



COUNCIL MEETING

MINUTES

Wednesday 13 September 2023

Commencing at 7:00pm

Wycheproof Supper Room

367 Broadway, Wycheproof

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

Minutes of the Meeting held on Wednesday, 13 September 2023 commencing at 7:00pm in the Wycheproof Supper Room, 367 Broadway, Wycheproof

PRESENT

CHAIRPERSON:

Cr Alan Getley Mallee Ward

COUNCILLORS:

Cr Bernadette Hogan Mallee Ward
Cr Graeme Milne Mount Jeffcott Ward
Cr Bronwyn Simpson Mount Jeffcott Ward
Cr Daryl Warren Mount Jeffcott Ward

OFFICERS:

Wayne O'Toole Chief Executive Officer
Hannah Yu Director Infrastructure and Delivery
Travis Fitzgibbon Director Community Development
Michelle Stedman Director Corporate and Organisational Performance

AGENDA

1. COUNCIL WELCOME

WELCOME

The Mayor Cr Alan Getley welcomed all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

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

2. RECEIPT OF APOLOGIES

Nil

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

That Council adopt the Minutes of the Council Meeting held on Wednesday, 9 August 2023.

Moved: CR BERNADETTE HOGAN

Seconded: CR DARYL WARREN

**CARRIED.
(R137/23)**

4. REQUESTS FOR LEAVE OF ABSENCE

Nil

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

There were no declarations of interest.

6. QUESTIONS FROM THE PUBLIC

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	NIL	
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NEXT MEETING

THE NEXT COUNCIL MEETING WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 11 OCTOBER 2023 AT 7:00PM.

Wayne O’Toole
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

6.1 QUESTION TAKEN ON NOTICE – 11 JULY 2023 COUNCIL MEETING - COST SHIFTING AMOUNT FROM STATE GOVERNMENT – KEVIN GRANGER AND DEAN HURLSTON -

Council received and took on notice a question from Kelvin Granger and Dean Hurlston at its July 2023 Council Meeting.

The public question reads as follows:

Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?

RESPONSE FROM DIRECTOR CORPORATE & ORGANISATIONAL PERFORMANCE:

'Cost shifting' as a concept occurs when the responsibility for, and the cost of providing a certain service, concession, asset or regulatory function, is shifted from one sphere of government to another. This shift occurs without corresponding funding or revenue raising ability required to deliver that new responsibility.

While general areas of cost shifting are known in the sector, quantifying these costs can be an extremely complex task and would require specific methodologies in place to ensure data integrity and comparability could be maintained. Buloke Shire Council is not in a position to quantify any figure on 'cost shifting' from other levels of government at this stage.

We would refer the questioner to the Legislative Council Economy and Infrastructure Committee's upcoming Inquiry into Local Government funding and services. The Committee will investigate local government funding and service delivery in Victoria, including cost shifting from state and federal governments to local councils. This inquiry is likely to establish the specific methodologies required to undertake any economic analysis of this issue.

6.2 COUNCIL'S POLICY POSITION – 'THE VOICE' REFERENDUM – KEVIN O'DEA

Question: *Kevin O'Dea - What is the Shire of Buloke's policy position on 'the Voice' referendum? Where are ratepayers and residents able to access the Shire's policy on the voice and its reasons for same.*

ANSWER PROVIDED BY THE MAYOR:

Council has, like most Local Government's remained neutral in relation to the Voice referendum. There is no policy on the matter.

6.3 RECONCILIATION ACTION PLAN – BULOKE SHIRE COUNCIL – KEVIN O'DEA

Question: *Kevin O'Dea - Various Public and Government bodies have already committed to a reconciliation action plan (RAP) including the City of Melbourne, Monash Council East Gippsland Shire Council. The RAP's are based on strong relationships with First Nations Peoples, Culture and Respect. Will the Shire of Buloke commit to embarking on a RAP, and if so when will this be commenced?*

ANSWER PROVIDED BY THE MAYOR:

Council commenced work on a Reconciliation Action Plan in 2022. It would be disingenuous to put a timeline on how long it would take to complete this piece of work given the nature of the consultation required to establish a RAP.

6.4 EMUS – MOUNT WYCHEPROOF – JACQUI HEALY

Question: Jacqui Healy - *I have several concerns with regards to the emus currently residing on Mount Wycheproof. I would like to know exactly what is currently happening with the emus especially as I am concerned for their safety. Why does the council have funds to spray weeds on the mount but no funds to provide care for the emus? Why can grant funding possibly be found to move the emus (something that is clearly not in the best interests of the emus) but none to enable the emus to remain on the mount especially after a large number of people have recently signed a petition to leave the emus on the mount ? Why is council so keen to move the emus on, are there plans for the land that the birds currently occupy that council has not disclosed?*

ANSWER PROVIDED BY THE MAYOR:

There is no status change for the emus on Mount Wycheproof. They remain safely domiciled there. Council, receives external State Government funding for weed treatment, there are no such funding streams open for the emus. There is no funding to move the emus either, that is not true. I cannot address the petition referred to as I have not seen it, nor has it been submitted to Council. Council is still considering all options in relation to the emu population and has never made a decision in relation to moving them.

6.5 EMUS – MOUNT WYCHEPROOF – RUSSELL HEALY

Question: Russell Healy (repetitive of Jacqui Healy's): -

STATEMENT PROVIDED BY CHIEF EXECUTIVE OFFICER:

Under Governance Rule Section 102 clause 6) d) - The Mayor, as chair can deem a question not be read if it is repetitive of a question already answered at this meeting or a previous meeting.

THE MAYOR DEEMED IT TO BE A REPETITIVE QUESTION AND ADVISED IT WILL NOT BE READ TONIGHT AS IT WAS ANSWERED IN THE PREVIOUS RESPONSE TO JACQUI HEALY'S QUESTION.

6.6 EMUS – MOUNT WYCHEPROOF – SAMANTHA HEALY

Question: Samantha Healy (repetitive of Jacqui Healy's): -

I am writing to enquire about the emus that reside at Mount Wycheproof Flora and Fauna Park. The emus are a Wycheproof icon and are causing no harm. They in fact, add to Wycheproof's value and character.

What is happening to the emus? Funding has been attained to move the emus, however why can't that funding be repurposed to leave the emus where they are, spray the weeds and assist in keeping them there? What are councils plans with the land, should they make the wrong decision and move the birds?

A significant number of people have signed the petition to keep the emus, clearly showing they are an important aspect of life in Wycheproof to locals and tourists, yet council seems to be evasive in their plans and show a lack of connection to the people they represent.

It is incredibly disappointing and concerning and leaves many worried about what will happen to the birds as well as what councils plans to do with the land.

In this current climate of the need to care for and support the environment, I urge council to be on the right side of history and not make a foolish mistake. Please support the Emus and keep them at the park.

THE MAYOR DEEMED SOME PARTS OF THE QUESTION TO BE REPETITIVE QUESTION AND ADVISED IT WILL NOT BE READ TONIGHT AS IT WAS ANSWERED IN THE PREVIOUS RESPONSE TO JACQUI HEALY'S QUESTION.

ANSWER PROVIDED BY THE MAYOR TO THE SECOND PART OF THE QUESTION:

Answer to second part of question: Council is still considering all options in relation to the emu population and has never made a decision in relation to moving them and there is certainly no funding to move them.

I cannot address the petition referred to as I have not seen it, nor has it been submitted to Council. Council has been extremely open in its approach to the emu population, even instigating a working group involving numerous stakeholder groups to work together collaboratively. That group was unfortunately subjected to a range tactics outside the spirit of the group and is currently suspended.

6.7 EMUS – MOUNT WYCHEPROOF – ROBERT HEALY

Question: Robert Healy (repetitive of Jacqui Healy's)

STATEMENT PROVIDED BY CHIEF EXECUTIVE OFFICER:

Under Governance Rule Section 102 clause 6) d) - The Mayor, as chair can deem a question not be read if it is repetitive of a question already answered at this meeting or a previous meeting.

THE MAYOR DEEMED IT TO BE A REPETITIVE QUESTION AND ADVISED IT WILL NOT BE READ TONIGHT AS IT WAS ANSWERED IN THE PREVIOUS RESPONSE TO JACQUI HEALY'S QUESTION.

6.8 EMUS – MOUNT WYCHEPROOF – JESSE MILLER

Question: Jesse Miller (repetitive of Jacqui Healy's)

STATEMENT PROVIDED BY CHIEF EXECUTIVE OFFICER:

Under Governance Rule Section 102 clause 6) d) - The Mayor, as chair can deem a question not be read if it is repetitive of a question already answered at this meeting or a previous meeting.

THE MAYOR DEEMED IT TO BE A REPETITIVE QUESTION AND ADVISED IT WILL NOT BE READ TONIGHT AS IT WAS ANSWERED IN THE PREVIOUS RESPONSE TO JACQUI HEALY'S QUESTION.

6.9 EMUS – MOUNT WYCHEPROOF – SARAH MUDGWAY

Question: Sarah Mudgway (repetitive of Jacqui Healy's)

STATEMENT PROVIDED BY CHIEF EXECUTIVE OFFICER:

Under Governance Rule Section 102 clause 6) d) - The Mayor, as chair can deem a question not be read if it is repetitive of a question already answered at this meeting or a previous meeting.

THE MAYOR DEEMED IT TO BE A REPETITIVE QUESTION AND ADVISED IT WILL NOT BE READ TONIGHT AS IT WAS ANSWERED IN THE PREVIOUS RESPONSE TO JACQUI HEALY'S QUESTION.

THE MAYOR PROVIDED A CLOSING STATEMENT:

Council did receive a number of other email questions on the emus as well.

Under Council's Governance Rules, these do not constitute a submission to Public Question Time. However, in the spirit of Council's community engagement practices I would like to provide the following statement that addresses some of the matters raised, which are very similar to questions already read tonight.

Council has no plans to move the emu population on Mount Wycheproof, and has certainly not made a decision of that nature. This is at best a false hood and at worst scare mongering.

Another misconception is that Council has funding to move the birds. This is not true. Council has no budget for any activity relating to the emu population.

I had to take the unfortunate step on Monday of this week to suspend the Mount Wycheproof Emu Working Group, when the group was informed of a petition being circulated by members of the working group.

At its inception Council hoped to work alongside other stakeholders in a truly harmonious way. However, the group has suffered due to non-attendance and differing approaches, some against the spirit in which the group was formed.

Council has again today reached out to the Orr family with an offer of support to their voluntary care of the emu population.

Our very small and scarcely resourced team are spending a disproportionate amount of time dealing with matters that Council hoped would be worked through together as part of the working group, that seems unlikely given the desires of others.

7. PROCEDURAL ITEMS

7.1 REPORT OF COUNCILLOR ASSEMBLIES

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

MOTION:

That the Council note the report of Councillor Assembly Meetings held 28 July, 2 and 16 August 2023.

MOVED: CR GRAEME MILNE

SECONDED: CR BRONWYN SIMPSON

CARRIED.
(R138/23)

- Attachments:**
- 1 Councillor Briefing Record - 28 July 2023
 - 2 Councillor Briefing Record - 2 August 2023
 - 3 Councillor Briefing Record - 16 August 2023

KEY POINTS/ISSUES

Transparency is a fundamental principle of democratic governance.

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

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

As per the Council Meeting Schedule adopted 9 November 2022, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefings held on 28 July, 2 and 16 August 2023 is attached for public information.

7.2 CORRESPONDENCE INITIATED BY COUNCIL

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/06/06

PURPOSE

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

RECOMMENDATION

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

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
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7.3 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

Author's Title: Executive Assistant

Department: Office of the CEO

File No: CR/13/01

PURPOSE

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

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

MOTION:

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

MOVED: CR DARYL WARREN

SECONDED: CR BRONWYN SIMPSON

**CARRIED.
(R139/23)**

Attachments: Nil

RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Newsagents Association of Victoria (VANA)	Rachael Colbert Birchip	August 2023	Making the final six for the Newsagents Association of Victoria (VANA) Ltd Award.
Buloke Shire Council	Natasha Hogan Birchip	September 2023	Member of Australian Deaf Bowls team, 9 th International Championships, competing September 2023 in Edinburgh Scotland.

7.4 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 DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.

(R140/23)

Attachments: Nil

LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PA23019	Borong Highway, Gil Gil	22/03/2023	Place of Assembly (Events Centre)	Request for Further Information
PA23020	Church Street, Culgoa	10/05/2023	Use and development of land for a transfer station (install an RV dump point and septic holding tank)	Referral
PA23022	Blue Allans Road, Sea Lake	21/06/2023	Two-lot subdivision of land (dwelling excision)	Permit Issued
PA23023	Back St Arnaud Road, Charlton	16/07/2023	Place of assembly (campdraft events)	Notice of Application
PA23024	Calder Highway, Wycheproof	21/08/2023	Construction of a Farm Shed within a LSIO	Referral
PA23025	Byrne Street, Donald	16/08/2023	Development of land for a Smoke House restaurant and cocktail bar including the construction of a new deck / entertainment area and amenities and the demolition of two buildings	New
VS23008	Taylor's Road, Kinnabulla	25/07/2023	Construct a building (farm shed) within the minimum setback from a road reserve	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*.

CR WARREN : Question re: PA 23019 - What is the reason for the delay with Planning application for place of assembly Borong Highway Gil Gil?

DIRECTOR COMMUNITY DEVELOPMENT - Question taken on notice and update to be provided.

CR MILNE : Question re: PA 23019 - Have we had cooperation from applicant and his team? If this is not the case, the further information requested be provided to Council.

7.5 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 August 2023 to 31 August 2023.

MOTION:

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

MOVED: CR BERNADETTE HOGAN

SECONDED: CR GRAEME MILNE

CARRIED.
(R141/23)

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Address	Project Description	Date Approved
20230018	Sutcliff Street Sea Lake VIC 3533	Construction of a new Gazebo	3/8/2023
20230019	Main Street Litchfield VIC3480	Alterations to an existing building	21/8/2023

LIST OF BUILDING PERMITS APPROVED BY PRIVATE BUILDING SURVEYOR

Council Ref.	Address	Project Description	Date Approved
PBLD23070	Summerhayes Road Berriwillock VIC 3531	Shearing Shed	18/8/2023
PBLD23084	Donald-Murtoa Road Lean East VIC 3480	Construction of Dwelling & Carport	16/8/2023
PBLD23100	Sherwood Street Brichip VIC 3483	Restumping of Dwelling	3/8/2023
PBLD23106	Hillview Drive Wycheproof VIC 3527	Construction of Carport	25/8/2023
PBLD23111	Donald-Swan Hill Road Dumosa VIC 3527	Construction of Hay Shed	30/8/2023

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 9 August 2023 Council Meeting Resolutions.

MOTION:

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

MOVED: CR GRAEME MILNE

SECONDED: CR BERNADETTE HOGAN

**CARRIED.
(R142/23)**

Attachments: 1 Action taken on Council Meeting Resolutions

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 9 August 2023 Council Meeting Resolutions.

8. GENERAL BUSINESS

8.1 POLICY REPORTS

Nil

8.2 MANAGEMENT REPORTS

8.2.1 CUSTOMER EXPERIENCE CHARTER

Author's Title: Director Community Development

Department: Community Development

File No: CM/14/22

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

The purpose of this report is to adopt the Customer Experience Charter having undertaken a community engagement process with the Charter in draft form.

SUMMARY

Buloke Shire Council last adopted its Customer Service Charter on 10 April 2019. Updating the Customer Service Charter (now Customer Experience Charter) is an action of Council's Customer Experience Strategy.

The Charter guides Council Officers' interaction with the community and is an expression of Council's commitment to providing a high standard of service and ensuring consistency and sustainability in service delivery.

MOTION:

That Council:

1. Adopts the Customer Experience Charter.
2. Places the Customer Experience Charter on Council's website and promotes it.

MOVED: CR BRONWYN SIMPSON

SECONDED: CR BERNADETTE HOGAN

CARRIED.
(R143/23)

Attachments: 1 Customer Experience Charter

DISCUSSION

Council maintains policy documents that pertain to its operational procedures and its approach to addressing various matters. These documents serve as valuable resources for staff members, enabling them to handle issues in a uniform and reliable manner, thereby instilling confidence in Customers who interact with Council staff.

The Customer Experience Charter is one of these policies which states the fundamental service standards that the community can anticipate when engaging with the Council. Additionally, it explicitly outlines our expectations of the customer.

The primary objective of the Charter is to explain Council's commitment to delivering and upholding a superior level of customer service. Its purpose is to precisely define the following:

- processes that promote open, responsive and transparent customer service;
- timeframes for responding to phone calls, emails, social media enquiries, requests for service and complaints;
- what can be reasonably expected from Council staff and what Council reasonably expects of customers;
- how Council will manage requests for service consistently;
- that we will record and analyse service request data to identify trends and opportunities where we can improve our services;
- how we will respond to requests which are the responsibility of other agencies;
- that we will protect customer privacy when they contact Council;
- the methods of communication we will use to respond to our customers.

RELEVANT LAW

Local Government Act 2020 (Vic)

Local Government (Planning and Reporting) Regulations 2020.

Privacy and Data Protection Act 2014

Gender Equality Act 2020

Freedom of Information Act 1982

Equal Opportunity Act 2010

RELATED COUNCIL DECISIONS

Council adopted the Buloke Shire Council Customer Service Charter on 10 April 2019 and endorsed a Draft Customer Experience Charter on 9 August 2023 for the purposes of community engagement.

OPTIONS

Council can choose not to adopt the Customer Experience Charter.

SUSTAINABILITY IMPLICATIONS

The Charter's role in ensuring consistency and sustainability in service delivery pertains to:

- adopting eco-friendly technologies in service delivery;
- addressing social sustainability by emphasising inclusivity, equity, and accessibility in service provision;
- enhancing economic sustainability by promoting efficiency and cost-effectiveness in service delivery; outlining measures to streamline processes, minimise bureaucracy, and utilise resources effectively;
- facilitating meaningful engagement with the community and stakeholders by clearly stating expectations of both the Council and its Customers, establishing a foundation for effective communication and collaboration; and
- systematically collecting and analysing feedback and performance data, Council can identify areas for enhancement, implement necessary changes, and enhance the overall quality and sustainability of its services.

COMMUNITY ENGAGEMENT

Internal consultation has been undertaken in the preparation of this document, with the draft distributed to Managers, the Executive, Customer Engagement and Customer Service teams.

Community consultation on an endorsed draft Charter was undertaken in August 2023 for a period of three weeks. This included promotion of the Charter in local newspapers, newsletters, social media, on Council's website and on local radio.

No submissions were received.

INNOVATION AND CONTINUOUS IMPROVEMENT

The *Local Government Act 2020* requires that Councils give effect to innovation and continuous improvement in all that they do.

In preparing this updated draft Charter document, officers undertook a desktop review of other council's Customer Service Charter documents, and additionally researched relevant information and resources.

During the consultation period of the draft Charter, Council launched a campaign addressing occupational violence to its staff. The campaign tag line, Council Does Care – Listen Talk Respect, has been included in the final Charter.

COLLABORATION

The nature of this review did not require collaboration with other councils, governments, or statutory bodies.

FINANCIAL VIABILITY

There are no financial or resourcing implications to be considered in relation to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Long Term Community Vision
Council Plan 2021-2025
Customer Experience Strategy
Gender Equality Action Plan
Inclusiveness Plan
Complaints Handling Policy
Social Media Policy

TRANSPARENCY OF COUNCIL DECISIONS

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

CONFLICTS OF INTEREST

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

8.2.2 LICENCE FAST CITIES AUSTRALIA PTY LTD TRADING AS EVIE NETWORKS

Author's Title: Capital Projects Officer

Department: Infrastructure and Delivery

File No: RO|18|10

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 Fast Cities Australia Pty Ltd trading as Evie Networks (Evie Networks) for part of the land contained in Certificate of Title Lot 1 TP174450 Volume 9363 Folio 257, 68A Woods Street Donald for the purpose of an electric vehicle charging station.

SUMMARY

Council released "RFQ262 – Design and Install EV Charger – Donald" on 5 December 2022. No submissions were received against the Request for Quote (RFQ) and the RFQ was not awarded. A Licence option has been proposed by Evie Networks as an alternative for consideration.

A 15-year Licence on a section of 68A Woods Street is proposed for installation of the EV Charger. The current use of this location is as a public carpark. Installation of an EV Charger is a deliverable under the Our Region Our Rivers funding agreement.

Under the proposed Licence, Council would receive a licence fee of 5% of the charging station's Net Operating Income per annum. The EV Charger would be owned, operated and maintained by Evie Networks.

As a precursor to Council formally considering the issuance of any Lease or License not advertised in the Annual Budget, public notice had to be provided. That consultation period closed 5pm 7 August 2023 with nil submissions received.

MOTION:

That Council:

1. Following the consultation period in accordance with Section 115 of the *Local Government Act 2020*, grants a licence to Fast Cities Australia Pty Ltd trading as Evie Networks for part of the land being Lot 1 TP174450 contained in Certificate of Title Volume 9363 Folio 257, 68A Woods Street, Donald on the following terms:
 - a) A 15-year licence commencing 14 September 2023, including one further option of five years, and
 - b) A licence fee of 5% of the Net Operating Income payable in arrears on each anniversary of the commencement date during the term
2. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to fulfill its functions under Section 115 of the *Local Government Act 2020*.

MOVED: CR DARYL WARREN

SECONDED: CR GRAEME MILNE

CARRIED.
(R144/23)

Attachments: 1 DM003 Donald - Fast Cities & Buloke Shire Council - Licence Agreement

DISCUSSION

Evie Networks was founded in 2017 to build Australia's largest electric vehicle fast charging network and give electric vehicle owners across the country the freedom to travel anywhere.

Evie Networks is proposing a licence to operate at 68A Woods Street, Donald, being Lot 1 TP174450 contained in Certificate of Title Volume 9363 Folio 257.

Evie Networks are seeking a 15-year licence on the premises. The new licence would commence 14 September 2023.

At the Council Meeting held Wednesday, 12 July 2023, Council resolved to give public notice of the intention to enter into a new licence for a term of 15 years, a 10-year term followed by one further 5 year extension option.

A public notice was published in the Community Update appearing in *The Buloke Times*, *The Sea Lake and Wycheproof Times Ensign* and *North Central News* from 18 July 2023 with the submission period closing 5pm 7th August 2023. In addition, the proposed licence was advertised on Council's website.

No submission were received.

RELEVANT LAW

In accordance with Section 115 of the *Local Government Act 2020* Council must include any proposal to lease land in a financial year in the budget where the lease is for:

- the rent (for any period of the lease) is greater than \$100,000, or
- the market value of the land is greater than \$100,000, or
- the lease term is greater than 10 years.

If Council proposes to lease land and it was not included in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy. This requirement has now been met.

RELATED COUNCIL DECISIONS

The installation of an EV Charger in Donald is a deliverable under the Our Regions Our Rivers project as a part of the Commonwealth Governments Regional Growth Fund.

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

Council has undertaken and concluded its legislative obligations in Section 115 of the *Local Government Act 2020*, including its Community Engagement Policy.

INNOVATION AND CONTINUOUS IMPROVEMENT

This Licence will increase Council's charging network to 3, located at Sea Lake, Wycheproof and Donald.

COLLABORATION

Council Officers collaborated with the Donald Streetscape Project Advisory Group to determine that EV chargers were a priority deliverable for the township and gave input to the location of the charger.

FINANCIAL VIABILITY

The income derived from the leasing or licensing of Council facilities will be placed into Council's consolidated revenue and allocated in accordance with Council's annual budget.

The licence fee is 5 per cent of the Net Operating Income. Net Operating Income is as per the description below:

Net Operating Income equals the Licensee's gross revenue minus the cost of the onsite energy, billing/transaction fees and bad debts.

Therefore, if the Net Operating Income is negative in value, Evie Networks will not be required to make any payment to Council.

Council initiated an RFQ process for the installation of an electric charging station however, RFQ262 was not awarded.

RFQ262 was released to 3 companies, including Evie Networks, with the desire to find a contractor to install an EV charger that was maintained by the installer but owned and operated by the Council. The RFQ closed with no responses received so the process was extended for a further 5 weeks. By the closing date, Council had not received any RFQ submissions.

Evie Networks, who have previously supplied two EV chargers for Council in Wycheproof and Sea Lake, were contacted directly for feedback on the RFQ process. Evie Networks advised their preferred method of supply was to offer a charger under a Licence Agreement rather than an outright install. Evie Networks were invited to submit a License proposal to Council for consideration.

Under the procurement policy this purchase now qualifies for an exemption as there was an inability to obtain sufficient quotations through the RFQ process. The procurement is within the project budget and in line with the estimated costs for this item. The exemption was authorised by the Chief Executive Officer to enable a Purchase Order to be raised to Fast Cities Australia Pty Ltd trading as Evie Networks.

The Council contribution towards the construction of an electric vehicle charging station will be \$50,000 excluding GST. The contribution amount is in line with the estimated cost for this item in the project budget and the total forecast spend is currently under budget for the overall project.

The licence will be for 10 years, commencing 14 September 2023, with 1 further term of 5 years.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

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

TRANSPARENCY OF COUNCIL DECISIONS

Council gave public notice of intention to Licence under Section 115 of the *Local Government Act 2020*

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 Cr Alan Getley

Weekly Meetings With CEO Wayne O'Toole
Monthly Briefings
Council Meeting
Loddon, Mallee, Campaspe Group Of Council Meeting
Quarterly Wimmera Regional Mayors & CEO Meeting
TCV Next Steps Meeting
Attend Audit & Risk Meeting
ABC Interview Swan Hill (Wemba Wamba Claim)
Flow FM Shire Issues
ABC Interview Pool Use & Life Guards
ABC Interview (Swan Hill) VNI West Transmission Lines
Mt Wycheproof Emu Working Group Meeting
CEO Wayne O'Toole, Cr Warren and I - Reference Group Meeting VNI West With TCV & AEMO
Advance Sea Lake Meeting Chail Land Claim Discussions
Receive Numerous Phone Calls Re Driel Land Claim

Cr Bernadette Hogan

16/08/2023 - Councillor Briefing - Charlton
04/09/2023 - Advance Sea Lake Information Session – Sea Lake
06/09/2023 - Councillor Briefing – Sea Lake
09/09/2023 - NCFL Preliminary Final – St Arnaud
12/09/2023 - Shire Audit Committee Meeting – Wycheproof
13/09/2023 - Council Citizenship Ceremony - Wycheproof
13/09/2023 - Council Meeting - Wycheproof

9. OTHER BUSINESS

9.1 NOTICES OF MOTION

9.1.1 NOTICE OF MOTION - INTRODUCTION OF WINDFALL GAINS TAX

Author's Title: Councillor Milne

Department: Office of the CEO

File No: GO/09/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Community Wellbeing

PURPOSE

The purpose of this report is for Council to consider writing to the Minister for Planning on the impacts on small rural communities of the introduction of the Windfall Gains Tax (WGT).

SUMMARY

From 1 July 2023, a WGT applies to all land rezoned by a planning scheme amendment that results in a value uplift to the land of more than \$100,000. In determining the value uplift, all land owned by the person or group and subject to that rezoning is taken into account.

The impact of the WGT on developers in small rural communities such as those in the Buloke municipality would make rezoning largely prohibitive and therefore stymie any development in our municipality.

MOTION:

That Council write to the Minister for Planning on the impacts on small rural communities of the introduction of the Windfall Gains Tax.

MOVED: CR GRAEME MILNE

SECONDED: CR DARYL WARREN

CARRIED.
(R145/23)

Attachments: Nil

PRESENTER

Cr Graeme Milne.

DISCUSSION

The shortage of appropriate housing stock is being felt right across the country and Buloke is no exception. Demand for housing of all types throughout the municipality, particularly for workers and families looking for lifestyle blocks has been identified in the Economic Development and Tourism Strategy and other key strategic documents.

The introduction of the WGT will act as a handbrake on landholders who are looking to rezone land to appropriate zoning for housing. This will therefore exacerbate the housing issues experienced in small rural communities and thereby impact the long term viability of our townships.

Consideration must be given to small communities and their needs for increased and improved housing stock.

RELEVANT LAW

Not Applicable

RELATED COUNCIL DECISIONS

Not Applicable

OPTIONS

Not Applicable

SUSTAINABILITY IMPLICATIONS

The demand for suitable housing for Buloke has been identified over time in a range of strategies, the WGT has the potential to arrest any rezoning of land on the edge of our townships.

COMMUNITY ENGAGEMENT

The community has provided considerable input on the need for new housing stock across the municipality.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable

FINANCIAL VIABILITY

Not Applicable

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Loddon Mallee North Regional Growth Plan considers a range of land uses including residential, to sustainably accommodate growth ensuring land supply for employment and housing in appropriate locations, meeting the housing needs of a changing demographic and the needs of a mobile and seasonal workforce.

The Victorian Government's housing strategy identifies that initiatives and reforms will be introduced to meet demand and facilitate the supply of more social and other affordable housing for the state.

The Federal Government has a policy focused on improving housing supply and affordability which identifies a safe place to call home as a basic need all Australians should have access to.

COUNCIL PLANS AND POLICIES

The availability of housing is a common theme identified in the Council Plan 2021-2025 and the Interim Economic Development and Tourism Strategy 2022-2023.

TRANSPARENCY OF COUNCIL DECISIONS

Not Applicable

CONFLICT OF INTEREST

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

9.2 QUESTIONS FROM COUNCILLORS

9.2.1 EMUS ON MOUNT WYCHEPROOF – CR MILNE

QUESTION FROM CR MILNE:

Regarding the emus on Mount Wycheproof, have we had any offer of funding from the indigenous community to look after emus?

RESPONSE FROM MAYOR – No.

RESPONSE FROM DIRECTOR COMMUNITY DEVELOPMENT:

No. Our understanding from traditional owners during our on-country meeting was that they would be well placed to source grant money and lend their weight to applications for the emus. There has been no such applications made to Council's knowledge or streams that council have been made aware of.

9.2.2 TRAINING FOR NEW EQUIPMENT AT POOLS AND POOL COMMITTEES – CR HOGAN

QUESTION FROM CR HOGAN:

Will there be any training of the new equipment at pools and will there be a push from council to have towns re-establish pool Committees?

RESPONSE FROM DIRECTOR COMMUNITY DEVELOPMENT:

Currently recruiting for staff in this area, which is going well. Staff training and lifeguard training to commence after recruitment. The question is taken on notice to be passed on regarding the re-establishment of pool committees.

9.2.3 AQUATIC STRATEGY DEVELOPED – CR WARREN

QUESTION FROM CR WARREN: Is Council expecting an Aquatic Strategy be developed.

RESPONSE FROM DIRECTOR COMMUNITY DEVELOPMENT:

Yes, Council is committed to delivering an Aquatic Strategy in this Financial Year.

9.2.4 “GLASS OUT” PROGRAM – CR MILNE

QUESTION FROM CR MILNE:

Why are just the five large towns listed as collection points for the “glass out” program and not the smaller towns?

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Five sites on flyer and in media includes five initial skip bins as per initial roll out funding stream. Further bins to follow in smaller locations in the future.

9.2.5 “GLASS OUT” DROP OFF STATIONS – TOWNSHIPS – CR HOGAN

QUESTION FROM CR HOGAN:

Will there be further “glass out” bins in common locations rather than just transfer stations, particularly in Sea Lake.

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Yes, the proposed locations within townships will be at recreation reserves. Further update to be provided, and question taken on notice for Sea Lake site.

9.2.6 ROAD GRADING REQUEST – CR MILNE

QUESTION FROM CR MILNE: Road grading requested for property November 2022, no action as yet.

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Response to Cr Milne's Question to be provided at a Briefing.

9.2.7 GRAIN RECEIVAL SITES - ENTRANCES – CR MILNE

QUESTION FROM CR MILNE:

Will the grain receival sites be having any attention to their entrances, prior to grain receival? In particular, Humphries grain storage out of Nullawil?

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Response to Cr Milne's question to be provided at a Briefing.

9.2.8 FLOOD WORK – SIGNED OFF – CR MILNE

QUESTION FROM CR MILNE:

Has flood road work been signed off? If so, can signs be picked up from road sides.

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Response to Cr Milne's question to be provided at a Briefing.

9.2.9 BIRCHIP SHAMROCK FLAG STONES – CR MILNE

QUESTION FROM CR MILNE: Any further information on Birchip Shamrock flag stones?

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

No further information since the Councillor Briefing.

9.2.10 ROAD SIGN – PAYNE STREET, OFF PERCY STREET, BIRCHIP – CR MILNE

QUESTION FROM CR MILNE: Road sign requested for Payne Street, off Percy Street in Birchip.

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Response to Cr Milne's question to be provided at a Briefing.

9.2.11 CONTAINER DEPOSIT SCHEME – INFRASTRUCTURE – CR MILNE

QUESTION FROM CR MILNE:

Has there been any word on the container deposit scheme infrastructure?

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Response to Cr Milne's question to be provided at a Briefing.

9.2.12 BERRIWILLOCK PLAYGROUND – INFRASTRUCTURE – CR HOGAN

QUESTION FROM CR HOGAN:

Will the Berriwillock playground be finished for Christmas?

RESPONSE FROM DIRECTOR INFRASTRUCTURE AND DELIVERY (DI&D):

Project completion date question has been taken on notice and the projects update at will be provided at the next Briefing.

9.3 URGENT BUSINESS

Nil.

9.4 ANY OTHER BUSINESS

Nil.

9.1 MATTERS WHICH MAY EXCLUDE THE PUBLIC

Nil

10. MEETING CLOSE

Meeting closed At 7.55pm.