



# **COUNCIL MEETING**

## **AGENDA**

**Wednesday 13 March 2024**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

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

## **ORDER OF BUSINESS**

### **1. COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT**

#### **WELCOME**

The Mayor Cr Alan Getley will welcome all in attendance.

#### **STATEMENT OF ACKNOWLEDGEMENT**

The Mayor Cr Alan Getley will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who maybe here today.

### **2. RECEIPT OF APOLOGIES**

### **3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **RECOMMENDATION:**

That Council adopt the Minutes of the Council Meeting held on Wednesday, 14 February 2024 and Council adopt the Minutes of the Council Meeting held on Friday, 23 February 2024.

### **4. REQUESTS FOR LEAVE OF ABSENCE**

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

In accordance with Section 130 (2) of the Local Government Act 2020 Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2020; and
- a) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

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

NIL

### **7. PROCEDURAL ITEMS**

7.1	REPORT OF COUNCILLOR ASSEMBLIES	5
7.2	LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS	8
7.3	CORRESPONDENCE INITIATED BY COUNCIL	9
7.4	BUILDING PERMITS - MONTHLY UPDATE	11
7.5	PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE	13
7.6	STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS	15

### **8. GENERAL BUSINESS**

8.1	POLICY REPORTS	20
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NIL	
<b>8.2 MANAGEMENT REPORTS</b>	<b>21</b>
8.2.1 LICENCE NRMA ELECTRIC HIGHWAYS PTY LTD	21
8.2.2 BULOKE PLANNING SCHEME REVIEW	72
<b>8.3 FINANCIAL REPORTS</b>	<b>133</b>
NIL	
<b>8.4 ORGANISATIONAL REPORTS</b>	<b>133</b>
NIL	
<b>8.5 REPORTS FROM COUNCILLORS</b>	<b>133</b>
NIL	
<b>9. OTHER BUSINESS</b>	
<b>9.1 NOTICES OF MOTION</b>	<b>134</b>
NIL	
<b>9.2 QUESTIONS FROM COUNCILLORS</b>	<b>134</b>
NIL	
<b>9.3 URGENT BUSINESS</b>	<b>134</b>
NIL	
<b>9.4 ANY OTHER BUSINESS</b>	<b>134</b>
<b>9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC</b>	<b>134</b>
NIL	
<b>10. MEETING CLOSE</b>	

#### **NEXT MEETING**

THE NEXT MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 10 APRIL 2024 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

#### RECOMMENDATION

That the Council note the report of Councillor Assembly Meeting held 7 February and 21 February 2024.

**Attachments:** 1 [↓](#) Councillor Briefing Record - 7 February 2024  
2 [↓](#) Councillor Briefing Record - 21 February 2024

#### 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 Schedules adopted 9 November 2022 and 8 November 2023, 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 February and 21 February 2024 is attached for public information.



## Councillor Briefing Record

*Build a Better Buloke – a healthy, connected, inclusive and prosperous community*

<b>Date:</b>	7 February 2024	<b>Time</b>	5:00pm – 8:00pm
<b>Location:</b>	Sea Lake Senior Citizens		
<b>Attendees:</b>	Cr Getley, Cr Milne, Cr Warren, Cr Hogan Wayne O'Toole, Travis Fitzgibbon, Jenna Allan, Daniel McLoughlan.		
<b>Apologies:</b>	Cr Simpson, Cr Pollard.		
<b>Guests:</b>	Jenny Newell, Pat Amos – Advance Sea Lake; David Jochinke, Tammy Smith – Grampians Tourism; Trevor Rumbold – Acting Manager Assets		
<b>Acknowledgement of Country:</b>	The Mayor will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who may be here today.		
<b>Conflicts of Interest:</b>	Nil		

### ITEMS

NO.	MATTER FOR DISCUSSION
1.	Councillor only time 5:00pm – 5:30pm
2.	Confirmation of Councillor Briefing Minutes – 6 December 2023 Confirmed.
3.	<b>Presentations</b>
3.1	Advance Sea Lake Inc – Jenny Newell and Pat Amos
3.2	Grampians Tourism - Visitor Economy Partnership – David Jochinke / Tammy Smith
<b>Dinner Break</b>	
3.3	Budget Discussion – Acting Director Corporate and Organisational Performance
3.4	Immediate Funding Opportunities - Dan McLoughlan, Trevor Rumbold
4.	<b>Councillor Matters</b>
5.	<b>CEO Updates</b>



## Councillor Briefing Record

*Build a Better Buloke – a healthy, connected, inclusive and prosperous community*

<b>Date:</b>	21 February 2024	<b>Time</b>	5:00pm – 8:00pm
<b>Location:</b>	Donald District Office - Chambers		
<b>Attendees:</b>	Cr Getley, Cr Milne, Cr Warren, Cr Hogan, Cr Pollard, Wayne O'Toole, Daniel McLoughlan, Travis Fitzgibbon		
<b>Apologies:</b>	Cr Carolyn Stewart, Cr Bronwyn Simpson, Jenna Allan.		
<b>Guests:</b>	Youth Engage Students – Donald High School; Trevor Rumbold – Acting Manager Assets		
<b>Acknowledgement of Country:</b>	The Mayor will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who may be here today.		
<b>Conflicts of Interest:</b>	Cr Warren. Item 3.1 Donald Tradie Park.		

### ITEMS

NO.	MATTER FOR DISCUSSION
1.	<b>Councillor and CEO only time 5:00pm – 5:30pm</b>
2.	<b>Confirmation of Councillor Briefing Minutes – 7 February 2024</b> Confirmed.
3.	<b>Presentations</b>
3.1	Donald Tradie Park – Donald 2000, Sam Goldsmith, Graeme Harris. Cr Warren not present in item which commenced at 5:30pm. Cr Warren returned at 6:07pm when item concluded.
3.2	Youth Engage Students – Donald High School Attending: Zoe, Miranda, Brady, and Molly Meadows NCLLEN.
<b>Dinner Break</b>	
3.3	Monthly Capital Projects Update & Birchip Recreation Reserve Masterplan Draft – Trevor Rumbold
4.	<b>Councillor Matters</b>
5.	<b>CEO Updates</b>
5.1	Storm Damage Update
5.2	Roads to Recovery
5.3	Budget Workshops
<b>Meeting Close 8:32pm</b>	

## 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.

### RECOMMENDATION

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

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Nil.			

### 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.

#### RECOMMENDATION

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

**Attachments:** 1 [↓](#) Minister Horne - Local Council Electoral Structure Review

#### TABLE OF CORRESPONDENCE

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
Notice of Motion from	<i>Hon Melissa Horne MP Minister for Roads and Road Safety</i>  <i>Copy sent to: Jade Benham MP Member for Mildura</i>	22 Feb 2024		Local Council Electoral Structure Review.

**CORRESPONDENCE TO:**

Broadway,  
BOX 1  
Shepparton VIC 3627

**ALL ENQUIRIES:**

Ph: (03) 5478 0100  
Email: [buloke@buloke.vic.gov.au](mailto:buloke@buloke.vic.gov.au)



The Hon. Melissa Horne

Minister for Local Government

Email: [Melissa.Horne@parliament.vic.gov.au](mailto:Melissa.Horne@parliament.vic.gov.au)

Dear Minister Horne

**RE: Local Council Electoral Structure Review**

Council is in receipt of the Order in Council and the final report into the above matter.

The councillors of Buloke Shire have asked me to write to you to express our extreme disappointment in the outcome of the review, in that goes against the submission we made to the Electoral Representation Advisory Panel.

For the reasons detailed in our submission, we believe the reduction of councillors from seven to six thereby increasing their workload presents a detriment to those considering nominating for council in the upcoming 2024 general election. This should be considered particularly in light of our geographic size of 8,000 square kilometres with a dispersed population and no major town.

Further, maintaining a subdivided ward structure which results in an even number of councillors does not provide for an equitable decision-making and creates a greater chance that council decisions would be made by a majority vote.

Council maintains the position that an unsubdivided model is the best outcome to ensure representation across the municipality and better decision making in the council chamber.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Wayne O'Toole", with a stylized flourish at the end.

Wayne O'Toole

**Chief Executive Officer**

Cc Cr Alan Getley, Mayor, Jade Benham MP, Member for Mildura

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

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

**Department:** Community Development

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

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 to 29 February 2024.

### RECOMMENDATION

That the Council note information contained in the report on Building Permits approved by staff from 1 to 29 February 2024.

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Permit No.	Address	Project Description	Date Approved
20240003	8094201544191	Best St Sea Lake VIC 3533	Alterations to an existing building	15/2/2024
20230031	3940999658204	High St Watchem VIC 3482	Construction of a new building	22/2/2024
20230033	2965139258889	High St Watchem Vic 3482	Construction of a new building single story	22/2/2024

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

<b>Council Ref.</b>	<b>Permit No.</b>	<b>Address</b>	<b>Project Description</b>	<b>Date Approved</b>
PBLD24007	6368504401875	Sunraysia Highway Birchip West VIC 3483	Farm Shed	1/2/2024
PBLD22016	4114681785860	Milburns Road Wycheproof VIC 3527	Construction of a Warehouse	2/2/2024
PBLD24010	9005631853811	Calder Highway Wycheproof VIC 3527	Farm Shed	2/2/2024
PBLD24004	2147059246091	Charles Street Wycheproof Vic 3527	Farm Shed	7/2/2024
PBLD24012	8994098892557	Morrison Street Birchip VIC 3483	Installation of Four(4) Light Towers	19/2/2024
PBLD24011	5662298777935	Fawcetts Road Wycheproof VIC 3527	Canopy Extension to Existing Shed	21/2/2024
PBLD23131	5494720308578	30 Alexander Avenue Berriwillock VIC 3531	Construction of Shed	26/2/2024



## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Community Development

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

### PURPOSE

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

### RECOMMENDATION

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

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PA23026	Horace Street, Sea Lake	06/09/2023	Construct and display internally illuminated business identification sign (LED priceboard)	Review
PA23041	Morrison Street, Birchip	03/10/2023	Construct a fence greater than 1 metre high in Public Park & Recreation Zone	Permit Issued
PA24001	Yeungroon Road, Yeungroon East	13/12/2023	Use and development of land for rural worker accommodation (two two-bedroom units and carport)	Notice of application/ Referral
PA24002	Borong Highway, Wooroonook	10/01/2024	Use and development of land for a single dwelling on an allotment in the Farming Zone, create or alter access to a Transport Zone and build within a setback to a Transport Zone	Notice of application/ Referral
PA24003	Clifton Street, Charlton	22/01/2024	Construction of a dwelling and demolition of an outbuilding within a Heritage Overlay	Review
PA24004	Borong Highway, Gil Gil	28/01/2024	Use and development of land for a place of assembly to hold the Donald B & S on one occasion in 2024 and one occasion in 2025, including patron camping for the event.	Notice of application/ Referral

Application No	Address	Date Rec	Summary of Proposal	Status
PA24005	Slocombe Road, Warmur	24/01/2024	Subdivision of land (boundary realignment)	Notice of application/ Referral
PA24006	Racecourse Road, Donald	29/01/2024	Use and development of land for retail (plant nursery) and restricted retail (plant and equipment hire)	Notice of application/ Referral
VS23010	Mildura Way, Charlton	1/11/2023	Building and works to construct a garage associated with existing dwelling in a Heritage Overlay	Permit Issued
VS23011	High Street, Wycheproof	31/11/2023	Construct a 2 metre fence in a Heritage Overlay	Request for Further Information
VS24001	Woods Street, Donald	11/01/2024	Carry out external works to a building in a Heritage Overlay (awning)	Request for Further Information
VS24002	Austerberry Road, Sea Lake	25/01/2024	Construct a building (fertiliser shed 26m x 24m x9mH) within a minimum setback from a road	Permit Issued
VS24003	Racecourse Road, Donald	16/02/2024	Construction of a shed (50m L x 24m H x 6.75m H)	Permit Issued

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

## 7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

### PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 14 February 2024 Council Meeting Resolutions.

### RECOMMENDATION

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

**Attachments:** 1 [SOA Outstanding CM resolutions and 14 February 2024](#)

### KEY POINTS/ISSUES

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

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

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

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action and introducing the SOA for the 14 February 2024 Council Meeting Resolutions.

**Summary of Action on Council Resolutions – Outstanding Items 14 February 2024 CM – Tabled 13 March 2024 Council Meeting**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
02082023	Infrastructure and Delivery	8.2.1	<p>That Council:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>Authorises the Chief Executive Officer to execute the Transfer of Land documents and any other documents required to affect the sale of the land.</li> </ol>	Dir Infra & Del	GWMWater approval obtained, procurement for works has commenced. Civil contractor has recommended works.	Commenced
09082023	Infrastructure and Delivery	8.2.4	<p><b>Risk and Resilience Grants Program</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>Approve a financial co-contribution of \$70,000 from the \$200,000 Grant Opportunity Reserve FY24 in addition to a \$180,000 Council cash commitment in FY25 for the purposes of a funding application towards the Risk and Resilience Grants Program 2023.</li> <li>Delegate authority to the Chief Executive Officer to apply for the Risk and Resilience Grants Program 2023; and</li> <li>Authorises the Chief Executive Officer to sign the funding agreement on behalf of the Council should the application be successful.</li> </ol>	Dir Infra & Del	Expression of Interest submitted	Commenced

**Tabled 13 March 2024 Council Meeting**

**Summary of Action on Council Resolutions – Outstanding Items 14 February 2024 CM – Tabled 13 March 2024 Council Meeting**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
13122023	Community Development	8.2.1	That Council endorse the Draft Children, Youth and Families Plan to go out for community feedback.	Dir Comm Dev	Advertised and available on Council website. Direct contact with stakeholder groups underway, will come back to Council in March for adoption.	In progress
13122023	Infra & Delivery	9.5.1	Award Contract C121 2023/24 AGRN 1037 – Rehabilitation of two Floodways on Yeungroon Road	Dir Infra & Delivery		completed
13122023	Infra & Delivery	9.5.2	Award Contract C122 2023/24 Design & Construct Changing Places Amenities Block & Car Park at Donald Memorial Park.	Dir Infra & Delivery		completed
13122023	Infra & Delivery	9.5.3	Award Contract C120 2022/23 Birchip Football Oval Lighting Upgrade	Dir Infra & Delivery		completed
21122023	Infra & Delivery	4.1.1	<p>Birchip Community Housing Growing Regions application stage 2</p> <p>That Council:</p> <p>Gives approval for Birchip Community Housing Incorporated to seek a bank loan of up to \$350,000 to complete the construction, should their funding application be successful;</p> <p>Provides in principle support to act as guarantor for a 10-year loan up to a maximum of \$350,000;</p> <p>Authorises the Chief Executive Officer to negotiation the terms and structure of the guarantor agreement with Birchip Community Housing Incorporated and the bank;</p>	Dir Infra & Del	Correspondence supporting stage 2 application sent	Complete – awaiting outcome of stage 2 process

**Tabled 13 March 2024 Council Meeting**

**Summary of Action on Council Resolutions – Outstanding Items 14 February 2024 CM – Tabled 13 March 2024 Council Meeting**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
			Allocate up to \$100,000 over 2023/24 and 2024/25 financial years through the established Grant Opportunity Reserve.  5. Makes the land at 56 Cumming Avenue, Birchip available to implement the construction work proposed under the Project.			
14022024	CEO	7.3	Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.	CEO Office	Letters drafted awaiting approval	commenced
14022024	CEO	8.2.3	<p>Visitor Economy Partnership</p> <p>Authorise the Chief Executive Officer to join the Grampians, Wimmera Mallee Visitor Economy Partnership which will be the recognised Visitor Economy Partnership for the Region.</p> <p>Subject to Council's annual budgetary process allocate a financial contribution of \$15,000 for the 2024/25 and 2025/26 years to the Grampians, Wimmera Mallee Visitor Economy Partnership.</p> <p>Note that the funding allocation for the 2023/24 Financial Year was reallocated from Wimmera Mallee Tourism to the new Visitor Economy Partnership and increased to anticipate the change.</p> <p>4. Note that the Wimmera Mallee Destination Management Plan, once developed, will be the key strategic document for the future entity to deliver, which will be informed by the Wimmera Mallee Tourism Strategy 2022-2027.</p>	CEO Office		

**Tabled 13 March 2024 Council Meeting**

**Summary of Action on Council Resolutions – Outstanding Items 14 February 2024 CM – Tabled 13 March 2024 Council Meeting**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
14022024	Infra & Delivery	9.5.1	AWARD CONTRACT RFQ 287 2023-24 SUPPLY AND DELIVERY OF TWO NEW TRACTORS	Dir Infra & Del		completed

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**Tabled 13 March 2024 Council Meeting**

**8. GENERAL BUSINESS**

**8.1 POLICY REPORTS**

Nil



## 8.2 MANAGEMENT REPORTS

### 8.2.1 LICENCE NRMA ELECTRIC HIGHWAYS PTY LTD

**Author's Title:** Acting Manager Assets

**Department:** Infrastructure and Delivery

**File No:** EM/13/21

**Relevance to Council Plan 2021 - 2025**

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

#### PURPOSE

The purpose of this Report is to grant a new licence to NRMA Electric Highways Pty Ltd for part of the land contained in Certificate of Title Lot 1 TP675994 Volume 5222 Folio 214, 381 Broadway, Wycheproof, Vic, 3527 for the purpose of an electric vehicle charging station.

#### SUMMARY

A 10-year Licence on a section of 381 Broadway is proposed for installation of 2 EV Chargers servicing 4 parking bays. The current use of this location is as a Council staff carpark.

The EV Chargers would be owned, operated and maintained by NRMA Electric Highways Pty Ltd who would also be responsible for the cost of all installation works. This will include a power upgrade to the Lot which would also supply the Council office. The upgrade will require an agreement with Powercor to establish an easement for the erection of an overhead electric line.

For as long as Buloke Shire Council are the Licensor, the Licensee will provide free customer charging up to a maximum sum of \$1,000 worth of kWh output per Licence Term year.

#### RECOMMENDATION

That Council:

1. Grants a licence to NRMA Electric Highways Pty Ltd for part of the land being Lot 1 TP675994 contained in Certificate of Title Volume 5222 Folio 214, 381 Broadway, Wycheproof, Vic, 3527 on the following terms:
  - a) A 5-year licence commencing 1 April 2024, including one further option of 5 years, and
  - b) A licence fee of \$1 per annum plus GST, if demanded
2. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to execute the Licence agreement.

**Attachments:**

- 1 [Licence 367 Broadway, Wycheproof VIC](#)
- 2 NRMA Wycheproof - REV F Dated 28022024 - **Confidential**

#### DISCUSSION

In April 2023 Council officers were approached by NRMA staff investigating potential sites to expand their national EV charging network. Their preference was for off street parking that is owned & operated

by Council which is proximate to amenities within the location that our customers can utilize during the charging dwell time and/or within close proximity to the Highway. NRMA seek to build Australia's largest, most connected and most reliable EV Charging network and we are focused on electrifying highways and regional Australia as well as heavily urbanized State & Territory Capital Cities.

The NRMA is Australia's largest Member organisation, providing a range of services for Members and the community, including roadside assistance, car batteries, International Drivers Licences, car reviews, a diverse range of motoring, travel and lifestyle benefits, as well as products and services. The NRMA is driven by the desire to keep people moving.

The NRMA is reimagining the way people move and are committed in supporting Australia's carbon emission reduction targets through the electrification of NSW and Australia's transport future. This includes the global push to promote the consumer take-up and use of EV and the transition away from the traditional internal combustion engine powered vehicle that account for approximately 11% of all of Australia's carbon emissions.

NRMA is committed to doing its part to preserve our planet within its sphere of influence and its' electrification plans include initiatives such as;

- Building Australia's largest and most connected EV charging network
- Converting half of the 16,000 vehicle fleet of its car & truck rental business, SIXT Australia, within 5 years
- Electrification of its fast ferry business to revolutionize the future of transport on Sydney Harbour
- To continue to adapt to the growing needs of EV drivers with its core Roadside Assistance business

The NRMA currently operates one of Australia's largest regional Electric Vehicle (EV) charging network with over 50 charging sites throughout NSW and the largest share of ownership of the Australian Motoring Services (AMS) acquisition of Chargefox who operate nationally and have targets to build an independent network of more than 5000 EV plugs across the country by 2025.

The development of the EV charging station will require a power upgrade to the site which will involve entering into an agreement with Powercor to establish an easement for the erection of an overhead electric line and for the transmission of electricity and incidental works and maintenance on and over a strip of the Council land. The development will reduce the current available car parking spaces for Council staff, alternative arrangements including on street parking at the front and rear of the office are available.

#### **RELEVANT LAW**

In the case of a licence agreement for nonexclusive use of Council buildings, land or property provisions in the *Local Government Act 2020* do not apply.

#### **RELATED COUNCIL DECISIONS**

Council owns an existing EV charger at Centenary Park Wycheproof which provides income to Council minus operating and maintenance costs.

#### **OPTIONS**

Not applicable to this report.

#### **SUSTAINABILITY IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT**

In the case of a licence agreement for nonexclusive use of Council buildings, land or property provisions in the Local Government Act 2020 do not apply so community engagement is not required prior to signing the license. Council Staff will keep the community informed of the development and works as they progress.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The NRMA charging network has been planned to provide strategic charging locations from Melbourne to Mildura along the Calder highway. This Licence will increase the charging network within the Buloke Shire to 4 locations across Sea Lake, Wycheproof and Donald.

**COLLABORATION**

Council Officers collaborated with NRMA to provide them with potential options for charger locations across the Shire, the final decision on location proposed was made by the NRMA.

**FINANCIAL VIABILITY**

Costs for the installation of the power upgrade, EV Charger infrastructure and surrounding sealing treatments are at the expense of the Licensee, the NRMA. The Licence fee of \$1 per annum plus GST, if demanded is negligible.

For as long as Buloke Shire Council are the Licensor, the Licensee will provide free customer charging up to a maximum sum of \$1,000 worth of kWh output per Licence Term year. The Licensee will issue the Licensor a RFID card with a preset limit at the anniversary of each Licence year.

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

Providing electric vehicle charging stations is a key target in the State Governments Victoria's Zero Emissions Vehicle Roadmap

**COUNCIL PLANS AND POLICIES**

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

The EV Charger supports the transition towards electric vehicles identified in the Buloke Shire Council Climate Change Mitigation and Adaptation Strategy and Plan.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable to this report.

**CONFLICTS OF INTEREST**

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



## **Licence for Charging Stations for Electric Vehicles**

**Licensed Area: 381 Broadway, Wycheproof Victoria 3527 known as Lot 1 TP675994**

**Buloke Shire Council**  
ABN 89 293 793 980

and

**NRMA Electric Highways Pty Ltd**  
ABN 35 659 311 163



## Contents

<b>Licence Particulars.....</b>	<b>1</b>
<b>1. Definitions.....</b>	<b>4</b>
<b>2. Installation Works .....</b>	<b>7</b>
<b>3. Grant of Licence.....</b>	<b>7</b>
3.1 Licence.....	7
3.2 Nature of Licence.....	7
3.3 Licensor's rights.....	8
<b>4. Payments by the Licensee .....</b>	<b>8</b>
4.1 Payment of Licence Fee .....	8
4.2 Payment of charges for Services.....	8
<b>5. Use of Licensed Area.....</b>	<b>9</b>
5.1 Permitted use.....	9
5.2 Access .....	9
5.3 Compliance with Laws .....	9
5.4 Licences and permits.....	10
5.5 Fee for use.....	10
5.6 Licensor's use of the Licensed Area.....	10
5.7 Licensee's Employees and Agents.....	10
<b>6. Licensee's right to install Signage.....</b>	<b>10</b>
6.1 Installation of Signage .....	10
6.2 Wayfinding and directional signage.....	10
6.3 Update of Signage Plans.....	10
<b>7. Maintenance, alterations and safety .....</b>	<b>11</b>
7.1 Routine repairs and maintenance.....	11
7.2 Repairing damage .....	11
7.3 Upgrading Charging Stations .....	11
<b>8. Insurance .....</b>	<b>11</b>
8.1 Insurances to be effected by the Licensee.....	11
8.2 Policies.....	12
8.3 Group Policies .....	12
<b>9. Indemnity and release .....</b>	<b>12</b>
9.1 Indemnity .....	12
9.2 Release.....	12
<b>10. Licensor's Obligations .....</b>	<b>13</b>
10.1 Use of Licensed Area .....	13
10.2 Electricity.....	13
10.3 Security.....	14
<b>11. Dealings .....</b>	<b>14</b>
11.1 Dealings by Licensor .....	14
11.2 Dealings by Licensee.....	14
11.3 Novation and sublicensing.....	14
11.4 NRMA group of companies.....	15
<b>12. Licensee's obligations at the end of this licence .....</b>	<b>15</b>



## Maddocks

12.1	Licensee's obligations.....	15
<b>13.</b>	<b>Termination of Licence.....</b>	<b>15</b>
13.1	For convenience .....	15
13.2	Default.....	16
13.3	Damages following termination .....	16
<b>14.</b>	<b>Holdover and Option for Further Term .....</b>	<b>16</b>
14.1	Holding over.....	16
14.2	Exercise of option for a Further Term.....	16
14.3	New licence for Further Term .....	16
<b>15.</b>	<b>Dispute Resolution .....</b>	<b>16</b>
15.1	Dispute.....	16
15.2	Notice of Dispute .....	17
15.3	Dispute Representatives Determination .....	17
15.4	Litigation.....	17
15.5	Summary relief.....	17
15.6	Survive termination .....	17
<b>16.</b>	<b>GST .....</b>	<b>17</b>
16.1	Definitions .....	17
16.2	GST exclusive.....	18
16.3	Reimbursements.....	18
<b>17.</b>	<b>Notices .....</b>	<b>18</b>
17.1	Delivery of notice .....	18
17.2	Time of service .....	18
<b>18.</b>	<b>Governing law .....</b>	<b>19</b>
<b>19.</b>	<b>Interpretation .....</b>	<b>19</b>
19.1	Words and headings.....	19
19.2	Specific references .....	19
<b>20.</b>	<b>General .....</b>	<b>20</b>
20.1	Costs and expenses .....	20
20.2	Variation.....	20
20.3	Counterparts .....	20
20.4	Entire agreement .....	20
20.5	Liability.....	20
20.6	Severability .....	21
20.7	Further assurance.....	21
20.8	Survival and enforcement of indemnities.....	21
20.9	Business Day.....	21
20.10	Exclusion of statutory provisions .....	21
20.11	Licensor's consent .....	21
<b>Schedule 1</b>	<b>Installation Works Schedule.....</b>	<b>22</b>
<b>Schedule 2</b>	<b>Agreed Amendments.....</b>	<b>25</b>
<b>Schedule 3</b>	<b>Special Conditions .....</b>	<b>27</b>
<b>1</b>	<b>Sale of transfer by Licensor.....</b>	<b>27</b>
<b>2</b>	<b>Relocation .....</b>	<b>27</b>
<b>3</b>	<b>First right of refusal .....</b>	<b>28</b>
<b>Signing Page.....</b>		<b>30</b>
<b>Attachment 1</b>	<b>Plan of Licensed Area .....</b>	<b>32</b>



Maddocks

**Attachment 2      Signage Plans .....34**  
**Attachment 3      Asbestos Report.....44**



## Licence Particulars

Item 1.	<b>Licensors:</b>	Buloke Shire Council 89 293 793 980 Address: PO Box 1 Wycheproof VIC 3527 Contact: Trevor Rumbold Email: buloke@buloke.vic.gov.au
Item 2.	<b>Licensee:</b>	NRMA Electric Highways Pty Ltd ABN 35 659 311 163 Address: Level 13, 151 Clarence Street, Sydney NSW 2000 Contact: Company Secretary Email: <a href="mailto:notices.cosec@mynrma.com.au">notices.cosec@mynrma.com.au</a> Licensee's Disputes Representative: General Manager, Property
Item 3.	<b>Land:</b>	The land contained in Certificate of Title Folio Identifier Parcel Identifier: Lot 1 TP248095 and known as 381 Broadway Wycheproof Victoria 3527 (GIS Coordinates -- 36.0752173118576, 143.22503498469266)
Item 4.	<b>Licensed Area:</b>	Those areas forming part of the Land shown on the Plan at Attachment 1, being: <ul style="list-style-type: none"><li>the red highlighted area, comprised of:<ul style="list-style-type: none"><li>Five (5) car spaces located on the Land described in item 3; and</li><li>[description of charger area]; and</li></ul></li><li>The blue highlighted areas, comprised of:<ul style="list-style-type: none"><li>The Main Switch Board (MSB)</li><li>The charger head units</li><li>The private pole power (under an memorandum of understanding easement with PowerCor Australia)</li><li>Lighting pole</li></ul></li></ul>
Item 5.	<b>Commencing Date:</b>	01 April 2024
Item 6.	<b>Terminating Date:</b>	31 March 2029
Item 7.	<b>Term:</b>	5 years
Item 8.	<b>Further Term(s):</b>	5 years commencing on the day after the Terminating Date.
Item 9.	<b>Licence Fee during Term:</b>	\$1 per annum plus GST, if demanded
Item 10.	<b>Licence Fee during Further Term(s):</b>	\$1 per annum plus GST, if demanded
Item 11.	<b>Permitted use:</b>	Installation, operation, repair and replacement of Charging Stations and ancillary purposes including generating photovoltaic electricity, operating an energy storage system, operating a payment system and installing and operating security monitoring devices.



**Item 12. Agreed Amendments:** Agreed amendments to the Standard Terms (clauses 1 – 20 inclusive): Not applicable

**Item 13. Special Conditions:** Special Conditions apply to this Licence: Not Applicable

**Item 14. Licensor's Works** Not Applicable

**Item 15. Licensee's Works**

**a. Number of Charging Spaces:** Four (4)

**b. Description of Licensee's Works**

The installation of the number of Charging Spaces set out in Item 15(a) above on and in the Licensed Area, including all works ancillary to that installation and necessary or desirable (in the opinion of the Licensee) for the on-going operation of the Charging Stations, including:

1. The installation of 2 x Terra 184 Electric Vehicle chargers located in Lot 1 / TP675994, 361 Broadway, Wycheproof VIC 3527.
2. Re-surfacing of the existing car park in asphalt on Lot 1 / TP675994, 361 Broadway, Wycheproof VIC 3527 and creating fall to drain storm water to hydraulic drainage point within the Lot.
3. Appropriate treatment of existing asbestos ground contamination within the construction boundary, and certification.
2. The existing supply to the site (to the LV pillar on northeast corner of the site) will be removed.
3. Power for the entire site will be obtained from a new 500 kVA network supply authority pole-mounted transformer.
4. The new 500 kVA transformer will be pole mounted on a new pole. The new pole will be located in the southeast corner of the site and within the Lot boundary.
5. The new pole and overhead service to the pole **will require a service clearance and access easement agreement** (Memorandum of Agreement) to allow Powercor Australia Ltd unrestricted access for service maintenance.
6. The new supply service will be supplying the entire site, including the new NRMA EV charging installation (including a new dedicated NMI retailer billing meter for the NRMA EV charging installation) and resupply both the two (2) existing NMI retailer billing meters on the site (the existing NMI retailer billing meters are to remain in place).
7. A new site main switchboard will be installed adjacent to the new transformer pole in the southeast corner of the site. The new site main switchboard (located in the southeast corner of the site) will supply the NRMA EV charging installation directly and resupply the existing LV pillar (located in the northeast corner of the site). The LV pillar supplies the

existing buildings on the site (the LV pillar splits to two supplies to separate buildings).

8. There will be cables installed underground from the new NRMA EV charging station MSB to the EV charging equipment and ancillary services (lighting/CCTV pole).

9. the installation of concrete footings and conduits.

10. the installation of the electrical cabling required for the operation of the Charging Station's.

11. the installation of electrical switchboard with meters and electrical protection equipment.

12. the installation of bollards and wheel-stops to protect equipment from traffic, including a flexible bollard within the transition zone bay.

13. the installation of signage providing network information and user instructions.

14. the installation of CCTV and lighting required for surveillance and remote monitoring of the charging infrastructure.

15. the installation of electric vehicle parking signage; and

16. marking or painting of Charging Spaces with electric vehicle parking or charging symbols.

17. Any other works deemed necessary for the installation of the Charging Station which are approved by the Licensor and are not expressly documented in Item 15.

**B. Interdependent Works**

Not Applicable



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## Licence

## Dated

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## Parties

| The Licensor defined in Item 1

| The Licensee defined in Item 2

### This Deed Witnesses

- A. The Licensor owns the Licensed Area.
- B. The Licensee has agreed to carry out the Licensee's Works on the Licensed Area and the Licensor has agreed to allow the Licensee to carry out the Licensee's Works on the Licensed Area.
- C. The Licensor has agreed to grant and the Licensee has agreed to accept a licence of the Licensed Area for the Permitted Use for the Term.

### Part A. Standard Terms

Each of the Standard Terms apply to this Licence.

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#### 1. Definitions

In this Licence:

**Agreed Amendments** means the amendments to the Standard Terms, if any, set out in Schedule 2.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in Victoria

**Charging Spaces** means those parts of the Licensed Area designated as car parking bays or car parking spaces serviced by Charging Stations.

**Charging Station** means any electric vehicle fast charging station installed or to be installed on or in the Licensed Area, including any and all hardware, software, communications devices and all other associated equipment or parts provided by the Licensee.

**Claim** means any action, claim, demand or proceeding (including based in contract, tort or statute or under any indemnity, and including any action based on personal injury or death) made against the person concerned however it arises and whether it is present or future, fixed or unascertained, actual or contingent.

**Commencing Date** means the date specified in Item 5.



**Dispute** means any dispute, difference of opinion or disagreement between the Licensor and the Licensee, arising out of or in connection with the Licence, the Licensor's Works or the Licensee's Works including any question regarding its formation, existence, validity, interpretation, performance, breach or termination.

**Dispute Representatives** means the representative of the Licensor identified as the Licensor's Disputes Representative in Item 1 and the representative of the Licensee identified as the Licensee's Disputes Representative in Item 2.

**Further Term** means each further term specified in Item 8.

**Government Authority** means any government, government department, government agency or government authority; governmental, semi-governmental, municipal, judicial, quasi-judicial, administrative or fiscal entity or person carrying out any statutory authority or function; or other entity or person (whether autonomous or not) having powers or jurisdiction under any statute, regulation, ordinance, by-law, order or proclamation, or the common law.

**Insolvency Event** means, in relation to a person, any of the following events:

- (a) the person, being an individual, becomes bankrupt;
- (b) the person becomes insolvent;
- (c) the person assigns any of its property for the benefit of creditors or any class of them;
- (d) a receiver, receiver and manager, administrator, controller, provisional liquidator or liquidator is appointed to the person or the person enters into a scheme of arrangement with its creditors or is wound up;
- (e) the holder of a Security Interest takes possession of any assets of the person or exercises any power of sale;
- (f) a judgment or order is made against the person in an amount exceeding \$50,000 (or the equivalent in any other currency) and that judgment or order is not satisfied, quashed or stayed within 20 Business Days after being made; and
- (g) any event that is analogous or has a substantially similar effect to any of the events specified in this definition.

**Installation Works** means the Licensee's Works, the Licensor's Works (if any) and the Interdependent Works, as applicable.

**Interdependent Works** means the works described in Item 16(a), if applicable.

**Item** means an item in the Licence Particulars.

**Land** means the land specified in Item 3.

**Law** includes any law, statute, regulation, ordinance, by-law, order or proclamation, and the common law; and any authorisation, ruling, judgment, order, decree or other requirement of any Government Authority.

**Liability** means any and all damages, punitive damages, liabilities, actions (including actions based on personal injury or death), obligations, duties, losses, charges, costs or expenses (including legal expenses and consulting fees), interest, penalties, fines and taxes, and excludes any consequential loss or damage which does not naturally or directly result in the ordinary course of events from the breach, action or inaction in question, whether or not a



party has been advised of or is aware of that loss or damage, including any loss of revenue, profit, data, opportunity, business, goodwill or future reputation, any failure to realise anticipated savings, any downtime costs, any damage to credit rating, and any penalties payable under contracts other than this Licence.

**Licence** means this licence between the Licensor and the Licensee, which includes the Licence Particulars, the Standard Terms, the Agreed Amendments and the Special Conditions.

**Licence Fee** means the amount specified in Item 9.

**Licence Particulars** means the schedule of items at the front of this Licence.

**Licensed Area** means the Licensed Area specified in Item 4.

**Licensee** means the Licensee specified in Item 2 and includes the Licensee's successors and assigns and where it is consistent with the context includes the Licensor's employees and agents.

**Licensee's Employees and Agents** means each of the Licensee's employees, officers, agents, contractors, consultants, sublessees, licensees and any other person on or about the Licensed Area who are under the control or direction of the Licensee.

**Licensee's Property** means all plant, equipment, fixtures, fittings, and other property installed or situated in or relevant to the Licensed Area and owned or controlled by the Licensee, including the Charging Stations and the Signage and any other item installed as part of the Licensee's Works and expressly excludes the Licensor's Property.

**Licensee's Works** means the works specified in Item 15 **Error! Reference source not found..**

**Licensor** means the Licensor specified in Item 1 and includes the Licensor's successors and assigns and where it is consistent with the context includes the Licensor's Employees and Agents.

**Licensor's Adjoining Land** means any part of the Land and any other land adjoining or near the Licensed Area that is not part of the Licensed Area but is owned by the Licensor.

**Licensor's Employees and Agents** means each of the Licensor's employees, officers, agents, contractors, consultants, invitees, sublessees, licensees and any other person on or about the Licensed Area (with or without invitation) or under the control or direction of the Licensor other than the Licensee.

**Licensor's Property** includes all plant, equipment, fixtures, fittings, and other property installed or situated in or relevant to the Licensed Area and owned or controlled by the Licensor, including anything installed as part of the Licensor's Works, if any, and expressly excludes the Licensee's Property.

**Licensor's Works** means the works specified in Item 14 **Error! Reference source not found.**, if applicable.

**New Licensee** means the proposed assignee, novate or sublicensee in connection with a proposed dealing by the Licensee in accordance with clause 11.3.

**Parking Spaces** means those parts of the Licensor's Adjoining Land designated as car parking bays or car parking spaces.

**Permitted Use** means the use specified in Item 11.



**Plan** means the plan that describes the Licensed Area at Attachment 1.

**Related Body Corporate** has the meaning given to that term in the *Corporations Act 2001* (Cth).

**Services** means all services in connection with the Licensed Area, including electricity, gas, water, waste collection and telecommunication services.

**Signage** means all and any signage and information material in connection with the installation, operation and use of a Charging Station including any information placard, operating instructions, Charging Station livery, signs to identify Charging Stations and their use and signs delineating Charging Spaces.

**Signage Plans** means the plans at Attachment 2 showing the indicative design and location of the Signage approved by the Licensor as at the date of this Deed and updated from time to time during the Term in accordance with clause 6.3.

**Special Conditions** means the clauses, if any, in Schedule 3.

**Standard Terms** means clauses 1 to 20 inclusive of this Licence.

**Term** means the term specified in Item 7 and also includes any holding over period, in each case, subject to any earlier termination in accordance with the terms of this Licence.

**Terminating Date** means the date specified in Item 6.

**WHS Laws** means the relevant workplace health and safety legislation applicable to the state in which the Land is located.

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## 2. Installation Works

Each Party must carry out and complete its respective parts of the Installation Works in accordance with the Installation Works Schedule at Schedule 1.

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## 3. Grant of Licence

### 3.1 Licence

The Licensor grants to the Licensee a non-exclusive licence during the Term for the Licensee to use the Licensed Area in common with the Licensor and persons authorised by the Licensor in accordance with this Licence.

### 3.2 Nature of Licence

3.2.1 This Licence is personal to the Licensee.

3.2.2 The Licensee expressly acknowledges and agrees that:

- (a) this Licence does not give the Licensee any right to exclusive possession or occupancy of the Licensed Area;
- (b) the Licensor may use, or permit other parties to use, the Licensed Area;



- (c) this Licence will not create, or be construed as creating, any form of tenancy or other right or interest in or to the Licensed Area, other than a contractual right; and
- (d) this Licence does not constitute a lease at Law and the Licensee will not claim before a court or tribunal that this Licence constitutes a lease at Law.

### **3.3 Licensor's rights**

The Licensor may enter the Licensed Area with all necessary materials and equipment to comply with its obligations under this Deed and any laws or notice of any Government Agency affecting the Licensed Area, subject to it complying with clauses 10.1.2(c) and clause 10.1.2(d).

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## **4. Payments by the Licensee**

### **4.1 Payment of Licence Fee**

- 4.1.1 The Licensee must pay the Licence Fee for the whole of the Term to the Licensor in advance.
- 4.1.2 If the Licence is terminated prior to the date in Item 6, the Licensor may retain the whole of the amount paid by the Licensee in accordance with clause 4.1.1.

### **4.2 Payment of charges for Services**

- 4.2.1 If and for so long as the Charging Stations are directly connected to the National Electricity Grid and the Licensed Area is separately metered, the Licensee must pay to the relevant Government Authority or utility provider, as applicable, all charges in connection with Services provided to the Licensed Area.
- 4.2.2 If and for so long as the Charging Stations are not directly connected to the National Electricity Grid and the Licensed Area is not separately metered, the Licensee must within 10 Business Days of the Licensor's demand pay to the Licensor as payment for the all charges in connection with Services provided to the Licensed Area the amount determined in accordance with the following:
  - (a) the Licensee will reimburse the Licensor at cost for incremental electricity charges incurred and directly attributable to the use of the Licensee's Property;
  - (b) reimbursement will include direct energy usage charges (cents per kilowatt hour, "c/kWh") as well as a calculated contribution towards any increased maximum demand charge (cost per kilo Volts Amperes per month, "\$/kVA/mth") directly attributable to the use of the Licensee's Property during the billing cycle; and
  - (c) the operational requirements for the reimbursement process will include:
    - 1. the Licensee will install private electricity metering into the electrical switchboard dedicated to the Licensee's Property;
    - 2. the Licensee will arrange for this private meter data to be read and made available for the purpose of calculating electricity reimbursement;



3. the Licensor will provide the parent National Meter Identification (NMI) metering data and/or authorise the Licensee access to this data;
  4. the Licensee will reconcile parent NMI data with data from the private meter to determine any incremental impact on maximum demand charges;
  5. the Licensee will reimburse agreed electricity charges at cost to the Licensor; and
  6. review and optimisation of the process will be carried out as necessary to ensure efficient operation.
- 4.2.3 The Licensor's demand referred to in clause 4.2.2 must include details of the Licensor's calculation of the amount due and payable under clause 4.2.2.

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## **5. Use of Licensed Area**

### **5.1 Permitted use**

The Licensee may:

- 5.1.1 use the Licensed Area for the Permitted Use and for any purpose ancillary to the Permitted Use;
- 5.1.2 permit members of the public to use the Charging Stations to charge electric vehicles; and
- 5.1.3 use either or both any Licensor's Adjoining Land and any Parking Spaces within or proximate to the Licensed Area on a temporary basis, in connection with the Permitted Use or to perform its obligations under clause 12.1.1.

### **5.2 Access**

The Licensee may:

- 5.2.1 access the Licensed Area 24 hours a day, seven days a week to exercise its rights under this Deed; and
- 5.2.2 access any Licensor's Adjoining Land to use any lavatories situated on any Licensor's Adjoining Land during times these are open to the public.

### **5.3 Compliance with Laws**

The Licensee must comply with all Laws and any requirements of any utility provider in connection with the Licensed Area and the Licensee's use and occupation of the Licensed Area, except the Licensee will not be required to carry out any structural works unless the need for those works arises from:

- 5.3.1 the negligent act or omission of the Licensee or the Licensee's Employees and Agents;
- 5.3.2 the failure by the Licensee or the Licensee's Employees and Agents to comply with the Licensee's obligations under this Licence; or





- 5.3.3 the use of the Licensed Area by the Licensee or the Licensee's Employees and Agents.

#### **5.4 Licences and permits**

The Licensee must maintain all licences and permits required for the Licensee's use of the Licensed Area and obtain the Licensor's written consent before varying any licence or permit or applying for any new licence or permit.

#### **5.5 Fee for use**

Provided that it is not a breach of clause 5.1 or clause 5.3 to do so, the Licensee may, but is not required to, impose a fee or charge on users of the Charging Stations.

#### **5.6 Licensor's use of the Licensed Area**

The Licensee must permit the Licensor to enter the Licensed Area at all reasonable times on reasonable notice to undertake its lawful rights and obligations.

#### **5.7 Licensee's Employees and Agents**

The Licensee must use all reasonable endeavours to ensure that the Licensee's Employees and Agents observe and comply with the Licensee's obligations under this Licence, where appropriate.

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### **6. Licensee's right to install Signage**

#### **6.1 Installation of Signage**

- 6.1.1 The Licensee may install Signage in the Licensed Area at any time at its own cost, without the Licensor's consent if that Signage complies with the Signage Plans.
- 6.1.2 The Licensee must not install any Signage on or in the Licensed Area without the Licensor's prior consent if that Signage does not comply with the Signage Plans.
- 6.1.3 The Licensee must ensure that any Signage that it installs is professionally prepared, installed and maintained.

#### **6.2 Wayfinding and directional signage**

The Licensee may install way-finding and directional signage on any Licensor's Adjoining Land with the Licensor's prior consent.

#### **6.3 Update of Signage Plans**

- 6.3.1 The Licensee may update the Signage Plans throughout the Term with the Licensor's prior consent.
- 6.3.2 If the Licensor consents to any update to the Signage Plans, the updated Signage Plans will apply on and from the date of the Licensor's consent.



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## **7. Maintenance, alterations and safety**

### **7.1 Routine repairs and maintenance**

The Licensee must keep the Licensee's Property clean and maintained in reasonable order and condition. The Licensor acknowledges that in order to comply with this obligation the Licensee may:

- 7.1.1 replace or remove all or part of one or more Charging Stations upon giving reasonable notice to the Licensor, other than in the case of an emergency, when no prior notice is required; and
- 7.1.2 temporarily close a small area around a Charging Station while the Charging Station is being serviced.

### **7.2 Repairing damage**

The Licensee must:

- 7.2.1 promptly make good any damage to the Licensed Area caused by the Licensee in exercising its rights under this Deed; and
- 7.2.2 promptly after becoming aware of it, repair any damage to the Licensee's Property whether caused by vandalism, attempted or actual theft or other unlawful activity, or by accident or negligence of a third party other than the Licensor.

### **7.3 Upgrading Charging Stations**

- 7.3.1 The Licensee may replace or upgrade existing Charging Stations and upgrade the electricity infrastructure for either or both future and increased power capacity.
- 7.3.2 Before commencing any works referred to in clause 7.3.1, the Licensee must seek and obtain the Licensor's consent. When requesting consent the Licensee must provide the Licensor with plans and specifications of the relevant works.
- 7.3.3 The Licensee must ensure any works referred to in clause 7.3.1 are carried out in accordance with plans and specifications approved by the Licensor, by qualified tradespersons, and otherwise in compliance with all applicable Laws.

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## **8. Insurance**

### **8.1 Insurances to be effected by the Licensee**

The Licensee must maintain insurance for:

- 8.1.1 public liability:
  - (a) for the amount of \$20 million concerning one single event (or any greater sum as reasonably required by the Licensor);
  - (b) which, without limiting the rest of this clause 8, covers death and injury to any person, and damage to property of any person, sustained when that person is using, entering or near any entrance, passage or stairway to or in the Licensed Area; and



- (c) which expressly refers to and covers all of the Licensee's obligations under this Licence, including the obligation to indemnify the Licensor;

8.1.2 the Licensee's Property for their full replacement value; and

8.1.3 other insurances which are required by Law or which, in the reasonable opinion of the Licensor, a prudent licensee would take out, including in connection with any Licensee's Works.

## 8.2 Policies

In respect of each insurance policy that the Licensee is required to maintain under this Licence, the Licensee must:

8.2.1 pay all insurance premiums on or before the due date for payment; and

8.2.2 give the Licensor a copy of the certificate of currency on or before each anniversary of the Commencing Date.

## 8.3 Group Policies

For so long as the Licensee is National Roads and Motorists' Association Limited ACN 000 010 506 or a Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time) the Licensee will have complied with its insurance obligations under clause 8.1 and clause 8.2 if the Licensee provides to the Licensor on request, a copy of a certificate of currency of insurance from the Licensee's insurer or insurance broker confirming that its obligations under clause 8.1 and clause 8.2 are covered by the terms of any group policy held by the Licensee or any other company in the NRMA group of companies.

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## 9. Indemnity and release

### 9.1 Indemnity

Except to the extent that the Licensor is negligent or in breach of its obligations under this Deed, the Licensee indemnifies the Licensor against any Claim or Liability that the Licensor incurs or is liable for in connection with:

9.1.1 any damage, loss, death or injury to property or person in connection with the use of the Licensee's Property; and

9.1.2 the use or occupation by the Licensee or the Licensee's Employees and Agents of, or the existence of, the Licensee's Property.

### 9.2 Release

Except to the extent that the Licensor is negligent or in breach of its obligations under this Deed, the Licensee:

9.2.1 uses the Licensed Area at its own risk; and

9.2.2 releases the Licensor from, and agrees the Licensor is not liable for, any Claim or Liability in connection with any damage, loss, injury to or of any person or property in connection with the use or existence of the Licensed Area.



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## **10. Licensor's Obligations**

### **10.1 Use of Licensed Area**

10.1.1 The Licensor must, at no cost to the Licensee:

- (a) keep the Land (including all Parking Spaces) clean and tidy and in a good and safe state of repair and condition;
- (b) keep the Land well-lit at all times;
- (c) promptly make good any damage to the Land or the Licensed Area that it is not the Licensee's obligation to repair under this Licence;
- (d) if any Signage includes a requirement that a Charging Space only be used for charging an electric vehicle, use its best endeavours to monitor and enforce the use of that Charging Space for that purpose only and for no other purpose.

10.1.2 The Licensor must not:

- (a) alter the Licensor's Property or any other part of the Licensed Area or the Land in a way that would interfere with the conduct of the Permitted Use or that would result in the Licensed Area or the Licensee's Property being inaccessible;
- (b) repair, service, tamper with, change, alter or otherwise interfere with the Licensee's Property (and if it does so, the Licensor must reimburse to the Licensee the cost of repairing the Licensee's Property if the Licensor causes any damage to the Licensee's Property);
- (c) do anything that derogates from the Licensee's rights under the Licence;
- (d) impede access to the Licensed Area without first giving the Licensee reasonable notice and details of its intention to temporarily do so, other than in the case of an emergency, when no prior notice is required;
- (e) install and must ensure that no third party installs any electric vehicle fast charging station in or on the Licensed Area or the Land during the Term;
- (f) remove, alter or obstruct any Signage without the Licensee's prior consent (except in the case of an emergency); and
- (g) not affix and must not grant any third party the right to affix any advertising or promotional material to any Signage, Charging Station or any Charging Space.

### **10.2 Electricity**

The Licensor must, if requested by the Licensee:

- 10.2.1 provide to the Licensee at the Licensee's cost the ability to connect the Licensee's Property to an electricity supply on the Land or the Licensor's Adjoining Land during the Term; and
- 10.2.2 maintain and where required, promptly repair or replace the earthing apparatus and any other plant, equipment or infrastructure which enables the supply of



electricity to the Charging Stations, including where this is required as a result of power surges or electrical faults; and

- 10.2.3 do all other things reasonably necessary to ensure the supply of electricity for the safe and continuous supply of electricity to the Licensee's Property.

### **10.3 Security**

The Licensor must:

- 10.3.1 use its best endeavours to advise the Licensee of any damage, attempted or actual theft, vandalism or unlawful activity to the Licensed Area or the Licensee's Property as soon as the Licensor is aware of it; and
- 10.3.2 in the case of any damage, attempted or actual theft, vandalism or unlawful activity to the Licensed Area or the Licensee's Property, allow the Licensee to have access to all relevant closed circuit television (CCTV) camera recordings (if available).

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## **11. Dealings**

### **11.1 Dealings by Licensor**

The Licensor may grant easements or other rights over the Land provided that they do not interfere with the Permitted Use and the Licensee's rights under this Licence.

### **11.2 Dealings by Licensee**

The Licensee must not assign, novate or sublicense its rights and obligations under this Licence without the Licensor's consent, which must not be unreasonably delayed or withheld provided that the Licensee complies with clause 11.3, except where clause 11.4 applies, in which case the Licensor's consent cannot be withheld.

### **11.3 Novation and sublicensing**

The Licensor must not unreasonably withhold or delay its consent, if:

- 11.3.1 the Licensee gives the Licensor at least 1 months' written notice of the proposed dealing; and
- 11.3.2 before any dealing is completed:
- (a) the Licensee has provided reasonable evidence to demonstrate that the New Licensee is respectable, solvent and capable of adequately carrying out the Permitted Use;
  - (b) the New Licensee has agreed to perform the obligations of the Licensee under this Licence (in the case of a sublicense, to the extent of the area sub-licensed);
  - (c) the Licensee and the New Licensee have agreed to enter into such documentation reasonably required by the Licensor to give effect to clause 11.3.2(b); and
  - (d) the Licensee has paid the Licensor's reasonable costs of considering the proposed dealing and entering into the documentation referred to in clause 11.3.2(c).



#### **11.4 NRMA group of companies**

For so long as the Licensee is National Roads and Motorists' Association Limited ACN 000 010 506 or a Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time), the Licensee:

- 11.4.1 may assign, novate or sublicense to or share possession of the whole or any part of the Licensed Area with any other company, including any Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time) without complying with clause 11.3; and
- 11.4.2 must notify the Licensor within a reasonable time after it assigns, novates, sublicenses or shares possession of the whole or any part of the Licensed Area.

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#### **12. Licensee's obligations at the end of this licence**

##### **12.1 Licensee's obligations**

- 12.1.1 At the expiry or other termination of this Licence, the Licensee must:
  - (a) vacate the Licensed Area;
  - (b) remove the Licensee's Property from the Licensed Area; and
  - (c) subject to clause 12.1.2, make good any damage caused by the removal of the Licensee's Property from the Licensed Area.
- 12.1.2 The Licensee is not required to remove any part of the Licensor's Property or make good any part of any concrete footing that comprises Licensor's Property that is damaged by the removal of the Licensee's Property.

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#### **13. Termination of Licence**

##### **13.1 For convenience**

- 13.1.1 The Licensee may terminate this Licence at any time by giving the Licensor at least 120 days' written notice.
- 13.1.2 If the Licensee terminates this Licence in exercise of its rights under clause 13.1.1, neither party will have any Claim against the other (including any claim for compensation), except for any rights that accrued before that termination.



### **13.2 Default**

The Licensor may terminate this Licence by written notice, require the Licensee to vacate the Licensed Area, and exercise any other legal right, if:

- 13.2.1 any amount payable by the Licensee under this Licence, is in arrears for 20 Business Days, and the Licensee fails to make the relevant payment within 20 Business Days after the Licensor has demanded payment;
- 13.2.2 if the Licensee does not comply with any other express or implied obligation under this Licence within a reasonable time after the Licensor has issued a notice requesting that the Licensee so comply; or
- 13.2.3 an Insolvency Event occurs in respect of the Licensee.

### **13.3 Damages following termination**

If the Licensor terminates this Licence under clause 13.2, the Licensee must compensate the Licensor for any loss or damage the Licensor suffers in connection with the event that gave rise to the termination, but is not liable for the Licensor's loss of the benefit of the Licensee performing its obligations under this Licence up to the expiry of the Term.

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## **14. Holdover and Option for Further Term**

### **14.1 Holding over**

- 14.1.1 If the Licensee continues to occupy the Licensed Area after the Terminating Date with the Licensor's consent (except under a licence arising from a valid exercise by the Licensee of an option for a Further Term in accordance with clause 14), the Licensee will do so as a 6-monthly licensee.
- 14.1.2 Subject to this clause 14.1, the monthly licence is on the same terms as this Licence, but including any changes necessary to make the terms appropriate for a 6-monthly licence.

### **14.2 Exercise of option for a Further Term**

If a Further Term is specified in Item 8 the Licensor must grant to the Licensee, at the Licensee's cost, a new licence for the Further Term if the Licensee gives the Licensor written notice asking for a new licence, not earlier than 12 months or later than 3 months before the Terminating Date.

### **14.3 New licence for Further Term**

The new licence for the Further Term contains the same terms and conditions as this Licence except for all changes necessary to reflect the new term of the licence and any variations made to this Licence during the Term.

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## **15. Dispute Resolution**

### **15.1 Dispute**

Any Dispute is to be dealt with in accordance with this clause 15.



## **15.2 Notice of Dispute**

- 15.2.1 If a Dispute between the parties arises then either party may give the other a written notice of Dispute adequately identifying and providing details of the Dispute.
- 15.2.2 Notwithstanding the existence of a Dispute, the parties must continue to perform their obligations under this Licence.

## **15.3 Dispute Representatives Determination**

- 15.3.1 The Disputes Representatives must meet to discuss the Dispute in good faith within 10 Business Days after service of a notice of dispute under clause 15.2.1.
- 15.3.2 The Disputes Representatives must use reasonable endeavours to:
  - (a) settle or resolve the Dispute; or
  - (b) agree a process for settling or resolving the Dispute, such as referral to a technical expert or mediation or such other forms of alternative dispute resolution,within 15 Business Days after the Disputes Representatives have met.
- 15.3.3 If the Dispute is not resolved within 30 Business Days after issue of a notice of Dispute under clause 15.2.1, clause 15.4 applies.

## **15.4 Litigation**

- 15.4.1 If the Dispute is not resolved in accordance with clause 15.3 or a disputes process agreed under clause 15.3, then either party may commence proceedings in relation to the Dispute.
- 15.4.2 Subject to clause 15.5, the parties must follow the Dispute resolution procedures set out in this clause 15 before either commences litigation or takes similar action.

## **15.5 Summary relief**

Nothing in this clause 15 will prejudice the right of a party to seek injunctive or urgent declaratory relief.

## **15.6 Survive termination**

This clause 15 will survive the termination of the Licence.

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## **16. GST**

### **16.1 Definitions**

In this clause:

- 16.1.1 words and expressions that are not defined in this Licence but which have a defined meaning in the GST Law have the same meaning as in the GST Law;
- 16.1.2 **GST** means GST within the meaning of the GST Law and includes penalties and interest. If under or in relation to the *Intergovernmental Agreement Implementation (GST) Act 2000* (NSW) the supplier makes voluntary or notional payments, then:





- (a) the definition of GST includes those voluntary or notional payments; and
- (b) expressions containing the term 'GST' have a corresponding expanded meaning; and

16.1.3 **GST Law** has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

## **16.2 GST exclusive**

Except where specified to the contrary in this Licence, all consideration payable under this Licence in relation to any supply is exclusive of GST. If GST is payable in respect of any supply made by a supplier under this Licence (**GST Amount**), the recipient must pay to the supplier an amount equal to the GST payable on the supply. Provided that the supplier has provided a tax invoice, the recipient must pay the GST Amount at the same time and in the same manner as the consideration for the supply is to be provided under this Licence in full and without deduction, set off, withholding or counterclaim (unless otherwise provided in this Licence).

## **16.3 Reimbursements**

If this Licence requires a party to pay, reimburse or contribute to any expense, loss or outgoing suffered or incurred by another party, the amount which the first party must pay, reimburse or contribute is the sum of:

- 16.3.1 the amount of the payment, reimbursement or contribution, less any input tax credit in respect of the payment, reimbursement or contribution to which the other party is entitled; and
- 16.3.2 if the payment, reimbursement or contribution is subject to GST, an amount equal to that GST.

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## **17. Notices**

### **17.1 Delivery of notice**

- 17.1.1 A notice or other communication required or permitted to be given to a party under this Licence must be in writing and may be delivered personally to the party, by leaving it at the party's address, by posting it by registered post, priority registered post or express post addressed to the party at the party's address or by electronic mail to the party's email address, in each case, as specified in the notice details of that party or as notified by one party to the other from time to time during the Term.
- 17.1.2 If the Licensee is a company, the notice or other communication may be served on it at its registered office.

### **17.2 Time of service**

A notice or other communication is deemed delivered:

- 17.2.1 if delivered personally or left at the person's address, upon delivery;
- 17.2.2 if posted within Australia to an Australian address using registered post or priority registered post, 4 Business Days after posting and using express post, 2 Business Days after posting;



- 17.2.3 if delivered by electronic mail, subject to clause 17.2.4, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient; and
- 17.2.4 if received after 5.00pm in the place it is received or on a day which is not a business day in the place it is received, at 9.00am on the next business day.

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## **18. Governing law**

This Licence is governed by the law applying in Victoria and the parties submit to the non-exclusive jurisdiction of the courts of Victoria.

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## **19. Interpretation**

### **19.1 Words and headings**

In this Licence, unless expressed to the contrary:

- 19.1.1 words denoting the singular include the plural and vice versa;
- 19.1.2 the word 'includes' in any form is not a word of limitation;
- 19.1.3 where a word or phrase is defined, another part of speech or grammatical form of that word or phrase has a corresponding meaning;
- 19.1.4 headings and subheadings are for ease of reference only and do not affect the interpretation of this Licence; and
- 19.1.5 no rule of construction applies to the disadvantage of the party preparing this Licence on the basis that it prepared or put forward this Licence or any part of it.

### **19.2 Specific references**

In this Licence, unless expressed to the contrary, a reference to:

- 19.2.1 a gender includes all other genders;
- 19.2.2 any legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it;
- 19.2.3 any document (such as a deed, agreement or other document) is to that document (or, if required by the context, to a part of it) as amended, novated, substituted or supplemented at any time;
- 19.2.4 writing includes writing in digital form;
- 19.2.5 'this Licence' is to this Licence as amended from time to time;
- 19.2.6 'A\$', '\$', 'AUD' or 'dollars' is a reference to Australian dollars;
- 19.2.7 a clause, schedule or attachment is a reference to a clause or attachment in or to this Licence;



- 19.2.8   any property or assets of a person includes the legal and beneficial interest of that person of those assets or property, whether as owner, lessee or lessor, licensee or licensor, trustee or beneficiary or otherwise;
- 19.2.9   a person includes a firm, partnership, joint venture, association, corporation or other body corporate;
- 19.2.10   a person includes the legal personal representatives, successors and permitted assigns of that person, and in the case of a trustee, includes any substituted or additional trustee;
- 19.2.11   any body (**Original Body**) which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the Original Body; and
- 19.2.12   a month is a calendar month.

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## **20.     General**

### **20.1    Costs and expenses**

Each party must pay its own costs and expenses in connection with:

- 20.1.1   the preparation, execution, stamping and any necessary registration of this Licence and any related document (including penalties and fines);
- 20.1.2   any request for the consent of the Licensor; and
- 20.1.3   any amendment to, waiver under, surrender of, or dealing contemplated by, this Licence or any related document.

### **20.2    Variation**

This Licence may only be varied or replaced by a document duly executed by the parties.

### **20.3    Counterparts**

This Licence may be executed in counterparts, all of which taken together constitute one instrument.

### **20.4    Entire agreement**

This Licence constitutes the entire agreement between the parties; and supersedes and cancels any contract, deed, arrangement, related condition, collateral arrangement, condition, warranty, indemnity or representation imposed, given or made by a party (or an agent of a party) prior to entering into this Licence.

### **20.5    Liability**

If a party consists of 2 or more people or entities, an obligation of that party binds each of them jointly and severally.



## **20.6 Severability**

- 20.6.1 Any provision of this Licence that is held to be illegal, invalid, void, voidable or unenforceable must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.
- 20.6.2 If it is not possible to read down a provision as required by this clause, part or all of the clause of this Licence that is unlawful or unenforceable will be severed from this Licence and the remaining provisions continue in force.

## **20.7 Further assurance**

Each of the Licensor and the Licensee must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Licence.

## **20.8 Survival and enforcement of indemnities**

- 20.8.1 Each indemnity of the Licensor or the Licensee is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Licence.
- 20.8.2 The party with the benefit of an indemnity must before enforcing a right of indemnity under this Licence:
- (a) use reasonable endeavours to mitigate its loss; and
  - (b) actually incur an expense or make payment.

## **20.9 Business Day**

If a payment or other act is required by this Licence to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

## **20.10 Exclusion of statutory provisions**

To the full extent permitted by law, any legislation that adversely affects an obligation of the Licensor or the Licensee under this Licence, or the exercise of a right or remedy by the Licensor or the Licensee under this Licence, is excluded from this Licence.

## **20.11 Licensor's consent**

Where the Licensor is required to give its consent under this Licence, the Licensor must not unreasonably delay or withhold its consent, but may give its consent subject to such reasonable conditions as the Licensor may reasonably determine.

## **B. Agreed Amendments**

Each of the Agreed Amendments in Schedule 2 apply to this Licence.

## **C. Special Conditions**

Each of the Special Conditions in Schedule 3 apply to this Licence.



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## Schedule 1 Installation Works Schedule

### 1. Licensor's Works

Not Applicable

### 2. Licensee's Works

- 2.1 The Licensor grants and the Licensee accepts a licence of the Licensed Area and any Licensor's Adjoining Land that the Licensee needs to use in connection with the Licensee's Works, and where required to complete the Licensor's Works or carry out works to rectify any Defects.
- 2.2 Before it commences the Licensee's Works, the Licensee must:
- 2.2.1 at its own cost, obtain any necessary consent or approval from any Government Agency to carry out the Licensee's Works;
  - 2.2.2 provide to the Licensor plans, drawings and specifications of the Licensee's Works; and
  - 2.2.3 provide to the Licensor details of those of the Licensor's Works and the Licensee's Works that the Licensee has identified as Interdependent Works.
  - 2.2.4 The Licensor:
    - (a) will not charge the Licensee for any permit, consent or approval required by the Licensee for the construction and maintenance of the Licensee's or the Charging Stations; and
    - (b) agrees that by signing this Deed, it grants to the Licensee land owner consent to the Licensee lodging with any Government Agency any application for any permit, consent or approval required by the Licensee for the construction and maintenance of the Licensee's Works or the Charging Stations.
- 2.3 The Licensee must have the Licensee's Works carried out and completed at its own cost and:
- 2.3.1 diligently, efficiently and in a proper and workmanlike manner;
  - 2.3.2 in accordance with the requirements of all relevant Government Agencies; and
  - 2.3.3 in performing its obligations under clauses 2.3.1 and 2.3.2:
    - (a) use reasonable endeavours to ensure it does not cause undue noise or nuisance to the occupiers of the Land;
    - (b) comply with reasonable directions by the Licensor's responsible officers; and
    - (c) comply with all applicable WHS Laws as principal contractor with respect to the Licensee's Works.



- 2.4 Once the Licensee's Works have been completed the Licensee must promptly:
- 2.4.1 notify the Licensor that the Licensee's Works have been completed; and
  - 2.4.2 provide to the Licensor copies of all certificates in its possession that evidence that the Licensee's Works have been completed in accordance with clause 2.3.2.

### 3. **Interdependent Works**

- 3.1 Each of the Licensor and the Licensee agree to work together in a consultative and co-operative manner to ensure that the Interdependent Works are completed diligently, efficiently and in a proper and workmanlike manner, including to ensure that:
- 3.1.1 the performance and sequencing of the Interdependent Works is optimised;
  - 3.1.2 the timeframe for the completion of the Interdependent Works is minimised;
  - 3.1.3 the Interdependent Works are completed by the Target Date for Completion of the Licensor's Work; and
  - 3.1.4 the safety of all individuals working on or near the Interdependent Works is maintained.

### 4. **Definitions**

- 4.1 In this Schedule:

A reference to a clause is a reference to a clause in this Schedule and:

**Completion Acknowledgement** means a notice issued by the Licensee to the Licensor which acknowledges that Practical Completion of the Licensor's Works has been achieved to the reasonable satisfaction of the Licensee.

**Date of Practical Completion of the Licensor's Works** means the date on which the Licensee gives to the Licensor a Completion Acknowledgement.

**Defects** means any defect, deficiency, fault, error or omission in or from the Licensor's Works, or any other aspect of the Licensor's Works that:

- (a) does not comply with the requirements of this Schedule; or
- (b) prevents the Licensee's Property or the Licensed Area from being reasonably capable of being used for the Permitted Use.

**Defects Liability Period** means the period commencing on the Date of Practical Completion of the Licensor's Works and expiring on the date that is 12 months after the Date of Practical Completion of the Licensor's Works.

**Interdependent Works** means the works described in Item 16(a).

**Licensee's Works** means the works described in Item 15(b).

**Licensor's Works** means the works described in Item 14(a) and in the Licensor's Works Plans.



**Licensor's Works Plans** means the plans, drawings and specifications of the Licensor's Works agreed by the Licensor and the Licensee on or before the date of this Deed.

**Practical Completion of the Licensor's Works** means the point at which the Licensor's Works have been completed in accordance with clause 1 (except for minor omissions and defects that in the Licensee's reasonable opinion would not prevent the Licensee from either commencing or completing the Licensee's Works and would not prevent the Licensee from using the Licensed Area for the Permitted Use.

**Target Date for Completion of the Licensor's Work** means the date in Item 14(b).



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## Schedule 2      Agreed Amendments

The parties agree that the Standard Terms are amended as follows:

1.      **Clause 4 – Payments by the Licensee**

Clause 4.2.2 & Clause 4.2.3 are not applicable and deleted

2.      **Clause 12.1 – Licensee's Obligations**

Clause 12.1.1 (b) is replaced by the following Clause 12.1.1 (b):

Remove the Licensee's Property from the Licensed Area and Licensors Adjoining Land within the Lot to the reasonable satisfaction of the Licensor and if demanded, back to a condition documented in a dilapidation report prepared by the Licensee and approved by the Licensor prior to the commencement of the Licensee's Works.

3.      **Clause 12.1 – Licensee's Obligations**

Clause 12.1.2 is replaced by the following Clause 12.1.2:

12.1.2 (a) - The Licensee is not required to remove any part of the Licensor's Property

12.1.2 (b) – The Licensor does not require the Licensee to remove, make good or reinstate the hardstand surfaces, the main switchboard, the substation pole, the light pole or any other item as agreed by the Licensor and Licensee up on the end of the License Term.

4.      **Clause 5.1 – Permitted Use**

New Clause 5.1.4 is added to Clause 5.1:

Operate CCTV within its Licenced Area in strict accordance with the Licensors existing policy including any future revisions and amendments. If permitted under the Licensors policy, the Licensee may operate its own independent CCTV as required for the operation of the Charging Station operated within the Licensed Area.

5.      **Schedule 1 Clause 2 – Licensee's Works**

New Clause 2.5 is added to Schedule 1 Clause 2:

2.5      The Licensor and Licensee acknowledge that the parties enter into this Licence based on drawings Revision F drawings dated 28 February 2024

(a) – The Licensee must inform the Licensor promptly of any variation in design than that documented in the issued Revision F drawings dated 28 February 2024.

(b) – The Licensee must seek approval from the Licensor on design variations.

(c) – The Licensor must not unreasonably withhold or delay approval on the Licensee's proposed design variations.

(d) The Licensor acknowledges that the power supply strategy requires Powercor (distributed network service provider) to install a new private power pole within the





Lot 1 TP248095 which will require an access easement documented via Memorandum of Agreement between Powercor Australia Ltd and Buloke Shire Council.



## Schedule 3 Special Conditions

### 1 Sale or transfer by Licensor

If the Licensor proposes to sell, transfer or otherwise dispose of its interest in this Licence or in the Land during the Term, the Licensor must give notice to the Licensee of the proposed disposal and procure that the proposed purchaser or transferee enters into a deed under which the proposed purchaser or transferee agrees to be bound by the terms of the Licence as Licensor, and otherwise on terms acceptable to the Licensee acting reasonably.

### 2 Relocation

2.1 The Licensor may require the Licensee to relocate the Charging Stations to other car parking bays or car parking spaces on the Land or the Licensor's Adjoining Land in accordance with this clause.

2.2 If the Licensor want to relocate the Charging Stations, the Licensor must:

- (a) first provide the Licensee with details of a proposed redevelopment of the Land sufficient to indicate a genuine proposal that:
  - (i) is to be carried out within a reasonably practicable time after relocation of the Charging Stations; and
  - (ii) cannot be carried out practicably without vacant possession of the Licensed Area; and
- (b) give the Licensee a written notice that:
  - (i) specifies a relocation date that is at least 6 months after the date of service of the notice;
  - (ii) gives details of alternative car parking bays or car parking spaces on the Land or the Licensor's Adjoining Land to be made available to the Licensee (**Alternative Licensed Area**); and
  - (iii) offers the Licensee a licence of the Alternative Licensed Area on the same terms and conditions as this Licence, but commencing on the date which is one day after the date that is 6 months after the date of service of the Relocation Notice and ending on the same day as this Licence (**Alternative Licence**),

**(Relocation Notice).**

2.3 Once the Licensor has issued a Relocation Notice, the Licensee may either terminate this Licence or accept the relocation.

2.4 If the Licensee wants to terminate this Licence after the Licensor has issued a Relocation Notice, the Licensee must give the Licensor a written termination notice within 2 months after receiving the Relocation Notice. In that case:

- (a) this Licence will terminate on the date that is 6 months after the date of service of the Relocation Notice, unless the Licensor and the Licensee agree on another date;
- (b) subject to clause 2.4(c), each of the Licensor and the Licensee must continue to comply with the terms of this Licence, until that date of termination; and



- (c) the Licensee must vacate the Licensed Area by that date of termination, as if it were the Terminating Date.
- 2.5 If the Licensee does not give the Licenser a written termination notice within 2 months after receiving the Relocation Notice, the Licensee is taken to have accepted the offer to relocate on the terms of the Alternative Licence, unless the Licenser and the Licensee have agreed to a licence on some other terms.
- 2.6 If the Licensee has accepted the offer to relocate then:
  - (a) before the date that is 6 months after the date of service of the Relocation Notice (unless the Licenser and the Licensee agree another date):
    - (i) the Licenser must carry out the installation of a concrete footing, bollards, signage and markings for each Charging Station and installation of conduits for the electrical cabling from the concrete footing to point of connection with the electricity grid or power supply in accordance with the plans, drawings and specifications provided by the Licensee (**Relocation Works**), at its own cost and Schedule 1 of this Licence applies as if the Relocation Works were the Licenser's Works;
    - (ii) the Licensee must arrange for its lawyers to prepare an Alternative Licence;
    - (iii) the Licensee must give the Licenser an executed Alternative Licence; and
  - (b) until the date that is 6 months after the date of service of the Relocation Notice (unless the Licenser and the Licensee agree another date):
    - (i) subject to clause 2.6(b)(ii), each of the Licenser and the Licensee must continue to comply with the terms of this Licence, until the date that the Alternative Licence commences; and
    - (ii) the Licensee must vacate the Licensed Area by the date that is one day before the date that the Alternative Licence commences, as if it were the Terminating Date; and
  - (c) the Licensee will carry out any works, other than the Relocation Works, necessary to allow the Licensee to use the Alternative Licensed Area for the Permitted Use and Schedule 1 of this Licence applies as if those works were the Licensee's Works.

### 3 First right of refusal

- 3.1 If during the Term or any Further Term:
  - (a) an additional area or areas on the Land adjacent to the Licensed Area become vacant (**Additional Space**) and available for lease or licence for the purpose of EV charging, the Licenser must, at least 28 days prior to the Additional Space becoming available, give written notice to the Licensee providing details of the Additional Space (including but not limited to the size and location) and subject to clause 3.3 any other relevant terms; and
  - (b) the Licensee requires additional space on the Land to carry out any works, repairs or replacements of any part of the Charging Stations or the Licensee's Property (**Works Area**) and the Licensee provides to the Licenser details of the Works Area that it requires, the Licenser must on each occasion, within 28 days of receiving the Licensee's notice, notify the Licensee which part or parts of the Works Area or any other parts of the Land is at the time vacant or is to become vacant within the



following six months and subject to clause 3.3, any other relevant terms on which the Licensor proposes to licence that part of the Land.

- 3.2 If the Licensee wishes to enter into a lease or licence of the Additional Space or Works Area the Licensee must notify the Licensor within 14 days of receipt of the Licensor's notice under clause 3.1.
- 3.3 If the Licensee gives the Licensor a notice in accordance with clause 3.2 the Licensor must grant to the Licensee a lease or licence of the relevant part of the Land (**New Licence**) on the same terms and conditions contained in this Licence (with such changes as the context requires).
- 3.4 The Licensee must execute and return to the Licensor the New Licence within 28 days of receiving it from the Licensor. The Licensee and the Licensor agree to be bound by the provisions of the New Licence even if a party has not executed the New Licence.
- 3.5 If the Licensee does not give notice in accordance with clause 3.2, the Licensor may grant a lease or licence of the whole or any part of the Additional Space or the Works Area specified in the Licensor's notice under clause 3.1 to a party other than the Licensee.

#### **4 Warranty**

- 4.1 The Licensor warrants that the usability, power, electricity and energy storage systems of the Licensee's Charging Stations will not be affected or impacted by the installation of a Charging Station on the Land by any other party or supplier that is not the Licensee. The Licensor also warrants that any other party or supplier that is not the Licensee will not benefit from the Licensee's Works.

#### **Licensor Use of Electric Vehicle Charging Station**

- 5.1 For as long as Buloke Shire Council are the Licensor, the Licensee will provide free customer charging up to a maximum sum of \$1,000 worth of kWh output per Licence Term year. The Licensee will issue the Licensor a RFID card with a preset limit at the anniversary of each Licence year.

#### **Asbestos Report**

- 6.1 The Licensee acknowledges that the Licensor has provided the Licensee with an Asbestos Report as found in Attachment 3.
- 6.2 The Licensee will undertake actions, determined in the Licensee's sole discretion, to appropriately manage the ground contamination impacting the Licenced Area, in the performance of its works and the ongoing operation of the Station.



---

**SIGNING PAGE**

**Executed** by the parties as a Deed

**SIGNED** by and on behalf of **BULOKE SHIRE COUNCIL** by Wayne O'Toole, Chief Executive Officer in accordance with a delegated Power that is recorded in an Instrument of Delegation dated 12 October 2022

).....  
Signature of Chief Executive Officer

).....

in the presence of:

).....  
Signature of Witness

).....



Signed for and on behalf of the Licensee by **NRMA Electric Highways Pty Ltd (ABN 35 659 311 163)** by the following persons in accordance with s127 of the Corporations Act 2001 (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/company secretary

\_\_\_\_\_  
Name of director (print)

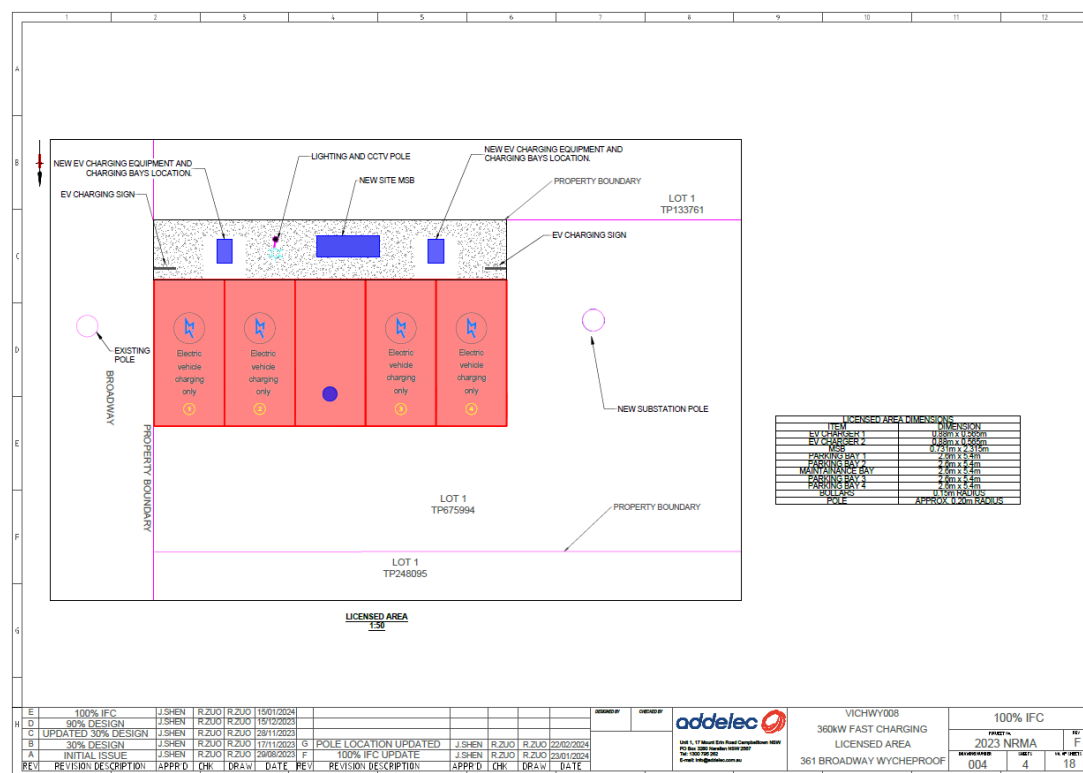
\_\_\_\_\_  
Name of director/company secretary (print)

\_\_\_\_\_

\_\_\_\_\_

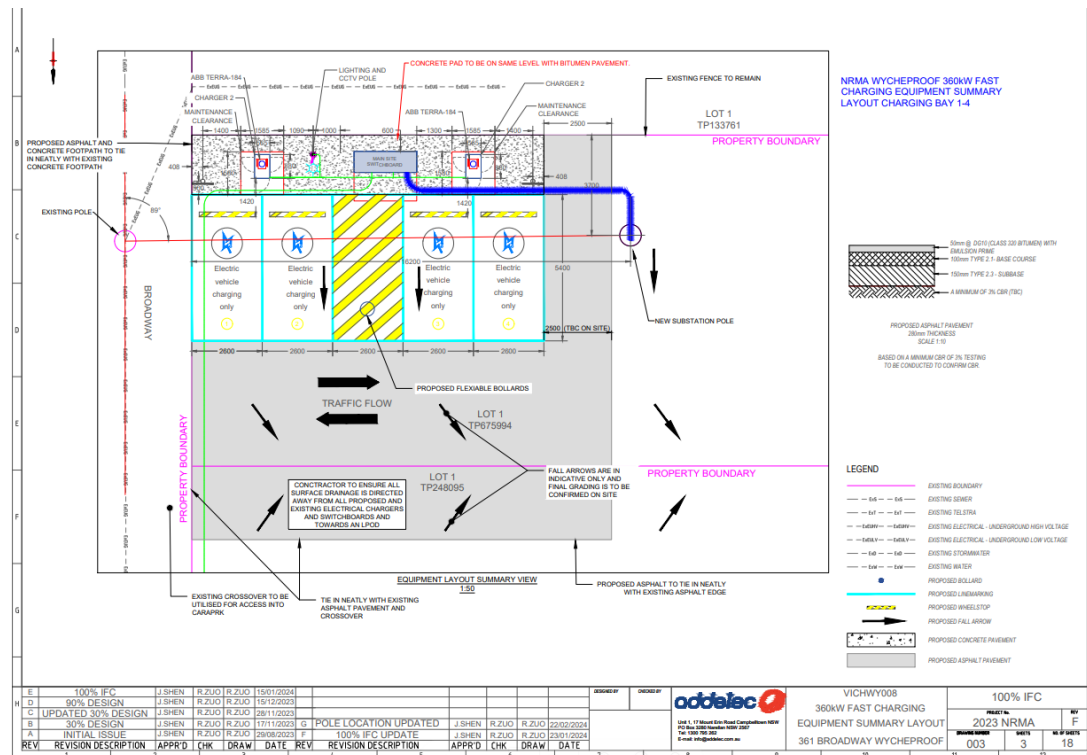


**Image 1 - The Licensed Area is shown as the red and blue highlighted area on the Land in the plans below.**

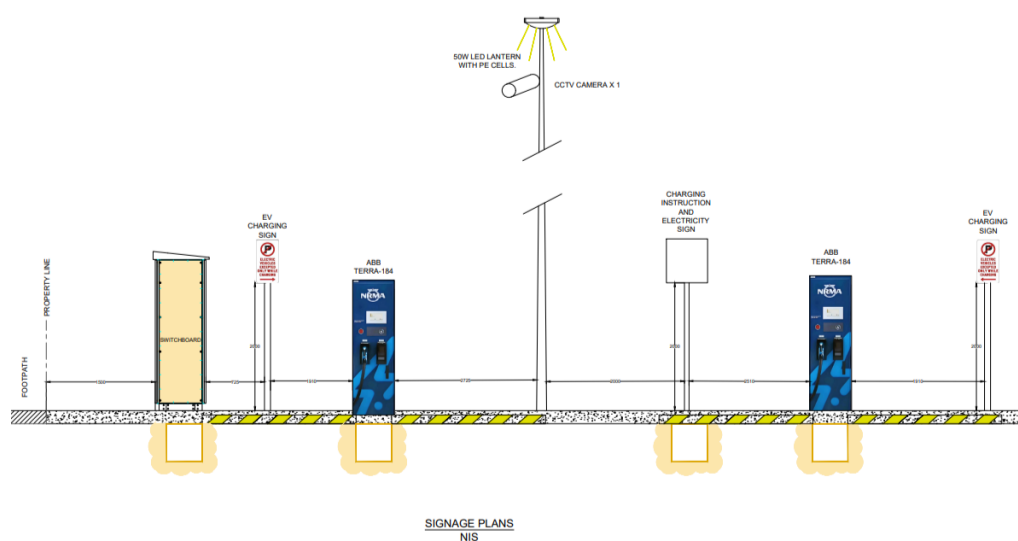




**Image 2 - Additional plan showing details of the location of the Charging Station, parking bays, road surfacing, bollards and main switchboard panel.**



**Image 3 - Elevations**







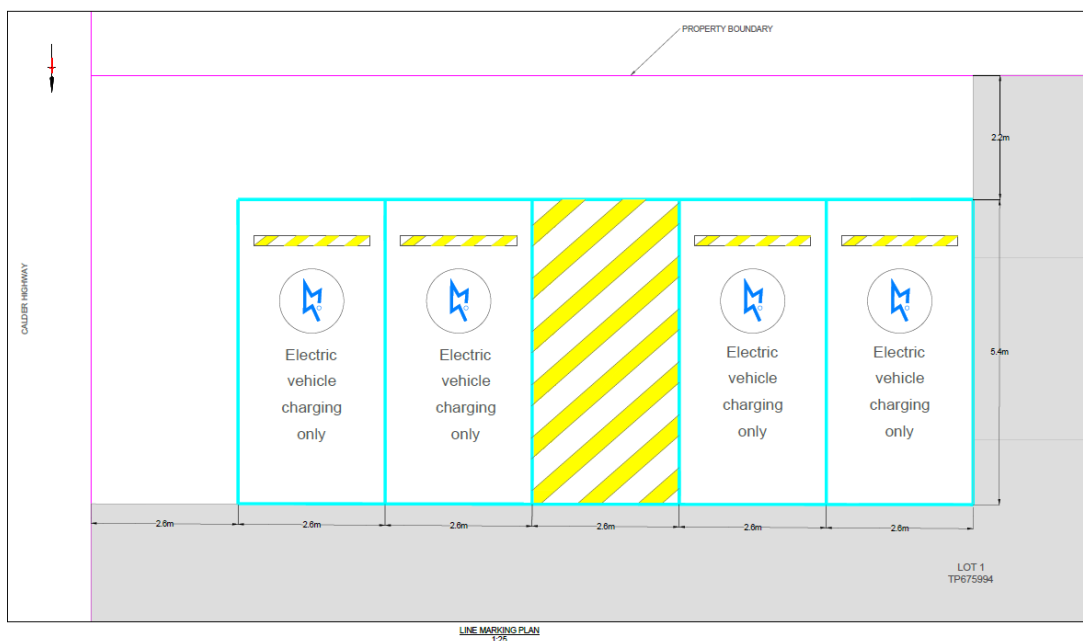
## Attachment 2 Signage Plans

Image 4 – ABB Terra-184 Charger head unit & livery wrap



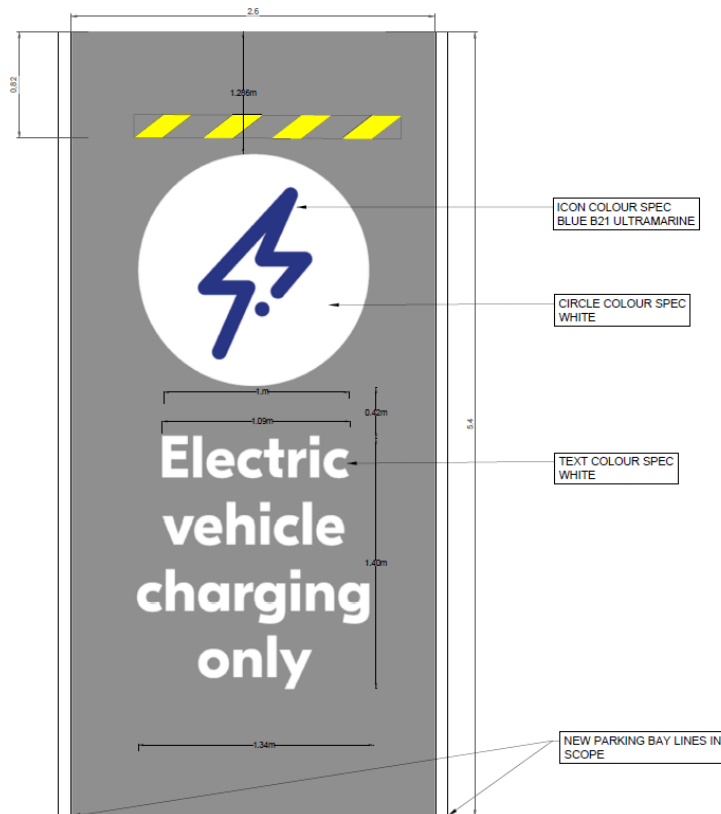
ABB TERRA-184  
NIS

Image 5 – Line marking plan





**Image 6 – Charging Bay Line marking Detail**





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## Attachment 3

**Safety Systems Pty Ltd report dated 31 May 20218 (Job No 18245). Titled Asbestos in Soil Assessment For "Council Vacant Lot" At 367 Broadway Street, Wycheproof VIC 3527**



**1300 797 312**

Safety Systems Pty Ltd  
72 Powells Avenue, Bendigo 3550  
[admin@safetysystems.net.au](mailto:admin@safetysystems.net.au)  
[www.safetysystems.net.au](http://www.safetysystems.net.au)

Job No 18245

31<sup>st</sup> May 2018

Ms Zoe Watts  
Buloke Shire Council  
PO Box 1  
Wycheproof VIC 3527

Sent by email to: [zwatts@buloke.vic.gov.au](mailto:zwatts@buloke.vic.gov.au)

**ASBESTOS IN SOIL ASSESSMENT FOR “COUNCIL VACANT LOT” AT 367 BROADWAY STREET WYCHEPROOF VIC 3527.**

On the 18<sup>th</sup> May 2018 *Safety Systems Pty Ltd* carried out an asbestos assessment of the area described as the “Vacant Lot” at 367 Broadway Street, Wycheproof to facilitate compliance with Part 4.4 of the *Occupational Health and Safety Regulations 2017* and section 27(a) of the Environment Protection Act 1970.

The aim was to carry out an investigation of Occupational Health and Safety and Environmental assessment the Vacant Lot, which has been contaminated with cement sheet materials which may contain asbestos.

The assessment was conducted in a methodical and analytical manner pursuant to regulation 241 of the *Occupational Health and Safety Regulations 2017* and in accordance with aspects of the WorkSafe Victoria Compliance Code *Managing asbestos in workplaces* [Edition No. 1, September 2008] and the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM)*. Specifically the assessment was to:

- Identify, as far as reasonably practicable, the location, extent, accessibility, type and condition of any asbestos-containing materials (ACM); and
- Assess the risk and recommend action/s required to prevent or to control the risk to the public from potential exposure to airborne asbestos fibres.

The process can be described as, to locate, identify, assess and make recommendations about asbestos at the premises. Surface samples were submitted for analysis at an approved NATA accredited laboratory. The standard chain of custody process was used



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## LEGISLATION THAT APPLIES TO ASBESTOS IN CONSTRUCTION WASTE AND DEMOLITION MATERIALS

Recent changes to the Asbestos Regulations in Victoria means that asbestos that is not fixed, is now subject to compliance with the regulations, including asbestos contaminated soil and/or demolition materials. For unattached asbestos in demolition materials, the prohibited removal of the asbestos does not apply to the removal of asbestos by an employer or self-employed person, if the asbestos does not constitute more than a minor contamination.

The Worksafe Victoria *Guidance for Recycling Construction and Demolition Material 2007*, provides guidance on complying with the *OHS Regulations 2017*. The guide describes an auditable procedure for asbestos containing material removed from construction and demolition materials prior to recycling.

The *Environment Protection Act 1970 section 27A (1) (c)* requires that a person must not cause an environmental hazard. This includes environmental hazards resulting from storage and disposal of industrial waste. Including asbestos contaminated construction and demolition materials.

The *National Environment Protection (Assessment of Site Contamination) Measure 1999*. The recommended general process for assessment of site contamination, including for assessment of asbestos, is shown in Schedule A to this NEPM. The process starts with a Preliminary Site Investigation (PSI), which may lead to a Detailed Site Investigation (DSI). Depending on the site-specific circumstances and the proposed remediation approach, conservative management of presumed asbestos contamination may avoid the need for a DSI. Where remediation is required, appropriate validation sampling should be carried out to verify the effectiveness of the measures undertaken.

## OBSERVATIONS

An inspection of "Vacant Lot" at 367 Broadway Street, Wycheproof, identified that the soil was contaminated with asbestos cement sheet shards and other debris.

**TABLE 1: Results for asbestos**

Sample	Location/ Surface	Material	Comments	Asbestos Detected
180518-01	South East of Vacant Lot	Cement Sheet	Asbestos not detected.	NO
180518-02	South West of Vacant Lot	Possible Ceramic Pipe	Asbestos not detected.	NO
180518-03	North East of Vacant Lot	Cement Sheet	Asbestos detected.	YES
180518-04	Central Vacant Lot	Cement Sheet	Asbestos detected.	YES
180518-05	Central Vacant Lot	Cement Sheet	Asbestos detected.	YES

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**Type of asbestos:** Non-friable asbestos containing materials, or bonded asbestos such as cement sheeting has been identified.

**Condition of asbestos:** Asbestos cement sheet fragments observed is broken cement sheet pieces. This is unstable due to damage and separation. The asbestos is bonded and non-friable.

**Accessible of asbestos:** Damaged asbestos containing materials observed are readily accessible to any person who has access to the site.

**Friability of asbestos:** The cement sheeting pieces observed are non-friable, or bonded meaning that there is not a risk of the asbestos fibres readily becoming airborne.

**Inaccessible asbestos:** All areas of the demolition materials under the surface were not accessible at the time of inspection and therefore should be inspected by a competent person if required (ie; the materials are to be separated).

The soil contains bonded cement sheet contamination which does not readily release asbestos fibres. There may be other asbestos containing materials yet to be identified and as such, controls need to be implemented during the removal which considers the likelihood that further asbestos hazards may be identified.

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## RECOMMENDATIONS

Recommendations are provided to assist compliance with the *Occupational Health and Safety Regulations 2017 (Part 4.4 Asbestos)* and *section 27(a) of the Environment Protection Act 1970*.

### OPTION 1: BULK REMOVAL OF ASBESTOS CONTAMINATED SOIL AS PRESCRIBED WASTE

Remove all the demolition materials from site as prescribed asbestos waste for disposal at an EPA approved landfill. Engage a Class A or Class B licensed Asbestos Removalist to remove all materials in bulk in accordance with Part 4.4, Division 7 of the *Occupational Health and Safety Regulations 2017*.

Specific requirements for the person who commissions the asbestos removal work includes, but is not limited to:

- Notify persons occupying premises in the immediate and adjacent areas of the impending asbestos removal works
- Engage a licenced asbestos removalist to remove the materials as friable asbestos waste in accordance with Part 4.4, Division 7 *OHS Regulations 2017*
- Engage a competent person such as an Occupational Hygienist to conduct para-occupational air monitoring during the asbestos removal in accordance with regulation 292 (1) of the *OHS Regulations 2017*. Specifically, that the friable asbestos removal work is outdoors and will constitute a risk to other persons
- At completion of the work, obtain an Asbestos Removal Clearance Certificate which states that an independent person found there was no visible asbestos residue remaining as a result of the asbestos removal work in the area where the asbestos removal work was performed or in the area immediately surrounding the area where the asbestos removal work was performed

Specific requirements for the licenced asbestos removalist include but is not limited to:

- Notify Worksafe at least five days prior to the asbestos removal work commencing
- Prepare an Asbestos Removal Control Plan, which includes dust suppression etc
- Prepare a Safe Work Method Statement for high risk construction work that includes working near cellar fall hazard etc
- Erect signs and barricades
- Deny unauthorised access to the asbestos removal area
- Use safe systems of work. Including use of decontamination units, respiratory and personal protective equipment and safe work procedures etc
- Properly transport and dispose of asbestos waste in accordance with EPA requirements. Supply EPA transport certificates for prescribed waste

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## OPTION 2: SEPARATION OF SOIL FROM ASBESTOS MATERIALS

Separate the soil and/or demolition materials so that the asbestos containing materials are separated from non-asbestos containing materials. Prescribed asbestos waste must be transported to an EPA approved landfill and that non-asbestos containing materials such as bricks and other hard materials are processed and cleaned to remove any asbestos residue.

Engage a licensed asbestos removalist to manually separate asbestos containing materials from the non-asbestos containing materials in accordance with Part 4.4, Division 8 of the *Occupational Health and Safety Regulations 2017*. The asbestos containing materials can then be removed and disposed at an EPA licenced facility in accordance with Part 4.4, Division 7 of the *Occupational Health and Safety Regulations 2017*.

Guidance on the separation of asbestos from non-asbestos materials can be obtained from the Worksafe Guidance Material *Recycling Construction and Demolition Material 2007*.

Specific requirements for the person who commissions the asbestos removal work include, but is not limited to:

- Notify persons occupying premises in the immediate and adjacent areas of the impending asbestos removal works
- Engage a licenced asbestos removalist to separate asbestos containing materials from non-asbestos containing materials and process the work as friable accordance with Part 4.4, Division 8 of the *OHS Regulations 2017*
- Engage a licenced asbestos removalist to remove the asbestos containing materials as friable asbestos waste in accordance with Part 4.4, Division 7 *OHS Regulations 2017*
- Engage a competent person such as an Occupational Hygienist to conduct para-occupational air monitoring during the asbestos removal in accordance with regulation 292 (1) of the OHS Regulations 2017. Specifically, that friable asbestos removal work is outdoors and will constitute a risk to other persons
- At completion of the work, obtain an Asbestos Removal Clearance Certificate which states that an independent person found there was no visible asbestos residue remaining as a result of the asbestos removal work in the area where the asbestos removal work was performed or in the area immediately surrounding the area where the asbestos removal work was performed

Specific requirements for the licenced asbestos removalist include, but is not limited to:

- Notify Worksafe at least five days prior to the asbestos removal work commencing
- Prepare an Asbestos Removal Control Plan, which includes dust suppression etc
- Prepare a Safe Work Method Statement for high risk construction work, eg; working near cellar fall hazard etc
- Inform the person with management or control of the workplace that the asbestos removal work is to be carried out
- Erect signs and barricades
- Deny unauthorised access to the asbestos removal area
- Use safe systems of work. Including use of decontamination units, respiratory and personal protective equipment and safe work procedures
- Separation of the materials should be in accordance with, but not limited to, section 4.4 of the Worksafe Guidance Material *Recycling Construction and Demolition Material 2007*, In particular;
  - Classify the material as high risk as described in section 4.4.2
  - Spread the material to a depth of less than 30cm and to turn over material with the use of an excavator or similar. Where appropriate, larger sections of concrete should be inverted to permit a visual check for embedded or underlying asbestos product debris



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- Highly compacted soils and the presence of fines may require the load to undergo some form of mechanical processing in order to facilitate improved visual inspection of the load
- If any suspect asbestos-containing material is identified, it needs to be collected and either:
  - Appropriately stored for testing then, if found to be asbestos-containing material, disposed of in accordance with the requirements of EPA Victoria, including the Environment Protection (Prescribed Waste) Regulations 1998, OHS legislation and the individual site safety plan.
  - Deemed to be asbestos-containing material and disposed of in accordance with the requirements of EPA Victoria, including the Environment Protection (Prescribed Waste) Regulations 1998, OHS legislation and the individual site safety plan

#### STATEMENT OF LIMITATIONS

This report has been prepared for the client for the purposes set out herein. The services provided by *Safety Systems Pty Ltd* have been conducted with the level of quality and expertise generally associated with activities of this nature. Responsibility is disclaimed for any loss or damage to any party whatsoever.

*Safety Systems Pty Ltd* does not intend that any other person accept or rely upon it. The information contained in this report is considered to be accurate to the best of our knowledge and belief. *Safety Systems Pty Ltd* cannot guarantee completeness or accuracy of any descriptions or conclusion based on supplied information. This report does not constitute an Asbestos Register pursuant to the *Occupational Health and Safety Regulations 2007*, and excludes any asbestos-containing materials that may exist in other areas.

Please don't hesitate to contact us on 5442 5449 if we can provide any further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Flood", with a stylized flourish at the end.

**PAUL FLOOD** Asbestos Assessor Licence No: LAA001102  
FAOQ, CPSIA. BAppSci(Chem). Grad Cert Occ Hygiene  
*Managing Director*  
*Safety Systems Pty Ltd*



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## APPENDIX 1: PHOTOS

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Photo 1 – Vacant Lot



Photo 2 – Vacant Lot



Photo 3 – Vacant Lot



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## APPENDIX 2 : ASBESTOS IDENTIFICATION REPORT



Accredited for compliance with ISO/IEC 17025 - Testing  
Accreditation No. 5450 Site No. 18611  
Greencap Pty Ltd Adelaide Laboratory  
This document shall not be reproduced except in full



### ASBESTOS IDENTIFICATION REPORT No. 27887

<b>CLIENT:</b>	Safety Systems	<b>JOB DATE:</b>	18.05.18
<b>ATTENTION:</b>	Jake Flood	<b>RECEIVED IN LAB:</b>	21 May 2018
<b>LOCALITY:</b>	Wycheproof Block	<b>DATE ANALYSED:</b>	22 May 2018
		<b>SAMPLED BY:</b>	Jake Flood

Test Method: Qualitative identification in bulk samples, analysis by Polarised Light Microscopy (including dispersion staining) techniques by the method of- AS 4964 and supplementary work instruction in-house method LOP002

Client ID	Sample Size	Description	Asbestos	Organic Fibre
180518-01	40x40x5mm	Brown cement sheet, painted white	No	Yes
180518-02	30x25x5mm	Off-white ceramic tile	No	
180518-03	30x20x5mm	Dark grey cement sheet	Chrysotile, Crocidolite, Amosite	
180518-04	30x20x5mm	Brown cement sheet	Chrysotile	
180518-05	20x15x5mm	Pink cement sheet	Chrysotile	

Approved Identifier and Signatory

A handwritten signature in blue ink, appearing to read "N. Haliloff".

Naciye Haliloff

Please note that the results contained in this report relate only to the sample(s) submitted for testing. Sample Size and Descriptions are approximate only. Chrysotile is commonly known as white asbestos, Amosite is commonly known as brown asbestos and Crocidolite as blue asbestos. SMF (Synthetic Mineral Fibre) is commonly known as glass fibre and was not detected. Organic Fibre includes natural fibres and synthetic organic fibre. A blank in the Organic Fibre column implies not detected. SOF044d NATA ID Report VS Nov 2017 Report Date: 23 May 2018 Page 1 of 1

Greencap Pty Ltd 12 Greenhill Road Wayville SA 5034 T (08) 8299 9955 E [adelaide@greencap.com.au](mailto:adelaide@greencap.com.au) W [www.greencap.com.au](http://www.greencap.com.au) ABN 76006318010

## 8.2.2 BULOKE PLANNING SCHEME REVIEW

**Author's Title:** Senior Planning Officer

**Department:** Community Development

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

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

This report provides Council with a review of the Buloke Planning Scheme and recommends that the review be adopted by Council and submitted to the Minister for Planning.

### SUMMARY

The Council, as the planning authority for the Buloke Planning Scheme, is required to undertake a review of its planning scheme every four years under Section 12B of the Planning and Environment Act 1987.

The Buloke Planning Scheme Review Report 2023 (the planning scheme review) has been prepared in partnership with the Buloke Shire Council and the Regional Planning Partnerships (RPP) team at the Department of Transport and Planning (DTP), at the request of the council.

If the Council resolves to adopt the planning scheme review, it will be forwarded to the Minister for Planning as required under section 12(B) of the PE Act.

### RECOMMENDATION

That Council:

1. Adopt the Buloke Planning Scheme Review Report – September 2023, and
2. In accordance with Section 12B (5) of the Planning and Environment Act 1987 forward a copy of the adopted Buloke Planning Scheme Review Report – September 2023 to the Minister for Planning.

**Attachments:** 1 [Buloke Planning Scheme Review Report - September 2023](#)

### DISCUSSION

Regular reviews of the planning scheme are required under Section 12B of the *Planning and Environment Act 1987*. Councils should undertake a planning scheme review within 12 months of the Council Plan being adopted.

The objective of the planning scheme review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objective of planning in Victoria and ensuring the planning scheme makes best use of the Victorian Planning Provisions and the planning framework established by the Act.

At Section 12B (4) of the Act the planning scheme review must evaluate the planning scheme to ensure that it

- is consistent in form and content with the directions or guidelines issued by the Minister, and
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies, and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The planning scheme review also provides an opportunity to:

- Align the council's broader policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

The Council last reviewed the scheme in 2018. Between 2018–2022, the scheme was progressively updated to reflect the recommendations of the 2018 review, including correcting zoning and mapping errors and removing redundant provisions.

The planning scheme review was prepared in partnership with the Council and the RPP team at DTP, at the Council's request.

This review has also been prepared in accordance with the following directions and guidance provided by DTP:

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes
- Ministerial Direction No. 11 Strategic Assessment of Amendments

Planning practice notes and advice:

- A Practitioner's Guide to Victoria's Planning Schemes
- PPN32 Review of planning schemes
- PPN46 Strategic Assessment Guidelines

The planning scheme review has found that overall, the scheme is operating effectively.

This review has identified several opportunities to update and improve the local content of the scheme to ensure Council's vision for land use and development, as expressed in the Council Plan, is reflected by the policy and planning controls of the scheme.

The review has identified a small number of policy neutral changes that should be made to the scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes (MDFC).

The review has identified the following key land use planning priorities for the Council:

- Resourcing required to undertake and implement a strategic work program within the planning scheme review cycle.
- Small town settlement planning to coordinate existing mixed land uses, plan for future housing, tourism opportunities, environmental management, movement and infrastructure networks, and streetscape and urban design improvements.
- Improving the drafting of existing planning controls and schedules in the scheme to clarify objectives, strategies, and requirements.
- Implementing key tasks from the *Rural Land Use and Settlement Strategy (2019)*.
- Review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay

- Policy direction for open space and pedestrian networks, climate change adaptation, gaming machines and, protecting significant landscapes.

It is recommended that a planning scheme amendment is undertaken by the Council to implement the findings of this review that relate to administrative matters and to incorporate Council or State adopted strategic planning work into the scheme.

#### **RELEVANT LAW**

Planning and Environment Act 1987

#### **RELATED COUNCIL DECISIONS**

Nil

#### **OPTIONS**

The Council has the option to resolve not to adopt the Buloke Planning Scheme review.

#### **SUSTAINABILITY IMPLICATIONS**

The planning scheme review has made recommendations to update the planning scheme to comply with Ministerial Directions and to provide recommendations for further strategic work and planning scheme amendments to have beneficial impacts on economic, social, and environmental sustainability.

#### **COMMUNITY ENGAGEMENT**

The planning scheme review has not undergone public consultation. Internal and external stakeholders have been consulted. The strategic projects in the recommendations will undergo consultation as required.

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

The purpose of undertaking a planning scheme review is to enhance the scheme's effectiveness and efficiency in achieving the planning objectives in Victoria and the planning framework established in the PE Act.

#### **COLLABORATION**

External referral authorities have been consulted as part of the planning scheme review and received the following responses:

- North Central CMA recommends changes to flood controls due to construction of flood mitigation levees.
- Mallee CMA – no change suggested.
- Department of Health and Human Services (now Department of Health) – update name of referral authority to Department of Health (clerical change).
- CFA – no change suggested.
- Department of Transport and Planning (Transport) – no change suggested.
- Department of Energy, Environment and Climate Action – Minor changes to Environmental Significance Overlay Schedule 1 (ESO1)

#### **FINANCIAL VIABILITY**

Council was successful in engaging assistance for the planning scheme review from the Regional Planning Hub with the Department of Transport and Planning.

Future strategic work has been identified as part of the planning scheme review. This work may involve engaging consultants.

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

Buloke Planning Scheme incorporates state and regional policy.

**COUNCIL PLANS AND POLICIES**

Planning scheme reviews provide the opportunity to align the Council's broader policy position with the planning scheme.

**TRANSPARENCY OF COUNCIL DECISIONS**

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.

# Buloke Planning Scheme Review Report

Buloke Shire Council

September 2023





Planning and Environment Act 1987 (PE Act)

Planning Scheme Review pursuant to Section 12B of the PE Act

Buloke Planning Scheme

Version	Author	Issue date
1.0 First draft	KW	July - August 2023
1.1 Review by RPP	MS / SH	9 August 2023
1.2 Draft for review by the council	KW	11 August 2023
1.3 Final draft	KW	28 September 2023

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Cover image source: Buloke Shire Council.



Department  
of Transport  
and Planning

# Buloke Planning Scheme Review



## Acronyms

Abbreviation	Meaning
ABS	Australian Bureau of Statistics
BSC	Buloke Shire Council
DEECA	Department of Energy, Environment and Climate Action
DoH	Department of Health
DTP	Department of Transport and Planning
GWMWC	Grampians Wimmera Mallee Water Corporation
MDFC	Ministerial Direction on the form and content of planning schemes
MPS	Municipal Planning Strategy
NCCMA	North Central Catchment Management Authority
PE Act	Planning and Environment Act 1987
PPV	Planning Panels Victoria
PPARS	Planning Permit Activity and Report System
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
RPH	Regional Planning Hub
RPP	Regional Planning Partnerships
VCAT	Victorian Civil and Administrative Tribunal
VIF	Victoria in Future

# Buloke Planning Scheme Review



## Contents

<b>1. Executive summary</b>	<b>6</b>
1.1. Why is the planning scheme being reviewed?	6
1.2. Health check and findings	6
1.3. Top priorities for Buloke Shire Council	7
1.4. Consolidated recommendations	7
<b>2. Introduction</b>	<b>11</b>
2.1. Purpose	11
2.2. Methodology	11
<b>3. What's driving change</b>	<b>13</b>
3.1. Population, growth, and economy	13
3.2. Climate change and other environmental risks	14
3.3. Victorian government amendments and advice	14
<b>4. Previous planning scheme review</b>	<b>16</b>
4.1. Buloke Planning Scheme Review 2018	16
4.2. Progress since last review	17
4.3. Projects underway	17
<b>5. Audit and assessment of current scheme</b>	<b>18</b>
5.1. Methodology	18
5.2. Municipal Planning Strategy	18
5.3. Planning Policy Framework	20
5.4. Zones	22
5.5. Overlays	23
5.6. Particular provisions	25
5.7. General provisions	26
5.8. Operational provisions	26
<b>6. Planning scheme performance</b>	<b>28</b>
6.1. Planning permit activity	28
6.2. Planning Panels Victoria	32
6.3. Victorian Civil and Administrative Tribunal	33
<b>7. Stakeholder engagement</b>	<b>34</b>
7.1. Planners' feedback	34
7.2. Councillors and executive team	36
7.3. Referral and notice agencies	36
<b>8. New strategic work</b>	<b>38</b>
8.1. Council projects and documents	38
8.2. Regional projects and documents	39

# Buloke Planning Scheme Review

<b>9. Work underway</b>	<b>40</b>
9.1. Implementation of Buloke Rural Land Use and Settlement Strategy	40
9.2. Corrections amendment	40
<b>10. Key issues</b>	<b>41</b>
10.1. Settlement planning	41
10.2. Permit trigger review	42
10.3. Environmental values	44
10.4. Heritage	45
10.5. Dwelling excision in the Farming Zone	46
<b>11. Further strategic work</b>	<b>47</b>
<b>Appendix One</b>	<b>50</b>
<b>Appendix Two</b>	<b>51</b>
Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.	51
<b>Appendix Three</b>	<b>52</b>
Comprehensive list of further strategic work	52
<b>Appendix Four</b>	<b>55</b>
State and regional planning scheme amendments and planning practice notes issued since last planning scheme review	55
<b>Appendix Five</b>	<b>57</b>
Responses from referral authorities and other stakeholders	57

# Buloke Planning Scheme Review



## 1. Executive summary

### 1.1. Why is the planning scheme being reviewed?

The Buloke Planning Scheme Review Report 2023 (the planning scheme review) has been prepared in partnership with the Buloke Shire Council (the council) and the Regional Planning Partnerships (RPP) team at the Department of Transport and Planning (DTP), at the request of the council.

The RPP Regional Planning Hub program was established to support rural and regional councils with peak workloads, build land use planning capacity and capability, and assist councils with key strategic planning projects.

The council, as the planning authority for the Buloke Planning Scheme (the scheme), is required to review its scheme every four years under section 12(B) of the Planning and Environment Act 1987 (PE Act).

The council last undertook a review of the scheme in 2018. Between 2018 – 2022 the scheme has been progressively updated to reflect the recommendations of the 2018 review, including the correction of zoning and mapping errors and removal of redundant provisions.

Once adopted by the council, the planning scheme review will be forwarded to the Minister for Planning as required under section 12(B) of the PE Act.

A planning scheme amendment or amendments to implement the findings of the planning scheme review will be required. The marked-up ordinance to support two amendment pathways forms Appendix Two of this report.

### 1.2. Health check and findings

Overall, the scheme is operating effectively.

In 2021 the scheme was restructured to insert a new Municipal Planning Strategy (MPS), reformat local planning policies to replace the former Local Policy Planning Framework (LPPF), and update local schedules. These changes were policy neutral and did not result in the introduction of new content.

The MPS contains high level strategic directions to guide settlement, environmental risks and values, natural resource management, built environment and heritage, economic development, transport, and infrastructure across the municipality.

However, there is limited local policy in the Planning Policy Framework (PPF) to give the MPS strategy effect. For example, the PPF lacks local content to guide settlement planning and contains limited content to support council's aspirations for tourism, industrial diversification, climate change adaptation, and the protection of environmental values.

This review has identified a number of opportunities to update and improve the local content of the scheme to ensure council's vision for land use and development, as expressed in the Council Plan, is reflected by the policy and planning controls of the scheme.

It is recommended that the council focus on developing policy and implementing updates to the scheme that will bring the most community benefit, such as settlement planning and the reviewing of planning controls to reduce administrative burden on the planning unit and applicants.

# Buloke Planning Scheme Review

These matters are further addressed in the following sections.

## 1.3. Top priorities for Buloke Shire Council

- Has

## 1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations
- Further strategic work recommendations
- Process improvement recommendations
- Minister for Planning recommendation

### 1.4.1. Planning scheme amendment

It is recommended that a planning scheme amendment is undertaken by the council to implement the findings of this review that relate to administrative matters and to incorporate council or State adopted strategic planning work into the scheme.

The review has identified a small number of policy neutral changes that should be made to the scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes (MDFC).

These are administrative matters, such as corrections to ABS data, and do not change the policy intent of the scheme.

It is also recommended that the MPS refer to the Traditional Owners of the land in which Buloke Shire sits – the people and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk, and Dja Dja Wurrung.

The planning permit activity data audit (Appendix One) and consultation with council staff and referral agencies identified that local overlay and zone schedules should be reviewed and updated to remove or reduce permit requirements for minor works.

Updates to permit requirements would reduce the number of permits processed by the council and enable the redirection of resources to other planning priorities, such as strategic work.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review (Appendix One) has identified new policy that has the strategic justification to be incorporated into the scheme.

These recommended changes are marked up on the supporting draft Ordinance (Appendix Two). The council should liaise with DTP Loddon Mallee Regional Planning Services team to determine the appropriate amendment pathway to progress the findings of this report.

# Buloke Planning Scheme Review

## Recommendations:

To implement the findings of the Buloke Planning Scheme Review Report 2023 it is recommended that the council:

1. **Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:**
  - a) **Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
  - b) **Amend the Municipal Planning Strategy at Clause 02.01 Context to include appropriate reference to Traditional Owners and Country.**
  - c) **Include new policy to implement the:**
    - *Buloke Council Plan 2021 – 2025, including the Municipal Health and Wellbeing Plan (Buloke Shire Council, 2021)*
    - *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018)*
    - *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022)*
  - d) **Update existing Clause 74.02 Further Strategic Work to include the prioritised strategic work program.**

### 1.4.2. Further strategic work

Section 8 and Appendix 3 of this report outlines future strategic planning work that has been identified through an audit of planning permit activity data, feedback from council staff, and a review of scheme ordinance.

The highest priority tasks for the council to undertake over the next four years are listed below. The list represents a work program that, if implemented, will deliver a positive impact for the community and efficiencies for the council's planning function and users of the scheme.

It is recommended that the council prioritise the following further strategic work over the next four years:

## Recommendations:

2. **Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy.**
3. **Progress the proposed anomalies and corrections planning scheme amendment.**
4. **Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.**
5. **Undertake a permit trigger review.**
6. **Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay.**

# Buloke Planning Scheme Review

7. Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements.
8. Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.
9. Develop and implement local policy for climate change adaptation in urban and rural areas.
10. Develop and implement local policy for walking, cycling and open space networks.
11. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.

Documents **R3: Further Strategic Work Prioritisation** and the *'A Good Practice Guide to Planning Scheme Reviews'* include instructions for preparing a prioritised further strategic work list for Clause 74.02 Further Strategic Work.

Only the work that can be completed in the next four years should be listed in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at Appendix Two that contains six items from the above list.

## 1.4.3. Process improvements

Process improvement recommendations are drawn from analysis of the planning scheme, permit activity data, consultation with council staff and referral authorities.

## Recommendations:

It is recommended that the council:

12. Use the DTP Better Planning Approval templates to develop a suite of resource material to support planning scheme users and streamline planning processes. Publish on Greenlight platform on the council's webpage and in hardcopy at Buloke Shire Council customer service centres.

## 1.4.4. Minister for Planning

The council, with assistance from the RPP team at DTP, has prepared a planning scheme review as required by section 12B(1) of the PE Act.

In accordance with section 12B(3) of the PE Act, this review identifies opportunities to enhance the effectiveness and efficiency of the scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the PE Act.

In accordance with section 12B(4) of the PE Act, the review evaluates the scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.



## Buloke Planning Scheme Review

### Recommendation:

13. That the Buloke Shire Council accept this planning scheme review and forward to the Minister for Planning as evidence the Buloke Shire Council, as the planning authority for the Buloke Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.

# Buloke Planning Scheme Review



## 2. Introduction

### 2.1. Purpose

The council, as the planning authority for the scheme, is required to review its scheme every four years under Section 12(B) of the PE Act.

The scope of a planning scheme review is established under Section 12(B) of the PE Act and should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes (MDFC).
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align the council's broader policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the PE Act once complete. A planning scheme amendment or amendments to implement the findings of the review is recommended.

### 2.2. Methodology

The planning scheme review has been prepared in partnership with the council and the RPP team at DTP, at the request of the council.

The RPP Regional Planning Hub (RPH) program was established to support rural and regional councils with peak workloads, build land use planning capacity and capability, and assist councils with key strategic planning projects.

Many rural and regional councils have requested assistance under the RPH program to prepare planning scheme reviews.

To support this, the RPP team partnered with Redink Planning to develop a five-stage methodology to guide the preparation of planning scheme reviews, as shown in Figure 1 below.

This methodology is supported by the *'Good Practice Guide to Planning Scheme Reviews'* and templates that have been developed to assist with each stage of the process.

# Buloke Planning Scheme Review

Figure 1: Planning scheme review methodology

1 Initiate	2 Analyse	3 Engage	4 Report	5 Consult & implement
Establish timelines	Audit the planning scheme	Statutory and strategic planners	Planning scheme review report	Test findings with community
Collate materials	Review strategic documents and new policy	Internal referrals	Further strategic work plan	Test further strategic work with community
Survey planners and key staff	VCAT decisions	External referrals	Marked – up ordinance	Develop a shortlist of priority further strategic work
Contact referral authorities	Planning panel recommendations	Registered Aboriginal Parties		Planning scheme review to Minister for Planning
Inform DTP	Previous planning scheme review	Other identified stakeholders		Planning Scheme Amendment
	Planning permit activity			Budgeting for further strategic work
	Survey results			Process improvements & advocacy

The planning scheme review followed this five-step methodology with the following timeline:

Stage	Timing
Initiate	February 2023
Analyse	March – May 2023
Engage	June 2023
Report	August 2023
Implement (Consult – TBC)	TBD by council

This review has also been prepared in accordance with the following directions and guidance provided by DTP:

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes
- Ministerial Direction No. 11 Strategic Assessment of Amendments

Planning practice notes and advice:

- A Practitioner's Guide to Victoria's Planning Schemes
- PPN32 Review of planning schemes
- PPN46 Strategic Assessment Guidelines

# Buloke Planning Scheme Review



## 3. What's driving change

### 3.1. Population, growth, and economy

The Australian Bureau of Statistics (ABS) Estimated Resident Population for the Buloke Shire LGA estimates that in 2021 6,134 people resided in the municipality, which decreased to 6,114 in 2022.

Victoria in Future (VIF), the official State government projection of population and households, predicts a further loss in population, estimating that by 2036 the population will reduce by approximately 1,170 persons to 5,020.

In 2021, VIF estimated that the Buloke Shire LGA comprised 2,765 individual households, with approximately 910 households occupied by a 'couple without children' and 964 occupied by a lone person. Comparatively, only 588 households were occupied by a 'couple with children' or 194 as a 'one parent family'. The dwelling structure in 2021 was recorded as 2,399 separate houses, 80 semi-detached houses, 44 flats or apartments, and 27 other dwellings.

The median age of residents in the Shire is increasing, from 45 years old in 2006 to 52 years old in 2021. The average household size remained the same between the 2011 and 2021 Census periods at 2.2 people per household (ABS, 2021 Census). The high proportion of lone or child-free households is not unique to Buloke, with nearby rural shires recording similar household occupancy and demographic trends.

The *Buloke Shire Interim Tourism and Economic Strategy* (2022 – 2023) identifies that changing population and development patterns may disrupt assumptions about ongoing population decline and points to 'progress towards population stability over the next 15 years', in contrast to the 1.1 percent decrease rate per annum predicted by VIF data.

Although Buloke Shire has recorded higher than predicted population retention and some inward migration since the last census, demographic projections are unlikely to change and the need to plan for an ageing population remains a priority.

From a land use planning perspective, the challenge for Buloke Shire is ensuring its ageing population and key workers can access suitable housing options, including compact housing. In 2021, 52 percent of all dwellings in the Shire comprised three bedrooms.

The Council Plan and Tourism and Economic Strategy includes objectives to increase housing diversity, including social and affordable housing, key worker housing, higher densities in established urban areas, and increasing the supply of rural residential lots.

At present, the scheme lacks settlement frameworks that direct where new housing development should occur to achieve the diversity of residential land use and development sought by the council.

Donald is the Shire's primary population centre, accommodating 1,472 residents in 2021. A network of small centres including Charlton, Wycheproof, Sea Lake, and Birchip accommodate smaller urban populations.

Agriculture is the key economic driver for the municipality. Broadacre cropping is the predominant land use, with lamb and wool production and some extractive and rural industries. Most industrial land is located in and around the five main urban centres.

## Buloke Planning Scheme Review

In Buloke Shire agriculture is the largest employer, followed by health care and social assistance, local government administration, and education (ABS, 2021 Census). Buloke Shire has an annual economic output of approximately \$705 million.

Tourism is a growing sector and the municipality's significant landscapes, lakes, trails, and heritage attractions draw regional and inter-state visitors for recreation and cultural tourism.

### 3.2. Climate change and other environmental risks

Buloke Shire is situated in the Murray-Mallee region of Victoria and its geographic and environmental values are characterised by highly modified agricultural plains, Mallee dunes, sedimentary hills (in the south of the municipality), and the Avoca and Avon Richardson River systems.

It is predicted that Buloke Shire will be subject to increased and extreme temperatures, reduced annual rainfall, and an increase in heavy rainfall events from the effects of climate change.

The Shire is subject to major flood events, impacting Charlton, Donald, Wycheproof and Culgoa, and rural areas. Other natural disasters and environmental hazards such as heatwaves, bushfires, and storms are likely to become more severe.

The *Council Plan 2021 – 2025* includes several objectives that seek to address climate impacts through the implementation of the Buloke Shire Climate Change Adaptation Plan (2020).

From a land use planning perspective, the plan includes the following relevant actions:

- Investigate preparing and implementing *Environmentally Sustainable Design* (ESD) and *Council Alliance for a Sustainable Built Environment* (CASBE) Environmentally Sustainable Development policy into the scheme.
- Identify and protect significant native vegetation.
- Strengthen planning policy and requirements for stormwater capture, potable water supply protection, ground water impacts, soil erosion and salinity, and protection of agricultural land from inappropriate uses and unsustainable practices.

For a small rural council with limited residential subdivision activity, the preparation of local Environmentally Sustainable Development policy may be costly to achieve without support from the Victorian government or a regional partnership approach.

#### Findings:

- A. Develop local policy to guide climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy 2023 – 2030 (Ndevr Environmental Pty Ltd, 2020).**

### 3.3. Victorian government amendments and advice

The Victoria Planning Provisions are constantly being reviewed and updated at a State level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide to Victoria's Planning Schemes (the PG) and new

## Buloke Planning Scheme Review

planning practice notes. The full list of amendments to the Victoria Planning Provisions that have been gazetted and practice notes that have been released since the last review form Appendix Four.

The way in which the scheme should respond at a local level to these changes to the Victoria Planning Provisions and how they should be applied has been considered in this review and includes:

### ***Applying the Buffer Area Overlay***

Amendment VC175 introduced the Buffer Area Overlay (BAO). The BAO is a new amenity buffer that is designed to ensure sensitive land uses like schools, hospitals, and residences, are not affected by off-site impacts such as noise, dust, odour, and hazardous air pollutants from industries operating nearby.

This control may be suitable for application to a range of infrastructure assets located on public land including declared water storages, water supply and treatment infrastructure, transfer stations, landfill sites.

It is recommended that the council investigates the application of the BAO over council owned assets and those operated by relevant agencies (such as the water authority) within proximity to sensitive uses, in the first instance.

### ***Reduced permit requirements in the Rural Living, Farming and Rural Activity Zones***

Amendment VC231 amended planning permit exemption thresholds for dwelling extensions, out-buildings, and buildings used for agriculture in the Rural Living Zone (RLZ), Farming Zone (FZ) and Rural Activity Zone (RAZ). It did so by increasing the floor area for which a planning permit was not required for the following building and work categories; alterations or extensions to existing dwellings, out-buildings associated with a dwelling and alterations or extensions to an existing building used for agriculture. It also introduced the ability to vary the distance by which a planning permit is required for buildings within a setback of a waterway, wetland or designated floodplain through a schedule to a zone.

The new exemption thresholds are designed to reduce unnecessary planning permit triggers, delays, and workloads at rural and regional councils, to make it easier for rural and regional households to make extensions to their households, and to make it easier for farmers to construct low impact buildings that contribute to agricultural productivity.

While the council does not currently utilise schedules to the RLZ, FZ or RAZ to specify localised permit exemptions for dwelling extensions, out-buildings or buildings used for agriculture, it is recommended that permit activity continue to be monitored and opportunities for a reduction in permit requirements for low impact buildings in rural areas be explored where possible.

### ***Flood mapping assistance for local government***

On 30 May 2023, the Victorian government announced a \$22.2 million funding package to support councils to accelerate flood mapping data studies.

This assistance will support councils to update their planning schemes to identify suitable locations for new development outside of high flood-risk areas.

The Minister has appointed a Flood-related Amendments Standing Advisory Committee to provide advice on the implementation of flood studies and associated proposed planning scheme amendments.

# Buloke Planning Scheme Review

It is recommended that the council take advantage of any opportunity to secure funding and resource support to update its flood mapping in partnership with the relevant catchment management authority.

## 4. Previous planning scheme review

### 4.1. Buloke Planning Scheme Review 2018

The planning scheme was last reviewed in 2018. This review was carried out as an internal desktop assessment by the planning unit.

The review contained 11 primary recommendations for improvements to the scheme, including:

- Review and update the content and structure of the Municipal Strategic Statement (MSS).
- Review and update the content and structure of LPPF, specifically:
  - Clause 22.01 Discretionary use in Township Zone.
  - Clause 22.02 Rural Land and Sustainable Agriculture.
  - Clause 22.03 Intensive animal husbandry.
  - Clause 22.04 Heritage conservation.
- Rezone publicly owned land at Tchum Lakes, Watchem Lake, and Wooroonook Lakes from FZ to Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ).
- Remove Schedule 2 to Environmental Significance Overlay (ESO2).
- Prepare a Rural Land Use Strategy to identify opportunities to introduce the Rural Living Zone to Farming Zone land adjacent to township boundaries.
- Prepare township settlement plans for Donald, Charlton, Wycheproof, Sea Lake, and Birchip.
- Implement the recommendations of the *Loddon Mallee Waste & Resource Recovery Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
- Review the *Economic Development Strategy (Buloke Shire Council, 2018)* to incorporate a planning response to:
  - Diversify agriculture that capitalises on water supply and intensive animal husbandry.
  - Intensify tourism opportunities.
- Review Incorporated Documents contained in Clause 72.04 for relevance.
- Publish permit applications on public notice on the council's webpage.
- Participate in professional development training to learn about permit assessment under provisions for Clause 52.17 Native Vegetation, Clause 52.29 Land Adjacent to a Road Zone, and 52.31 Broiler Farms.

## Buloke Planning Scheme Review

### 4.2. Progress since last review

Since the 2018 review, the council has completed the following further strategic work and scheme amendments:

- C43 to introduce a MPS to replace the former Municipal Strategic Statement and local Planning Policies and Amendment C39 to correct local schedules as part of the Smart Planning Local Schedules.
- C42 to delete the Environmental Significance Overlay, Schedule 2 (ESO2 - Channel and Reservoir Protection) from land throughout the Shire of Buloke and amend the MSS to delete references to the ESO2.
- C36 to rezone publicly owned land at Tchum Lakes, Watchem Lake and Wooroonook Lakes from FZ to Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ).
- C027 to apply the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) to land in the townships and surrounds of Charlton and Donald and update the schedules to the FO and LSIO.
- C037 to facilitate the 'Bringing Water back to Green Lake Project' including rezoning land from Public Conservation and Resource Zone to Public Park and Recreation Zone and introducing an incorporated document.

The most significant change to the scheme was via Amendments C43 and C39. This work addressed the 2018 review recommendations to update local policies for heritage, rural land and sustainable agriculture, intensive animal husbandry, township zone, and review of Incorporated Documents for relevance.

In 2021 the scheme was restructured to insert a new MPS and local planning policies to replace the former Local Policy Planning Framework. A second project updated local schedules as part of the Smart Planning Local Schedules Update. This was done by planning scheme amendments C43blok and C39blok as policy neutral amendments led by the Victorian government.

The former Clause 52.31 Broiler Farms provision has been replaced with a new Clause 53.09 Poultry Farm provision and with it the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018) were introduced which addresses permits associated with free range poultry farms. The Clause 36.04 Road Zone categories 1 and 2 and Clause 36.01 Public Use Zone 4 were also replaced with a new Clause 36.04 Transport Zone, which had subsequent administrative changes to Clause 52.29 Land Adjacent to the Principal Road Network (Transport Zone 2).

The Victorian government has also introduced training programs, online mapping and offsetting tools, and guideline documents for assessing permit applications under the new Clause 52.17 Native Vegetation provisions.

### 4.3. Projects underway

The 2018 further strategic work items that relate to the commissioning of new strategies and studies remain priorities for the council today. In particular, Section 9 provides a discussion on the implementation of the Buloke Shire Rural Land Use and Settlement Strategy: Planning Report (2019) and a proposed amendment to correct zoning, mapping, and schedule anomalies.



# Buloke Planning Scheme Review

The council has also prepared an Interim Economic Development and Tourism Strategy (2022 – 2023) and will commence an Integrated Community Planning Framework comprising community plans for ten townships in mid to late 2023.

## 5. Audit and assessment of current scheme

### 5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the MDFC, the PG (Version 1.5, April 2022) and relevant planning practice notes.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme amendment based on the findings in this report and are included in the marked-up ordinance at Appendix Two. Others require further strategic work to justify the change and are instead listed as findings.

## 5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies.

Clause no and name	Compliance or changes required	Action
		<p>PSR complies</p> <p>PSR further strategic work</p> <p>PSR policy neutral amendment</p> <p>PSR full amendment</p>
Word count (5000 or less)	Yes	Complies
02.01 Context	Make minor amendments to include important factual contextual information, appropriate First Nations recognition, and updated economic and population data.	Policy neutral amendment
02.02 Vision	Update to reflect 2021 - 2025 Council Plan vision	Policy neutral amendment
02.03-1 Settlement and housing	<p>Amend wording for clarity.</p> <p>Delete dot point six and insert new direction to reflect new Council Plan and Inclusion Plan strategic directions for housing diversity.</p> <p>Further strategic work required to:</p> <ul style="list-style-type: none"> <li>Identify locations to achieve housing diversity within urban</li> </ul>	<p>Policy neutral amendment</p> <p>Further strategic work</p>

# Buloke Planning Scheme Review

	<p>centres. This work should also include a policy statement and strategies that could be inserted at CI02.03-6 Housing.</p> <ul style="list-style-type: none"> <li>Expand settlement directions relating to the key urban centres of Birchip, Charlton, Donald, Sea Lake, and Wycheproof following the preparation of small township settlement plans.</li> </ul>	
02.03-2 Environmental values and landscapes	<p>No change.</p> <p>Further strategic work required to review extent of the Environmental Significance Overlay and Vegetation Protection Overlay to identify and protect Wooroonook Lakes, Green Lake, Tchum Lakes, and Watchem Lake to give effect to the strategic directions of Clause 02.03-2, based on advice from relevant agencies including GWMWC, DEECA, and NCCMA.</p>	<p>Complies</p> <p>Further strategic work</p>
02.03-3 Environmental risks and amenity	<p>Amend wording for clarity.</p> <p>Further strategic work required to prepare policy directions that clarify how council will mitigate climate change risks based on the adopted Climate Change Adaptation Plan.</p> <p>Further strategic work required to prepare policy directions for Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p> <p>Further strategic work</p>
02.03-4 Natural resource management	<p>Amend wording for clarity, update land use terms and remove duplication.</p>	<p>Policy neutral amendment</p>
02.05 Built environment and heritage	<p>Correct error.</p>	<p>Policy neutral amendment</p>
02.03-6 Economic development	<p>Amend wording for clarity.</p> <p>Introduce new strategic direction to implement and give effect to Council Plan and Tourism and Economic Development Strategy regarding agriculture based tourism.</p>	<p>Policy neutral amendment</p> <p>Policy neutral amendment</p>

## Buloke Planning Scheme Review

	Further strategic work required to provide direction for tourist infrastructure operations in urban centres as part of proposed settlement planning.	Further strategic work
02.03-7 Transport	No change.	Complies
02.03-8 Infrastructure	Amend wording improve clarity and readability.  Introduce new strategic direction to implement and give effect to Council Plan and Inclusion Plan direction on active transport.	Policy neutral amendment  Policy neutral amendment
Buloke Shire Settlement Structure Plan	Existing map complies but contains limited strategic direction.  Following the preparation of settlement plans for Birchip, Donald, Wycheproof, Charlton, and Sea Lake, there is opportunity to enhance the map with further short term and long term settlement strategies for key towns.	Complies  Further strategic work

### 5.3. Planning Policy Framework

All the Local PPF policies that are included in the scheme are included in the table below. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		<b>PSR complies</b> <b>PSR further strategic work</b> <b>PSR policy neutral amendment</b> <b>PSR full amendment</b>
<b>Settlement</b> No local policies	Following the preparation of small town settlement plans insert relevant strategies for: Birchip, Donald, Wycheproof, Charlton, and Sea Lake and include individual framework maps and insert at Clause 11.03-6L Local Places	Further strategic work
12.01-2L Native Vegetation	Amend wording for clarity and remove duplication of directions.  Update name of policy document.	Policy neutral amendment
12.03-1L Waterways and wetlands	Clause 12.03-1L identifies (ESO1) as applying to Wooroonook Lakes,	Further strategic work

# Buloke Planning Scheme Review

	<p>however the ESO1 map does not reflect this.</p> <p>Further strategic work is required to identify the extent of land required to protect the values and amenity of all significant lakes and wetlands and to determine if a new schedule is required or the extended mapping of ESO1.</p>	
Clause 13.03-1L Floodplain Management	Amend strategy wording for clarity.	Policy neutral amendment
13.04-2L Land Degradation	Amend strategy wording for clarity.	Policy neutral amendment
13.07-1L-01 Amenity protection - General	Amend strategy wording for clarity and remove two items due to duplication.	Policy neutral amendment
13.07-1L-02 <del>Township amenity protection</del> Amenity protection - Townships	Amend heading for consistency with CI3.07-1L-01. Amend strategy wording for clarity.	Policy neutral amendment
14.01-1L-01 Protection of agricultural land	Amend strategy wording for clarity and remove 1 item due to duplication.	Policy neutral amendment
14.01-1L-02 Rural dependant enterprises	Amend wording for clarity.	Policy neutral amendment
14.01-1L-03 small lot subdivision	Amend wording for clarity. Further strategic work is required to increase the maximum excision size from 2 hectares to a larger curtilage, such as 5 or 6 hectares.	Policy neutral amendment Further strategic work
14.01-2L Sustainable agriculture and rural industry	Amend wording for clarity.	Policy neutral amendment
14.03-1L Extractive industry	Update wording to provide more clarity for meeting application requirement.	Full amendment
15.01-2L-02 Industrial building design	Amend wording for clarity.  Suggested change to clarify wording to ensure all hard surface areas are designed to reduce visual impact, not just for spaces with a capacity of 10 cars or more.	Policy neutral amendment Full amendment
15.03-1L Heritage	Complies, no changes required.	Complies
16.01-1L Housing diversity in Buloke	Amend strategy to clarify wording and reflect adopted council policy.  Following the preparation of small town settlement plans insert	Full amendment Further strategic work

## Buloke Planning Scheme Review

	relevant strategies that identify housing types and densities to be promoted and achieved across different towns e.g. worker housing, infill development, social housing and compact housing.	
17.03-1L Industry	Update to remove duplication of strategies.	Policy neutral amendment
18.01-1L Integrated transport	Amend wording for clarity.	Policy neutral amendment
19.01-2L Renewable energy in Buloke	No change.	Complies
19.03-2L Development infrastructure	Update to remove duplication of strategies with State policy and local policy. The Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020) to be inserted at Clause 72.08 as it is referenced in scheme but not included in schedule.	Policy neutral amendment

### 5.4. Zones

All the zone schedules that are included in the scheme are in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		PSR complies
		PSR further strategic work
		PSR policy neutral amendment
		PSR full amendment
32.05 Township Zone Schedule	No change required, no content.	Complies
33.03 Industrial 3 Zone Schedule	No change required, no content.	Complies
34.01 Commercial 1 Zone Schedule	No change required, no content.	Complies
35.07 Farming Zone Schedule	Update to correct change of policy name and Clause number following PPF translation.	Policy neutral amendment
36.01 Public Use Zone Schedule	Complies, no change required.	Complies
36.02 Public Park & Recreation Zone	Update Clause 3.0 to include existing Incorporated Document applying to land in PPRZ as per MDFC.	Policy neutral amendment
36.03 Public Conservation and Resource Zone	Complies, no change required.	Complies
37.03 Urban Floodway Zone	Complies, no change required.	Complies

## Buloke Planning Scheme Review

### 5.5. Overlays

All the overlay schedules that are included in the scheme are in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		<p>PSR complies</p> <p>PSR further strategic work</p> <p>PSR policy neutral amendment</p> <p>PSR full amendment</p>
42.01s1 Environmental Significance Overlay – Waterway Protection	Update to clarify wording and meet MDFC. Remove policy document and move to Clause 12.01-2L.	Policy neutral amendment
	Update Clause 5.0 to ESO1 to remove reference to <i>Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke</i> (Department of Natural Resources and Environment. 1996).	
	Further strategic work is required to: Update clause 1.0 statement of environmental significance to meet MDFC. Update clause 2.0 to meet MDFC and reduce the 11 objectives listed to a single objective as is allowed under the MD.	Further strategic work
	Further strategic work is required to introduce further permit exemptions and update existing permit requirements under clause 3 to reflect the recommendations of DEECA and in consultation with the relevant water authority.	Further strategic work
	Investigate applying the Environmental Significance Overlay on and around the Wooroonook Lakes, Green Lake, Tchum Lakes, and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and Landscape Values, based on advice from relevant	Further strategic work

# Buloke Planning Scheme Review

	agencies including GWMWC, DEECA, and NCCMA.	
42.02s2 Vegetation Protection Overlay – Roadside and Corridor Protection Area	<p>Update to clarify wording and meet MDFC.</p> <p>Further strategic work is required to update sub clause 2.0 to meet MDFC to combine two objectives to create a single objective.</p> <p>Review the application and intent of the Vegetation Protection Overlay – Schedule 1 (VPO1), based on advice from relevant agencies including DEECA.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
43.01 Heritage Overlay Schedule	<p>Review and update the content and format of the ten precinct <i>Heritage Design Guidelines</i>, <i>Buloke Shire Council, May 2021</i>, listed at Clause 43.01 Application requirements &amp; in the Schedule to the HO.</p>	<p>Further strategic work</p>
43.02s1 Design & Development Overlay – Hospital emergency medical services helicopter flight path protection (inner area)	<p>Update decision guidelines to correct naming convention and update format to meet MDFC.</p> <p>Further work is required to update sub clause 2.0 of DDO1 which can be addressed as part of the proposed permit trigger review.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
43.02s2 Design & Development Overlay – Hospital emergency medical services helicopter flight path protection (outer area)	<p>Update decision guidelines to correct naming convention and update format to meet MDFC.</p> <p>Further work is required to update sub clause 2.0 of DDO2 which can be addressed as part of the proposed permit trigger review.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
44.03 Floodway Overlay Schedule	<p>Insert schedule name.</p> <p>Update wording clarity to meet MDFC.</p> <p>Strategic work required to review FO in collaboration with CMA to determine if permit exemptions can be introduced for minor works.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
44.04 Land Subject to Inundation Overlay Schedule	<p>Insert schedule name.</p> <p>Update wording clarity to meet MDFC.</p> <p>Further strategic work required to review LSIO in collaboration with CMA to determine if permit exemptions can be introduced for minor works.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>

## Buloke Planning Scheme Review

45.12 Specific Controls Overlay Schedule	Complies, no change required.	Complies
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### 5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDfC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and inclusions	Complies, no change required.	Complies
52.02s Easements, restrictions, and reserves	Complies, no change required.	Complies
52.05s Signs	Complies, no change required.	Complies
52.16s Native vegetation precinct plan	Complies, no change required.	Complies
52.17s Native vegetation	Complies, no change required.	Complies
52.27s Licenced premises	Complies, no change required.	Complies
52.28s Gaming	Complies, no change required.  Further strategic work required to prepare policy directions for Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.	Complies  Further strategic work
52.32s Wind energy facility	Complies, no change required.	Complies
52.33 Post boxes and drystone walls	Complies, no change required.	Complies
53.01s Public open space contributions and subdivision.	Complies, no change required.	Complies
53.06s Live music entertainment venues	Complies, no change required.	Complies
53.15s Statement of underlying provisions	Complies, no change required.	Complies
59.15s Local VicSmart applications	Complies, no change required.	Complies



## Buloke Planning Scheme Review

Clause no. and name	Is it applied? Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Complies, no change required.	Complies

### 5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDfC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
66.04s Referral of permit applications under local provisions	Update to reflect correct name of determining authority, based on consultation advice.	Policy neutral amendment
66.06s Notice of permit applications under local provisions	Complies, no change required.	Complies

### 5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDfC or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations
			Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
72.01s	Schedule to Responsible Authority for this Planning Scheme	Complies, no change required.	Complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?	Complies, no change required.	Complies

# Buloke Planning Scheme Review

Clause	Name	Considerations	Recommendations
			Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
72.03s	Schedule to What Does this Scheme Consist of?	Complies, no change required.	Complies
72.04s	Schedule to Documents Incorporated in this Planning Scheme	Correct error from Amendment C43blok resulting in the omission of the ten precinct <i>Heritage Design Guidelines, Buloke Shire Council, May 2021</i> , from the Schedule to Clause 72.04 Incorporated Documents.	Policy neutral amendment
72.08s	Schedule to Background Documents	Update to insert missing background documents:  <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2020).	Policy neutral amendment
74.01s	Schedule to Application of Zones, Overlays and Provisions	Update to insert missing provisions.	Policy neutral amendment
74.02s	Schedule to further strategic work	Update to insert new further strategic work list.	Policy neutral amendment

## Findings

The review of local provisions has identified minor updates to ensure the schemes consistency with the MDFC, the PG (Version 1.5, April 2022) and relevant planning practice notes.

The main areas of focus for further strategic work include the preparation of new policy and the review of overlay schedules.

The review of overlay schedules is required to clarify what the controls are seeking to achieve, the extent of land to which the schedule applies, and to amend the list of objectives or strategies in order to remove repetition or to conform to the MDFC number limit. For schedules to the Floodway Overlay, Land Subject to Inundation Overlay and Design and Development Overlay there is also opportunity to investigate permit exemptions for minor works.

A range of further strategic work items are also recommended, including the preparation of township framework plans, infill housing policy, rural zone policy and environmental management strategies.

- B. Findings: Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix Two.**

# Buloke Planning Scheme Review

## 6. Planning scheme performance

This section contains an analysis of planning permit activity for the review period between the 2017/2018 financial year and the 2021/2022 financial year.

It draws on publicly available Planning Permit Activity and Reporting System (PPARs) data and feedback received from the planning unit.

### 6.1. Planning permit activity

#### 6.1.1. Number of permits assessed

##### Evidence

Table 1 below indicates the number of permit applications received between the 2017/2018 financial year and the 2021/2022 financial year.

284 permit applications were lodged, comprising 281 new permit applications and 3 amended permit applications.

Table 1: PPARs report for permits issued between the 2018/2019 financial year and the 2021/2022 financial years.

Permits (including refusals)	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Received	40	57	63	65	59
Processed	38	56	64	65	50
Issued	33	55	64	62	47
Refused	1	1	0	1	0
No permit issued	0	0	1	0	2
Withdrawn, lapsed, not required	2	0	0	2	3

##### Discussion

Permit activity has been largely consistent across the review period. The highest number of permits processed was in the 2020 – 2021 financial year, which is likely to reflect the general trend across the State of increased development activity in regional areas, attributed to the COVID-19 pandemic.

Of the 273 permits processed, 3 permits were refused, and 10 permits were recorded as withdrawn, lapsed or no permit issued.

It is recommended that the planning department continue to monitor the number of applications that are withdrawn, lapsed, or lodged but don't require a permit.

Planning staff have indicated an interest in developing a suite of application resource material to provide greater certainty to applicants regarding planning controls and application requirements.

# Buloke Planning Scheme Review

Making this material publicly available on the new Greenlight platform on the council's webpage or in hardcopy at its customer service centre may also enhance customer service.

## 6.1.2. Service performance

### Discussion

The data shows that the planning unit has consistently decided planning permit applications within the required statutory timeframes for standard permit applications.

PPARs data supports this and over the review period the average processing days to determine a permit was 41.26 days, with 92 percent of 'VicSmart' and 82 percent of 'standard' permit applications meeting the statutory assessment timeframe of 10 and 60 days respectively.

Although the time taken to determine a permit has increased from 41 to 60 days, this is still below requisite timeframes set out in the *PE Act*. These figures represent excellent results given the increase in permit activity and the staffing arrangements of the planning unit during this period.

Table 2: Comparison of service performance against comparable councils. **Source:** [www.knowyourdata.vic.gov.au](http://www.knowyourdata.vic.gov.au)

Measure description	Council	2018-2019	2019-2020	2020- 2021	2021 - 22
Time taken to decide planning applications	Buloke	30 days	38 days	41 days	60 days
	Ararat	57 days	33 days	31 days	41 days
	Northern Grampians	79 days	66 days	89 days	109 days
	Yarriambiack	16 days	18 days	18 days	49 days
Cost of statutory planning service per planning application	Buloke	\$1886	\$2308	\$3025	\$3554
	Ararat	\$2976	\$2056	\$1685	\$2340
	Northern Grampians	\$6503	\$4543	\$3606	\$3370
	Yarriambiack	\$1731	\$2423	\$4725	\$4206
Council planning decisions upheld at VCAT	Buloke	N/A	100%	N/A	N/A
	Ararat	N/A	N/A	N/A	100%
	Northern Grampians	N/A	N/A	N/A	N/A
	Yarriambiack	N/A	N/A	N/A	N/A

**Source:** [www.knowyourcouncil.vic.gov.au](http://www.knowyourcouncil.vic.gov.au).

## Buloke Planning Scheme Review

### 6.1.3. Most common permit triggers

#### Discussion

Between 2018/2019 and 2021/2022, the category of permits generating the highest activity has been 'one or more new buildings'.

PPARs and council supplied data indicates that these permits are typically for:

- Agricultural sheds and outbuildings in the rural zones (45).
- Domestic outbuildings located in the township zone (27).

Council officers have confirmed that overlay controls such as the Land Subject to Inundation Overlay (LSIO), Flood Overlay (FO), Heritage Overlay (HO), and Design Development Overlay (DDO) trigger a high number of permits in township areas.

It was also noted that the number of residential subdivision and single dwelling approvals grew during the review period.

	2018/2019	2019/2020	2020/2021	2021/2022
Application type				
Change or extension of use	4	7	9	8
Demolition	2	1	1	1
Extension to an existing dwelling or structure associated with a dwelling	2	1	1	4
Extension to an existing building or structure (other than a dwelling)	2	4	1	2
Liquor licence	3		1	2
Multi-dwelling		1	4	2
Native vegetation removal	1	5	2	1
Other	3			1
One or more new buildings	24	31	33	17
Other buildings and works (including septic tanks, dams, earthworks)	8	13	6	4
Signage	2	2	5	5
Single dwelling	1	3	5	4
Subdivision (realignment of boundary)	4	4	3	3
Subdivision of land	5	3	2	8
Telecommunications facility	1	2	1	

### 6.1.4. VCAT matters

Two (2) permit applications were subject to a review by the Victorian Civil and Administrative Tribunal (VCAT) in the 2018 – 2022 review period.

## Buloke Planning Scheme Review

As the council received approximately 284 planning permit applications in the last 5 years, it is positive that only two of these have been challenged through VCAT (see Table 4).

**Table 4 – VCAT Outcome from 2018-2021 calendar years**

Affirmed	Varied	Set aside	Withdrawn
1	1		

**Source:** Council supplied data

### 6.1.5. Geographic spread of applications

Planning permit activity is not distributed evenly across the municipality. Table 5 shows that permit applications are concentrated within the townships of Charlton, Donald, Wycheproof, Sea Lake, and Birchip. This is not unexpected as these townships represent Buloke Shire's primary urban centres, providing a focus for residential, commercial, retail, and industrial opportunities.

Whilst the MPS acknowledges the importance of these townships, the scheme lacks up-to-date policy to assist council to achieve its strategic goals for sustainable growth, housing diversity, economic development, and infrastructure and community service provision targeted to the unique attributes of each town.

While population data does not reflect the need to increase residential land supply in the Shire, the council's 2012 - 2025 Council Plan and other key strategic documents identify a desire to increase the diversity of housing and accommodation options, providing a quality urban environment for residents to 'age in place' and support the growth of the tourism sector. As referenced in Section 10, it is recommended that the council prepare a small town structure plan for Charlton, Donald, Birchip, Wycheproof, and Sea Lake to ensure the planning scheme aligns with the councils broader policy position.

**Table 5 – Key permit action areas from 2018 – 2022 calendar years**

Location	Number of applications	% of total
Charlton	52	18.5%
Donald	50	17.8%
Wycheproof	34	12.1%
Sea Lake	26	9.2%
Birchip	20	7.1%
Berriwillock	7	2.5%
Culgoa	6	2.1%

## Buloke Planning Scheme Review

Yeungroon East	6	2.1%
Gil Gil	5	1.8%

Other areas such as Berriwillock, Culgoa, Gil Gil, and Yeungroon East represent the next most active areas for permit activity, with between five and seven applications per place. Many of these smaller areas are agricultural areas and are well supported by agricultural policy within the PPF and appropriate zoning (Farming Zone).

### Findings:

- C. Use the DTP Better Planning Approval templates to develop a suite of resource material to support planning scheme users and streamline planning processes. Publish on Greenlight platform on the council's webpage and in hardcopy at Buloke Shire Council customer service centres.**

## 6.2. Planning Panels Victoria

### 6.2.1. Summary of planning scheme amendments

The council has undertaken six planning scheme amendments since the 2018 planning scheme review, including:

- C43 - Replaced the LPPF of the Buloke Planning Scheme with a new MPS at Clause 02, local policies within the Planning Policy Framework at Clauses 12 to 19 and selected local schedules to an overlay and operational provisions.
- C42 - Deleted the Environmental Significance Overlay, Schedule 2 (ESO2 - Channel and Reservoir Protection).
- C39 - Corrections amendment that removed inconsistencies in local schedules with the Victorian Planning Provisions as part of the Smart Planning Local Schedules Update.
- C036 - Rezoned various parcels of publicly owned land at Tchum Lakes, Watchem Lake, and Wooroonook Lakes from Farming Zone to Public Park and Recreation Zone or Public Conservation and Resource Zone
- C037 - Facilitated the 'Bringing Water back to Green Lake Project' to rezone land from Public Conservation and Resource Zone to Public Park and Recreation Zone, with an incorporated document to specify relevant land use, land management, and environmental requirements for the Green Lake recreational precinct.
- C027 - Applied the Land Subject to Inundation Overlay and Floodway Overlay to land in the townships and surrounds of Charlton and Donald, amends the Schedule to Clause 44.03 and Schedule to Clause 44.04) to update the permit exemptions for buildings and works.

The only amendment from the list above that was subject to a Planning Panel hearing was for Amendment C027, prepared by the council and North Central Catchment Management Authority to

## Buloke Planning Scheme Review

implement the findings of the Charlton Flood and Drainage Management Plan, 2013 and the Donald Flood and Drainage Management Plan.

Twenty-two (22) submissions were received to the exhibition of the amendment, all relating to the proposed flood controls affecting the township of Charlton.

The panel report did not raise any further strategic work that was required in relation to flood controls and environmental risk and report recommended that the amendment *'be adopted as exhibited, subject to amending Map 40LSIO-FO (Charlton) to apply the flood mapping revised to take into account recent road works on Charlton-St Arnaud Road'*.

### 6.3. Victorian Civil and Administrative Tribunal

#### 6.3.1. VCAT cases reviewed

Council officers provided the following list of VCAT cases to review:

- LH Perry & Sons Freehold Properties Pty Ltd v Buloke SC [2022] VCAT
- Total Outdoor Media Pty Ltd v Buloke SC [2019] VCAT 1766
- Buloke SC v Bell & MAMF Functions Pty Ltd [2016] VCAT 797
- Buloke SC v Bell [2016] VCAT 335
- MAMF v Buloke SC [2016] VCAT 289 (Red Dot)

#### 6.3.2. Policy issues raised at VCAT

The issues raised with policy implications at VCAT over the past four years related to:

- Major Promotion Signage locations at township entrances.
- Visual amenity in township areas.
- Clause 71.02-3 Integrated decision making.
- Land owner consent (including from Crown Land manager consent) is required prior to commencement of works and use of land.
- Commencement of works and use without planning approval.
- Place of Assembly is a relevant trigger for the requirement of a Cultural Heritage Management Plan.

#### 6.3.3. Major Promotion Sign and gateway amenity

### Summary



## Buloke Planning Scheme Review

In *Total Outdoor Media Pty Ltd v Buloke SC* [2019] VCAT 1766, the council issued a refusal to grant a permit for the proposed installation and display of a two-sided major promotion sign at the entrance to Charlton. The council refused the application on the grounds that:

- *The proposed sign is excessive in scale and inappropriate at this entry point into the Charlton township.*
- *The proposed sign is incompatible with the amenity and visual appearance of the area.*
- *The proposed sign does not complement or enhance the character of the area.*

The tribunal supported the council's decision, stating that: *"whilst State policy recognises that signs can add vitality and colour to business areas, I am not persuaded that this sign is acceptable when assessed against the whole suite of State and local policy and controls dealing with advertising signs, particularly having regard to the specific site context... When assessed on that basis, I am not persuaded that the net community benefit test contained at Clause 71.02-3 of the Planning Scheme has been satisfied"*.

This case demonstrates that the council would benefit from the preparation of policy to guide township entrance treatments and urban design in township areas. There is opportunity to prepare policy as part of the proposed township framework settlement plans for insertion into Clause 15.01-1L Urban Design that provides specific gateway signage policy to clarify acceptable signage outcomes.

## 7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the planning scheme review. It includes data collected as part of a council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff, and councillors through a series of workshops.

### 7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the use and performance of the Buloke Planning Scheme. Survey questions ranged from queries about common permit triggers and timelines for assessing applications, to the role and relevance of policy, controls and the identification of policy gaps.

Survey feedback provided the basis for a workshop with council planners held on 28 April 2023. The workshop expanded on the issues raised in the planners' survey and analysed planning scheme performance more broadly.

Key issues discussed at the meeting included:

#### Residential Development and the township zone

- Township Zone (TZ) is the primary residential zone in the municipality. There is no Rural Living (RLZ) or Low Density Residential Zones (LDRZ) to provide greater diversity for housing options / larger land parcels.

## Buloke Planning Scheme Review

- It was identified that there is a low uptake of vacant land in the TZ to construct new residential development, infill development, or higher density development such as units or town houses.
- Shortage of quality housing stock, but refurbishment of aged housing stock and retrofitting to improve environmental conditions / sustainability is impacted by poor return-on-investment for capital improvements.
- Low property value equates to low return-on-investment for new dwellings or multi-dwelling development.
- Transport 2 Zone (TR2Z) applies on major routes within township boundaries (including high streets) and results in high number of permits for new vehicle crossovers and access that must be referred to Regional Roads Victoria.

### Agricultural Zones

- Lack of local policy to guide decision making on appropriate locations for siting renewable energy projects, such as solar farms.
- Small lot subdivision in FZ - strategic work required to increase minimum lot size for dwelling excision from 2 ha to 5 ha to allow for effective amenity buffer and wastewater management.
- Sheds & outbuildings in the FZ identified as generating highest permit application activity. Optimistic that updates to permit requirements introduced via VC231 (gazetted 3/4/2023) should reduce permit numbers for agricultural sheds, domestic outbuildings, and dwelling extensions in FZ.

### Signage

- Signage policy or application guidelines would benefit decision making for new advertising signage in heritage streetscapes and promotional signage at townships gateway areas.

### Policy gaps

- No local policy in scheme regarding climate change mitigation in urban and rural areas.
- No local policy in scheme regarding the siting of gaming machines and how to assess applications against matters such as amenity, cumulative impact, and community net benefit.

### Heritage

- Heritage Overlay mapping requires updating to correct anomalies.
- Heritage precinct guidelines are listed in the Schedule to Clause 43.01 but due to an administrative error were omitted from the Schedule to Clause 74.02 at the gazettal phase of Amendment C43blok.
- A review and update of heritage policy and controls in the scheme (including supporting documents such as the heritage guidelines and permit exemption documents) is required to meet Planning Practice Note 01: Applying the Heritage Overlay (PPN01).
- A review of the Buloke Heritage Study Stage 1 & 2 is required to assess and protect places of local heritage significance identified by the study.

# Buloke Planning Scheme Review

## Overlays

- Some local schedules to overlays require review and drafting to remove permit requirements for minor or inconsequential works, clarification of application requirements, improvements to wording, and potential expansion or reduction of mapping.

Refer to Chapter 10 for a more detailed discussion about the matters raised.

## 7.2. Councillors and executive team

The Executive team and councillors participated in a workshop on 7 June 2023. The workshop introduced the planning scheme review, discussed the objectives of planning in Victoria, and included a summary of analysis findings to date.

The councillors raised several matters, including:

- Implementation of the Rural Land Use and Settlement Strategy via the rezoning of FZ parcels to create RLZ is a priority.
- Desire to increase housing diversity options and supply of lifestyle lots to increase housing choice and attract new residents.
- In small towns affected by the TZ, permit requirements for non-residential uses (such as those associated with retail, liquor licencing, signage, etc) are creating uncertainty for applicants due to potential amenity impacts.

## 7.3. Referral and notice agencies

Input to the planning scheme review process was sought from the referral authorities that are listed under the Schedule to Clause 66.04 to ensure that any necessary changes to the local policy setting for the Buloke Planning Scheme are identified.

Other referral authorities with statutory referral responsibilities were also contacted.

The substantive issues raised by agency or authorities are summarised below:

### North Central Catchment Management Authority (NCCMA)

- Reduce flood controls from sites in Donald due to recent flood mitigation works, as per Flood Plain Management Strategy (2018).

### Department of Transport and Planning (DTP)

- Identifies policy gaps or opportunities to include policy to encourage the design and construction of cycling and pedestrian networks in townships, infrastructure for ageing populations and heavy vehicle through-traffic.

### Department of Energy, Environment and Climate Action (DEECA)

- Proposed changes to Schedule 1 to Environmental Significance Overlay (ESO1) to update wording, reduce permit requirements, and remove redundant policy.

## Buloke Planning Scheme Review

- Update Clause 5.0 to ESO1 to remove reference to *Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke* (Department of Natural Resources and Environment, 1996).

### Department of Health (DoH)

- Update Clause 1.0 to schedule to Clause 66.04 and Clauses 6.0 of schedule 1 to Clause 43.02 (DDO1) and schedule 2 to Clause 43.02 (DDO2) to change "Department of Health and Human Services" to reflect the Department's correct name "Department of Health".

### Country Fire Authority (CFA)

- Ensure future settlement planning for small townships include clearly defined separation or hard edges / buffers that restrict the passage of wildfire from surrounding agricultural land uses.

Refer to Appendix Three for a copy of Referral Agency feedback.

#### 7.3.1. Summary of issues raised through engagement

Issue	Planners	Crs and Executive	Referral Agencies
Drafting, permit requirements and intent of local schedules	✓		✓
Flood controls and mapping	✓		✓
Clarify policy for house excision and small lot development in the Farming Zone	✓		
Housing diversity	✓	✓	
Implementation of Rural Land Use and Settlement Strategy	✓	✓	
Settlement planning for key townships to address land compatibility, zoning and define future township boundaries	✓	✓	✓
Permit triggers for access to Transport 2 Zone	✓		
Climate change adaptation	✓		
Signage policy and township gateway precincts	✓		
Gaming policy to guide amenity and community net benefit	✓		

# Buloke Planning Scheme Review

Issue	Planners	Crs and Executive	Referral Agencies
Heritage controls, mapping, supporting documents and a further stage of the Buloke Heritage Study.	●		

## Findings

- D. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.**

## 8. New strategic work

New strategic work that has been adopted by the council and prepared for the Loddon Mallee Region was reviewed to identify whether any new policy may be incorporated into the scheme.

The intention of this part of the review process is to incorporate policy that may have been developed by another part of council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans, or Housing Strategies, which should go through a separate, dedicated planning scheme review process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any land use planning proposals that should be reflected in the scheme (for example, the construction of a new wetland).

### 8.1. Council projects and documents

The council provided seven documents that have been prepared and adopted by the council since the last planning scheme review. A detailed assessment is included in Appendix One.

There is strategic justification for the objectives and policies outlined in the Council Plan to be translated and inserted in the scheme.

Further strategic work is required to prepare the strategic justification to implement the strategic directions contained in the Rural Land Use & Settlement Strategy or draft applicable local policy to introduce new policy based on actions in the Buloke Climate Change Mitigation and Adaption Plan, Inclusiveness Plan and Asset Plan.

# Buloke Planning Scheme Review

## 8.1.1. Documents reviewed

- *Buloke Shire Council Plan 2021 – 2025 including the Municipal Health and Wellbeing Strategy (Buloke Shire Council, 2021)*
- *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018)*
- *Buloke Asset Plan (Buloke Shire, 2022)*
- *Draft Transport Asset Management Plan (Buloke Shire, 2022)*
- *Rural Land Use & Settlement Strategy (PLN Planning, 2019)*
- *Buloke Climate Change Mitigation and Adaption Plan (Ndevr Environmental, 2020)*
- *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022)*
- *Buloke Shire Council Advocacy Strategy (Buloke Shire, 2023).*

## 8.2. Regional projects and documents

- *Mallee Regional Catchment Management Strategy 2022-2028*
- *North Central Regional Catchment Management Strategy 2021-2027*
- *Dja Dja Wurrung Country Plan 2014-2034 (Dja Dja Wurrung Clans Aboriginal Corporation, 2014)*
- *Growing what is Good Country Plan (Barengi Gajin Land Council, 2017).*

A detailed assessment of the above strategies is included in Appendix One.

It is recommended that the scheme should be amendment to acknowledge First Nations people in the MPS and further work undertaken in partnership with Registered Aboriginal Parties to ensure the planning scheme considers and reflects First Nations land and cultural values within the Buloke Shire.

### 8.2.1. Findings

#### E. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:

- e) **Amend the Context (02.01) to include appropriate reference to Traditional Owners and Country.**
- f) **Amend the Vision (02.02) to reflect the current Council Plan (2021 – 2025).**
- g) **Include new policy to implement the:**
  - *Buloke Council Plan 2021 – 2025, including the Municipal Health and Wellbeing Plan (Buloke Shire Council, 2021).*
  - *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018).*
  - *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022).*

# Buloke Planning Scheme Review



## 9. Work underway

### 9.1. Implementation of Buloke Rural Land Use and Settlement Strategy

The *Buloke Shire Rural Land Use and Settlement Strategy (PLN Planning, 2019)* was adopted by the council in August 2019.

The strategy comprises two parts. Part 1 'Rural Land Use' establishes directions to support existing industries such as agriculture and intensive animal industries and emerging opportunities in rural tourism, extractive industries, and renewable energy.

Part 2 'Settlements' establishes directions for the future planning of the Shire's key urban centres. The strategy found limited demand to justify an expansion to the TZ and identified opportunity to create a greater mix of residential development options through the intensification of subdivision development in existing township boundaries with proximity to community services and facilities.

It also recommended that TZ land at the edge of township boundaries should be investigated for use as larger lifestyle lots. The study identified the lack of Rural Living Zone (RLZ) lots in the municipality and recommended further work to identify suitable FZ land that may be rezoned.

The council has commenced work to investigate opportunities to increase rural living opportunities, including the introduction of RLZ lots and investigation of existing vacant land in the Township Zone.

An Issues and Opportunities Paper has been prepared and community consultation is underway.

#### 9.1.1. Findings:

- F. Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy, including the investigation of rural living opportunities.**
- G. Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions as part of the implementation of the Rural Land Use Strategy.**

### 9.2. Corrections amendment

The 2018 planning scheme review identified land zoning and mapping errors to be corrected via a planning scheme amendment. The planning unit has continued to add this list and is in the process of preparing a planning scheme amendment to correct the identified errors.

A review of the MPS and PFF has identified further updates that council may wish to include in the corrections amendment.

#### Findings:

- H. Progress the proposed anomalies and corrections planning scheme amendment to:**

# Buloke Planning Scheme Review

- a. Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04.
- b. Correct Heritage Overlay mapping errors and anomalies.
- c. Correct land zoning and mapping errors identified in the anomalies register maintained by the planning unit.
- d. Correct land zoning for landfill sites and transfer stations identified in the *Loddon Mallee Waste & Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
- e. Apply the Environmental Overlay Schedule to Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework.

## 10. Key issues

This section expands on the key issues and strategic themes that have emerged through the review:

### 10.1. Settlement planning

The planning scheme MPS recognises the role of Donald, Birchip, Charlton, Sea Lake, and Wycheproof as the Shire's main focus for residential, commercial, industrial, and public land uses.

The five urban centres comprise a mixture of interspersed land uses, which follow historic settlement patterns along major transport routes and linear waterways.

Clause 02.03-1 encourages a '*flexible approach to land use and development*' within township boundaries and the MPS and PPF includes policy directions to promote adaptation, such as:

- Adaptive re-use of vacant housing for non-residential land uses in town centres (Clause 13.07-1L-02 and 15.01-2L-01).
- Consolidation of land and construction of higher density housing types in township boundaries (Clause 16.01-1L).
- Locating new developments on land connect to existing infrastructure services and transport networks (19.03-2L) over out-of-town greenfield sites.

Clause 02.03-1 also directs that '*flexibility should not prejudice the amenity of the towns, the efficient use of infrastructure or the continuation of agriculture on the fringe of the townships*'.

The preparation of settlement plans (or small-town structure plans) will assist council to coordinate development in appropriate locations, guide existing and future industrial land uses (including appropriate setbacks or buffers) to minimise potential land use conflicts and to guide amenity and built form outcomes for new development.

The plans should also implement the recommendation from the *Buloke Shire Rural Land Use and Settlement Strategy (2019)* to identify appropriate locations to achieve a greater mix of housing types,



## Buloke Planning Scheme Review

especially opportunities for infill development and the use of vacant TZ zone land for larger lifestyle lots.

It is recommended that settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof address the following matters:

- **Land Use** - identify locations where urban development or change may occur, considering flood risk, physical infrastructure, community services, and facilities, including appropriate controls to minimise potential land use conflicts between sensitive land uses. Strengthen policy in Clause 13.07-1L-02.
- **Housing** – support the intensification and/or diversification of residential development in appropriate locations, including infill development opportunities identified in the Buloke Shire Rural Land Use & Settlement Strategy (2019).
- **Movement and infrastructure network** – identify infrastructure requirements and opportunities to increase active transport linkages and routes.
- **Tourism accommodation and infrastructure** – identify opportunities to increase tourist infrastructure operations on public and private land.
- **Streetscapes and urban design** – identify opportunities to increase streetscape amenity and safety, reinforce heritage character, provide age-friendly environments, and enhance gateways and town entrances.

Due to the resourcing and time commitment for settlement planning it is recommended that the council consider a staged approach and prepare 2 plans in this review cycle and 3 plans in the next cycle. Findings:

1. **Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.**

### 10.2. Permit trigger review

A review of planning permit activity data for the 2019 – 2022 period shows that the 'one or more new buildings' and 'other buildings and works' categories receive the highest number of permit applications.

Permit data and council feedback indicates that these permits are typically for:

- Outbuildings and agricultural sheds in the rural zones.
- Minor structures and outbuilding associated with existing buildings on land affected by the Land Subject to Inundation Overlay, Flood Overlay and Design and Development Overlay.
- Building and works on land affected by the HO.
- New vehicle access for subdivision of land adjacent to the Transport Zone 2

#### ***Flood overlays***

## Buloke Planning Scheme Review

A large portion of the permits processed from the above categories are 'low risk', meaning that the proposed development will have little planning consequence due to the minor nature of the work and compatibility with the existing use of the land. For example, these include permits for carports, garages, and decking. High numbers of low risk building and works permits can place administrative burdens on planning units, as they are time consuming to assess and if notice or referral to an external agency is required, the issuing of permits can be delayed.

Feedback received from DEECA has identified opportunities to introduce permit exemptions for low risk *'building and works scenarios associated with existing structures or dwellings, particularly in Township zone areas such as Donald or Charlton where residential or commercial allotments are affected by ESO1'*. This recommendation is consistent with planning unit feedback that identified the need to streamline permit requirements for this class of permit application. This is discussed further in Section 10.3 below.

There is also an opportunity to consult with the NCCMA to review the LSIO and FO to determine if a local VicSmart application requirement or permit exemptions can be introduced for minor works.

The NCCCAM has also highlighted the opportunity to reduce flood controls from sites in Donald due to recent flood mitigation works, as per NCCCAM *Flood Plain Management Strategy* (2018).

### **Design and Development Overlays**

Council's planning unit has identified the need to review overlay schedules, including the Design and Development Overlay - schedule 1 & 2 (DDO1/DDO2) to update the wording at Clause 2.0 from:

*'A permit is not required to construct or carry out buildings and works in relation to an existing dwelling that exceeds the heights specified in Table 1'*

to: *'A permit is not required to construct or carry out buildings and works in relation to an existing building that exceeds the heights specified in Table 1'*.

This proposed change would introduce an exemption for a greater range of buildings, provided the building height does not exceed the limits specified in the table to Clause 2.0. Any change to DDO1 & 2 ordinance would be subject to consultation with the Department of Health.

### **New vehicle access**

The high number of permits triggered under Clause 52.29 for applications to create or alter vehicle access or subdivide land adjacent to a TRZ2 road was also raised. Permit applications triggered by Clause 52.29 are required to be referred to Regional Roads Victoria (Vic Roads).

A review of land subject to the TRZ2 in the scheme indicates that all township 'main streets' or 'high streets' are zoned TRZ2. Rather than back zoning this land to reflect the relevant land use – ie. TZ or C1Z, it is recommended engage with the local DTP Regional Road Victoria Loddon Mallee branch to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications. An example can be found in Corangamite Planning Scheme which has introduced schedule 2 to Clause 59.16 for applications affecting land adjacent to the Principal Road Network.

### **Findings:**

- J. Undertake a permit trigger review to:**

## Buloke Planning Scheme Review

- Review Land Subject to Inundation Overlay and Flood Overlay in collaboration with the relevant CMAs to determine if local VicSmart application requirements or permit exemptions can be introduced for minor works. Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per NCCAM *Flood Plain Management Strategy* (2018).
- Assess Schedules 1 & 2 to the Design and Development Overlay to investigate reducing permit requirements under subclause 2.0 buildings and works.
- Engage with DTP Regional Road Victoria Loddon Mallee branch to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create standard vehicle access on land adjacent to the principal road network within township areas.

### 10.3. Environmental values

The Environmental Significance Overlay and the Vegetation Protection Overlay identify and protect landscape and biodiversity values specific to a municipal area.

Schedule 1 to the ESO and Schedule 1 to the VPO were introduced into the scheme as part of the new format planning scheme in 1999. The content and application of the controls remain relatively untouched, including the use of: *Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke* (Department of Natural Resources and Environment, 1996) as the key policy document.

#### ***Environmental Significance Overlay***

ESO1 applies to public and private land along the shire's key rivers and creeks, including a buffer area of approximately 250 metres of river frontage that captures native vegetation. It also applies to significant waterbodies including Lake Buloke, Lake Cope Cope, Lake Tyrrell, and Lake Wahpool.

Clause 12.03-1L states that the objective of ESO1 is to '*conserve the environmental values of waterways and wetlands*' by preventing '*vegetation removal, waste water disposal and earthworks that detrimentally affect waterways and wetlands*'.

A review of the mapping and content of the schedule has identified opportunities for improvement, including:

- Investigate the expansion of ESO1 or the application of a new schedule (ESO2 / ESO3) to identify and protect Green Lake, Tchum Lakes, and Watchem Lake.
- Update clauses 1.0 and 2.0 to meet Ministerial Direction on the Form and Content of Planning Schemes requirements, clarify wording and amend according to feedback from DEECA.
- Investigate expanding ESO1 mapping over significant waterbodies to provide an adequate curtilage to ensure new development and infrastructure has regard for landscape amenity, native vegetation retention, effluent and stormwater treatment, and to minimise earthworks that may impact on environmental values.
- Work with DEECA to determine if an up-to-date biodiversity mapping or a species survey document that can replace *Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke* (Department of Natural Resources and Environment, 1996)

# Buloke Planning Scheme Review

## ***Vegetation Protection Overlay***

VPO1 applies to native vegetation on roadsides managed by the Buloke Shire Council and on private land that supports vegetation corridors adjacent to road reserves.

Although the scheme includes a VPP provision a Clause 52.17 that triggers a permit for the removal, destruction and lopping of native vegetation, this particular provision but does not target specific species or values particular to Buloke Shire. Therefore, it is proposed that the VPO be retained as it offers stronger vegetation protection controls than Clause 52.17, which includes some permit exemptions for roadside vegetation management.

The Buloke Shire Climate Change Adaptation Strategy identifies the need to retain remnant vegetation to improve soil and ground water quality, mitigate erosion, and support habitat corridors.

A review of the mapping and content of the schedule is required to determine if the VPO should be expanded to include local road reserves in the south and north of the municipal area, in collaboration with agencies such as DEECA and NCCMA.

## **Findings:**

- K. Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies.**
- L. Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies.**
- M. Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies.**

## **10.4. Heritage**

The Buloke Shire Heritage Study Stages 1 and 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) was undertaken between 2001 – 2011 and implemented into the planning scheme via Amendment C025 in 2016.

Amendment C025 inserted 205 individual and nine precincts of local heritage significance to the Schedule to the Heritage Overlay, local heritage policy and an Incorporated Document: *Buloke Shire Heritage Precincts Incorporated Plan 2012*.

In 2021, Amendment C43 updated the Schedule to the HO and intended to insert ten heritage design guideline documents into the scheme as Incorporated Documents. However due to an administrative error at the gazettal stage, the guideline documents were omitted from Clause 72.04.

Council's planning unit has identified the need to review the heritage planning framework in the scheme to ensure it meets the requirements of Planning Practice Note 01: Applying the Heritage Overlay.

# Buloke Planning Scheme Review

In consultation with the planning unit, this review has identified an opportunity to:

- Examine the places included in the Schedule to the Heritage Overlay to confirm accuracy of mapping, address details, status and controls.
- Insert the statements of significance for the current precincts of local heritage significance into the scheme as Incorporated Documents, including an updated table that identifies the grading of properties (according to significant, contributory and non-contributory).
- Update the existing Buloke Shire Heritage Precincts Incorporated Document to remove the precinct statements of significance to avoid confusion and clarify the permit exemptions that apply to non-contributory places located within precincts.
- Update the ten Heritage Design Guidelines to include guidance on a broader range of topics such as alterations and additions, conservation of historic shopfronts, new buildings, demolition, subdivision, sustainability and services, signage, paint colours and significant trees.
- Prepare a planning scheme amendment to correct the errors and anomalies to the HO schedule and HO maps captured in the list maintained by the planning unit.
- Review the findings of the *Buloke Shire Heritage Study Stages 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011)* and prepare further heritage assessment work in the broader municipal area.

## Findings:

- N. **Prepare and implement a review of heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:**
- **Update the content and format of the ten precinct *Heritage Design Guidelines, Buloke Shire Council, May 2021***
  - **Update the content and format of the *Buloke Planning Scheme Heritage Controls, Incorporated Plan, Buloke Shire Council, 2012***
  - **Review the list of places included in the Schedule to the Heritage Overlay and the accuracy of HO mapping.**
  - **Review the *Buloke Shire Heritage Study Stages 1 and 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011)* study findings and advance the identification and assessment of further significant local heritage places across the municipal area.**

## 10.5. Dwelling excision in the Farming Zone

The council has indicated a preference to increase the maximum lot size to be provided around an existing dwelling to subdivide the dwelling from a larger rural property.

## Buloke Planning Scheme Review

Clause 14.01-1L-03 Small lot subdivision sets out council's policy to guide the excision of rural dwellings located in the Farming Zone. The policy includes a provision that rural dwellings must be contained on a maximum lot size of 2 hectares, that the excised dwelling is to be in a habitable condition, and that the planting of buffer vegetation is encouraged.

The council has indicated that the 2ha maximum lot size may not be large enough to accommodate the services required for a dwelling in a rural area (such as shedding, wastewater effluent disposal field, access, bore water buffers) and to enable the planting of an adequate windbreak and vegetation buffer. A lot size of 5 – 6 hectares has been proposed.

It is recommended that the planning unit consult with council's Environmental Health Officer, the Agriculture Victoria statutory referral service and review relevant Environmental Protection Authority (EPA) guidance documents regarding wastewater treatment regulations. The preparation of updated Clause 14.01-1L-03 policy is also recommended.

There is also opportunity to prepare an application checklist - refer to examples from Colac Otway Shire and Horsham Rural City Council.

### Findings:

- O. Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions as part of the implementation of the Rural Land Use Strategy.**

## 11. Further strategic work

Appendix Three of this report includes a list of the further strategic planning work items identified through this review based on:

- Council planning strategies that have been recently adopted.
- The previous planning scheme review in 2018.
- Further work already listed within the planning scheme.
- The audit of the planning scheme outlined in Section 5 of this report and included in Appendix One.
- Key stakeholder engagement.

Through the review process, the highest priority tasks for the council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at Appendix Two.

It is recommended that the council use the following list of tasks to prioritise a further strategic work over the next four years:

# Buloke Planning Scheme Review

1. Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy:
  - Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions.
2. Progress the proposed anomalies and corrections planning scheme amendment to:
  - Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04.
  - Correct Heritage Overlay mapping errors and anomalies.
  - Correct land zone and mapping errors identified in the anomalies register maintained by the planning unit.
  - Correct land zoning landfill sites and transfer stations identified in the *Loddon Mallee Waste & Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
  - Apply an Environmental Overlay Schedule to the Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework.
3. Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.
4. Undertake a permit trigger review to:
  - Assess the Design and Development Overlay - Schedule 1 & 2 (DDO1/DDO2) and investigate reducing permit requirements under subclause 2.0 buildings and works.
  - Review the Land Subject to Inundation Overlay and Flood Overlay in collaboration to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for minor works.
  - Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per the *Flood Plain Management Strategy* (2018).
  - Engage with DTP Regional Roads Victoria (Loddon Mallee) to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create new access on land adjoining TRZ2 within the Shire's main urban centres.
5. Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay to:
  - Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies.
  - Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of

## Buloke Planning Scheme Review

Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies.

- Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies.
6. Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:
    - Update the content and format of the ten precinct *Heritage Design Guidelines*, *Buloke Shire Council, May 2021*
    - Update the content and format of the *Buloke Planning Scheme Heritage Controls, Incorporated Plan, Buloke Shire Council, 2012*
    - Review the individual places and precincts of local significance in the Schedule to the Heritage Overlay and the accuracy place information and HO mapping.
    - Review the *Buloke Shire Heritage Study Stages 1 and 2* (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) study findings and advance the identification and assessment of further significant local heritage places across the municipal area.
  7. Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.
  8. Develop and implement local policy for climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy (Ndevr Environmental Pty Ltd, 2020).
  9. Develop and implement local policy for walking, cycling and open space networks to capture the strategies in both the Council Plan (Buloke Shire Council, 2021-2025) and Inclusiveness Plan (Buloke Shire Council, 2021).
  10. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.



# Buloke Planning Scheme Review



## Appendix One

# Buloke Planning Scheme Review



## Appendix Two

**Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.**

# Buloke Planning Scheme Review

## Appendix Three

### Comprehensive list of further strategic work

The following list of work is a comprehensive list of all the further strategic work that has been identified through this planning scheme review.

The highest priorities have been identified (in bold text) and included in Chapter 9 and 10 of the report. The remaining projects on this list need to be prioritised by council.

Refer to project documents **R3: Further Strategic Work Prioritisation** and the '**A Good Practice Guide to Planning Scheme Reviews, March 2023**' for instructions for preparing a prioritised further strategic work list for Clause 74.02 Further Strategic Work schedule.

Project Name		Project Source
1	<b>Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy.</b> <ul style="list-style-type: none"> <li>Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions.</li> </ul>	RLUSS 2018 PSR 2023 PSR
2	<b>Progress the proposed anomalies and corrections planning scheme amendment to:</b> <ul style="list-style-type: none"> <li>Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04.</li> <li>Correct Heritage Overlay mapping errors and anomalies.</li> <li>Correct land zone and mapping errors identified in the anomalies register maintained by the planning unit.</li> <li>Correct land zoning landfill sites and transfer stations identified in the <i>Loddon Mallee Waste &amp; Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report</i> (Centrum Town Planning, 2017).</li> <li>Apply an Environmental Overlay Schedule to the Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework.</li> </ul>	2018 PSR 2023 PSR Clause 74.02
3	<b>Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof (staged over current and next review cycle)</b>	2018 PSR 2023 PSR Clause 74.02
4	<b>Undertake a permit trigger review to:</b>	2018 PSR

## Buloke Planning Scheme Review

	<ul style="list-style-type: none"> <li>– Assess the Design and Development Overlay - Schedule 1 &amp; 2 (DDO1/DDO2) and investigate reducing permit requirements under subclause 2.0 buildings and works.</li> <li>– Review the Land Subject to Inundation Overlay and Flood Overlay in collaboration to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for minor works.</li> <li>– Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per the <i>Flood Plain Management Strategy (2018)</i>.</li> <li>– Engage with DTP Regional Roads Victoria (Loddon Mallee) to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create new access on land adjoining TR22 within the Shire's main urban centres.</li> </ul>	2023 PSR Stakeholder engagement
5	<p>Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay to:</p> <ul style="list-style-type: none"> <li>– Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies.</li> <li>– Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies.</li> <li>– Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies.</li> </ul>	2023 PSR Stakeholder engagement
6	<p>Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:</p> <ul style="list-style-type: none"> <li>– Update the content and format of the ten precinct <i>Heritage Design Guidelines, Buloke Shire Council, May 2021</i></li> <li>– Update the content and format of the <i>Buloke Planning Scheme Heritage Controls, Incorporated Plan, Buloke Shire Council, 2012</i></li> <li>– Review the individual places and precincts of local significance in the Schedule to the Heritage Overlay and the accuracy place information and HO mapping.</li> <li>– Review the <i>Buloke Shire Heritage Study Stages 1 and 2</i> (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) study findings and advance the identification and assessment of further significant local heritage places across the municipal area.</li> </ul>	2023 PSR Stakeholder engagement

## Buloke Planning Scheme Review

7	Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.	2018 PSR 2023 PSR
8	Develop and implement local policy for climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy (Ndevr Environmental Pty Ltd, 2020).	2023 PSR Stakeholder engagement
9	Develop and implement local policy for walking, cycling and open space networks to capture the strategies in both the Council Plan (Buloke Shire Council, 2021-2025) and Inclusiveness Plan (Buloke Shire Council, 2021).	2023 PSR Stakeholder engagement
10	Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.	2023 PSR Stakeholder engagement

# Buloke Planning Scheme Review

## Appendix Four

### State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

#### VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2010, several VC and GC amendments have introduced new policy into the Buloke Planning Scheme and are directly relevant to this review:

VC083: Introduced a raft of changes to bushfire policy and provisions to implement the recommendations of the 2009 Victorian Bushfires Royal Commission.  
 VC103: Introduced the reformed rural zones.  
 VC105: Implemented reforms to Victoria's native vegetation and biodiversity provisions.  
 VC134: Introduced the Municipal Planning Strategy (MPS).  
 VC138: Updates to the Native Vegetation Framework  
 VC140: Provisions for the Planning Policy Framework transition  
 VC142: Update to the Ministerial Direction on Form and Content and clean-up of permit triggers.  
 VC144: Introduced VicSmart provisions.  
 VC147: Enabled the online publishing of planning schemes through the DTP Amendment Tracking System (ATS).  
 VC148: Planning Policy Framework introduction  
 VC150: Implemented actions outlined in the Victorian Government's Planning for Sustainable Animal Industries Report.  
 VC154: Implemented of the integrated water management reforms.  
 VC169: Updated State policy to direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.  
 VC175: Buffer Area Overlay introduction  
 VC200, VC 204 and VC205: Transport planning reforms  
 VC203: Introduced the new environment protection framework into the Victoria Planning Provisions  
 VC216: Changed the Planning Policy Framework (PPF) to support Environmentally Sustainable Development (ESD).  
 VC231: Reduced permit requirements in the Rural Living, Farming and Rural Activity Zones in rural and regional municipalities.

#### 11.1.1. New Planning Practice Notes

Since the last planning scheme review in 2010, Several Planning Practice Notes (PPNs) have been introduced which may impact on the future development of the Buloke Planning Scheme.

PPN03 - Applying the Special Use Zone  
 PPN23 - Applying the Incorporate Plan and Development Plan Overlays  
 PPN24 - Shipping Container Storage  
 PPN30 - Potentially Contaminated Land  
 PPN58 - Structure Planning for Activity Centres  
 PPN59 - The Role of Mandatory Provisions in Planning Schemes  
 PPN60 - Height and Setback Controls for Activity Centres  
 PPN61 - Licensed Premises – Assessing Cumulative Impact  
 PPN63 - Applying for a Planning Permit to Farm Chickens  
 PPN74 - Making Planning Documents Available to the Public  
 PPN81 - Live Music and Entertainment Noise  
 PPN84 - Applying the Minimum Garden Area Requirement  
 PPN85 - Applying the Commercial 3 Zone  
 PPN86 - Applying for a Planning Permit for a Pig Farm  
 PPN87 - Preparing a Planning Permit Application for Animal Production  
 PPN88 - Planning for Domestic Rooftop Solar Energy Systems  
 PPN89 - Extractive Industry and Resources  
 PPN90 - Planning for Housing

## Buloke Planning Scheme Review



PPN91 - Using the Residential Zones

PPN92 - Managing Buffers and Land Use Compatibility

PPN94 - Land Use and Transport Integration

PPN95 - Local Heritage Provisions

PPN96- Glint and reflectivity

# Buloke Planning Scheme Review



## Appendix Five

### Responses from referral authorities and other stakeholders



**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**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**

**9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC**

Nil

**10. MEETING CLOSE**