022 - to be published separately on Monday 6 February 2023

DISCUSSION

The *Local Government Act 2020* requires that Councils prepare an Annual Report each financial year. A further requirement is for Council to meet to consider the Annual Report at a Council Meeting in October.

The report highlights the incredible amount of work that the Council has undertaken on behalf of the Buloke community in the 2021-2022 year.

This report was due to be received in October 2022, but the flood response has made it difficult for Council's engagement staff to finalise the Annual Report given the requirement for them to be involved during the response phase of that emergency.

RELEVANT LAW

The *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2014.

RELATED COUNCIL DECISIONS

The Annual Report 2021-2022 reports against the objectives identified in the Council Plan 2021-25 Year 1 Annual Plan and the Annual Budget 2021/22.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Council produces far fewer hard copies of the report and actively promotes access to digital copies of the Annual Report.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Reporting against the Annual Budget and Annual Plan leads to innovation and continuous improvement opportunities.

COLLABORATION

Manager Customer Engagement, who leads the compilation of the Annual Report, collaborate internally to ensure all reported items are factual and accurate. This document has also been reviewed by Council's auditors.

FINANCIAL VIABILITY

The costs of producing the Annual Report are accommodated within the existing operational budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- *Local Government Act 2020*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Disability Act 2006*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Public Interest Disclosures Act 2012*
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

- Long-Term Community Vision and Council Plan 2021-25
- Council Plan 2021-25 Year 1 Annual Plan
- Annual Budget 2021/22

TRANSPARENCY OF COUNCIL DECISIONS

The Annual Report is a key document within the Planning and Accountability Framework found in the Local Government (Planning and Reporting) Regulations 2014 (the regulations).

CONFLICTS OF INTEREST

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

8.2.5 COMMUNITY GRANTS

Author's Title: Community Development Officer

Department: Community Development

File No: GS/09/42

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Community Wellbeing

PURPOSE

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

SUMMARY

Presenting three applications for the Community Grants program for the 2022/2023 Financial Year.

MOTION:

That Council considers the following funding under the Community Grants program:

\$1,563.58 Project Support Grant to Wycheproof Resource Centre

\$1,563.58 Project Support Grant to Mali Heart

\$1,563.58 Project Support Grant to Buloke Freeza

MOVED: CR DAVID POLLARD

SECONDED: CR BERNADETTE HOGAN

CARRIED.

(R047/23)

Attachments: Nil

DISCUSSION

The following applications for funding are being put forth to Council for final decision.

These applications were assessed by an assessment panel of three Council Staff from across the organisation, as per the Community Grant Guidelines as accepted by Council. The assessment Panel recommends the following grants for Council's consideration and final decision on the allocations.

All of the Project Support Grants presented in this report were asking for \$2,000 in funding, however, given that there is only \$4,690.75, the decision was made to divide the remaining funding equally between these applications.

Project:	Small Halls Tour
Organisation:	Wycheproof Resource Centre
Grant Type	Project Support Grant
Amount Applied:	\$2,000
Funding Amount Recommended:	\$1,563.58
Full project cost:	\$5,564
Project Description:	The festival of Small Halls is a touring program that engages with folk and contemporary acoustic artists, with performances being held in small halls across Australia. The Wycheproof community will be hosting this touring concert at the Wycheproof Shire Hall, which will support the development of economic, cultural and social wellbeing outcomes in the community.
Project Benefit:	The concerts will encourage social connection and re-engagement with the community to residents of Wycheproof and surrounds. This social connection is important in reducing any impacts of COVID lockdowns on the mental health of residents. There will also be opportunities for local up and coming artists to perform alongside established musicians, whilst bringing in economic benefits through tourism.
Assessment Panel Scoring	Average score of 19.66 out of 25 All members of the panel agreed that the remaining Community Grants Funding should be divided equally amongst the three applicants, allocating \$1,563.58 to this project.
Project:	Mali Heart
Organisation:	Mali Heart Festival Committee
Grant Type	Project Support Grant
Amount Applied:	\$2,000
Funding Amount Recommended:	\$1,563.58
Full project cost:	\$17,000
Project Description:	A street festival to be held in Birchip with the unveiling of two new murals, a street market, Show'n'Shine, photography exhibition and various activities for children. The event will build on last years success, which will help this event connect those living in Birchip, as well as any travellers who might be in the area.
Project Benefit:	This event will bring the community together and create more variety in the streetscape, as well as increase tourism to the town, not only over the course of the festival, but in the long term, as people will stop to admire the murals in the town.
Assessment Panel Scoring	Average score of 19.33 out of 25 All members of the panel agreed that the remaining Community Grants Funding should be divided equally amongst the three applicants, allocating \$1,563.58 to this project.
Project:	Below Zero Freeza
Organisation:	Buloke Freeza Committee
Grant Type	Project Support Grant
Amount Applied:	\$2,000
Funding Amount Recommended:	\$1,563.58
Full project cost:	\$20,600

Project Description:	Charlton Freeza committee is working with the Esoteric Organisers to put on a drug and alcohol-free youth friendly version of Esoteric. The event would be the first one that has been organised by the Charlton Freeza committee since 2019, and it would be an opportunity for all of Buloke's young people, aged between 12 and 18 to connect with one another and appreciate music expressed as art.
Project Benefit:	A group of young people will be working on the event to manage logistics for the planning and running of the event, and there will be an estimated 300 young people from across Buloke in attendance. The organisation is working with Esoteric Management and Arts Mildura to ensure that there is more art incorporated into the event. The event will give youth a chance to connect with other young people from different towns, which is important for their wellbeing, particularly in the wake of the death of a peer, COVID restrictions and flooding.
Assessment Panel Scoring	Average score of 19 out of 25 All members of the panel agreed that the remaining Community Grants Funding should be divided equally amongst the three applicants, allocating \$1,563.58 to this project.

Community Grants, Sponsorship & Sustainability Fund					24/01/2023
2022-2023					
Organisation	Type	Date received	Amount in Application	Recommended \$	Granted by Council
Birchip Playgroup	Project Support Grant	15/11/2021	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Golf Club	Sponsorship	8/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Birchip P-12 School	Sponsorship	27/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Individual	Sponsorship	14/09/2022	\$ 500.00	\$ 500.00	\$ 500.00
Sea Lake Golf and Bowls Club	Project Support Grant	29/09/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Forum	Project Support Grant	8/09/2022	\$ 459.25	\$ 459.25	\$ 459.25
Wycheproof Caravan Park	Organisation Support Grant	4/10/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Charlton Xmas Fest	Project Support Grant	8/11/2022	\$ 1,850.00	\$ 1,850.00	\$ 1,850.00
Birchip Playgroup	Organisation Support Grant	15/11/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
MSA (approved by CEO)	Sponsorship Grant	16/11/2022	\$ 250.00	\$ 250.00	\$ 250.00
Birchip Business and Learning Centre	Project Support Grant	3/11/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Wycheproof Parental Advisory	Project Support Grant	11/11/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Wycheproof Lions Club	Project Support Grant	28/11/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Advance Sea Lake	Sponsorship	5/12/2022	\$ 250.00	\$ 250.00	\$250
Wycheproof Resource Centre	Project Support Grant	15/12/2022	\$ 2,000.00	\$ 1,563.58	
Mali Heart	Project Support Grant	23/11/2022	\$ 2,000.00	\$ 1,563.58	
Birchip Freeza	Project Support Grant	12/12/2022	\$ 2,000.00	\$ 1,563.58	
		Totals:	\$ 21,309.25	\$ 19,999.99	\$ 15,309.25
2022-2023	Sustainability Fund				
Organisation	Type	Date received	Amount in Application	Recommended \$	Granted by Council
Rex Theatre	Sustainability Grant	18/02/2022	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Charlton Park Sustainability	Sustainability Grant	5/10/2022	\$ 6,481.82	\$ 6,481.82	\$ 6,481.82
Birchip Early Learning Centre	Sustainability Grant	23/11/2022	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Parental Advisory Group	Sustainability Grant	30/11/2022	\$ 4,000.00	\$ 4,000.00	
Friends Of the Mount	Sustainability Grant	30/11/2022	\$ 4,000.00	\$ 4,000.00	
		Totals:	\$ 30,481.82	\$ 26,481.82	\$ 26,481.82
February Community Grants Expenditure Summary					

RELEVANT LAW

Not Applicable

RELATED COUNCIL DECISIONS

Not Applicable

OPTIONS

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

Council also has the option to vary the funding allocated to Community Grant applicants engaged in this report to up to \$2,000, as long as the total amount funded totals \$ 4,690.75.

SUSTAINABILITY IMPLICATIONS

Not Applicable

COMMUNITY ENGAGEMENT

Manager of Community Services or Community Development Officer engaged with each applicant listed.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable

COLLABORATION

Not Applicable

FINANCIAL VIABILITY

These applications for the 2022/23 Financial Year from the \$20,000 allocation for Community Grants.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.
Community Grant Guidelines.
Community Engagement Policy.

TRANSPARENCY OF COUNCIL DECISIONS

Not Applicable

CONFLICTS OF INTEREST

No officers involved in this report have a conflict of interest.

8.2.6 COMMUNITY GRANTS

Author's Title: Community Development Officer

Department: Community Development

File No: GS/09/42

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Community Wellbeing

DISCLOSURE OF CONFLICT OF INTEREST – CR SIMPSON

Cr Simpson declared a conflict of interest due to her membership of the Friends of Mount Wycheproof.

Cr Simpson left the Council Chamber at 7.59pm prior to the discussion of this item.

PURPOSE

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

SUMMARY

Presenting one application for the Sustainability Grants Program for the 2022/2023 Financial Year.

MOTION:

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

\$4,000 Sustainability Grant to Friends of the Mount

Moved: CR DAVID POLLARD

Seconded: CR GRAEME MILNE

CARRIED.

(R048/23)

Attachments: Nil

DISCUSSION

The following applications for funding are being put forth to Council for final decision.

This application was assessed by an assessment panel of three Council Staff from across the organisation, as per the Community Grant Guidelines as accepted by Council. The assessment Panel recommends the following grants for Council's consideration and final decision on the allocations.

Project:	Weed Control on Mount Wycheproof
Organisation:	Friends of Mount Wycheproof
Grant Type	Sustainability Grant
Amount Applied:	\$4,000
Funding Amount	\$4,000

Recommended:	
Full project cost:	\$6,000
Project Description:	Engage a contractor to undertake spot spraying of weeds on the Mt Wycheproof reserve, and some of the adjoining road reserves, to prevent the spread of invasive weed species on the mount. Cost for the contractor is \$1,250 per day, and the Friends of Mount Wycheproof will coordinate this in addition to monitoring the flora on the mountain and caring for the native plants to ensure that they are thriving. These works have been approved by the Environmental Compliance Officer.
Project Benefit:	The project's ultimate goal is the eradication of all invasive species on the mount, to enable the native flora to re-establish and flourish, linking strongly with the 'improving the natural environment' sustainability target area that this project will link into. Restoring this flora will enhance the environmental wellbeing of the mount, and will lead to more opportunities for tourism, and for the community to enjoy the native ecosystem on the mount.
Assessment Panel Scoring	Average score of 23 out of 30 All members of the panel recommended the project be funded for the full amount requested (\$4,000).

Community Grants, Sponsorship & Sustainability Fund					24/01/2023
2022-2023					
Organisation	Type	Date received	Amount in Application	Recommended \$	Granted by Council
Birchip Playgroup	Project Support Grant	15/11/2021	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Golf Club	Sponsorship	8/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Birchip P-12 School	Sponsorship	27/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Individual	Sponsorship	14/09/2022	\$ 500.00	\$ 500.00	\$ 500.00
Sea Lake Golf and Bowls Club	Project Support Grant	29/09/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Forum	Project Support Grant	8/09/2022	\$ 459.25	\$ 459.25	\$ 459.25
Wycheproof Caravan Park	Organisation Support Grant	4/10/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Charlton Xmas Fest	Project Support Grant	8/11/2022	\$ 1,850.00	\$ 1,850.00	\$ 1,850.00
Birchip Playgroup	Organisation Support Grant	15/11/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
MSA (approved by CEO)	Sponsorship Grant	16/11/2022	\$ 250.00	\$ 250.00	\$ 250.00
Birchip Business and Learning Centre	Project Support Grant	3/11/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Wycheproof Parental Advisory	Project Support Grant	11/11/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Wycheproof Lions Club	Project Support Grant	28/11/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Advance Sea Lake	Sponsorship	5/12/2022	\$ 250.00	\$ 250.00	\$250
Wycheproof Resource Centre	Project Support Grant	15/12/2022	\$ 2,000.00	\$ 1,563.58	
Mali Heart	Project Support Grant	23/11/2022	\$ 2,000.00	\$ 1,563.58	
Birchip Freeza	Project Support Grant	12/12/2022	\$ 2,000.00	\$ 1,563.58	
	Totals:		\$ 21,309.25	\$ 19,999.99	\$ 15,309.25
2022-2023	Sustainability Fund				
Organisation	Type	Date received	Amount in Application	Recommended \$	Granted by Council
Rex Theatre	Sustainability Grant	18/02/2022	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Charlton Park Sustainability	Sustainability Grant	5/10/2022	\$ 6,481.82	\$ 6,481.82	\$ 6,481.82
Birchip Early Learning Centre	Sustainability Grant	23/11/2022	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Friends Of the Mount	Sustainability Grant	30/11/2022	\$ 4,000.00	\$ 4,000.00	
	Totals:		\$ 30,481.82	\$ 26,481.82	\$ 26,481.82
February Community Grants Expenditure Summary					

RELEVANT LAW

Not Applicable

RELATED COUNCIL DECISIONS

Not Applicable

OPTIONS

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

SUSTAINABILITY IMPLICATIONS

One sustainability grant presented.

COMMUNITY ENGAGEMENT

Manager of Community Services or Community Development Officer engaged with each applicant listed.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable

COLLABORATION

Not Applicable

FINANCIAL VIABILITY

These applications for the 2022/23 Financial Year from the \$20,000 allocation for Community Grants and the Sustainability Fund \$50,000 allocation.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.
Community Grant Guidelines.
Community Engagement Policy.

TRANSPARENCY OF COUNCIL DECISIONS

Not Applicable

CONFLICTS OF INTEREST

No officers involved in this report have a conflict of interest.

Cr Simpson returned to Council Chamber at 8.01pm after this item had been addressed.

8.3 FINANCIAL REPORTS

8.3.1 FINANCE REPORT AS AT 31 DECEMBER 2022

Author's Title: Acting Manager Finance

Department: Corporate and Organisational Performance **File No:** FM/19/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To present to the Council the financial statements for the period ending 31 December 2022.

SUMMARY

The forecasted year-end surplus in the adopted budget was \$3.72m. The current forecasted year-end surplus remains similar at this early stage of the financial year at \$3.69m anticipating no significant capital project delays impacting capital grant income recognition.

Actual to Approved (Budget) reporting year-to-date includes timing variances which only relate to the months in which the income or expenditure is incurred. Timing differences are anticipated to be resolved throughout the financial year and not expected to impact the Full Year Forecast result. Any non-timing variances that are anticipated to impact the Full Year Forecast are discussed further below.

MOTION:

That Council:

1. Receives and notes the Financial Performance Report for the period ending 31 December 2022; and
2. Notes the statement by the Chief Executive Officer that a revised budget will not be required for the 2022-23 financial year.

Moved: CR DARYL WARREN

Seconded: CR BERNADETTE HOGAN

CARRIED.
(R049/23)

Attachments:

- 1 Quarterly Finance Performance Report December 2022
- 2 Capital Works Statement December 2022

DISCUSSION

Report:	Report explanation:	Year to date performance to Budget and Forecast outcome:
Income Statement	<p><i>The Income Statement provides a summary of the total income and total expenditure relating to Council's annual operations for the reporting period. Capital grant income is included in this statement, but any related expenditure is not reflected as this is reported as increased assets on the Balance Sheet. To exclude potential distortion of underlying operations in the Income Statement, capital income is reported separately to identify the Operating Net Surplus/(Deficit).</i></p>	<p>Operating result:</p> <ul style="list-style-type: none"> • Positive variance for Rates and charges from supplementary rates processed and Windfarm PILOR higher than budget following prior year output reconciliation process. • Positive variance for Grants – operating due to higher than expected FAG and additional non-recurrent grants in Community Development, Emergency Management and Roads. Additional grants related to TAC Road Safety, Agricultural Dependent Communities and Capability & Capacity Improvement (Roads Management). • Positive variance for Other Income due to Interest on Investments, Workcover reimbursements and settlement of Native vegetation removal action. • Positive variance for Employee Costs reflecting current underspend due to vacant substantive positions. • Negative variance in Material and services mostly due to expenditure related to additional non-recurrent grant expenditure (including the October Flood event), contractor back fill of vacant employment positions, director recruitment and engagement of Peter Maloney to fulfill infrastructure valuation requirements post VAGO audit. • Variances in Depreciation will be reviewed and confirmed during year-end processing following conclusion of capital projects. • Negative variation in Other expenses is mostly due to late payment of 2021-22 Recreational Reserve payments to Wycheproof and Sea Lake committees.
Income Statement (Continued)	<p><i>Prescribed expenditure of Capital Income is not included in the Income Statement, and this can distort the analysis of the financial performance which is better reflected by the Operating Net Surplus/(Deficit). Capital expenditure against capital grant income is provided in the Capital Work Program report and as additional assets on the balance sheet.</i></p>	<p>Capital Income:</p> <ul style="list-style-type: none"> • Timing of Capital Income is still to be confirmed in line with the milestone progress of capital projects. At this early stage of the year, all income is reported by default in June 2023. No significant anticipated capital project delays have been advised to date.
Balance Sheet	<p><i>The Balance Sheet summarises the value of Assets (what Council owns) and our Liabilities (what Council owes), and the difference between assets and liabilities (Net Assets or</i></p>	<ul style="list-style-type: none"> • Cash has decreased \$6.2m since 30 June reporting in accordance with our regular cycle pending the bulk of rate payments in February 2023. • The Cash balance includes \$6.2m of unearned grant income that is restricted to specified expenditure for the completion of capital projects.

	<i>Equity) reflects Council's net worth as at the end of the month reported.</i>	
Cashflow Statement	<i>The Cashflow Statement reflects actual results for the reporting period in line with statutory financial reporting.</i>	<ul style="list-style-type: none"> Approximately \$9.0m of cashflow has been used to support the capital works program year-to-date.
Cashflow Forecast	<i>The Cashflow Forecast is a projection of cashflow for the remainder of the year based on the month-end cash balance, the monthly budgets, specified timing parameters (such when BAS/super are due and quarterly rate receipts) and capital expenditure.</i>	<ul style="list-style-type: none"> Timing assumptions have been made regarding Capital project income and expenditure for 2022-23. While this is still being confirmed in accordance with capital project progression, all income and expenditure is reported in June 2023 by default.
Cashflow Chart	<i>The Cashflow Chart visually depicts the cashflow forecast and the updated format is illustrated in a dual design, based on best practice reporting.</i>	
Capital Works Program	<i>The Capital Works Statement lists the expenditure for each project incurred to date.</i>	<ul style="list-style-type: none"> The individual capital project budgets result in both capital assets and annual expenses depending on the nature of the assets acquired through the project under Australian Accounting Standards. The estimated outcome between operational and capital was reflected in the 2022-23 adopted budget. Approximately forty per cent of the capital project budgets expenditure has been engaged with suppliers to date.
Statement by the Chief Executive Officer	<i>CEO Statement Section 95 of the Local Government Act 2020</i>	<ul style="list-style-type: none"> Based on the analysis and review of the budget, actual year to date result and other known financial factors as at 31 December 2022, it is considered that a revised budget for the purposes of s95 of the Local Government Act 2020 is not required.

RELEVANT LAW

This report is consistent with the requirements of the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

The Council adopted its Annual Budget 2022-23 on 29 June 2022.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

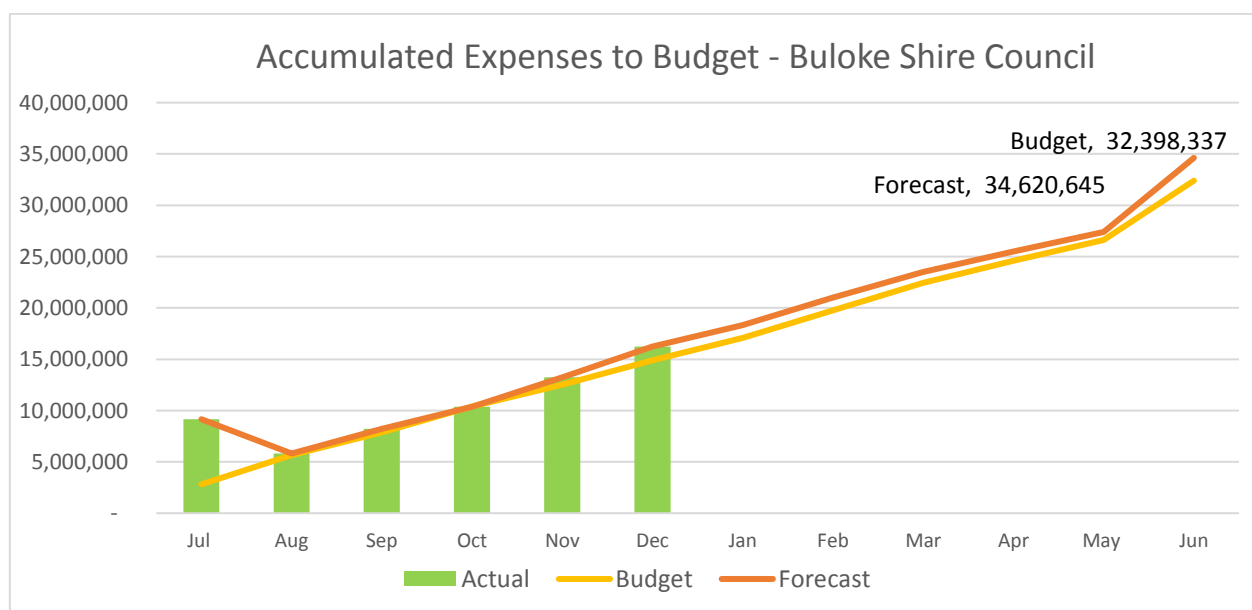
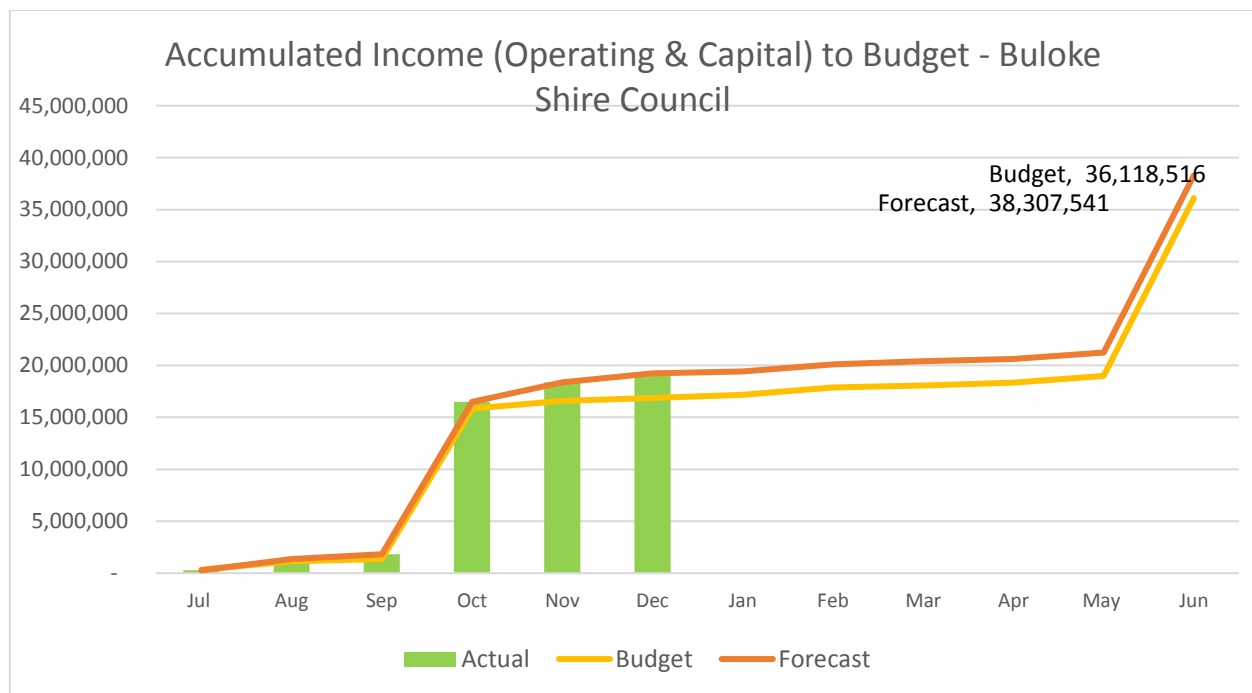
Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The tables below provide an overview of Council's financial performance against Adopted budget income and expenses at 31 December 2022.

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

Not applicable.

COUNCIL PLANS AND POLICIES

Council adopted its Annual Budget 2022/23 in June 2022. The Buloke Shire Council Plan 2021-25 outlines Council's commitment to providing clear and concise reporting on a quarterly basis to Council.

TRANSPARENCY OF COUNCIL DECISIONS

Financial reporting ensures the Council and the Buloke community are aware of financial implications of decisions and actions. Reporting Council's financial position allows the Council to monitor and respond to financial risk.

CONFLICTS OF INTEREST

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

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 provide Council an 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 an Annual Plan for the implementation of the strategic objectives in each subsequent financial year.

MOTION:

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

MOVED: CR GRAEME MILNE

SECONDED: CR DAVID POLLARD

CARRIED.
(R050/23)

Attachments: 1 Annual Plan - Year 2 Update

DISCUSSION

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

Council receives progress reports against the Year 2 Annual Plan throughout the financial year.

The report highlights a strong delivery against the Annual Plan, and the overarching Council Plan 2021-2025, despite the flood event in October 2022 placing significant strain on Council's internal resources.

Some of the highlights of the report are:

- Partnering with Birchip Cropping Group to deliver the Agriculture Resilience Project
- Strong progress against the Interim Economic Development and Tourism Strategy
- Adoption of the Advocacy Strategy
- Commencement of the Reconciliation Action Plan
- Publication of the Early Childhood Education and Childcare in Rural Areas document

- Submission to State Government for the 2026 Commonwealth Games

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

There are no sustainability implications.

COMMUNITY ENGAGEMENT

There was significant consultation undertaken in the development of the Council Plan 2017-2021, which is the basis of this document. Further actions have been developed through consultation with the community over the past two years. Many of the actions have a high level of community engagement.

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.

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 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

Nil

9. OTHER BUSINESS

9.1 NOTICES OF MOTION

Nil

9.2 QUESTIONS FROM COUNCILLORS

Nil

9.3 URGENT BUSINESS

Nil

9.4 ANY OTHER BUSINESS

Nil

9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

MOTION:

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

- 9.5.1 CONTRACT No. C114 2021/22 TENDER (g(ii)) private commercial information, being
EVALUATION PANEL REPORT information provided by a business,
commercial or financial undertaking that if
released, would unreasonably expose the
business, commercial or financial undertaking
to disadvantage

MOVED: CR BRONWYN SIMPSON

SECONDED: CR GRAEME MILNE

CARRIED.

(R051/23)

MOTION:

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*.

MOVED: CR DARYL WARREN

SECONDED: CR DAVID POLLARD

CARRIED.

(R053/23)

8.2.7 RESPONSE TO ELECTORAL STRUCTURE REVIEW PRELIMINARY SUBMISSION PERIOD

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **File No:**

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To seek direction from Councillors on a preferred electoral structure for the purpose of providing a submission to the Victorian Electoral Commission's Electoral Structure Review Preliminary Submission period.

SUMMARY

The Victorian Electoral Commission is assisting the Minister for Local Government in the administration of an Electoral Structure Review Process ahead of the 2024 local government elections. 39 councils, including Buloke Shire Council, have electoral structures that are not in alignment with the new *Local Government Act 2020* (the Act) and as such require their electoral structures to be brought in line with identified structures within the Act.

Buloke Shire Council is proposing a submission during the Preliminary Submission process of the Electoral Structure Review and three electoral structure options are explored in this report that are acceptable under the conditions stated in the Act, each with benefits and disbenefits.

Option 1 proposes a move to an unsubdivided structure with seven councillors. This would present a substantially changed electoral model to the communities of Buloke Shire Council however voter/councillor ratios would be relatively maintained as per the current structure.

Option 2 with three wards but reducing to six councillors, has the benefit of nuanced geographic focus for Councillors as well as generally maintaining existing ward structures that the community is familiar with, with the exception of Birchip township moving into the Mallee Ward.

Option 3 with four wards and eight councillors, while an acceptable structure, is unlikely to be supported by the Electoral Representation Advisory Panels due to a lower voter/councillor representation in comparison to similar sized councils. As such this is not recommended as a suitable option.

MOTION:

That Council provide a Preliminary Submission to the Electoral Representation Advisory Panel based on Option 2 that recommends Council move to a subdivided ward with three wards and six councillors to be elected at the 2024 local government elections.

MOVED: CR BERNADETTE HOGAN

SECONDED: CR DAVID POLLARD

MOTION LOST.

NO DIVISION CALLED FOR.

ALTERNATE MOTION:

That Council recommends that it provides a submission relating to Option 1 proposal for a move to an un-subdivided structure with seven councillors.

MOVED: CR DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.

R054/23

Attachments: 1 Preliminary Submission Options

DISCUSSION**Background**

Under the Local Government Act 2020 (the Act), the Minister for Local Government has formed two electoral representation advisory panels (ERAPs) to review electoral structures in local councils ahead of the October 2024 local council elections.

When it was introduced, the Act made several changes to local government representation, including changes to the types of electoral structures local councils may have. From October 2024, all metropolitan, interface and regional city councils must have single-councillor ward electoral structures. Large and small rural shire councils may have one of following three electoral structures:

- unsubdivided (large area with no wards),
- single-councillor wards, or
- multi-councillor wards with the same number of councillors per ward.

Currently, the structures of 39 of Victoria's 79 local councils do not meet the requirements of the Act. Appointed ERAPs must review these 39 and recommend appropriate electoral structures before the October 2024 elections. Councils have been clustered together generally in groups of four to facilitate the reviews. The groups are then spread across three rounds with the first round focused on rural shire councils.

Buloke Shire Council has been selected for review in Group 1 of Round 1 along with Gannawarra, Northern Grampians, and Yarriambiack Shire Councils. In this group, Buloke and Gannawarra Shires will be reviewed by ERAP 1, and Northern Grampians and Yarriambiack will be reviewed by ERAP 2.

Table 1: Electoral Representation Advisory Panels assigned to Round 1/Group 1 Councils:

Electoral Representation Advisory Panel		Round 1/Group 1 Councils
ERAP 1	<ul style="list-style-type: none"> - The Hon Frank Vincent, Chairperson - Liz Williams - Warwick Gately, Electoral Commissioner 	Buloke SC Gannawarra SC
ERAP 2	<ul style="list-style-type: none"> - Julie Eisenbise, Chairperson - Tim Presnell - Dana Fleming, Deputy Electoral Commissioner (EC Delegate) 	Northern Grampians SC Yarriambiack SC

Various rounds of consultation are being undertaken by the VEC across the various groups under consideration throughout this process. The first round of this consultation is a preliminary submission

period where councils and community can indicate their preferred structures to ERAPs for consideration based on local knowledge and experiences.

The VEC has indicated that there are a number of factors and special circumstances that the ERAPs will consider in the preparation of their recommendations to the Minister:

- nature and complexity of services provided by the council;
- geographic size and topography of the local council area;
- population and voter growth or decline;
- social diversity of the local council, including:
 - o cultural and linguistic diversity,
 - o socio-economic disparities, and
 - o the number of 'communities of interest' (defined as groups of people who share a range of common concerns or aspirations).

RELEVANT LAW

The *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

Options have been prepared in line with the available structures defined in the Act for Large and small rural shire councils.

For the purpose of providing a preliminary submission to the ERAPs three options are outlined in Attachment 1:

Table 2: Prepared Submission Options for Buloke Shire Council Preliminary Submission:

Option	Description
Submission Option 1	Unsubdivided Maintain Seven Councillors 5249 voters / 7 Councillors = 750 voters per Councillor
Submission Option 2	Subdivided - 3 Wards 6 Councillors 5249 voters / 6 Councillors = 875 voters per Councillor
Submission Option 3	Subdivided - 4 Wards 8 Councillors 5249 voters / 8 Councillors = 656 voters per Councillor

Each option has a number of benefits and disbenefits around several factors such as voter representation, level of councillor responsibilities and decision making, coverage of substantial distance, recognition of community identities and administration of wards and councillor remuneration:

Table 3: Prepared Submission Options for Buloke Shire Council Preliminary Submission:

Option	Summary of Benefits	Summary of Dis-benefits
Submission Option 1	<ul style="list-style-type: none"> - less administration around separate wards - all councillors are seen to represent all voters in municipality - Potential for higher voter participation across municipality at election (as compared to wards running unopposed) - Odd number of Councillors provides balance of power to a Council majority. 	<ul style="list-style-type: none"> - Advocacy from councillors may not be targeted to specific wards/communities - Diluted focus from councillors having to represent a large geographical area
Submission Option 2	<ul style="list-style-type: none"> - Councillors focus can remain on specific ward areas. - Advocacy on ward-based issues likely increased. - Ward boundaries remain similar to current ward structure, with the exception of Birchip proposed for move into Mallee Ward. - Status quo remains in terms of ward administration and Councillor remuneration 	<ul style="list-style-type: none"> - An even number of councillors provides balance of power to Mayor who would hold a deciding vote in the event of a tie. - Lower voter representation with reduction in number of councillors compared to current structure.
Submission Option 3	<ul style="list-style-type: none"> - Councillors focus can remain on specific ward areas - Advocacy on ward-based issues likely increased. - Increased voter representation from increase in councillors compared to current structure - New ward structures may encourage increased diversity in ward-based community engagement. 	<ul style="list-style-type: none"> - When compared to similar Council structures, voter/councillor ratio would be very low and unlikely to meet consistency requirements - Increase in Councillor remuneration costs - Increased ward-based administration. - Ward structure changes will be new to communities who may identify with current ward structure.

Given Option 3 is unlikely to be supported by the ERAP due to a lower voter/councillor representation in comparison to similar sized councils (700-1300 voters per councillor on average compared to 656 voters per councillor in Option 3) this is not recommended as a suitable option.

Option 1, moving to unsubdivided, would present a substantially changed electoral model to the communities of Buloke Shire Council however voter/councillor ratios would be relatively maintained.

Option 2 has the benefit of nuanced focus for Councillors from a geographic sense as well as generally maintaining existing ward structures that the community is familiar with, with the exception of Birchip township moving into the Mallee Ward.

SUSTAINABILITY IMPLICATIONS

Not Applicable

COMMUNITY ENGAGEMENT

Communities are able to openly engage in this process via the VEC's webpage and public submission process. Media and communications plans have encompassed newspaper and social media.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable.

COLLABORATION

Not Applicable.

FINANCIAL VIABILITY

Not Applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Not Applicable.

TRANSPARENCY OF COUNCIL DECISIONS

Not Applicable.

CONFLICTS OF INTEREST

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

10. MEETING CLOSE

Meeting closed at 8:41pm.