



23 September 2020

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street on Wednesday 23 September 2020 commencing at **3:00pm**.

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in clause 111 of the Election Period Policy.



Greg Wood
Chief Executive Officer

AGENDA

1. **Acknowledgement of the Indigenous Community and Opening Prayer**

2. **Apologies**

3. **Confirmation of Minutes**

4. **Declaration of Interests**

5. **Public Question Time**

6. **Correspondence**

7. **Assembly of Councillors**

7.1 Record of Assembly

8. **Planning Permit Reports**

- 8.1 Planning Permits – VicSmart quarterly report and planning applications approved under CEO delegation

9. Reports Requiring a Decision

- 9.1 Jeparit Community Enterprise Centre
9.2 Annual Financial Statements and Performance Statement for the Year Ended 30 June 2020
9.3 Building Insurance Recoupments for Community Groups
9.4 Wimmera River Discovery Trail Development Update
9.5 Council Plan 2017-2021 Progress Report

10. Special Committees

- 10.1 COVID-19 Revitalisation Reference Group Minutes
10.2 Yurunga Committee of Management Minutes
10.3 Audit and Risk Committee Minutes

11. Late Reports

12. Councillor Questions and General Business

13. Confidential Matters

14. Meeting Closed

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

We acknowledge the Shire's Indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

Opening Prayer

*Dear Lord,
We humbly request your blessing upon this Council and welcome your guiding presence among us.*

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 19 August 2020 at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

Attachment: 1

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

- Direct; or
- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;
 - d) because of receipt of an applicable gift;
 - e) as a consequence of becoming an interested party; or
 - f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

Public question time is not available during the Election Period.

6. CORRESPONDENCE

6.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 - 4

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 27/08/2020 – Letter to Hindmarsh Shire Council from Rainbow Lake Association
- 07/09/2020 – Letter to CEO from The Hon Jason Wood MP regarding medical testing for citizenships in the Wimmera.
- 16/09/2020 - Letter to Mayor from Victorian Farmers Federation regarding A-double access in Hindmarsh Shire

Outwards:

- Nil

RECOMMENDATION:

That Council:

- 1. notes the attached correspondence, and***
- 2. officers continue to liaise with Rainbow Lake Association regarding future plans and a report be brought to Council after the council elections.***
- 3. That a report be presented to Council regarding A-double access to Hindmarsh roads after the council elections.***

Attachments: 2 - 4

7. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment Number: 5

Introduction:

The attached Assembly of Councillors Record is presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Record as presented.

Attachment: 5

8. PLANNING PERMITS

8.1 PLANNING PERMITS – VICSMART QUARTERLY REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION

Responsible Officer: Director Infrastructure Services

Introduction:

This report is presented to Council to inform Council, and provide an update on VicSmart permits processed by Council for the period 01 April 2020 to 30 June 2020.

This quarterly report also lists the Planning Applications approved under delegation by the CEO for the same period.

Discussion:

The VicSmart planning permit process is a statutory process that was introduced to streamline ‘simple’ planning permit applications.

Key features of VicSmart include:-

- A 10 business day permit process
- Applications are not advertised
- Information to be submitted with applications and what Council can consider is pre-set
- The CEO or his delegate decides the application.

The table below lists the VicSmart permits that have been approved within this period.

Permit No.	Address	Proposal	Date Lodged	Date Approved	Statutory Days	Comments
VS1665-2020	140 Mays Rd Nhill	2 Lot subdivision	28/04/2020	14/05/2020	12	N/A

In addition, the Chief Executive Officer approved the following Planning Permit Applications under delegation.

Permit No.	Address	Proposal	Date Lodged	Date Approved	Statutory Days	Comments
PA1656-2020	8-10 Wimmera St Dimboola	Removal of Native Vegetation – 1 tree	04/03/2020	22/04/2020	48	Offset condition applied by DELWP

Options

N/A

Link to Council Plan:

- Strategic Objective 1.1 - An actively engaged community.
- Strategic Objective 2.1 - Well-maintained physical assets and infrastructure to meet community and organisational needs.
- Strategic Objective 3.1 - A strong rural economy and thriving towns
- Strategic Objective 4.2 - Quality customer services
- Strategic Objective 4.6 - An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

Fees associated with planning permit applications and amendments are set by the State in accordance with the Planning and Environment (Fees) Regulations 2016. These fees are currently being applied to all applications received by Council. It is therefore considered that the VicSmart process does not have any financial implications for Council.

Risk Management Implications:

Risk is managed appropriately by adhering to the VicSmart process.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Janette Fritsch, Manager Contracts and Development

In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Angela Hoy, Director Infrastructure

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Communications Strategy:

Nil

Next Steps:

Next Quarterly Report to be provided October 2020.

RECOMMENDATION:

That Council notes the:

- *VicSmart permits issued; and*
- *Planning Applications approved under delegation by the Chief Executive Officer*

as listed above, for the period 01 April 2020 to 30 June 2020.

9. REPORTS REQUIRING A DECISION

9.1 JEPARIT COMMUNITY ENTERPRISE CENTRE

Responsible Officer: Director Corporate & Community Services

Attachment Number: 6

Introduction: The purpose of this report is to enter into a lease with the Jeparit Rural Community Centre Incorporated at the Jeparit Community Enterprise Centre, 8 Roy Street, Jeparit.

Discussion:

Jeparit Rural Community Centre Incorporated approached Council regarding leasing the building at 8 Roy Street, Jeparit for the provision of community and educational programs.

The building located at 8 Roy Street, Jeparit is currently vacant and only used for Jeparit Town Committee and Wimmera Mallee Pioneer Museum meetings once per month.

Negotiation between Council and the Jeparit Rural Community Centre Incorporated in relation to the lease agreed to a 1 year lease for the east side of the building at 8 Roy Street, Jeparit. A 1-year lease will allow the Jeparit Rural Community Centre Incorporated the ability to determine the requirement for community and education programs without locking them into a long-term lease.

Jeparit Rural Community Centre Incorporated will pay \$520 (plus GST) per annum, payable \$40 four-weekly in advance, and be responsible for cleaning, care and general maintenance.

Under section 190(3)(a) of the Local Government Act Council is required to advertise a lease if the lease is for 1 year or more and (i) the rent for any period of the lease is \$50,000 or more a year; or (ii) the current market rental value of the land is \$50,000 or more a year.

As the proposed lease period is 1 year, rent is less than \$50,000 per year, and the current market rental value of the land is less than \$50,000 advertising is not required.

Options:

1. Council can choose to enter into a lease with Jeparit Rural Community Centre Incorporated for a period of 1 year at 8 Roy Street, Jeparit;
2. Council can choose not to enter into a lease with Jeparit Rural Community Centre Incorporated.

Link to Council Plan:

- 1.1 An actively engaged community.
 - 1.1.4 Support and celebrate volunteering and work collaboratively with volunteer groups.
- 3.2 A thriving tourism Industry.

- 3.2.3 Support innovative community-driven events and festivals that stimulate tourism growth in the region.
- 3.2.7 Promote and support local historic assets and heritage groups

Financial Implications:

Council will received rent for the premises at 8 Roy Street, Jeparit; and reimbursement for waste charges and Fire Service Levy charges.

Risk Management Implications:

Council will need to ensure adequate insurance coverage over the property and the lessee takes out public liability insurance to cover activities undertaken at the premises.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services

In providing this advice as the Officer Responsible & Author, I have no interests to disclose.

Communications Strategy:

Council notify the Jeparit Rural Community Centre Incorporated of its intentions to enter into the lease arrangement.

RECOMMENDATION:

That Council

- 1. Enters into a lease arrangement with Jeparit Rural Community Centre Incorporated for the period of 1 year from 1 October 2020 to 31 September 2021. Rental to be \$520 (plus GST) per annum, payable four-weekly in advance.***
- 2. Authorises the CEO to finalise lease arrangements with the Jeparit Rural Community Centre Incorporated.***

Attachment: 6

9.2 ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020

Responsible Officer: Director Corporate & Community Services

Attachment Numbers: 7 - 8

Introduction: The purpose of this report is to provide Council with the audited Annual Financial Statement and Performance Statement for the year ended 30 June 2020 and for Council to adopt the statements pending no material change to the reports presented.

Discussion:

The Local Government Act 1989 (Act) requires a resolution of Council to adopt the In-Principle Financial Statements and In-Principle Performance Statement. The Act also

requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, under Section 131(4) and (5) and 132(2) and (5) of the Act.

The Financial and Performance Statements were prepared in accordance with the requirements of the Act and the applicable accounting standards. Copies of the Statements were provided to Crowe (external auditor acting for the Victorian Auditor-General's Office). The audit of the Statements has now been completed.

The Financial and Performance Statements were presented to Council's Audit & Risk Committee meeting on Tuesday 15 September 2020 with the recommendation being, pending no material change to the Statements, that Council:

1. Adopts the In-Principle Financial Statements for the year ended 30 June 2020
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2020;
3. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial and Performance Statements for inclusion in Council's Annual Report 2019/20.

The 2019/20 Financial Statements show a comprehensive surplus of \$4.76m.

Total revenue for the financial year was \$26.67m, an increase of \$1.65m from the previous financial year. The increase is largely due to additional grants being received during the financial year.

Total expenditure for the financial year was \$21.9m a decrease of \$1.92m from the previous financial year. The decrease is largely due to the finalisation of the flood recovery expenditure.

At 30 June 2020, Council held \$11.03m cash at bank. This is largely due to a number of capital works projects not being completed during the 2019/20 financial year due to additional grants being received with deadlines for the completion of works.

Capital works expenditure was \$10.09m for 2019/20, an increase of \$3.92m from 2018/19. The increase is due to a number of items of plant carried forward from 2018/19 being purchased in 2019/20 and a number of additional roads grants being received.

Options:

Council must comply with its obligations under the Local Government Act 1989 by passing the resolutions required by Section 131 and Section 132. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or appoint all Councillors to certify with any two Councillors to sign. Once all certifications are received, the Annual Report must be forwarded to the Minister by 30 September 2020.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation

Financial Implications:

There are no financial implications in this process. The statements outline financial performance for the previous year but costs for their production are part of normal operating expenditure.

Risk Management Implications:

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services

In providing this advice as the Officer Responsible & Author, I have no interests to disclose.

Communications Strategy:

Following signing of the final form of the Statement, the Statements will be included in Council's Annual Report for 2019/20 as well as being available on Council's website.

RECOMMENDATION:

That, pending no material changes to the Statements, Council:

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2020; and*
- 2. Authorises Councillors and to sign the Financial Statements and Performance Statement in their final form.*

Attachments: 7 - 8

9.3 BUILDING INSURANCE RECOUPMENTS FOR COMMUNITY GROUPS

Responsible Officer: Director Corporate & Community Services

Introduction:

The purpose of this report is to provide Council an update on 2020/2021 annual insurance recoupments for community groups and organisations who use Council owned facilities and buildings and are generally required to reimburse Council for the cost of the building insurance.

Discussion:

Council owns many buildings and facilities throughout the Shire where they are primarily occupied by community groups and organisations. Council often charges a small token amount of rent for the use of the buildings, but requires the community groups to reimburse Council for the costs of building insurance based on the annual premium.

Council's total premium for building insurance for the 2020/2021 year was \$111,937.69. Council uses a formula to ascertain the percentage of the premium that a particular building makes up based on the value of the building on the insurance asset register. The total figure that was to be recouped for the 2020/21 year amounted to \$19,718.80.

After several enquiries from community groups who were concerned about being able to afford the invoice and several discussions with officers, the decision was made by the Chief Executive Officer to not seek reimbursement for building insurance for 2020/21.

The following factors were considered when discussing building insurance for Community Groups and Organisations:

1. The groups have not been able to meet and function as they usually would due to the COVID-19 Pandemic. There has been little to no organised community sport running and therefore there has been limited opportunity for community groups to bring in any substantial revenue.
2. Due to the limited organised community sport and other such activities, the groups have not been occupying the buildings or facilities as they would have done in usual years.

The decision to waive the recoument costs for 2020/21 financial year will provide our community groups with some respite from the challenging year that we have all faced.

Options:

1. Council can note the report.

Link to Council Plan:

- 1.1 An actively engaged community
- 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreation facilities
- 4.6 An organisation that takes its risk management responsibilities seriously

Financial Implications:

The reduced income will be noted against COVID-19 Pandemic expenses and savings will be made throughout the year to compensate for this reduced income.

Risk Management Implications:

There is some financial risk in waiving the insurance recouments for the 2020/21 financial year; however, the benefit the decision makes to the Hindmarsh community outweighs the financial risk imposed on Council.

Conflict of Interest:

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible— Monica Revell, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author—Helen Thomson, Governance and Human Services
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

Community groups have been informed about this decision and a media release has been placed on Council's website.

RECOMMENDATION:

That Council notes the report.

9.4 WIMMERA RIVER DISCOVERY TRAIL DEVELOPMENT UPDATE

Responsible Officer: Director Corporate and Community Services

Introduction:

This report is intended to provide Council with an update in relation to the development of the Wimmera River Discovery Trail.

Discussion:

A budget of \$1.2M has been allocated to establish the Wimmera River Discovery Trail which will be a 63km trail along the corridor of the Wimmera River from Dimboola to Lake Hindmarsh via Jeparit.

Funding of \$600,000 has been received from the Federal Governments Building Better Regions Program, \$400,000 from the Victorian Government's Regional Partnerships and an allocation of \$200,000 from Council.

In accordance to funding agreements, the project is to be completed by 31 December 2021, however due to impacts created by the COVID-19 pandemic, variations have been sought and approved for milestone dates.

The Wimmera River Discovery Trail has a number of aspects that all link to each other to establish the trail.

Council has established a project-working group to oversee the project while at the same time; an external project-working group consisting of key stakeholders including BGLC, Parks Vic, DELWP and WCMA was also established.

The following commentary provides an overview of the current status of the various aspects of the project.

- **Cultural Heritage Management Plans**

As the Wimmera River has significant connection to indigenous culture and lifestyle, reflected in Native Title over much of the river corridor and co-management of the Wimmera River Heritage Park between BGLC and Parks Victoria. One of the key aspects of the project was to undertake site assessments of the proposed route in order to establish Cultural Heritage Management Plans (CHMP).

The CHMP's will determine the final route taking into consideration any significant or sensitive cultural sites.

During preliminary assessments, approximately 100 unregistered sites of cultural significance were identified. These included scar trees and artefact scatters.

Because of COVID-19 the establishment of the CHMP's have been considerably delayed as BGLC, who are collaborating with Council in the project have had a work place ban on undertaking any such activities. BGLC's Registered Aboriginal Party (RAP) Manager who is a key player in CHMP development is currently unable to leave Melbourne due to Stage 4 restrictions. Council staff continue to provide on-ground support and desktop planning where possible to expedite the process once restrictions are lifted.

Whilst the delay in establishing the CHMP's and the registration of the sites of cultural significance has unfortunately created a snowball effect on some aspects of the project along the Wimmera River corridor other aspects have been able to continue.

- **Dimboola Visitor Node**

The Dimboola Visitor Node is being established in the former car park of the Dimboola Library. Landscape plans have been finalised and tenders called and awarded. Construction is expected to commence by the end of September or early October.

Prior to the landscaping being undertaken, new drainage works will be carried out which will see the installation of new underground drainage system and ground level pits.

The construction of new public amenities has also been completed with final compliance inspections to be carried shortly

- **Jeparit Visitor Node**

Although some preliminary planning for the Jeparit Visitor Node has been undertaken, final plans have been delayed until such time as the design for the Jeparit swimming hole bank erosion control has been finalised.

- **Jeparit Rail Bridge**

As the refurbishment of the Jeparit Rail Bridge is expected to be a significant cost of the project, appropriate engineers have been appointed to carry out assessments on the structural integrity of the bridge and to design plans for a pedestrian crossing. Once this work has been carried out, Council will be able to obtain costs for the refurbishment of the bridge.

- **Trail Infrastructure**

Investigations have been undertaken to determine the extent of infrastructure required to be undertaken along the length of the trail.

A number of pedestrian bridges and cross overs are to be established including two adjacent to the Dimboola Visitor Node in the Nine Creeks Reserve and another two in the Dimboola Common.

A cross over will need to be established on private land on the outskirts of Dimboola.

Council has had discussions with VicRoads in relation to the establishment of road crossings at Lochiel and Jeparit – this is currently ongoing.

Discussions have been held within the external project-working group regarding bollards and signage requirements. Parks Victoria and BGLC are keen to be involved in the design of these items.

- **Land Access and Tenure Agreements**

The majority of land access and tenure agreements have been finalised with the agreement between Council and Parks Victoria finally gaining some momentum, with an internal Parks working established to provide resources and support of the project and processes involved.

Agreements with VicTrack are also well underway with the Jeparit Rail Bridge and using the underside of the railway crossing bridge at Lochiel.

Link to Council Plan:

- 1.1 An actively engaged community
- 2.1 Well maintained physical assets and infrastructure to meet community and organisational needs
- 3.1 A strong rural economy and thriving towns
- 3.2 A thriving tourism industry
- 3.2.2 Appealing tourism facilities that promote visitation and meet visitor needs

Financial Implications:

An amount of \$1.2M is available for the establishment of the Wimmera River Discovery Trail with expenditure consistent with the budget.

Risk Management Implications:

Appropriate Risk Assessments will be prepared in accordance to Councils Contractor Management procedures and policies prior to any works commencing.

Approvals and permits will be obtained from appropriate organisations prior to work commencing.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Monica Revell, Director Corporate & Community Services

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Phil King, Economic and Community Development Manager
In providing this advice as the Author, I have no other disclosable interests in this report.

Communications Strategy:

Regular media releases will be prepared and distributed as part of the community engagement process.

RECOMMENDATION:

That Council receives the update on the Wimmera River Discovery Trail Project.

9.5 COUNCIL PLAN 2017-2021 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Attachment Number: 9

An update regarding the status of the strategic actions in the council plan 2017-2021 has been provided for Council information.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

RECOMMENDATION:

That Council notes the Council Plan updated for the fourth quarter of 2019/20.

Attachment: 9

10. SPECIAL COMMITTEES

10.1 COVID-19 REVITALISATION REFERENCE GROUP MINUTES

Responsible Officer: Director Corporate & Community Services

Attachment Number: 10

Introduction:

The Hindmarsh Shire Council COVID-19 Revitalisation Reference Group held a meeting on 8 September 2020. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Hindmarsh Shire Council COVID-19 Revitalisation Reference Group meeting held on 8 September 2020.

Attachment: 10

10.2 YURUNGA COMMITTEE OF MANAGEMENT MINUTES

Responsible Officer: Director Corporate and Community Services

Attachment Number: 11

Introduction:

The Yurunga Committee of Management held its general meeting on 27 February 2020. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Committee of Management meeting held on 27 February 2020.

Attachment: 11

10.3 AUDIT AND RISK COMMITTEE MINUTES

Responsible Officer: Director Corporate and Community Services

Attachment Number: 12

Introduction:

The Audit and Risk Committee held its general meeting on 15 September 2020. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Audit and Risk Committee meeting held on 15 September 2020.

Attachment: 12

11. LATE REPORTS

12. COUNCILLOR QUESTIONS AND GENERAL BUSINESS

13. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act 1989*, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

14. MEETING CLOSE
