



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 13 March 2024**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

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

**Minutes of the Meeting held on Wednesday, 13 March 2024 commencing at 7:00pm in the Wycheproof Supper Room, 367 Broadway, Wycheproof****PRESENT****CHAIRPERSON:**

Cr Alan Getley

Mallee Ward

**COUNCILLORS:**

Cr Bernadette Hogan

Mallee Ward

Cr David Pollard

Lower Avoca Ward

Cr Graeme Milne

Mount Jeffcott Ward

Cr Bronwyn Simpson

Mount Jeffcott Ward

Cr Daryl Warren

Mount Jeffcott Ward

**OFFICERS:**

Wayne O'Toole

Chief Executive Officer

Daniel McLoughlan

Director Infrastructure and Delivery

Jenna Allan

Acting Director Community Development

Travis Fitzgibbon

Acting Director Corporate and Organisational Performance

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

The Mayor Cr Alan Getley welcomed all in attendance.

**STATEMENT OF ACKNOWLEDGEMENT**

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

**2. RECEIPT OF APOLOGIES**

Cr Carolyn Stewart

Lower Avoca Ward

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****MOTION:**

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

**Moved:** CR BERNADETTE HOGAN

**Seconded:** CR GRAEME MILNE

**CARRIED.  
(R018/24)**

**4. REQUESTS FOR LEAVE OF ABSENCE**

Nil.

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

There were no declarations of interest.

**6. QUESTIONS FROM THE PUBLIC**

- |     |  |   |
|-----|--|---|
| 6.1 | ELDER GARY MURRAY (WYRKER MILLOO) – MOUNT WYCHEPROOF EMUS – URGENT MEETING | 5 |
| 6.2 | ELDER GARY MURRAY (WYRKER MILLOO) – MOUNT WYCHEPROOF EMUS – URGENT MEETING | 5 |

**7. PROCEDURAL ITEMS**

- |     |  |    |
|-----|--|----|
| 7.1 | REPORT OF COUNCILLOR ASSEMBLIES                                  | 6  |
| 7.2 | LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS | 7  |
| 7.3 | CORRESPONDENCE INITIATED BY COUNCIL                              | 8  |
| 7.4 | BUILDING PERMITS - MONTHLY UPDATE                                | 9  |
| 7.5 | PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE                  | 11 |
| 7.6 | STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS             | 13 |

**8. GENERAL BUSINESS**

<b>8.1</b>	<b>POLICY REPORTS</b>	<b>14</b>
------------	-----------------------	-----------

Nil

<b>8.2</b>	<b>MANAGEMENT REPORTS</b>	<b>15</b>
------------	---------------------------	-----------

- |       |  |    |
|-------|--|----|
| 8.2.1 | LICENCE NRMA ELECTRIC HIGHWAYS PTY LTD | 15 |
| 8.2.2 | BULOKE PLANNING SCHEME REVIEW          | 18 |

<b>8.3</b>	<b>FINANCIAL REPORTS</b>	<b>22</b>
------------	--------------------------	-----------

Nil

<b>8.4</b>	<b>ORGANISATIONAL REPORTS</b>	<b>22</b>
------------	-------------------------------	-----------

Nil

<b>8.5</b>	<b>REPORTS FROM COUNCILLORS</b>	<b>22</b>
------------	---------------------------------	-----------

**9. OTHER BUSINESS**

<b>9.1</b>	<b>NOTICES OF MOTION</b>	<b>23</b>
	NIL	
<b>9.2</b>	<b>QUESTIONS FROM COUNCILLORS</b>	<b>24</b>
9.2.1	CR POLLARD – AMBULANCE VICTORIA LEASE OF SEA LAKE PRE-SCHOOL BUILDING	24
9.2.2	CR MILNE – POLICY REPORTS AND CALENDER OF SERVICE REVIEWS	24
9.2.3	CR MILNE – BIRCHIP HALL	24
9.2.4	CR MILNE – NAMING OF ROAD IN WATCHEM AREA	24
9.2.5	CR MILNE – TRAINEESHIPS FOR STUDENTS OF THE BIRCHIP SCHOOL – BIRCHIP EARLY LEARNING CENTRE	25
9.2.6	CR MILNE – WYCHEPROOF CARAVAN PARK – INSPECTION OF NEW AMENITIES BLOCK	25
9.2.7	CR SIMPSON – STAFFING OF CHARLTON KINDER AND DAY-CARE	25
9.2.8	CR WARREN – RESPONSE TIME TO QUESTIONS TAKEN ON NOTICE	25
9.2.9	CR HOGAN – BERRIWILLOCK COMMUNITY – GOOD FRIDAY AUCTION	25
9.2.10	CR WARREN – NULLAWIL GENERAL STORE – TIDY TOWNS GRANT	26
9.2.11	CR MILNE – BUILDING FIRES IN SHIRE – BUILDING REGULATIONS	26
9.2.12	CR MILNE – ISSUES WITH ASBESTOS WITH THE BURNT BUILDINGS	26
<b>9.3</b>	<b>URGENT BUSINESS</b>	<b>27</b>
	NIL	
<b>9.4</b>	<b>ANY OTHER BUSINESS</b>	<b>27</b>
<b>9.5</b>	<b>MATTERS WHICH MAY EXCLUDE THE PUBLIC</b>	<b>27</b>
	NIL	
<b>10.</b>	<b>MEETING CLOSE</b>	

## **NEXT MEETING**

THE NEXT COUNCIL MEETING 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****6.1 ELDER GARY MURRAY (WYRKER MILLOO) – MOUNT WYCHEPROOF EMUS – URGENT MEETING**

RESPONSE FROM MAYOR:

Under our governance rules I will not be answering both questions posed to Council by yourself on behalf of Gary Murray as they are repetitive of a question already answered at a previous meeting.

On this matter, Council has been incredibly open engaging in its dealings with you and traditional owners that you appear to represent to the point of convening an on-country meeting involving traditional owners, state government agencies, Councillors and Council staff, key community groups and community members.

At that meeting it was decided a working group would be formed reflecting those who met on Mt Wycheproof to advance the Mt Wycheproof Emu Management Plan in what was agreed would be a truly harmonious way.

Traditional Owner attendance at the working group meetings was minimal and your behaviour consistently contravened the spirit in which the group was formed, to the point where no progress was being made and I ultimately was forced to take the step to suspend that working group.

Whilst we respect the totemic nature of the animal and its extreme importance, Council will not be seeking an urgent meeting on this matter.

Council is considering its options in relation to the Emu population on Mt Wycheproof and will consult with you and the traditional owners you represent again in good faith when we broadly consult with the community on the matter again.

**6.2 ELDER GARY MURRAY (WYRKER MILLOO) – MOUNT WYCHEPROOF EMUS – URGENT MEETING**

RESPONSE FROM MAYOR:

As noted above.

## 7. PROCEDURAL ITEMS

### 7.1 REPORT OF COUNCILLOR ASSEMBLIES

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

**MOTION:**

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

**MOVED:** CR GRAEME MILNE

**SECONDED:** CR DAVID POLLARD

**CARRIED.**

**(R019/24)**

- 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.

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

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

### PURPOSE

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

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

### MOTION:

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

**MOVED:** CR GRAEME MILNE

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.  
(R020/24)**

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Australian Street Art Awards	Mali Heart Street Art (located at 77 Cumming Avenue Birchip)		Receiving a Bronze Medallion in the Australian Street Art Awards for the "Best Small Town Street Art Festival or Event"
Buloke Shire Council	Shane McLoughlan Birchip		For his 50 year's service with Elders Rural Services.

### 7.3 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

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

#### PURPOSE

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

#### MOTION:

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

**MOVED:** CR DARYL WARREN

**SECONDED:** CR BRONWYN SIMPSON

**FIVE – IN FAVOUR.**

**ONE – AGAINST.**

**(R021/24)**

**Attachments:** 1 Minister Horne - Local Council Electoral Structure Review

Cr Hogan asked for it to be noted that this was not an unanimous decision of the Council, and that she was not in favour of sending this letter to Minister Horne.

#### 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.



## 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.

#### MOTION:

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

**MOVED:** CR GRAEME MILNE

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R022/24)**

**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

QUESTION FROM CR MILNE: Clarification is sought on the difference between the listed second and third items for High Street Watchem.

QUESTION WAS TAKEN ON NOTICE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT:

**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.

### MOTION:

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

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR DARYL WARREN

**CARRIED.**

**(R023/24)**

**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

Application No	Address	Date Rec	Summary of Proposal	Status
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
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 x 9mH) 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*.**

QUESTION FROM CR WARREN: An update on PA24004 is required. Clarification is sought if there is any issue with the issuing of this permit.

QUESTION WAS TAKEN ON NOTICE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT:

QUESTION FROM CR MILNE: Clarification is sought on PA24003, Clifton Street, Charlton. What is the nature of the Heritage Overlay update on PA24003 that is required?

QUESTION WAS TAKEN ON NOTICE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT:

## 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.

### MOTION:

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

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.  
(R024/24)**

**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.

**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.

#### MOTION:

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.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**

**(R025/24)**

**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.

## 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.

### ALTERNATE MOTION WAS TABLED AND PUT:

That Council:

1. Endorse the Buloke Planning Scheme Review Report – September 2023, and
2. Publish the endorsed Buloke Planning Scheme for public feedback.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R026/24)**

**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; and
- 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.

### **8.3 FINANCIAL REPORTS**

Nil

### **8.4 ORGANISATIONAL REPORTS**

Nil

### **8.5 REPORTS FROM COUNCILLORS**

#### **Mayor's Month**

Weekly Meetings with CEO Wayne O'Toole

Monthly Briefings

Council Meeting

Wimmera Southern Mallee Development Group Meeting

Transmission Lines Shire Meeting

TCV Shire Round Table Meeting

ABC Interview Horsham Shire Issues Fires

Advance Sea Lake General Meeting

Flow FM Electoral Review, Fire Nullawil

TCV Loss of Production Meeting

Aged Care Staff Marg & Kaz Farewell

RCV Lunch & Seminar Melbourne

RCV Meeting Parliament House (talk with Premier & Minister for Local Government)

WSM Agricultural meeting

Minister for Regional Development Streetscape Opening

VLGA Governance Advisory Meeting

Charlton Forum meeting Charlton Park Committee of Management Meeting

ABC Swan hill Electoral Review

ABC Horsham Electoral Review

ABC Horsham Life Guard Issues

Receive Phone calls for ratepayers re Electoral Review , Pool Closures

Cr Alan Getley

**Mallee Ward**

**9. OTHER BUSINESS**

**9.1 NOTICES OF MOTION**

Nil.

## **9.2 QUESTIONS FROM COUNCILLORS**

### **9.2.1 CR POLLARD – AMBULANCE VICTORIA LEASE OF SEA LAKE PRE-SCHOOL BUILDING**

QUESTION FROM CR POLLARD: Given he is asking this question on behalf of Ambulance Victoria, Cr Pollard believes he has no Conflict of Interest in this matter, as it is for the Sea Lake area of which he does not represent in his casual role with Ambulance Victoria.

Cr Pollard made reference to the offer to Ambulance Victoria to lease the Sea Lake Pre-School building for a period of 12 months. Ambulance Victoria have asked that Council consider an option to lease this building for a period of five years, with options to be considered, as they wish to invest funds into upgrading the facility for security etc.

Cr Pollard suggested that Council document in the conditions of the lease that Ambulance Victoria is responsible for the costs of maintaining the building.

RESPONSE FROM CHIEF EXECUTIVE OFFICER: The CEO responded to advise that negotiations are currently occurring, and not pre-empting the outcome of these, he advised the lease will be brought to Council for approval after completion of the negotiation process.

### **9.2.2 CR MILNE – POLICY REPORTS AND CALENDER OF SERVICE REVIEWS**

QUESTION FROM CR MILNE: Cr Milne stated that there has not been any Policy Reports and Calendar of Service Reviews presented to Council for a while.

QUESTION TAKEN ON NOTICE BY THE CHIEF EXECUTIVE OFFICER.

### **9.2.3 CR MILNE – BIRCHIP HALL**

QUESTION FROM CR MILNE: Cr Milne has received a letter in regards to the Birchip Hall, noting that the Acting Director Community Development has responded to the correspondent. Cr Milne was asking if there is a clear plan for action to be taken with requests documented in the correspondence, and whether some of the equipment requested will be fixed or replaced.

RESPONSE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT: Acting Director Community Development advised there has been an inspection undertaken of matters referred to, however there we will need to have an appropriate professional inspect the equipment, to decide whether the appliances in question can be fixed or require new purchases.

### **9.2.4 CR MILNE – NAMING OF ROAD IN WATCHEM AREA**

QUESTION FROM CR MILNE: Cr Milne referred to a question he asked at a Briefing in regards to the naming of a road in the Watchem area. Noting they are early settlers, and made reference to Donohue Road. There is an opportunity for a slight change and different plan and if we could find out where that is up to, and stated it is so important for the family concerned.

RESPONSE FROM ACTING DIRECTOR INFRASTRUCTURE AND DELIVERY: The Acting Director Infrastructure and Delivery advised they are going to have a significant list of administrative name changes towards the end of this calendar year, through the review of the Road Management Plan, and these will be all gazetted at once.



### **9.2.5 CR MILNE – TRAINEESHIPS FOR STUDENTS OF THE BIRCHIP SCHOOL – BIRCHIP EARLY LEARNING CENTRE**

QUESTION FROM CR MILNE: Cr Milne referred to a letter he has received from Russell Christie from the Birchip School, who was enquiring of possible of traineeships and/or work experience opportunities with the Council for students of the Birchip School, particularly with the Birchip Early Learning Centre.

RESPONSE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT: The Acting Director Community Development responded there is no update on this matter at this stage, however made reference to discussions that have been held with YMCA, who are concentrating on maintaining their workforce in order to operate the service at full capacity across the Shire.

### **9.2.6 CR MILNE – WYCHEPROOF CARAVAN PARK – INSPECTION OF NEW AMENITIES BLOCK**

QUESTION FROM CR MILNE: Cr Milne enquired if there has been an inspection of the work that has been undertaken at the upgraded Wycheproof Caravan Park Amenities Facilities, in particular the default list and floor.

QUESTION WAS TAKEN ON NOTICE BY ACTING DIRECTOR INFRASTRUCTURE AND DELIVERY.

### **9.2.7 CR SIMPSON – STAFFING OF CHARLTON KINDER AND DAY-CARE**

QUESTION FROM CR SIMPSON: Cr Simpson made reference to hearing mixed reports about the staffing of the Charlton Kindergarten and Day-Care, and was asking how the arrangements with the new service providers were going in Charlton?

RESPONSE FROM ACTING DIRECTOR COMMUNITY DEVELOPMENT. The Acting Community Development (ADCD) responded to advise “Shine Bright” the new provider for the Charlton Childcare, has had significant delays with their Child Care Subsidy (CCS) establishment with the State Government Department and are waiting on this subsidy establishment for long day care to be operating. The ADCD advised the recruitment of staff has occurred for the Long Day Care, ready to commence work once the CCS is established. The ADCD advised the kindergarten is fully staffed and operating at its full capacity.

### **9.2.8 CR WARREN – RESPONSE TIME TO QUESTIONS TAKEN ON NOTICE**

QUESTION FROM CR WARREN: Cr Warren asked when a question is “Taken on Notice”, what is the expected timeline for this response to be provided to the Council?

RESPONSE FROM CHIEF EXECUTIVE OFFICER. The CEO responded and advised pending the question for the staff to investigate, it could up to two weeks, however longer time may be required if a lengthy investigation is required.

### **9.2.9 CR HOGAN – BERRIWILLOCK COMMUNITY – GOOD FRIDAY AUCTION**

QUESTION FROM CR HOGAN: Cr Hogan made reference to volunteers of the Berriwillock community hosting the Good Friday Auction (items all donated), and enquired if there was any support Council could provide in terms of helping with the costs.

RESPONSE FROM CHIEF EXECUTIVE OFFICER/ACTING DIRECTOR CORPORATE AND ORGANISATIONAL PERFORMANCE. The CEO referred to opportunities for Council to sponsor events and also made reference to the Community Support Fund.

The Acting Director Corporate and Organisational Performance advised that Council have been providing media support for this event.

#### **9.2.10 CR WARREN – NULLAWIL GENERAL STORE – TIDY TOWNS GRANT**

QUESTION FROM CR WARREN: Cr Warren in respective of the reconstruction of the Nullawil General Store, asked about the timelines for the Tiny Towns Grant.

RESPONSE FROM ACTING DIRECTOR INFRASTRUCTURE AND DELIVERY. The CEO responded that the timeline is around five months for the Tiny Towns Grant.

#### **9.2.11 CR MILNE – BUILDING FIRES IN SHIRE – BUILDING REGULATIONS**

QUESTION FROM CR MILNE: Cr Milne made reference to the fires that have been occurring across the Shire recently, and was enquiring is there any responsibility that lies with the Council and any issue with the compliance and enforcement of building and health regulations with these sites.

RESPONSE FROM CHIEF EXECUTIVE OFFICER/ACTING DIRECTOR COMMUNITY DEVELOPMENT. The CEO responded the Municipal Building Surveyor will inspect the sites and make sure the areas are safe. Council equipment has been provided fence to make the areas safe.

The Acting Director Community Development made reference to the Environmental Health Officer having had an extremely busy work schedule, is yet to inspect the site, but will do so in the near future.

#### **9.2.12 CR MILNE – ISSUES WITH ASBESTOS WITH THE BURNT BUILDINGS**

QUESTION FROM CR MILNE: Cr Milne asked if there are any issues with asbestos being present from these buildings burnt?

RESPONSE FROM CHIEF EXECUTIVE OFFICER – TAKEN ON NOTICE. The CEO advised that there has been samples taken at the Nullawil site, and is aware there is suspected asbestos on site, however he is not sure that is confirmed and he will need to take this on notice to follow up the outcome.

**9.3 URGENT BUSINESS**

Nil.

**9.4 ANY OTHER BUSINESS**

**9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC**

Nil

**10. MEETING CLOSE**

Meeting closed at 8.48pm.