



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 9 February 2022**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

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



**4. REQUESTS FOR LEAVE OF ABSENCE**

Cr Vis has requested an extension to his current leave of absence to 9 March 2022, for personal family reasons.

**MOTION:**

Council to approve Cr Vis request for extension of leave until 9 March 2022.

**MOVED: CR DARYL WARREN**

**SECONDED: CR DAVID POLLARD**

**CARRIED.  
(R007/22)**

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

There were no declarations of interest.

**6. QUESTIONS FROM THE PUBLIC**

NIL

**7. PROCEDURAL ITEMS**

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The Meeting may be closed to members of the public to consider confidential matters.

8.6.1	C109 2021/22 - LOCAL ROAD RECONSTRUCTION - NULLAWIL-BIRCHIP ROAD AND SEA LAKE-LASCELLES ROAD SECTION	
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8.6.2	LEASE MT WYCHEPROOF RESERVE - BULOKE SHIRE COUNCIL AND TELSTRA CORPORATION LIMITED	
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If the meeting has been closed it will be brought back into open session by resolution

## 9. OTHER BUSINESS

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NIL

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NIL

## 10. MEETING CLOSE

### NEXT MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 9 MARCH 2022 AT 7:00PM.

**Wayne O’Toole**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

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

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

**MOTION:**

That the Council note the report of Councillor Assembly Meetings held on 1 and 15 December 2021.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R008/22)**

**Attachments:**

- 1 Councillor Briefing Record - 1 December 2021
- 2 Councillor Briefing Record - 15 December 2021

**KEY POINTS/ISSUES**

Transparency is a fundamental principle of democratic governance.

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

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

As per the Council Meeting Schedule adopted 10 November 2021, 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 1 and 15 December 2021 is attached for public information.

## 7.2 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

### PURPOSE

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

### MOTION:

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

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R009/22)**

**Attachments:** Nil

### TABLE OF CORRESPONDENCE

Council Initiative	Sent/to be sent to	Sent	Response	Purpose of Letter/Response
Write to local Federal member and State members expressing concern for people who are sitting outside the legal status of vaccination currently in place. Urging for a review.	Ms Louise Staley MLA	20/12/21	23/12/21	Acknowledged Councils proactive work to unite the Shire. Advised that the National Liberals have been calling for consistent National Cabinet approach to mandate vaccines and passports, however the Andrews Government has flagged the retention of vaccine passports until 2023. Will continue to address inequities and call on the State Government to address the issues impacting our community.
Above letter	Mr Stuart Grimley MLC	20/12/21	22/12/21	Acknowledged letter and will look into it further.
Above letter	Mrs Beverley McArthur MLC	20/12/21		
Above letter	Ms Ali Cupper MLA	20/12/21		
Above letter	Dr Anne Webster MP	20/12/21		

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

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

#### PURPOSE

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

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

#### MOTION:

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

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR DAVID POLLARD

**CARRIED.**

**(R010/22)**

**Attachments:** Nil

#### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Donald High School	Nathan Donnellan	December 2021	Achieving School Dux for 2021
Charlton College	Angus Jablonka	December 2021	Achieving School Dux for 2021
Birchip P-12 College	Kelsey Atkinson	December 2021	Achieving School Dux for 2021
Tyrrell College Sea Lake	Kristopher Stevens	December 2021	Achieving School Dux for 2021
Wycheproof P-12 College	Amelia Ison	December 2021	Achieving School Dux for 2021
Donald 2000 Inc	Anthony "Tony" Goode	26 January 2022	2021 Citizen of the Year for Donald and District Community
Charlton Forum	Kaylene Cossar	26 January 2022	2021 Citizen of the Year for Charlton and District Community
Birchip Community Forum Inc	Julie Coffey	26 January 2022	2021 Citizen of the Year for Birchip and District Community
Advance Sea Lake Inc	Graham Jolly	26 January 2022	2021 Citizen of the Year for Sea Lake and District community

<b>Provider</b>	<b>Recipient</b>	<b>Date</b>	<b>Purpose for Recognition</b>
WycheAlive Inc	Eddie Molloy	26 January 2022	2021 Citizen of the Year for Wycheproof and District Community
Charlton Forum	Tessa Fitzpatrick	26 January 2022	2021 Young Citizen of the Year for Charlton and District Community
Advance Sea Lake	James and Matthew Isherwood	26 January 2022	Joint 2021 Young Citizens of the Year for Sea Lake and District Community
University of Southern Queensland	Kelvin Getley		Graduating with University of Southern Queensland with a PhD in Astronomy
La Trobe University Bundoora	Georgia Lee	20 December 2021	Graduating with Bachelor of Applied Science, Masters of Physiotherapy Practice
La Trobe University Bundoora	Laura Phelan	20 December 2021	Graduating with Bachelor of Applied Science, and Masters of Occupational Therapy Practice

## 7.4 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

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

### PURPOSE

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

### MOTION:

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

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**

**(R011/22)**

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PPA928/21	2 Campbell Street, Birchip (Lot 6, 7, 8 & 9 PS 058023)	13/05/2021	Development of land for a service station (fuel cell), construct and display a business identification sign and alter access to Road Zone, Category 1	Report to Council
PPA936/21	Calder Highway, Woosang (Lot 5 PS 896969)	26/07/2021	Two lot subdivision of land, use and development of land for a single dwelling and create or alter access to Road Zone, Category 1	Permit issued
PPA945/21	5 Woods Street, Donald (Lot 1, 2 & 3 PS 895619)	03/09/2021	Use and development of land for a service station, construct and display a business identification sign	Permit issued
PPA946/21	95 Railway Avenue, Sea Lake (Lot 2 PS 08935)	03/09/2021	Use and development of land for a service station, construct and display a business identification sign	Permit issued

<b>Application No</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PPA947/21	80 Horace Street, Sea Lake (Lot 1 PS 885043)	10/09/2021	Construct and display a major promotion sign	Permit issued
PPA955/21	645 Fawcetts Road, Wycheproof (CA 14 & 14A Sec A Parish of Bunguluke)	12/10/2021	Three lot subdivision of land (boundary realignment and dwelling excision)	Report to Council
PPA956/21	22 Racecourse Road, Donald (Lot 7 PS 705962)	13/10/2021	Construction of a machinery storage shed associated with existing food production facility	Permit issued
PPA957/21	25 Napier Street, Donald	13/10/2021	Construction of a shed for machinery and equipment storage	Permit issued
PPA958/21	Borong Highway, Gil Gil (CA 2 Sec 5 Parish of Banyenong)	19/10/2021	Application to amend PPA765/18A to increase patron capacity to 7000 and extend permit by one year	Permit issued
PPA959/21	32 Sherwood St, Birchip (Lot 1 & 2 PS 441413)	28/10/2021	Two lot subdivision of land (boundary realignment)	Permit issued
PPA962/21	39 Corack Road, Donald (Lot 1 & 2 PS 216306M)	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	Objections
PPA963/21	469 Borong-Charlton Road, Charlton (CA 19 Sec B Parish of Charlton)	18/11/2021	Construction of a machinery shed	Permit issued
PPA964/21	Buloke Shire Council	30/11/2021	Native vegetation removal for the development of land for a wetland reserve and walking track	Permit issued
PPA965/21	151-157 Horace Street, Sea Lake (Lot 1 PS218116)	29/11/2021	Replacement signage at existing service station	Awaiting report
PPA966/21	166-186 High Street, Charlton (Lot 1 PS45146)	29/11/2021	Replacement signage at existing service station	Awaiting report
PPA967/21	11 Corack Road, Wycheproof (Lot 1 PS658906)	02/12/2021	Use and development of land for the construction of a single dwelling and associated shed	Notice of application Referral
PPA968/21	Donald-Swan Hill Road, Corack East (CA 1 Sec C Parish of Corack East)	10/12/2021	Installation of solar panels on roof of Corack Public Hall	Notice of application
PPA969/21	18 Sproats Lane, Donald (Lot 5 PS 76601)	16/12/2021	Two lot subdivision of land	Awaiting report
PPA970/22	5-27 Anderson Avenue, Wycheproof (Lot 2 PS 63654)	28/12/2021	Three lot subdivision of land (boundary realignment)	Notice of application Referral
PPA971/22	407 Walsh and Arnolds Road, Culgoa (Lot 2 PS 61832)	10/01/2021	Construction of a domestic shed	Permit issued

## 8. GENERAL BUSINESS

### 8.1 POLICY REPORTS

#### 8.1.1 INFORMATION PRIVACY POLICY

**Author's Title:** Acting Director Works and Technical Services

**Department:** Works and Technical Services

**File No:** CM|14|17

**Relevance to Council Plan 2021 - 2025**

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

#### PURPOSE

To present the revised Information Privacy Policy (Policy) for adoption.

#### SUMMARY

The *Privacy and Data Collection Act 2014* (Act) requires Victorian public sector organisations to comply with the 10 privacy principles governing the collection, management, use and disclosure of personal information. It is a requirement to have a policy which sets out the Council's management of personal information.

#### MOTION:

That Council adopt the Information Privacy Policy

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R012/22)**

**Attachments:** 1 Information Privacy Policy

#### DISCUSSION

The Council, in undertaking a wide variety of functions and obligations, collects personal information from residents, rate payers and the general public.

Council's Policy sets out the framework for the management of personal information in accordance with the 10 privacy principles set out under the Act. Any information, excluding health records, received by the Council is handled in accordance with the Policy.

The current Policy has been reviewed and updated to include a provision to enable disclosure of information to other government or infrastructure agencies for the purpose of consulting with landowners when works may impact their properties, or to facilitate consultation.

**RELEVANT LAW**

The Council uses, discloses and holds information it collects in accordance with the Act. The policy is not intended to cover health information which is collected, stored and managed in accordance with the *Health Records Act 2001*.

**RELATED COUNCIL DECISIONS**

The first iteration of the Policy was adopted by the Council in July 2019.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

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

The Policy provides for release of landowner information to government agencies to enable them to undertake their statutory functions and powers.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Policy has been written in accordance with Information Privacy Principle 5 (Openness) which states that an organisation must set out in a document the clearly expressed policies on the organisations management of personal information. The document must be available to anyone who requests it.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to declare in relation to this Report or the Policy.

## 8.1.2 FRAUD AND CORRUPTION REPORTING POLICY

**Author's Title:** Acting Director Works and Technical Services

**Department:** Works and Technical Services

**File No:** CM|14|18

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

To present the Fraud and Corruption Reporting Policy to the Council for adoption.

### SUMMARY

The Council has a firm ongoing commitment to maintaining the highest standards of ethics and accountability in undertaking its functions and obligations. The attached Policy clearly identifies the responsibilities of Works to mitigate fraud and corruption risks, the avenues by which suspected fraudulent and corrupt behaviour can be reported and the process of investigating any allegations received in relation to such behaviour.

### MOTION:

That Council adopt the Fraud and Corruption Reporting Policy.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R013/22)**

**Attachments:** 1 Fraud and Corruption Reporting Policy

### DISCUSSION

The Council's fraud and corruption control and reporting framework aims to support Council's ongoing commitment to protecting Council property, assets and public money against internal and external fraud and corruption.

The Policy forms part of this framework and includes and defines key elements and principles relating to:

- Expected standards of legal, ethical and moral behaviour
- Organisational culture, including controls which effectively mitigate fraud and corruption
- Natural justice, and
- Compliance obligations with the *Public Interest Disclosure Act 2012* and the Councils Public Interest Disclosure Policy and procedures.

The Policy sets the requirement for a review of Council's fraud and corruption reporting framework every 2 years.

**RELEVANT LAW**

The Policy addresses a number of legislative and regulatory requirements. Reference to specific legislation, regulations and instruments are made within the Policy.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

The Policy will assist Council to give effect to the financial management principles under the *Local Government Act 2020*, as well as support its ongoing commitment to accountability and transparency. The Policy aims to reduce costs associated with insurance premiums by appropriately and proactively managing and mitigating fraud and corruption risks.

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

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to declare in relation to this Report or the Policy.

## 8.2 MANAGEMENT REPORTS

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

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

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

**Relevance to Council Plan 2021 - 2025**

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

#### PURPOSE

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

#### SUMMARY

A Planning permit application has been received by Council on the 13 May 2021 for the use and development of land for a service station (fuel cell) at 2 Campbell Street, Birchip. The proposal includes a sign and creating new access to Campbell Street. The facility will be unstaffed, customers will be able to pay for their fuel by using the self-service console integrated into the proposed fuel cell. It will be available for use 24 hours per day, seven days a week.

**Mr Phil Harnett – Senior Consultant URPS – spoke on behalf of applicant, giving overview of project and outlining workings involved in project .**

**Mr Smith – Birchip resident, Mr Neeld Birchip resident, and Cr Milne (on behalf of Sunraysia Highway Committee) each outlined objections to the project.**

#### RECOMMENDATION:

That Council having caused notice of Planning Application No. 928/21 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-1, 34.01-4, 52.05-11 and 52.29-2 of the Buloke Planning Scheme in respect of the land known and described as 2 Campbell Street, Birchip (Lots 6, 7, 8 & 9 LP058023) for the use and development of land for a service station (fuel cell), construct and display a business identification sign, and alter access to a Road Zone, Category 1, in accordance with the endorsed plans, with the application dated 13/05/2021, subject to conditions.

**Moved:** CR DAVID POLLARD

**Seconded:** CR DARYL WARREN

**TWO – IN FAVOUR  
THREE – AGAINST.**

**A Division was requested. The result of the voting was:**

**For:** Cr David Pollard and Cr Daryl Warren

**Against:** Cr Alan Getley, Cr Graeme Milne and Cr Bronwyn Simpson

**MOTION WAS LOST.**

**Attachments:** Nil

## DISCUSSION

A planning permit application was received by Council on the 13 May 2021 for the use and development of land for a service station (fuel cell) at 2 Campbell Street, Birchip. The proposal includes a sign and creating new access to Campbell Street. The facility will be unstaffed, customers will be able to pay for their fuel by using the self-service console integrated into the proposed fuel cell. It will be available for use 24 hours per day, seven days a week.

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

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

The proposed use and development include:

- Removal of all structures and vegetation on the site except for the north and east boundary fencing, and Lemon Scented Gum on the east boundary
- Placement of an above-ground fuel-cell (tank). The tank will be 12.19m in length, 2.43m in width and a total height of 2.89m.
- Provision of a canopy over the proposed tank and re-fueling area. The canopy will be 10.01m in length and 5.233m in width. It will have a total height of 6m. Two led down lights will be recessed in the underside of the canopy, directly above the pumps.
- The tank and canopy constructed in a T formation, with the centreline of the setback 24.5m from the Taverner Street (east) boundary and 10m from the Campbell Street (south) boundary.
- Remove 2x street trees in nature strip along Campbell Street frontage.
- Construct 2x crossovers along Campbell Street frontage.
- Provision of a business identification and advertising sign. It will:
  - be attached to the ground with all fixings concealed,
  - have a total width of 1.2m and height of 2.4m,
  - be double sided with a total area of 5.76sqm (2.88sqm on each side), and
  - be partly internally illuminated, featuring the company logo and price-board to advertise the fuel available

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

- implement the Municipal Planning Strategy and the Planning Policy Framework.

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

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

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

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

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

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

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

*A permit is required for an internally illuminated sign with a display area exceeding 1.5 m<sup>2</sup>*

### **Planning Policy Framework**

#### **Clause 13.04-1S Contaminated and Potentially Contaminated Land**

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

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

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

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

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

**Clause 13.051S Noise Abatement**

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

*It is considered by Council that the noise generated by the refuelling activities will not significantly affect the amenity of the immediate area. Although the facility will be available 24 hours, refuelling activity during the night hours will most likely be sporadic.*

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

**Clause 13.06-1S Air Quality Management**

Objective – to assist the protection and improvement of air quality

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

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

**Clause 13.07-1S Land Use Compatibility**

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

**Clause 13.07-1L-01 Amenity Protection – General**

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

*The proposed land use is compatible with the purpose of the Commercial 1 Zone to create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses. Off-site impacts are not inconsistent with a commercial use in commercial zone. Appropriate measures can be utilised to mitigate off site impacts, for example appropriate screening for light spill.*

**Clause 14.02-2S Water Quality**

Objective – to protect water quality

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

*The remainder of the site should not produce contaminated stormwater.*

**Clause 15.01-1S and 15.01-1L Urban Design**

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

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

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

**Clause 15.01-2S and 15.01-2L-01 Building Design**

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

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

**Clause 15.03-1S Heritage Conservation**

Objective - to ensure the conservation of places of heritage significance

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

**Clause 17.01-1S Diversified Economy**

Objective – to strengthen and diversify the economy

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

**Clause 17.02-1S Business**

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

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

**Clause 18.02-3S Road System**

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

*The proposal makes use of the existing road infrastructure.*

**Clause 19.02-6S Open Space**

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

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

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

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

There is some potential for an impact on the amenity of the area. It is considered that the impact on the amenity will not be significant. The facility will be available 24 hours a day but is considered that in the context of the population of Birchip and the nature of the demand that the majority of the use of the facility will not cause significant detriment to local amenity. Traffic accessing and exiting the site will be slow moving and have good visibility allowing for road safety.

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

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

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

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

**RELEVANT LAW**

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

**RELATED COUNCIL DECISIONS**

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

**OPTIONS**

Council has the option to issue a Notice to Refuse.

**SUSTAINABILITY IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT**

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

- Sending nine notices to the owners and occupiers of adjoining land;
- Placing two signs on site; and
- Notice in Buloke Times Newspaper, 24 August edition.

The notification has been carried out correctly.

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

- Road safety concerns, close to main intersection of Campbell Street and Cumming Avenue; and
- No need for another fuel outlet in town, not enough demand. (Commercial and competition issues are not a planning concern.)

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable

**COLLABORATION**

External Referrals/Notices Required by the Planning Scheme:

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

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

**FINANCIAL VIABILITY**

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

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

Please see policy discussion at Discussion section of this report.

**COUNCIL PLANS AND POLICIES**

Not applicable to 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.

## **8.2.2 PLANNING PERMIT APPLICATION 955/21 – THREE LOT SUBDIVISION (RURAL DWELLING EXCISION AND BOUNDARY REALIGNMENT) – 645 FAWCETTS ROAD, WYCHEPROOF.**

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** LP/13/03

**Relevance to Council Plan 2021 - 2025**

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

### **PURPOSE**

For Council to consider the information in this report and, as the Responsible Authority, resolve to grant or refuse the planning permit application.

### **SUMMARY**

A planning permit application has been received by Council on the 12 October 2021 for a three-lot subdivision at 645 Fawcetts Road Wycheproof. The subdivision will create a lot for the rural dwelling and realign the existing allotment boundary to create two large agricultural land allotments of a more equal size. The subdivision will create Lot 1 being 6.36 hectares containing the existing dwelling, outbuildings, and a lightly timbered area included as a buffer zone to farming operations. The realigning of the allotment boundary will create Lot 2 being 262.7 hectares and Lot 3 being 284.9 hectares.

This application has come to Council as the responsible authority as the proposed rural dwelling excision lot of 6.36 hectares is larger than the maximum size of 2 hectares in the Buloke Planning Scheme policy guidelines for rural dwelling excision lots.

### **MOTION:**

That Council having caused notice of Planning Application No. 955/21 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of 35.07-3 and 44.04-3 of the Buloke Planning Scheme in respect of the land known and described as 645 Fawcetts Road, Wycheproof (CA 14 & CA14A, Section A, Parish Bunguluke) , for the three - lot subdivision (boundary realignment and dwelling excision) in accordance with the endorsed plans, with the application dated 12 October 2021, subject to conditions.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR DAVID POLLARD

**CARRIED.  
(R014/22)**

**Attachments:** 1 PPA955/21 Fawcetts Rd., three lot subdivison

**DISCUSSION**

The property 645 Fawcetts Road is zoned Farming Zone (FZ). The Land Subject to Inundation Overlay (LSIO) affects approximately 30% of the property running in a north-south strip through the centre of the property. The proposed allotment containing the dwelling is not affected by the LSIO. The property consists of dryland farming and grazing land, and the existing dwelling, outbuilding and farm sheds. The property is located within an area of dryland farming and grazing land and consists of typical agricultural allotments found in the locality. The eastern boundary of the property adjoins the railway line and the Calder Highway. The nearest dwelling in separate ownership is 800 metres to the south east. The property is located 5 kilometres north of the township of Wycheproof.

The proposed allotment containing the dwelling is accessed from Fawcetts Road. Access to the dwelling is all weather access.

The property 645 Fawcetts Road, Wycheproof is zoned Farming Zone. The purpose of the Farming Zone is to:

- implement the Municipal Planning Strategy and the Planning Policy Framework.
- provide for the use of land for agriculture.
- encourage the retention of productive agricultural land.
- ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- encourage the retention of employment and population to support rural communities.
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- provide for the use and development of land for the specific purposes identified in a schedule to this zone.

*Under Clause 35.07-3 a planning permit is required to subdivide land in the Farming Zone (FZ). The minimum subdivision area is 100 hectares. A permit may be granted for smaller lots if the subdivision is to create a lot for an existing dwelling and/or if the subdivision is the re-subdivision of existing lots.*

The Land Subject to Inundation Overlay applies to a portion of the subject land. The purpose of the Land Subject to Inundation Overlay is to:

- implement the Municipal Planning Strategy and the Planning Policy Framework.
- identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- 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.
- minimise the potential flood risk to life, health and safety associated with development.
- reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.
- protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

*Under Clause 44.04-3 a planning permit is required to subdivide land.*

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

#### **Clause 12.01-2S Native Vegetation Management**

Objective – is to ensure no net loss to biodiversity as a result of the removal of native vegetation.

*Vegetation will be retained around the existing dwelling. The retention of native vegetation may be enhanced by the occupation of the dwelling. No native vegetation will be removed.*

#### **Clause 13.02-1S Bushfire planning**

Objective – is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

*It is not considered that the subdivision will contribute to increased bushfire risk. No new land uses are being proposed that introduce increased risk of bushfire. There are existing water tanks in proximity of the dwelling that can be utilised for firefighting purposes.*

#### **Clause 13.07-1L-01 Amenity Protection - General**

Objective – to encourage use and development without compromising residential amenity or agricultural land use.

*The proposed subdivision incorporates a buffer zone to the extent that the dwelling will not be significantly affected by agricultural operations and the agricultural land use will be unaffected by the dwelling. The dwelling will not affect the productive capacity of the farming land.*

#### **Clause 14.01-1S Protection of agricultural land**

Objective – to protect the state’s agricultural base by preserving productive farmland.

*No productive farmland will be removed from the state’s agricultural base. All land currently being used for agricultural production will be incorporated into proposed lots 2 and 3 and will continue to be farmed. The agricultural land use will be unaffected by the dwelling. The dwelling will not affect the productive capacity of the farming land.*

#### **Clause 14.01-1L-01 Protection of agricultural land**

This policy contains strategies to:

- retain agricultural land in productive units,
- maintain land use patterns of large, viable lots for broad acre cropping and
- discourage the fragmentation of agricultural land.
- discourage use and development in the Farming Zone that:
  - Alienates agricultural resources.
  - Is sensitive to off-site effects from agriculture such as sprays and odour.
  - Lessens the capacity of essential infrastructure.
  - Prejudices agricultural resources and agricultural production.
- provide buffers on the subject site for proposals that are potentially sensitive to normal activities in agricultural areas.

*The proposed boundary realignment and dwelling excision retains the farming land in two large productive viable lots. The land is not fragmented as the proposed subdivision reflect the existing land uses. The proposed subdivision incorporates a buffer zone to the extent that the dwelling will not be*

*significantly affected by agricultural operations and the agricultural land use will be unaffected by the dwelling.*

#### **Clause 14.01-1L-03 Small lot subdivision**

This policy applies to applications for subdivision in the Farming Zone of less than 100 hectares where lots are created under the excisions provisions of the Farming Zone. Strategies include:

- Discourage the excision of dwellings that have the potential to restrict agricultural production on adjacent land.
- Maintain an adequate distance within the excised lot around the dwelling to reasonably limit any likely impacts of adjacent agricultural activity.
- Discourage the excision of more than one house lot from a rural property.

*The proposed dwelling excision is consistent with the small lot subdivision policy.*

Under policy guidelines Council are to consider as relevant:

- Rural dwelling excisions to have a maximum size of 2 hectares.
- If dwelling is in a habitable condition and able to comply with the Building Code of Australia.
- The planting of vegetation within the excised lot to reduce any potential impacts.

*The proposed rural dwelling excision allotment is larger than the maximum size of 2 hectares as lot 1 is proposed to be 6.36 hectares. Council planning officers believe the size of the allotment is appropriate as the allotment contains outbuildings and trees and provides a suitable buffer zone to separate the dwelling from any potential effects of farming operations. The dwelling allotment does not remove any farming land from agricultural production and allows an area for a future owner/occupier to plant trees. Council planning officers have conducted an onsite inspection and consider that the existing dwelling is able to comply with the Building Code of Australia.*

The proposal is consistent with the purpose of the zone, providing for the retention of employment and population, protecting the productive agricultural land, and ensuring that the dwelling does not adversely affect the use of the land for agriculture.

There will be no significant negative effect on the amenity of the immediate locality. The subdivision will not cause or contribute to land degradation, salinity or reduce water quality.

No native vegetation is proposed to be removed.

It is not considered that there will be changes to the risk of flood, erosion or fire hazard.

The land is suitable for the subdivision as it reflects the existing land uses, being the dwelling and the agricultural land. The allotment created for the dwelling has access to services and all-weather access.

The proposal will not lead to a proliferation of dwellings in the area as it is against policy to subdivide land in the farming zone into lots of less than 100 hectares.

#### **RELEVANT LAW**

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

#### **RELATED COUNCIL DECISIONS**

No previous planning applications have been received for this property.

**OPTIONS**

Council may resolve to refuse the application for a planning permit if Council considers the granting of a permit may prejudice agricultural resources and agricultural production on the adjacent land.

**SUSTAINABILITY IMPLICATIONS**

There are no significant sustainability implications. No native vegetation is affected as part of the subdivision. There is an existing septic system and there is adequate land area available to treat and retain sewerage on site in accordance with State Environment Protection Policy. Rainwater tanks are installed on site for potable water.

**COMMUNITY ENGAGEMENT**

Public notice of the application was given in accordance with Section 52 of the Act. A notice was placed in the locally circulating newspaper. The application was available to view on Council's webpage.

No objections were received in relation to the application.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

The Application was referred to the appropriate bodies under Section 52 and Section 55 of the Act.

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	North Central Catchment Management Authority - consent
Section 52 notices	GWMWater - no objection subject to supplied condition Powercor - no objection subject to supplied conditions

Internal Council Referrals	Advice/Response/Conditions
n/a	n/a
n/a	n/a

**FINANCIAL VIABILITY**

Not applicable.

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

Please see policy discussion at Discussion section of this report.

**COUNCIL PLANS AND POLICIES**

Please see policy discussion at 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 WYCHEPROOF RECREATION AND RACECOURSE RESERVE MASTER PLAN

**Author's Title:** Manager Facilities and Projects

**Department:** Works and Technical Services

**File No:** PR/17/03

**Relevance to Council Plan 2021 - 2025**

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

#### PURPOSE

The purpose of this report is that Council consider and adopt the Wycheproof Recreation and Racecourse Reserve Master Plan.

#### SUMMARY

Many facilities at the Wycheproof Recreation and Racecourse Reserve site are nearing the end of their lifecycle, and require strategic decision-making and investment over coming years.

The Wycheproof Recreation and Racecourse Reserve Master Plan was developed in close consultation with the community, via community surveys, listening posts, workshops with user groups and Council staff, and one-on-one phone calls with key stakeholders. Councillors also attended a walk-through of the site in December of 2022. This report intends to present the Wycheproof Recreation and Racecourse Reserve Master Plan to Council for consideration and endorsement.

#### MOTION:

That Council:

1. Adopt the Wycheproof Recreation and Racecourse Reserve Master Plan; and
2. Authorises the Chief Executive Officer to seek funding opportunities for the implementation of the Wycheproof Recreation and Racecourse Reserve Masterplan

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R015/22)**

;

**Attachments:**

- 1 Wycheproof Recreation and Racecourse Reserve Masterplan - Background report
- 2 Wycheproof Recreation and Racecourse Reserve Masterplan - Summary

#### DISCUSSION

Sport and active recreation, as a participant, a volunteer or a spectator, plays a major role in the lives of many people in Wycheproof. It provides opportunities for physical fitness, social interactions, enjoyment and the creation of town pride.

A twelve-year strategic master plan has been prepared with input from user groups, Buloke Shire Council staff, a variety of key stakeholders including Government agencies and State sporting associations, and the broader community to ensure that Wycheproof Recreation and Racecourse Reserve can continue to cater for the existing needs of the community, and the future demands placed upon it.

This strategic master plan identifies a number of priorities that the Wycheproof community believes are of critical importance in ensuring sustainability and the continuation of quality sport and active recreation opportunities. The Wycheproof community will use this strategic master plan to guide their decision making in relation to infrastructure developments over the next twelve years.

Proposed developments at Wycheproof Recreation and Racecourse Reserve have been identified and prioritised, based on a number of factors including their alignment with the vision and planning principles identified for the site. The vision for the reserve is, Wycheproof Recreation and Racecourse Reserve: The active heart of our town. The master plan also identifies opportunities to expand the diversity of active recreational opportunities available on site, as well as the interaction and connectedness of the site with the Wycheproof Wetlands, Mount Wycheproof, Wycheproof Caravan Park, and the new play space to be built in Centenary Park.

#### **RELEVANT LAW**

Not Applicable

#### **RELATED COUNCIL DECISIONS**

This masterplan was funded through Council's 2021/2022 Annual Budget which was adopted in June 2021.

#### **OPTIONS**

Not Applicable

#### **SUSTAINABILITY IMPLICATIONS**

Officers have considered environmental sustainability when establishing key design principles in the preparation of this masterplan.

#### **COMMUNITY ENGAGEMENT**

The Wycheproof Recreation and Racecourse Reserve Master Plan was developed in close consultation with the community via community surveys, listening posts, workshops with user groups, and one-on-one phone calls with key stakeholders.

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

Council Officers have considered the long-term sustainability of both the built and natural environment in the preparation of this Master Plan.

#### **COLLABORATION**

Council Officers have collaborated internally cross-departmentally, with external consultants, State Government agencies and State Sporting Associations in the preparation of the Wycheproof Recreation and Racecourse Reserve Masterplan.

#### **FINANCIAL VIABILITY**

The intention of this plan is to have a twelve-year implementation period, spanning three Council terms, and aims to seek external funding, and partner with other organisations and the community to achieve the outcomes. The design principles adopted in this plan consider co-location of user groups at facilities to ensure maximum value is realised from the assets identified in the plan.

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

This plan responds to the facility guidelines of the relevant State Sporting Associations including but not limited to AFL Victoria, Netball Victoria, Bowls Victoria, Hockey Victoria and Tennis Victoria.

**COUNCIL PLANS AND POLICIES**

This plan addresses many of Council's existing plans and strategies, including:

- Wycheproof Community Plan
- Buloke Inclusiveness Plan
- Long-Term Community Vision and Council Plan 2021 -2025

**TRANSPARENCY OF COUNCIL DECISIONS**

Council will consider this report in the section of the meeting which is open to the public.

**CONFLICTS OF INTEREST**

No Officer in the preparation of this report has a conflict of interest to declare.

## 8.2.4 DRAFT AUDIT AND RISK COMMITTEE MEETING MINUTES 1 DECEMBER 2021

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

**Department:** Corporate Services

**File No:** FM/02/09

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

To provide Council with the draft minutes of the Audit and Risk Committee Meeting held on 22 September 2021.

### SUMMARY

The draft Audit and Risk Committee minutes are attached for the information of Council.

### MOTION:

That Council notes the draft Minutes of the Audit and Risk Committee meeting held on 22 September 2021.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R1015/22)**

**Attachments:** 1 Draft Minutes Audit and Risk Committee Meeting 1 Dec 2021

### DISCUSSION

The Audit and Risk Committee (the Committee) is a statutory committee of Council which considers matters of governance, finance and risk management. The Committee is comprised of three independent members and the Mayor. The Committee provides advice on the integrity and effectiveness of Council's financial reporting and risk management system.

At the meeting held, the Committee considered the following matters:

- Outstanding Action Items
- Audit and Risk Committee Work Plan
- Asset Management update
- Internal Audit progress update and status report
- VAGO Final Management letter
- Draft Procurement Policy
- Draft Corporate Card Policy
- Internal Audit – Debtor Management Audit
- Draft Internal Audit Strategic Plan
- Internal Audit update
- Risk Management

- Legislative Compliance
- Local Government Inspectorate Report: Personal Interest Returns
- Buloke Shire Council Draft Annual Report
- Councillor Reimbursements
- Financial Performance report as at 30 September 2021
- Audit and Risk Committee Self-assessment outcomes
- Audit and Risk Committee 2022 Meeting Schedule
- Draft 2022 Audit and Risk Committee Work Plan
- Debtor write off
- 2021-22 Budget Timetable

**RELEVANT LAW**

Council is required under the *Local Government Act 2020* to establish and maintain an Audit and Risk Committee.

**RELATED COUNCIL DECISIONS**

The Committee was established by Council at its meeting held on 12 August 2020.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Committee provides guidance and recommendations that result in improvements to methods and systems of Council.

**COLLABORATION**

Councillors and senior staff are invited to attend, and present as required at Committee meetings. Recommendations from the Committee are communicated to relevant staff members for action.

**FINANCIAL VIABILITY**

The costs associated with the Committee are considered in the Annual Budget.

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

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Audit and Risk Committee Charter was adopted by Council on 12 August 2020.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Committee is considered an essential element of good governance, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and overseeing internal and external audit functions. The draft minutes are provided to Council to consider the activities undertaken by the Committee.

**CONFLICTS OF INTEREST**

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

## 8.2.5 COMMUNITY GRANTS AND SPONSORSHIPS

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

**Department:** Community Development

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

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

### PURPOSE

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

### SUMMARY

Presenting two applications for the Community Grants and Sponsorship program for the Financial Year 2021/2022 and one application for the Financial Year 2022/2023.

### MOTION:

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

**\$1500 Project Support Grant to Birchip Business and Learning Centre,**

**\$2000 Project Support Grant to Wycheproof P12 College, and**

**\$2000 Project Support Grant to Birchip Playgroup, for the 2022/2023 Financial Year.**

**MOVED: CR BRONWYN SIMPSON**

**SECONDED: CR ALAN GETLEY**

**CARRIED.**

**(R018/22)**

**Attachments:** 1 Community Grants 2021-2022 Council Report

### DISCUSSION

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

<b>Project:</b>	<b>MikMaks in Concert</b>
Organisation:	Birchip Playgroup
Grant Type	Project Support Grant
Amount Applied:	\$2000
Funding Amount Recommended:	\$2000
Full project cost:	\$5883.40
Project Description:	The MikMaks are a performing group that entertain children 0-10 through music and song. The Birchip Playgroup are bringing them to Birchip, so that the young children in Birchip and beyond have access to a live performance. They plan to hold it in the Birchip Public Hall and have over 250 people attending (COVID Restrictions pending). Funding would subsidise the cost of the performance so that it is more accessible for the community.
Project Benefit:	The concert will benefit many parents and children from surrounding districts and give families a chance to see live music without having to travel out of Buloke.
<b>Project:</b>	<b>Mali Heart Street Art Festival Supporting Events</b>
Organisation:	Birchip Business and Learning Centre
Grant Type	Project Support Grant
Amount Applied:	\$2000
Funding Amount Recommended:	\$1500
Full project cost:	\$3000
Project Description:	Art and Circus workshops will be provided to young people during the Mali Heart Street Art Festival, the workshops are designed to complement the festival, and be a way to engage with the youth, promoting culture and art in Buloke.
Project Benefit:	The event will work alongside the existing event and be a way in which young people are able to be engaged in the festival. The workshops will be conducted free of charge so that everyone can participate.
<b>Project:</b>	<b>Buloke Youth Health Expo</b>
Organisation:	Wycheproof P-12
Grant Type	Project Support Grant
Amount Applied:	\$2000
Funding Amount Recommended:	\$2000
Full project cost:	\$8,000
Project Description:	Youth Health expo for May 2022 at the Birchip Leisure Centre. The event will bring all students in years 9 and 10 from across Buloke to attend a health promotion event.
Project Benefit:	The event will bring in expert speakers to talk to the students on health issues facing them and will engage service providers as well as promoting services to young people in Buloke. The Expo has been successfully conducted in recent years, and there is a positive impact for the students.

A Sponsorship grant of **\$250 was awarded to Charlton Lions Club for their 'Charlton X-mas Fest'**, this was approved by Interim CEO, Wayne O'Toole, as per the Grant Guidelines.

An administrative error on the December 2021 Council Meeting Agenda resulted in the Wycheproof and District Lawn Tennis Club being recommended to receive a \$4948.08 Sustainability Grant, this should have been \$5,500. The Interim CEO and Council approved for the funding amount to be amended so that the amount granted was the same as the amount requested, by the applicant.

**2021/2022 Community Grant Fund Balance: (20 January 2022) \$8,967**

**2021/2022 Sustainability Grant Fund Balance: (20 January 2022) \$27,696.67**

**2022/2023 Community Grant Fund Balance: (20 January 2022) \$20,000**

**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**

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 2021/22 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.

## 8.3 FINANCIAL REPORTS

### 8.3.1 FINANCE REPORT AS AT 31 DECEMBER 2021

**Author's Title:** Manager Finance

**Department:** Corporate Services

**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 2021.

#### SUMMARY

The forecasted year-end surplus in the approved budget was \$10.82m and is currently reported at a similar level. Finalisation of the capital project forecasting is still in progress and the anticipated year-end result is expected to decrease due to project delays and funding milestone adjustments.

The budget amendments at the start of the financial year approved after the formal budget process, increase both Council's income and expenses as most are generated by additional grants received and related expenditure. However, some budget amendments have negatively impacted to the forecasted year-end Operating Net Surplus by approximately \$600K.

#### MOTION:

That Council receives and notes the Financial Performance Report for the period ending 31 December 2021.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.  
(R019/22)**

**Attachments:**

- 1 Income Statement
- 2 Balance Sheet
- 3 Cashflow Statement
- 4 Capital Works Program

#### DISCUSSION

Report:	Report explanation:	Year to date performance to Budget and Forecast outcome:
Income Statement	<i>The <b>Income Statement</b> provides a summary of the total income and total expenditure relating to Council's annual operations for the reporting period. Capital grant income is</i>	<b>Operating result:</b> <ul style="list-style-type: none"> <li>• Rates instalments received to 31<sup>st</sup> December is less than anticipated but expected to level out following annual instalment in February.</li> <li>• Correction of allocation between Statutory fees and fines and User fees mostly off-set the variance between</li> </ul>

<p>Income Statement (Continued)</p>	<p><i>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><i>Prescribed expenditure of <b>Capital Income</b> 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>these two income categories.</p> <ul style="list-style-type: none"> <li>• Grants – operating variance reflects several additional grants received as result of Covid-19 recovery and the reallocation of the Wycheproof Library grant from Grants - capital. The additional grant income and related expenditure have been added to the budget and mostly offset to provide minimal impact to net result.</li> <li>• Contribution income year to date reflects a negative variance due to delay with pension rebate processing due to Rates system changeover.</li> <li>• Other income reflects positive variance year to date due to increased reimbursements from community facility management and workcover.</li> <li>• Budgeted back-pay of EBA increase has not occurred to date as expected. This accounts for the year-to-date positive variance but is anticipated to level out later in the year. Forecast to be updated further in February.</li> <li>• Full year forecast for Materials and services mostly reflects additional expenditure relating to additional Grant – operating funding and catch-up required in Waste service.</li> <li>• Due to underspending and capital project delays additional expenditure is required in the Waste service to align our waste charge to Essential Services Commission requirements for rate capping. This increase anticipates annual expenditure by \$315K</li> <li>• Insurance for 2021-22 has been finalised and came in significantly higher than budget due to impact of recent building replacement valuation.</li> <li>• The Operating Net Surplus for the full financial year is reported to be \$200K less than the approved budget but this will be further impacted by EBA back-payment (still to be confirmed) bringing the estimate closer to \$300K less than approved budget.</li> </ul> <p><b>Capital Income:</b></p> <ul style="list-style-type: none"> <li>• Timing of capital income recognition is currently being aligned to project milestone completion. This may impact full year estimates if projects have been delayed and/or renegotiated with the funding body.</li> <li>• Project forecasting is due to be completed in February.</li> </ul>
<p>Balance Sheet</p>	<p>The <b>Balance Sheet</b> summarises the value of Assets (what Council owns) and our Liabilities (what Council owes), and the</p>	<ul style="list-style-type: none"> <li>• Cash has decreased \$6.3m since 30 June reporting as we meet outstanding payables relating to capital works.</li> <li>• Approximately \$9.5m of cash is restricted and relates</li> </ul>

	<i>difference between assets and liabilities (Net Assets or Equity) reflects Council's net worth as at the end of the month reported.</i>	<p>to Capital Grant income held in advance of milestone completion. This amount is still to be confirmed through capital project forecasting and it is expected to be higher due to project delays.</p> <ul style="list-style-type: none"> <li>No change to anticipated year-end Net Assets expected at this stage.</li> </ul>
Cashflow Statement	<i>The <b>Cashflow Statement</b> reflects actual results for the reporting period in line with statutory financial reporting.</i>	<ul style="list-style-type: none"> <li>Approximately \$13.0m cashflow has been used to support the capital works program year-to-date.</li> </ul>
Cashflow Forecast	<i>The <b>Cashflow Forecast</b> 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"> <li>Report held over while capital project timing is confirmed through forecasting process to be completed in February.</li> </ul>
Cashflow Chart	<i>The <b>Cashflow Chart</b> visually depicts the cashflow forecast and the updated format is illustrated in a dual design, based on best practice reporting.</i>	<ul style="list-style-type: none"> <li>Report held over while capital project timing is confirmed through forecasting process to be completed in February.</li> </ul>
Capital Works Program	<i>The <b>Capital Works Program</b> lists the income and expenditure for each project incurred to date.</i>	<ul style="list-style-type: none"> <li>Report includes committed expenditure (Purchase Orders).</li> <li>List of active projects listed by required reporting levels under multi-funded/multi-year arrangements.</li> <li>Additional \$3.5m in project expenditure forecast above Council adopted budget.</li> <li>Highlighted projects are multi-year and variations between financial years have occurred. All projects remain within approved budget across financial years at this stage but may report advisedly</li> </ul>

#### RELEVANT LAW

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

#### RELATED COUNCIL DECISIONS

The Council adopted its Annual Budget 2021/22 on 16 June 2021. Budget amendments identified above have been incorporated into the Council's current budget forecast as reported.

#### OPTIONS

Not applicable to this report.

#### SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

#### COMMUNITY ENGAGEMENT

Not applicable to this report.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

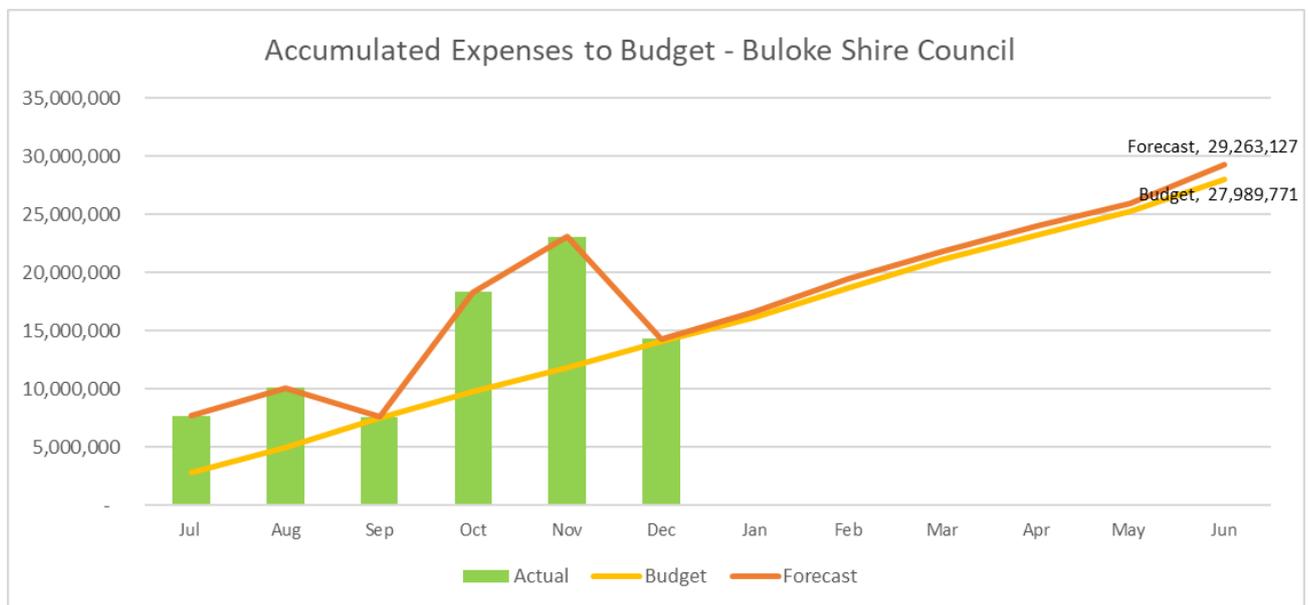
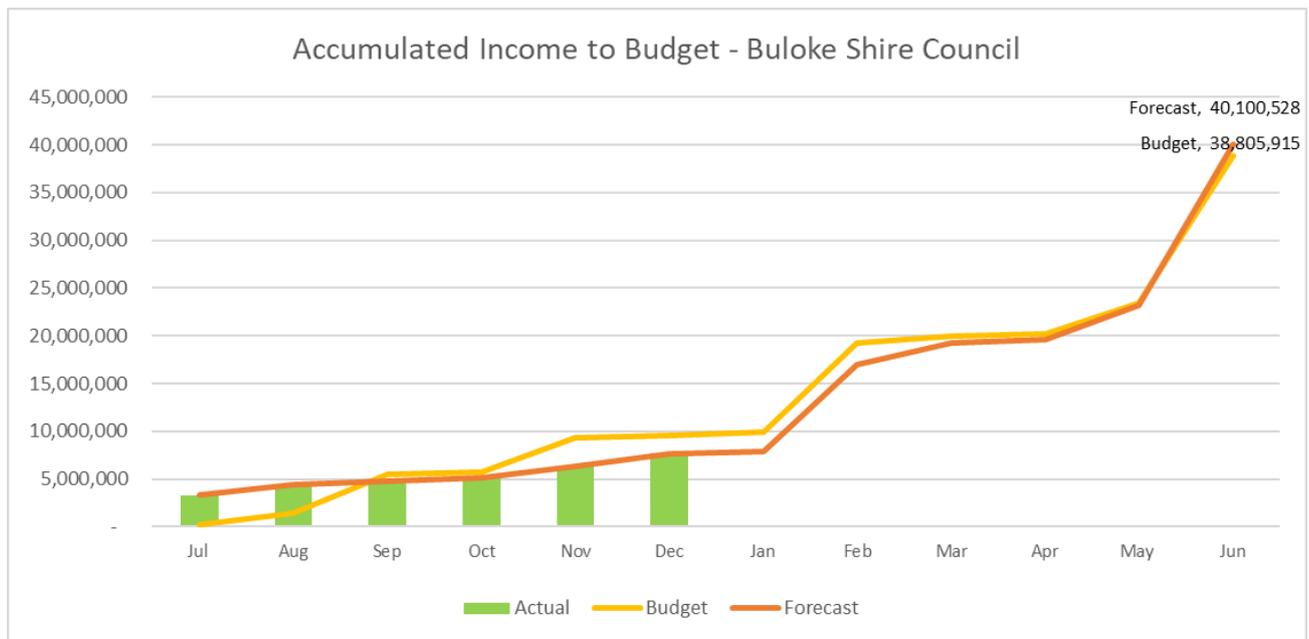
Not applicable to this report.

**COLLABORATION**

Not applicable to this report.

**FINANCIAL VIABILITY**

The tables below provide an overview of Council’s financial performance against Approved budget income and expenses as of 31 December 2021.



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

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Council adopted its Annual Budget 2021/22 in June 2021. The Buloke Shire Council Plan 2021-2025 outlines Council’s commitment to providing clear and concise reporting on a quarterly basis to Council meetings.

**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.

**MOTION:** That council move the closed session of the meeting Item 8.6 to the end of the meeting, in order to be the last item.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R020/22)**

**8.4 ORGANISATIONAL REPORTS**

Nil

## 8.5 REPORTS FROM COUNCILLORS

### Cr Daryl Mayor – Mount Jeffcott Ward

9/12/21	ABC Radio Interview
9/12/21	Workspace Board Meeting Bendigo
10/12/21	Wimmera Mayors Meeting Horsham
11/12/21	International Mountain Day 'Wycheproof
13/12/21	Loddon Murray Doctors Network Swan Hill
14/12/21	Wimmera Mallee Tourism Meeting Minyip CEO/Mayor meeting Donald Streetscape Meeting
15/12/21	Council Meeting and Briefing at 'Wycheproof
17/12/21	Loddon Mallee Waste Resource Board Meeting
20/12/21	CEO/Mayor Meeting
21/12/21	BSC Staff Function Berriwillock Council Meeting Berriwillock
12/1/22	Federal Banking Inquiry Redcliffs
18/1/22	Budget Workshop 'Wycheproof
20/1/22	Briefing from Peter Walsh MP in Donald Flow FM Radio Interview
25/1/22	BSC Australia Day Event in Berriwillock Council Meeting in Berriwillock
26/1/22	Attend Birchip and Donald Australia Celebrations
30/1/22	Volunteer at the Sea Lake Visitor Information Centre
2/2/22	Audit and Risk meeting 'Wycheproof CEO/Mayor Meeting Council Briefing Culgoa
3/2/22	ABC Radio Interview
6/2/22	Volunteer at the Sea Lake Visitor Information Centre
8/2/22	Donald Chamber of Commerce Meeting
9/2/22	Council Meeting 'Wycheproof

Cr Warren thanked Councillors for their work over the break period

## 8.6 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:

- |       |  |   |
|-------|--|---|
| 8.6.1 | C109 2021/22 - LOCAL ROAD RECONSTRUCTION - NULLAWIL-BIRCHIP ROAD AND SEA LAKE-LASCELLES ROAD SECTION | (k) information prescribed by the regulations to be confidential information for the purposes of this definition  |
| 8.6.2 | LEASE MT WYCHEPROOF RESERVE - BULOKE SHIRE COUNCIL AND TELSTRA CORPORATION LIMITED                   | (g(i)) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets<br><br>(g(ii)) private commercial information, being 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.**

**(R021/22)**

### 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 ALAN GETLEY**

**SECONDED: CR GRAEME MILNE**

**CARRIED.**

**(R024/22)**

## **9. OTHER BUSINESS**

### **9.1 NOTICES OF MOTION**

#### **9.1.1 NOTICE OF MOTION - CR WARREN – ACKNOWLEDGEMENT OF QUEEN VICTORIA JUBILEE**

**RECOMMENDATION:**

That Council :

1. Acknowledge the fact and that Queen Elizabeth the second will have been our Monarch for 70 years (ascending the Throne on the 6 February 1952); and
2. Council commit to planting a tree in each town to recognise this incredible reign.

**Cr Simpson put forward an alternative recommendation.**

**ALTERNATIVE MOTION:**

That Council:

1. Acknowledge the fact and that Queen Elizabeth the second will have been our Monarch for 70 years (ascending the Throne on the 6 February 1952);
2. Council commit to planting a tree in each town to recognise this incredible reign; and
3. Mount plaques at tree planting sites to mark commemoration.

**MOVED: CR DARYL WARREN**

**SECONDED: CR ALAN GETLEY**

**CARRIED.**

**(R025/22)**

## **9.2 QUESTIONS FROM COUNCILLORS**

### **9.2.1 CR GETLEY – SEA LAKE COMMUNITY – ADVANCE SEA LAKE – AUTHOR OF MAP REPORT**

Cr Getley questioned if more feedback / information could be provided to the Sea Lake community and Advance Sea Lake in regards to the author of the map report, as many believe Council to be the author.

CEO responded advising of his attendance at the Department of Environment Land and Water Planning listening post being held in Sea Lake 10 February 2022. Attendees will be advised at this time.

## **9.3 URGENT BUSINESS**

Nil

## **9.4 ANY OTHER BUSINESS**

Nil.

**10. MEETING CLOSE**

Meeting closed at 8.24pm.