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## ATTACHMENTS

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### ITEM 4 CONFIRMATION OF MINUTES

- Item 4 Attachment 1 – Minutes of Council Meeting 29 June 2022

### ITEM 7 CORRESPONDENCE

- Item 7.1 Attachment 2 – Letter from Minister Jaala Pulford MP
- Item 7.1 Attachment 3 – Letter to Nhill A & P Society
- Item 7.1 Attachment 4 – Letter to Rainbow A & P Society

### ITEM 9 REPORTS REQUIRING A DECISION

- Item 9.2 Attachment 5 – Draft Procurement Policy
- Item 9.3 Attachment 6 – Draft Governance Rules
- Item 9.5 Attachment 7 – Interim Financial Report 30 June 2022

### ITEM 10 COUNCIL COMMITTEES

- Item 10.1 Attachment 8 – Yurunga Committee Minutes 28 April 2022
  - Item 10.1 Attachment 9 – Yurunga Committee Minutes 26 May 2022
  - Item 10.2 Attachment 10 – Jeparit Committee Minutes 20 June 2022
  - Item 10.2 Attachment 11 – Jeparit Committee Minutes 11 July 2022
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**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD  
WEDNESDAY 29 JUNE 2022 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79  
NELSON STREET NHILL, COMMENCING AT 3:00PM.**

**AGENDA**

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14.3	RURAL COUNCILS CORPORATE COLLABORATION (RCCC) TENDER OUTCOME	
<b>15</b>	<b>MEETING CLOSE</b>	<b>62</b>

CRS M Albrecht (Mayor), B Ireland (Deputy Mayor), R Ismay, D Nelson, W Bywaters, R Gersch.

**In Attendance:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services/Acting Director Infrastructure Services) and Ms Shauna Johnson (Executive Assistant).

**1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

Cr M Albrecht opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

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**2 APOLOGIES**

No apologies.

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**3 DECLARATION OF INTERESTS**

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict is **general** or **material**; and
- the circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

No conflicts of interest declared.

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**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 1 June 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.***

**MOVED: CRS R Ismay/D Nelson**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 1 June 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

Attachment Number: 1

## 5 PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au) or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-amble. Offensive, trivial and repetitive questions or questions, which have been recently answered, may be excluded at the discretion of the Mayor.

The question must be accompanied by a name and the locality where the questioner resides or works, which will be read out at the meeting. By submitting a question, the questioner gives consent to this information being read out in public. Anonymous questions will not be answered.

No public questions or submissions.

## 6 ACTIVITY REPORTS

**COUNCILLOR ACTIVITIES:** 25 May – 21 June 2022

### Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
31/05/2022	Wimmera Development Association Board Meeting	Horsham	
31/05/2022	Wimmera Development Association Budget Presentation	Horsham	
31/05/2022	Wimmera Development Association Community Leaders Meeting & Greet	Horsham	
1/06/2022	Hindmarsh Visitor	Nhill	Thank you to all the amazing volunteers that

	Centre Volunteer Luncheon Guest		support the tourist information centre.
1/06/2022	Council Briefing	Nhill	
1/06/2022	Council Meeting	Nhill	
2/06/2022	Rainbow Library Official Opening	Rainbow	It was an honour to officially open the Rainbow Library with Minister Sean Leane, MP
2/06/2022	Jeparit & Nhill Library Official Opening	Jeparit	It was an honour to officially open the Jeparit Library with Minister Sean Leane, MP and also the Nhill library remotely.
11/06/2022	Official opening of the Wimmera Mallee Pioneer Museum Rally	Jeparit	Congratulations to the Wimmera Mallee Pioneer Museum volunteers and all the exhibitors for the wonderful event they held. It was an honour to officially open the event.
20/06/2022	Nhill Town Committee	Nhill	

**Cr IRELAND, DEPUTY MAYOR**

Date	Meeting	Location	Comments
26/05/2022	Yurunga Homestead meeting		
27/05/2022	Lions Club information night	Jeparit Bowling Club	
01/06/2022	Council Briefing		
01/06/2022	Council Meeting		
02/06/2022	Opening of Jeparit Library		
12/06/2022	Wimmera Mallee Pioneer Museum Rally		Great to see this event return after Covid and all events in the shire getting back to normal.
19/06/2022	National General Assembly	Canberra	Seminar with many keynote speakers and also over 100 motions put in by councils to the govt for consideration...all 539 councils Australia wide were in attendance.
20/06/2022	National General Assembly	Canberra	
21/06/2022	National General Assembly	Canberra	

**Cr NELSON**

Date	Meeting	Location	Comments
31/05/2022	Wimmera Southern Mallee LLEN finance meeting		
01/06/2022	Briefing Meeting	Nhill	
01/06/2022	Council Meeting	Nhill	
02/06/2022	Official Library Opening	Rainbow	
02/06/2022	Official Library	Jeparit	

	Opening		
06/06/2022	Dimboola Town Committee meeting		
07/06/2022	Steampunk volunteers' thanks event	Dimboola	
09/06/2022	Wimmera Southern Mallee LLEN meeting	Horsham	
15/06/2022	Audit & Risk Committee Meeting	Teams Meeting	

**Cr GERSCH**

Date	Meeting	Location	Comments
27/05/2022	Rural Councils Victoria	Melbourne	
01/06/2022	Computer update		
01/06/2022	Council meeting		
02/06/2022	Rainbow Library Opening		
02/06/2022	Jeparit Library Opening		
05/06/2022	Nhill Sporting Club promotion day		
12/06/2022	Jeparit Museum Open Day		

**Cr BYWATERS**

Date	Meeting	Location	Comments
26/05/2022	Volunteer Cancer Group, Biggest Morning Tea	Nhill CFA Rooms	
27/05/2022	Hindmarsh Visitor information Centre, Volunteer	Nhill	
27/05/2022	Yangga Dyata, Walking on Country Silo artwork	Horsham	<p>A walk on country down Yangga Tyerrang Street through to Warta Tyerrang Muwil Park.</p> <p>Reconciliation is everybody's business. It was great to be able to see the new Wimmera Silo art, hear the Aboriginal version of the story, and support the Dimboola mob in Horsham. I was proud to watch Hindmarsh Youth Councillor, Jandamarra help his uncle, Ron Marks perform the smoking ceremony. Jandamarra was also included in the shadow displays on a tall building in the renamed main street of</p>

			Horsham included with the light displays.
01/06/2022	Council briefing meeting and Council meeting	Nhill	
02/06/2022	Official opening of the brand-new Rainbow library, the refurbished Jeparit library, and the improved Nhill Library (remotely from Jeparit)	Rainbow and Jeparit	The Honourable Shaun Leane, Minister for Local Government, and representatives from the Department of Jobs, Precincts and Regions joined us in Rainbow and Jeparit to officially open the newly constructed Rainbow Library and improved Jeparit and Nhill Libraries.
02/06/2022	Discussions with the Nhill Aviation Heritage Centre NAHC and Nhill Aerodrome Master Plan Committee NAMPAC about future planning at the Nhill Aerodrome	Nhill Airport	
04/06/2022	My first ever podcast interview with Kristy and Ben, hosts of Either Side of Nhill (ESON)	Nhill Community Garden	
04/06/2022	Nhill and District Sporting Club, Tigers Footy match with Daisy Thomas	Davis Park Nhill	
05/06/2022	Australian Local Government		My greatest takeaway is, we need to put our money where our mouth is when it comes to equality in local government. There was a fabulous line-up of guest speakers and plenty of opportunities for networking, with other councillors and guests. Here is the link to the program..  <a href="#">CLICK HERE</a>
06/06/2022	Women's Association, ALGWA Vic. Annual State conference 2022 hosted by the greater Shepparton Shire Council. Theme 'emerging creativity.'		
07/06/2022			
07/06/2022	22 Steampunk 'thank you' evening	Dimboola Imaginarium	Save the date 22 & 23 April 2023 for next year's festival
09/06/2022	Dimboola bird art by Smug	Dimboola	
11/06/2022	Wimmera Mallee Pioneer Museum, (WMPM) Vintage Rally	Jeparit	
12/06/2022			



17/06/2022	Inspect the area of the new Nhill tennis club rooms & the proposed new cane ball court area	Nhill	
21/06/2022	Homework club	The Patch Nhill	Last homework club before the school holidays. Stay safe and look out for our children in the parks and on the roads during the school holidays. Parents, please check out the school holiday program on Hindmarsh libraries Facebook page, on the Hindmarsh web page, the Hindmarsh Newsletter, your local Library or contact the Shire office on 03 5391 4444
21/06/2022	WMPM general meeting and vintage rally 2022 wrap up	Jeparit	The committee decided that a 'thank you' barbecue luncheon will be held for all volunteers of the vintage rally, at midday on 10 July. Venue WMPM at Jeparit.

#### Cr ISMAY

Date	Meeting	Location	Comments
01/06/2022	Council Briefing Meeting	Nhill	
01/06/2022	Council meeting	Nhill	
02/06/2022	Official Opening of Rainbow Library		
12/06/2022	Wimmera Mallee Pioneer Museum Rally	Jeparit	

## 7 CORRESPONDENCE

### 7.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 2 – 6

#### Introduction:

The following correspondence is attached for noting by Council.

#### Inwards:

- 13/06/2022 – Letter from Moorabool Shire Council RE Local Government State-Wide Waste Forum Recommended Motion

#### Outwards:

- 07/06/2022 – Letter of Congratulations to Dr Anne Webster, Federal Member for

Mallee

- 07/06/2022 – Letter of Congratulations to Hon Catherine King, Minister for Infrastructure, Transport and Regional Development
- 07/06/2022 – Letter to Minister for Small Business RE Melbourne Cup Public Holiday 2022
- 07/06/2022 – Letter to Jeparit Town Advisory Committee RE Council Decision

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

**MOVED: CRS B Ireland/W Bywaters**

***That Council notes the attached correspondence and appoints Councillor Robert Gersch as the Council representative for meetings on recycling and waste matters.***

**CARRIED**

*Attachment Numbers: 2 – 6*

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**8 PLANNING PERMITS**

**8.1 APPLICATION FOR PLANNING PERMIT 1769-2022 – USE OF LAND FOR A CAMPING AND CARAVAN PARK – 2 RAILWAY STREET RAINBOW VIC 3424**

**Responsible Officer:** Acting Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 6640  
**Application Number:** **PA1769-2022**  
**Application Received:** 14 February 2022 (Fee paid 22 February 2022)  
**Applicant:** Hindmarsh Shire Council  
**Owner:** Hindmarsh Shire Council  
**Subject Land:** 2 Railway Street Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow)  
**Proposal:** Use of land for a camping and caravan park  
**Zoning & Overlays:** Township Zone (TZ)  
**Attachment Number:** 7

**Summary:**

This report recommends that Council approve Planning Permit PA1769-2022 for the use of land for a camping and caravan park on the subject land known as 2 Railway Street, Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow).

**Background:**

On 14 February 2022, Mr Phil King on behalf of Hindmarsh Shire Council lodged a planning application to the Responsible Authority for the use of land for a camping and caravan park at 2 Railway Street, Rainbow.

**Proposal Details:**

The permit applicant, Hindmarsh Shire Council, seeks approval for the use of land for a camping and caravan park. The subject land is currently vacant residential land adjoining the Rainbow Caravan Park. The proposal seeks to use the land in association with the existing Caravan Park, and develop six (6) cabins on the land for this purpose (development of the cabins is exempt by Clause 62.02-1 of the Hindmarsh Planning Scheme and as such is not discussed further in this report.)

The subject site will be managed in common with the existing caravan park. The proposal includes provision for an acoustic fence to be installed along the northern boundary of the subject land, to minimise amenity impacts to adjoining residential properties.

Plans of the proposed use (and permit exempt development) are provided below:



**Requirement for Permit:**

A Planning Permit is required under the following clauses of the Hindmarsh Planning Scheme:

- Clause 32.05-2 (Township Zone) – A permit is required to use land for a camping and caravan park.

**Definitions:**

Camping and Caravan Park – *Land used to allow accommodation in caravans, cabins, tents or the like.*

**Restrictive Covenant or Section 173 Agreement:**

The subject site is not affected by any Covenants or Section 173 Agreements.

**Cultural Heritage Management Plan (CHMP):**

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity.

**Subject site & locality:**

The subject site is known as 2 Railway Street, Rainbow, which comprises a single title with an area of approximately 1,338m<sup>2</sup>. The land is generally flat, with minimal fall across the site. The land is currently vacant and has been so for an extended period of time.

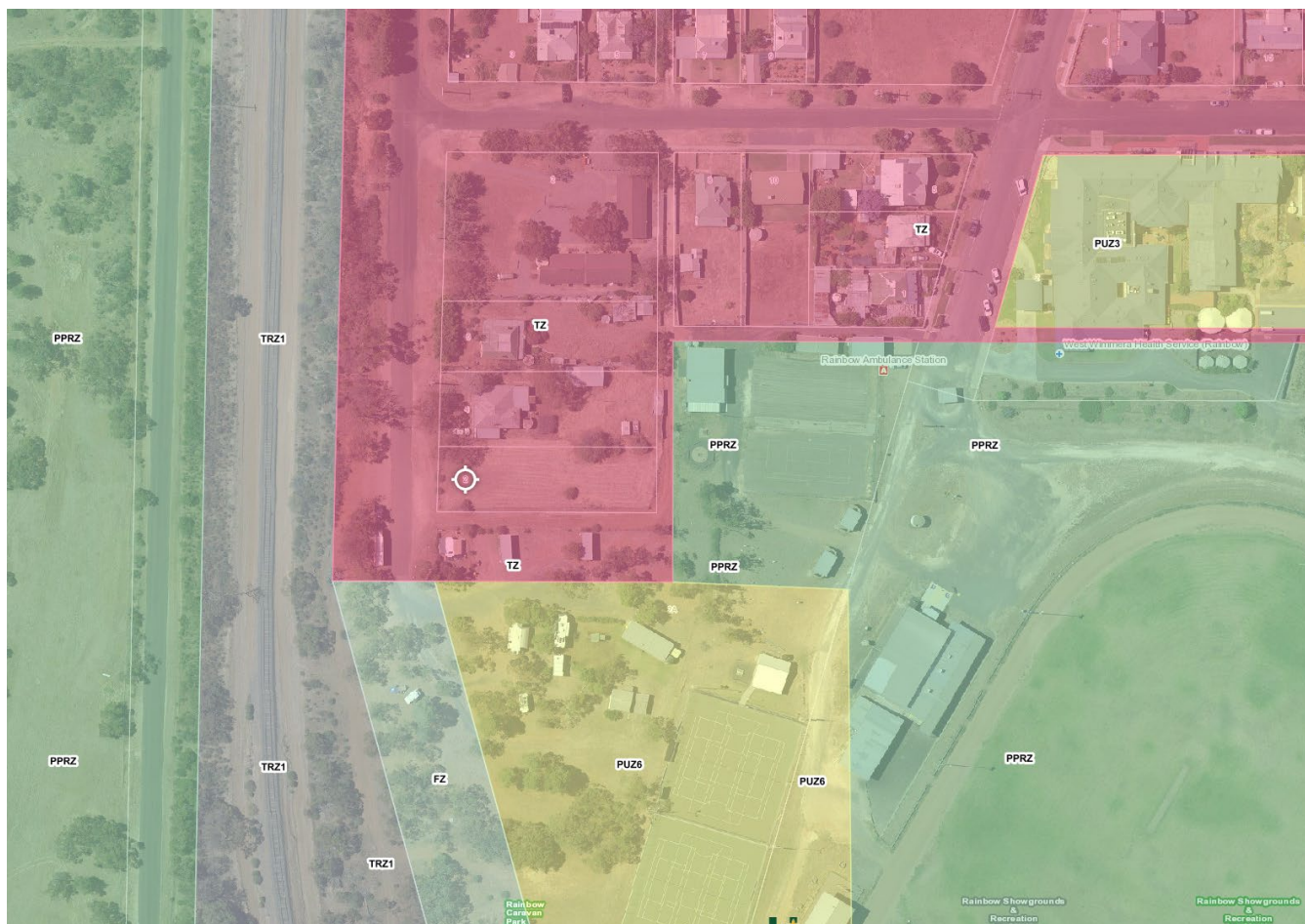
The subject site adjoins residential zoned land to the north (improved by residential dwellings), Public Park and Recreation Zone land to the east (improved by tennis courts), Public Use Zone 6 land to the south (containing the existing caravan park) and Transport Zone 1 land to the west (containing the railway lane). The mixed zoning and land use of the surrounding area results in a diverse array of land uses and development forms, with no consistent character present.

The site appears to have access to reticulated power, telecommunications, water and sewer.

Aerial Map below – Hindmarsh POZI (2016)



Aerial Map with Zoning and Overlays below – Hindmarsh POZI (2016)



**Section 52 Notice of Application**

The application was advertised pursuant to Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987, by:

- Letters to adjoining and nearby owners and occupiers;
- Sign on site; and
- Notice in the Argus – 02 June 2022

No objections have been received to the application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None required by the Hindmarsh Planning Scheme

Section 52 and Internal Notices	
Engineering	Conditional consent. Response received <b>10 June 2022.</b>
Environmental Health	Conditional consent. Response received <b>7 June 2022.</b>

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 02.03-1 Settlement and housing  
Clause 02.03-5 Built environment and heritage  
Clause 02.03-6 Economic development  
Clause 11.01-1L Settlement – Hindmarsh  
Clause 13.02-1S Bushfire planning  
Clause 13.05-1S Noise management  
Clause 15.01-1S Urban design  
Clause 15.01-5S Neighbourhood character  
Clause 16.01-1S Housing supply  
Clause 17.04-1S Facilitating tourism

**Zoning Provisions:**

**Clause 32.05 – Township Zone (TZ)**

**32.05-2 Use of Land**

A permit is required to use land for a camping and caravan park.

**Clause 32.05-13 Decision Guidelines**

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The objectives set out in a schedule to this zone.*
- *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.*
- *The design, height, setback and appearance of the proposed buildings and works including provision for solar access.*
- *The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.*
- *Provision of car and bicycle parking and loading bay facilities and landscaping.*
- *The effect that existing uses on adjoining or nearby land may have on the proposed use.*
- *The scale and intensity of the use and development.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *Any other decision guidelines specified in a schedule to this zone.*

**Planning Response:**

The relevant provisions of the MPS and PPF applicable to this proposal relate to the built form and character of townships such as Rainbow, management of environmental risks and amenity from bushfire and noise, and facilitating tourism while also providing alternative forms of accommodation options where required.

The subject site is located in the Township Zone, which is a residential zone in the Scheme where such uses and developments ought to be located. The site is well located, given its proximity to the existing Caravan Park land, proximity to services (such as recreation and health facilities), and minimal sensitive land uses abutting the site. The subject land is unencumbered, vacant and provided with all available reticulated services.

The application has been accompanied by an acoustic assessment, to consider the potential for off-site amenity impacts emanating from the proposed use of the site. The assessment finds that the use can be designed and managed so as to meet applicable EPA requirements, with an acoustic fence to be installed along the northern boundary of the subject site. Permit conditions will ensure that this is completed prior to commencement of the use.

Each proposed cabin (the development of which is exempt from a Planning Permit by reason of Clause 62.02-1 of the Hindmarsh Planning Scheme) is provided independent vehicle access and car parking. The site is able to cater for the level of use proposed without adversely affecting the surrounding street network or properties by way of vehicle movements or parking locations. The intensity of the development is considered modest in proportion to the larger caravan park, and provides a modern adjunct to the existing facilities.

The subject site is located within a Bushfire Prone Area as designated under the *Building Act 1993*. Given the minimal vegetation on the site, limited number of persons able to be accommodated in the cabins and close proximity to the Rainbow Town Centre, it is considered that the proposal adequately responds to bushfire risk as required by Clause 13.02-1S of the Scheme and that the protection of human life is ensured in the proposal.

For the above reasons, the proposed use is considered appropriate for the subject site when assessed against the applicable provisions of the Township Zone.

**Overlay Provisions:**

No overlays apply to the subject site.

**Particular Provisions:**

No relevant particular provisions are identified.

**General Provisions**

**Clause 65 - Decision Guidelines**

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

### **Clause 65.01– Approval of an application or plan**

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (relevant to the application):

- The matters set out in Section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system

### **Planning Response:**

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The proposal provides for a logical expansion of the Rainbow Caravan Park on a site well connected to private and public services. No natural hazards issues are identified in relation to the site. Traffic generation to and from the site can be readily accommodated within the surrounding road network. Impacts to adjoining properties can be appropriately mitigated provided the acoustic report is implemented, which will be required as a condition of approval. The application is therefore considered to be reflective of orderly planning.

### **Discussion:**

#### **Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)**

The proposal meets the objectives of the relevant provisions of the PPF and MPS for the reasons discussed earlier in this report.

#### **Clause 32.05 Township Zone**

The proposal complies with the purpose and decision guidelines of Clause 32.05 for the reasons outlined in the planning response to the overlay as discussed above.

#### **Clause 65 Decision Guidelines**

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.



**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Township Zone and Clause 65 of the Hindmarsh Planning Scheme.

**Report to Council:**

The Manager Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

**Processing Times:**

14/02/2022 The application was received.

22/02/2022 The fee was paid.

05/05/2022 Acoustic report received

25/05/2022 The application was notified (last notice given 02/06/2022).

30/05/2022 The application was referred.

10/06/2022 Response to referrals received.

16/06/2022 The Statutory Declaration was returned.

29/06/2022 The report is being presented to Council at the meeting held 29 June 2022 (32 Days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

**Conflict of Interest:**

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible: Monica Revell, Acting Director Infrastructure Services

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

Author: Tim Berger, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

**Link to Council Plan:**

Develop and promote local tourist opportunities that attract visitation.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit and endorse the plans if approved by Council.

**RECOMMENDATION:**

***That Council approves planning application PA1769-2022 for the use of land for a camping and caravan park on the subject land known as 2 Railway Street Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow), subject to the following conditions:***

**Endorsed Plans**

- 1. The use as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

**Use Conditions**

- 2. The use must not detrimentally affect the amenity of the neighbourhood, including through the:***
  - (a) Transport of materials, goods or commodities to or from the land.***
  - (b) Appearance of any building, works or materials.***
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.***
- 3. Noise emissions from the site must comply with the recommended noise levels as set out in Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (EPA Publication 1826, March 2021) or as amended to the satisfaction of the Responsible Authority.***
- 4. Prior to the commencement of the use, all recommendations of the Environmental Noise Assessment prepared by Audiometric and Acoustic Services (report number 22023, dated 21 April 2022) must be implemented on the land to the satisfaction of the Responsible Authority.***

***The use must thereafter be conducted in accordance with the recommendations and findings of the report.***

- 5. All waste areas must be sited and screened so as to not be visible from adjoining properties or public spaces to the satisfaction of the Responsible Authority.***
- 6. All areas set aside for car parking, loading and unloading of vehicles and accessways as shown on the endorsed plans must be:***
  - (a) Constructed;***
  - (b) Properly formed to such levels that they can be used in accordance with the endorsed plans;***
  - (c) Formed with an all-weather surface; and***
  - (d) Drained***

***to the satisfaction of the Responsible Authority. Car parking spaces, accessways***

*and driveways must be kept available for these purposes at all times.*

**Engineering Conditions**

- 7. Each vehicular access and crossover must be constructed in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.*

**Time Limit**

- 8. The above-mentioned planning permit will expire if either of the following circumstances arise:  
(a) The use is not commenced within two (2) years of the date of this permit; or  
(b) The use ceases for a period of two (2) or more years.*

*The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.*

**MOVED: CRS R Ismay/B Ireland**

*That Council approves planning application PA1769-2022 for the use of land for a camping and caravan park on the subject land known as 2 Railway Street Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow), subject to the following conditions:*

**Endorsed Plans**

- 1. The use as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.*

**Use Conditions**

- 2. The use must not detrimentally affect the amenity of the neighbourhood, including through the:  
(a) Transport of materials, goods or commodities to or from the land.  
(b) Appearance of any building, works or materials.  
(c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- 3. Noise emissions from the site must comply with the recommended noise levels as set out in Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (EPA Publication 1826, March 2021) or as amended to the satisfaction of the Responsible Authority.*
- 4. Prior to the commencement of the use, all recommendations of the Environmental Noise Assessment prepared by Audiometric and Acoustic Services (report number 22023, dated 21 April 2022) must be implemented on the land to the satisfaction of the Responsible Authority.*

*The use must thereafter be conducted in accordance with the recommendations*

*and findings of the report.*

5. *All waste areas must be sited and screened so as to not be visible from adjoining properties or public spaces to the satisfaction of the Responsible Authority.*
6. *All areas set aside for car parking, loading and unloading of vehicles and accessways as shown on the endorsed plans must be:*
  - (a) *Constructed;*
  - (b) *Properly formed to such levels that they can be used in accordance with the endorsed plans;*
  - (c) *Formed with an all-weather surface; and*
  - (d) *Drained*

*to the satisfaction of the Responsible Authority. Car parking spaces, accessways and driveways must be kept available for these purposes at all times.*

**Engineering Conditions**

7. *Each vehicular access and crossover must be constructed in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.*

**Time Limit**

8. *The above-mentioned planning permit will expire if either of the following circumstances arise:*
  - (a) *The use is not commenced within two (2) years of the date of this permit; or*
  - (b) *The use ceases for a period of two (2) or more years.*

*The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.*

**CARRIED**

*Attachment Number: 7*

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**8.2 APPLICATION FOR PLANNING PERMIT 1780-2022 – USE OF LAND FOR A MOTOR RACING TRACK (ONE DAY PONY EXPRESS EVENT) – 1191 PERENNA ROAD NETHERBY VIC 3418**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 110260  
**Application Number:** **PA1780-2022**  
**Application Received:** 18 May 2022 (Fee journalled 14 June 2022)  
**Applicant:** Nhill Motor Sports Club C/- Mrs Bree Lowe  
**Owner:** Mr Ross Dickinson

<b>Subject Land:</b>	Part of 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127, Parish of Warraquil)
<b>Proposal:</b>	Use of land for a Motor Racing Track (One Day Pony Express Event)
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) Bushfire Management Overlay (BMO) - Part
<b>Attachment Number:</b>	8

**Summary:**

This report recommends that Council approves Planning Permit PA1780-2022 for the use of land for a Motor Racing Track (One Day Pony Express Event) on the subject land known as 1191 Perenna Road, Netherby VIC 3418 (CA 126 and CA127 Parish of Warraguil).

**Background:**

On 18 May 2022, The Nhill Motor Sports Club lodged a planning application for a Motor Racing Track for the 'Pony Express' 2022 motocross event, to be run on 9 July 2022. The event has been run previously on an annual basis, including at the subject land in 2019 (Permit PA1628-2019) and 2021 (Permit PA1719-2021).

**Proposal Details:**

The proposal is to hold the 'Pony Express' 2022 motocross event on land south of Netting Fence Track, at Crown Allotment 126 and 127, Parish of Warraquil (1191 Perenna Road Netherby), as well as associated staging area facilities, including a car parking area, pit area, spectator area, race control and temporary toilets. Access to the event will be via private driveway, entering at the south-eastern corner of the track. The event is to be attended by over 400 riders, and is to be attended by approximately 200 spectators. The course is approximately 16 kilometres in length, and consists of existing tracks on the land. No excavation, construction or associated works is proposed as a part of this application.

**Requirement for Permit:**

A Planning Permit is required under the following clauses of the Hindmarsh Planning Scheme:

- Clause 35.07-1 (Farming Zone) – A permit is required for the use of land for a Motor Racing Track.

It is proposed that the event is run on this location as a 'one-off' event only, and as such, any permit issued will reflect this. Separate planning approval will need to be sought for events on this site or different locations in future (as was the case for the 2019 and 2021 events).

**Definitions:**

Motor Racing Track – *Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.*

**Restrictive Covenant or Section 173 Agreement:**

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

**Cultural Heritage Management Plan (CHMP):**

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity.

**Subject site & locality:**

The subject site is known as CA 126 and CA 127 Parish of Warraquil (Part of 1191 Perenna Rd Netherby), and is currently used for grazing and cropping. The property (and surrounds) has been extensively cleared with little established vegetation remaining, save for the area proposed to run the event; however no native vegetation removal is proposed or permitted. The track area is existing on the land, as can be seen in the aerial image below.

To the north of the site lies the Big Desert State Forest. The Netherby State Forest is located immediately east of the track area, with grazing land beyond. To the south, and west, land is primarily agricultural and used for such purposes. The nearest dwelling is approximately 2.2 kilometres to the west, and the subject land lies approximately 36.2 kilometres north of the Nhill Post Office.

The subject land is located within the Farming Zone (FZ) and is partially covered by the Bushfire Management Overlay (BMO). The subject land is not improved by any structures, and is clearly delineated between land that is actively cropped and land comprising remnant vegetation.

[Aerial Map below – Hindmarsh POZI](#)



### **Section 52 Notice of Application**

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as it is considered that the application will not cause material detriment to any person or property, for the following reasons:

- Letters of support for the event from adjoining landowners have been provided with the application;
- The nearest dwelling is approximately 2.2 kilometres away;
- The proposal is for a one day event only; and
- The site is in a remote locality, with previous events enjoying considerable support in the past in the locality without incident.

### **Referrals:**

No internal or external referrals/notices were required by the Planning Scheme. It is noted that the applicant sought advice from DELWP (Forest Fire Management Victoria) prior to lodging the application, who did not object to the proposal, but requested the following condition be placed on any permit issued:

*Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).*

Such condition has been included in the recommendation in this report.

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 13.02-1S Bushfire planning

Clause 14.01-1S Protection of agricultural land

Clause 17.04-1S Facilitating tourism

**Zoning Provisions:**

**Clause 35.07 – Farming Zone (FZ)**

**35.07-1 Table of uses**

A permit is required to use land for a Motor Racing Track

**35.07-6 Decision guidelines** (relevant to the application)

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

**Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

**Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.



- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

### **Design and siting issues**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

### **Planning Response:**

The proposal is considered to meet the applicable decision guidelines as outlined above. The proposal is considered to support the Planning Policy Framework, having particular regard to tourism in the area. The event will act as a significant attractor of tourism to the locality, and has enjoyed significant support in the past at other locations. Furthermore, the event will not impose any undue strain on infrastructure in the area, nor has done so in the past.

The proposal is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above due to the temporary nature of the proposed event. The event will have little impact upon the continued agricultural viability of the subject land and surrounds, noting that the part of the site that is used for productive agriculture does not form part of the racing area.

The proposed event will not negatively impact on the natural physical features and resources of the area. No negative impact on the flora and fauna on the site and its surrounds will occur, with no native vegetation proposed to be removed. The biodiversity of the area, inclusive of the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area has been considered within this application, with no negative impacts to occur as no works are to be undertaken.

### **Overlay Provisions:**

#### **Clause 44.06 – Bushfire Management Overlay**

No permit is required under this Clause, as the Overlay does not trigger a permit for use.

**Particular Provisions:**

No Particular Provisions of the Hindmarsh Planning Scheme are relevant to the assessment of this proposal.

**General Provisions**

**Clause 65 - Decision Guidelines**

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

**Clause 65.01– Approval of an application or plan**

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (relevant to the application):

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

**Planning Response:**

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone are appropriately met, with the location of the use unlikely to create any amenity impacts or permanently remove land from agricultural production. The application is therefore considered to be reflective of orderly planning.

**Discussion:**

**Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)**

The proposal meets the objectives of the relevant provisions of the PPF and MPS for the reasons discussed earlier in this report.

**Farming Zone (FZ)**

The proposal complies with the purpose and decision guidelines of the FZ for the reasons outlined in the planning response to the zone as discussed above.

**Clause 65 Decision Guidelines**

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies and Clause 35.07 Farming Zone in the Hindmarsh Planning Scheme.

**Report to Council:**

The Manager Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

**Link to Council Plan:**

Objective: Develop and promote local tourism opportunities that attract visitation / Support appropriate events / activities.

**Processing Times:**

18/05/2022 The application was received.

14/06/2022 The fee was journalled.

29/06/2022 The report is being presented to Council at the meeting held 29 June 2022 (15 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

**Conflict of Interest:**

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible: Monica Revell, Acting Director Infrastructure Services

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

Author: Tim Berger, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit and endorse the plan if approved by Council.

**RECOMMENDATION:**

***That Council approves planning application PA1780-2022 for the use of land for a Motor Racing Track (one day Pony Express event), on the subject land known as 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127 Parish of Warraquil), subject to the following conditions:***

**Endorsed Plans**

- 1. The works as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

**Amenity**

- 2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) transport of materials, goods or commodities to or from the land;***
  - (b) appearance of any building, works or materials;***
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - (d) presence of vermin; and***
  - (e) others as appropriate.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***
- 5. Adequate provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the Responsible Authority.***
- 6. Adequate provision of portable toilets and associated amenities for patrons must be provided on the site and must be emptied and maintained to the satisfaction of the Responsible Authority.***
- 7. The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to the event being conducted to the satisfaction of the Responsible Authority.***

**Department of Environment, Land, Water, and Planning**

- 8. Measures need to be in place to the satisfaction of DELWP to ensure that there is***

***no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).***

**Time Limit**

- 9. The racing of motorcycles must cease at 6pm on 9 July 2022.***
- 10. The use of the land for the purpose of a Motor Racing Track (including packing up and removal of equipment) must cease at 6pm on 10 July 2022.***

**MOVED: CRS R Gersch/W Bywaters**

***That Council approves planning application PA1780-2022 for the use of land for a Motor Racing Track (one day Pony Express event), on the subject land known as 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127 Parish of Warraquil), subject to the following conditions:***

**Endorsed Plans**

- 1. The works as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

**Amenity**

- 2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) transport of materials, goods or commodities to or from the land;***
  - (b) appearance of any building, works or materials;***
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - (d) presence of vermin; and***
  - (e) others as appropriate.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***
- 5. Adequate provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the Responsible Authority.***
- 6. Adequate provision of portable toilets and associated amenities for patrons must be provided on the site and must be emptied and maintained to the satisfaction of the Responsible Authority.***
- 7. The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to the event being conducted to the satisfaction of the Responsible Authority.***

**Department of Environment, Land, Water, and Planning**

8. *Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).*

**Time Limit**

9. *The racing of motorcycles must cease at 6pm on 9 July 2022.*  
10. *The use of the land for the purpose of a Motor Racing Track (including packing up and removal of equipment) must cease at 6pm on 10 July 2022.*

**CARRIED**

Attachment Number: 8

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**8.3 APPLICATION FOR PLANNING PERMIT 1756-2021 – USE AND DEVELOPMENT OF A DWELLING AND DEVELOPMENT OF AN OUTBUILDING ANCILLARY TO A DWELLING – 3 FAITH STREET DIMBOOLA VIC 3414**

**Responsible Officer:** Acting Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 81820  
**Application Number:** **PA1756-2021**  
**Application Received:** 10 November 2021 (Fee paid 24 November 2021)  
**Applicant:** Mr Warrick Fisher  
**Owner:** Claire Voigt and James Keam  
**Subject Land:** 3 Faith Street, Dimboola 3414 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola)  
**Proposal:** Use and development of a dwelling and development of an outbuilding ancillary to a dwelling  
**Zoning & Overlays:** Farming Zone (FZ)  
Environmental Significance Overlay – Schedule 6 (ESO6)  
Floodway Overlay (FO)  
Land Subject to Inundation Overlay (LSIO)  
**Attachment Numbers:** 9 – 10

**Summary:**

This report recommends that Council approves Planning Permit PA1756-2021 for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land known as 3 Faith Street, Dimboola 3424 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola)

**Background:**

On 10 November 2021, Mr Warrick Fisher lodged a planning application to the Responsible Authority for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land 3 Faith Street, Dimboola. This application was

amended on 20 January 2022 to include 2 other parcels forming part of 3 Faith Street, and to provide access to the site from Faith Street rather than Cemetery Road.

**Proposal Details:**

The permit applicant, Mr Warrick Fisher seeks approval for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling. The subject land is currently vacant farming zone land, sitting within a pocket of such land between land in the General Residential Zone of Dimboola and the Wimmera River.

The proposed dwelling would be sited centrally on the lot, with a total floor area of approximately 270m<sup>2</sup> (including verandahs).

The proposed dwelling is characterised by reference to the following features:

- Floor plan:
  - 1 x Bedroom with WIR and ensuite;
  - 3 x Bedrooms accessed via a central hallway, each with BIR.
  - Open plan kitchen/meals/living area;
  - Laundry accessed via kitchen; and
  - Bathroom with bath, shower and WC in adjoining room.
- External form:
  - A building height of 5.651 metres from natural ground level;
  - Weatherboard finishes with Colorbond roofing (colours not specified).

The proposed outbuilding would be sited on the western side of the lot (however the information provided on 26 April 2022 shows a different site to the plans), and would comprise the following features:

Domestic outbuilding

- 144m<sup>2</sup> floor area (16m x 9m).
- Maximum height of 5.073 metres from natural ground level.
- Roller doors provided for access on the long side.
- Materials not specified.

**Requirement for Permit:**

A Planning Permit is required under the following clauses of the Hindmarsh Planning Scheme:

- Clause 35.07-1 (Farming Zone)
  - A permit is required to use land for a dwelling, as the Section 1 condition is not met.
- Clause 35.07-4 (Farming Zone)
  - A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1.
  - A permit is required to construct a building within 100 metres of a waterway, wetlands or designated flood plain.
- Clause 44.04-2 (Land Subject to Inundation Overlay)

- A permit is required to construct a building or construct or carry out works.

**Definitions:**

Dwelling – *A building used as a self-contained residence which must include:*

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a toilet and wash basin.*

*It includes outbuildings and works normal to a dwelling.*

**Restrictive Covenant or Section 173 Agreement:**

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

**Cultural Heritage Management Plan (CHMP):**

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is an exempt activity under Regulation 9 of the *Regulations* (1 or 2 dwellings on a lot).

**Subject site & locality:**

The subject site is known as 3 Faith Street, Dimboola (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola), which comprises three (3) titles with a combined area of approximately 5.59 hectares. The land is generally flat, with a gradual downslope to the east, where the subject land has an abuttal to a tributary of the Wimmera River. The land is currently vacant land, with limited rural infrastructure present on the lot.

The subject site adjoins Farming Zone land in all directions, however these lots do not exhibit characteristics typically associated with the FZ, due to their lot sizes, vegetation, proximity to the Wimmera River and location on the periphery of Dimboola. A number of surrounding properties comprise rural dwellings, with minimal agricultural production (namely hobby farming) present in the immediate area.

The subject site has one direct property abuttal to 1 Faith Street (west), which is improved by a single dwelling and outbuildings.

The site appears to have access to reticulated power and telecommunications, but not water and sewer.

Aerial Map below – Hindmarsh POZI





Aerial Map with Zoning below (Hindmarsh POZI)



**Section 52 Notice of Application**

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

- Letters to adjoining and adjacent owners and occupiers;
- Notice in the Dimboola Banner on 25 May 2022; and
- Sign on site

No objections have been received to the application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
Wimmera Catchment Management Authority	Conditional consent.  Response dated <b>8 December 2021</b> and <b>14 June 2022</b>
<b>Section 52 Notices</b>	
Department of Environment, Land, Water and Planning	No response received.
Engineering	Conditional consent  Response dated <b>(16 June 2022)</b>
Environmental Health	No response received.

**Planning Assessment:**

Planning Scheme Requirements:

**Municipal Planning Strategy:**

Clause 02.03-4 Natural resource management

**Planning Policy Framework:**

Clause 13.02-1S Bushfire planning  
 Clause 13.03-1S Floodplain management  
 Clause 14.01-1S Protection of agricultural land  
 Clause 15.01-1S Urban design  
 Clause 15.01-2S Building design

**Zoning Provisions:**

**Clause 35.07 – Farming Zone (FZ)**

**35.07-1 Use of land**

A permit is required to use land for a dwelling, as the land is less than 40 hectares in area.

**35.07-4 Buildings and works**

A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1 and to construct a building within 100 metres of a designated flood plain.

**35.07-6 Decision guidelines** (relevant to the application)

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

**Agricultural issues and the impacts from non-agricultural uses**

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

**Accommodation issues**

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

**Environmental issues**

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*

- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

### **Design and siting issues**

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use or development will require traffic management measures.*

### **Planning Response:**

#### **General issues**

The subject land is of such a size to accommodate the use and development, with no notable encumbrances in terms of landscape features or incompatible land uses. The development would not impact on the potential for the subject land to be used for agricultural purposes, with the proposal including consolidation of 3 lots to create a larger Farming Zone allotment.

Given the size of the land, proximity to the adjoining creek, floodplain and Wimmera River and location proximate to dwellings used for rural living purposes, agricultural productivity of the land is tempered in any event. The proposed dwelling will sit within the landscape well setback from Faith Street, appearing as a typical rural dwelling in this context.

#### **Agricultural issues**

The proposed works will directly remove the land on which it is sited from theoretical agricultural production; however this is the case with all physical works to occur in the Farming Zone. The greater concern regarding the removal of land is the indirect removal of a parcel from agricultural production due to change in land use.

Given the size and location of the land, the proximity to floodplains and the Wimmera River, and the extent of land fragmentation and rural living land uses in the surrounding area, the development proposed is considered appropriate. While it is not proposed to use the land for agriculture in this application, the consolidation of titles increases the likelihood of some small scale agricultural pursuit being able to occur, and minimises the potential for land fragmentation of the area. The proposal will not lead to a concentration or proliferation of dwellings in the Farming Zone, as the characteristics of the subject land relating to its size,

location and abutting land uses are not readily found in the surrounding landscape and similar lots in the immediate area have largely been developed with dwellings.

### **Accommodation issues**

The siting of the dwelling will ensure that it is not adversely affected by agricultural activities on adjacent and nearby land, and conversely that it will not affect such activities itself. Due to the size, location, surrounding land uses and interfaces of the land, it is highly unlikely that it would be sought to expand another agricultural activity in the area. As noted above, the proposal will not lead to a concentration or proliferation of dwellings in the area given its context.

### **Environmental issues**

The siting of the dwelling is setback from the LSIO applying to the subject land and associated development encumbrances. No vegetation removal is required for the dwelling. Effluent can be treated and retained on site in accordance with the *Environment Protection Act 2017*.

### **Design and siting issues**

The dwelling and outbuilding are expected to be constructed in colours and materials typical of a rural environment and will not be a dominant feature in the landscape, which will be reinforced by permit conditions. The dwelling is appropriately separated from any existing agricultural land uses, minimising the prospect of adverse impacts on any such surrounding uses.

The subject land and surrounding area are not identified in the Planning Scheme as being of particular importance with regards to architectural, historic or scientific significance, or of natural beauty or importance (i.e. by application of a Heritage Overlay, Significant Landscape Overlay or Design and Development Overlay). The new dwelling will be required to be connected to all available reticulated services that are available to the lot.

Based on the above, it is considered that the proposal is supported by the relevant decision guidelines of the Farming Zone and is an appropriate use and development for the subject land.

### **Overlay Provisions:**

#### **Clause 44.04 – Land Subject to Inundation Overlay (LSIO)**

##### **44.04-2 Buildings and works**

A permit is required to construct a building or construct or carry out works.

### **Planning Response:**

The proposed dwelling has been sited outside of the area affected by the LSIO on the land, with only the shed contained partially in the LSIO area. The proposal has been referred to the Wimmera CMA as the relevant floodplain management authority, which have consented to the application subject to conditions. The works are sited appropriately having regard to

the characteristics of the land, and do not increase risk to human life nor result in an unreasonable displacement of floodwaters in an inundation/flood event.

**Particular Provisions:**

No relevant Particular Provisions are identified.

**General Provisions**

**Clause 65 - Decision Guidelines**

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

**Clause 65.01– Approval of an application or plan**

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (relevant to the application):

- The matters set out in Section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system

**Planning Response:**

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone and Land Subject to Inundation Overlay are appropriately met, with the development considered to appropriately ensure the protection of human life and achieve the purpose of the Farming Zone. The application is therefore considered to be reflective of orderly planning.

**Discussion:**

**Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)**

The proposal meets the objectives of the relevant provisions of the MPS and PPF for the reasons discussed earlier in this report.

**Clause 35.07 Farming Zone**

The proposal complies with the purpose and decision guidelines of Clause 35.07 for the reasons outlined in the planning response to the overlay as discussed above.

**Clause 44.04 Land Subject to Inundation Overlay**

The proposal complies with the purpose and decision guidelines of Clause 44.04 for the reasons outlined in the planning response to the overlay as discussed above.

**Clause 65 Decision Guidelines**

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Municipal Strategic Statement.

**Report to Council:**

The Manager Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

**Processing Times:**

10/11/2021 The application was received.  
24/11/2021 The fee was paid.  
24/11/2021 The application was referred  
02/12/2021 Further information request sent  
20/01/2022 Further information response received including amendment to application.  
10/02/2022 Further information for amended application sent  
26/04/2022 Further information response provided  
19/05/2022 The application was advertised  
19/05/2022 The amended application was re-referred  
14/06/2022 Statutory declaration for advertising returned  
29/06/2022 The report is being presented to Council at the meeting held 29 June 2022  
(38 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

**Link to Council Plan:**

N/A.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Conflict of Interest:**

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible: Monica Revell, Acting Director Infrastructure Services  
In providing this advice as the Officer Responsible, I have no interests to disclose.

Author: Tim Berger, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit and endorse the plans if approved by Council.

**RECOMMENDATION:**

***That Council approves planning application PA1756-2021 for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land known as 3 Faith Street, Dimboola 3414 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola), subject to the following conditions:***

**Amended Plans**

***1. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.***

***The plans must be generally in accordance with those submitted to Council on 26 April 2022, drawn to a suitable scale (i.e. 1:100, 1:200 etc) and fully dimensioned, showing the following:***

- (a) Site plan to show the land as 1 lot.***
- (b) Location of the outbuilding to be consistent in all documents submitted for endorsement.***
- (c) Elevations of the outbuilding to be stated as north/south/east/west.***
- (d) Materials and finishes to be annotated on elevation plans, including colour names where known.***
- (e) 2 car parking spaces for the dwelling, including at least one undercover space as required by Clause 52.06-9 of the Scheme.***

**Consolidation of lots**

***2. Prior to the endorsement of plans under Condition 1 of this permit, Crown***



***Allotments 92, 93 and 93A Section B Parish of Dimboola must be consolidated into 1 lot/title under the Subdivision Act 1988, and a copy of the new title provided to the Responsible Authority.***

**Endorsed Plans**

- 3. The use and development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

**Works Requirements**

- 4. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street to the satisfaction of the Responsible Authority.***
- 6. The exterior colour and cladding of the approved buildings must be of a non-reflective nature and painted or have a pre-painted finish in a natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

**Use of a Dwelling in the Farming Zone**

- 7. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***
- 8. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
- 9. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.***
- 10. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

**Outbuilding Conditions**

- 11. The outbuilding on the land must not be used for human habitation at any time.***
- 12. The outbuildings must not be used for domestic purposes until such time as an occupancy permit is issued for the dwelling approved under this permit.***

**Engineering Conditions**

- 13. Prior to the commencement of the use, access to the land must be provided at the full cost of the permit holder in accordance with the Infrastructure Design Manual Standard Drawing SD-255 to the satisfaction of the Responsible Authority.***

**Environmental Health Conditions**

**14. Prior to the occupation of the dwelling, a wastewater treatment system must be installed generally in accordance with the Land Capability Report prepared by Wartook Woods Environmental Health, dated 9 April 2022.**

**Wimmera Catchment Management Authority Condition**

**15. Finished floor levels must be constructed no lower than 100.69 metres Australian Height Datum (AHD).**

**Prior to the issue of an Occupancy Permit, an as constructed finish floor level plan must be submitted to Hindmarsh Shire Council to demonstrate that the floor levels have been constructed in accordance with Wimmera CMA requirements.**

**16. Any fencing within the floodplain must be of an open style that will not obstruct the conveyance of flood water across the property, for example post and wire or open pool style fencing.**

**Prior to the commencement of works, detailed plans of the proposed fencing within the floodplain area must be submitted to Wimmera CMA for approval.**

**17. Wimmera Catchment Management Authority supports the provisions of the State Planning Policy provisions incorporated within the Planning Scheme (Clause 14.02-1) requiring a minimum 30 m buffer width along each bank of a waterway.**

**Time Limit**

**18. This permit will expire if one of the following circumstances arises:**

- (a) The development is not started within two (2) years of the date of issue of this permit; or**
- (b) The development is not completed and the use commenced within four (4) years of the date of issue of this permit.**

**The Responsible Authority may extend the period/s referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.**

**Note:**

**A consent to works within road reserve permission is required prior to any works on the road reserve.**

**MOVED: CRS W Bywaters/R Ismay**

**That Council approves planning application PA1756-2021 for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land known as 3 Faith Street, Dimboola 3414 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola), subject to the following conditions:**

### **Amended Plans**

- 1. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.***

***The plans must be generally in accordance with those submitted to Council on 26 April 2022, drawn to a suitable scale (i.e. 1:100, 1:200 etc) and fully dimensioned, showing the following:***

- (a) Site plan to show the land as 1 lot.***
- (b) Location of the outbuilding to be consistent in all documents submitted for endorsement.***
- (c) Elevations of the outbuilding to be stated as north/south/east/west.***
- (d) Materials and finishes to be annotated on elevation plans, including colour names where known.***
- (e) 2 car parking spaces for the dwelling, including at least one undercover space as required by Clause 52.06-9 of the Scheme.***

### **Consolidation of lots**

- 2. Prior to the endorsement of plans under Condition 1 of this permit, Crown Allotments 92, 93 and 93A Section B Parish of Dimboola must be consolidated into 1 lot/title under the Subdivision Act 1988, and a copy of the new title provided to the Responsible Authority.***

### **Endorsed Plans**

- 3. The use and development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

### **Works Requirements**

- 4. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street to the satisfaction of the Responsible Authority.***
- 6. The exterior colour and cladding of the approved buildings must be of a non-reflective nature and painted or have a pre-painted finish in a natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

### **Use of a Dwelling in the Farming Zone**

- 7. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***

8. ***The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
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10. ***The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

#### **Outbuilding Conditions**

11. ***The outbuilding on the land must not be used for human habitation at any time.***
12. ***The outbuildings must not be used for domestic purposes until such time as an occupancy permit is issued for the dwelling approved under this permit.***

#### **Engineering Conditions**

13. ***Prior to the commencement of the use, access to the land must be provided at the full cost of the permit holder in accordance with the Infrastructure Design Manual Standard Drawing SD-255 to the satisfaction of the Responsible Authority.***

#### **Environmental Health Conditions**

14. ***Prior to the occupation of the dwelling, a wastewater treatment system must be installed generally in accordance with the Land Capability Report prepared by Wartook Woods Environmental Health, dated 9 April 2022.***

#### **Wimmera Catchment Management Authority Condition**

15. ***Finished floor levels must be constructed no lower than 100.69 metres Australian Height Datum (AHD).***

***Prior to the issue of an Occupancy Permit, an as constructed finish floor level plan must be submitted to Hindmarsh Shire Council to demonstrate that the floor levels have been constructed in accordance with Wimmera CMA requirements.***

16. ***Any fencing within the floodplain must be of an open style that will not obstruct the conveyance of flood water across the property, for example post and wire or open pool style fencing.***

***Prior to the commencement of works, detailed plans of the proposed fencing within the floodplain area must be submitted to Wimmera CMA for approval.***

17. ***Wimmera Catchment Management Authority supports the provisions of the State Planning Policy provisions incorporated within the Planning Scheme (Clause 14.02-1) requiring a minimum 30 m buffer width along each bank of a waterway.***

**Time Limit**

**18. This permit will expire if one of the following circumstances arises:**

- (a) The development is not started within two (2) years of the date of issue of this permit; or**
- (b) The development is not completed and the use commenced within four (4) years of the date of issue of this permit.**

**The Responsible Authority may extend the period/s referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.**

**Note:**

**A consent to works within road reserve permission is required prior to any works on the road reserve.**

**CARRIED**

**Attachment Numbers: 9 – 10**

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**9 REPORTS REQUIRING A DECISION**

**9.1 COUNCIL PLAN ACTION PLAN 2022/2023**

**Responsible Officer:** Director Corporate & Community Services

**Attachment Numbers:** 11 – 12 (late attachment)

**Introduction:**

This report presents the Council Plan 2021-2025 and Health and Wellbeing Plan 2021-2025 Action Plan 2022/2023 for adoption.

**Discussion:**

At the Council meeting held on Wednesday 1 June 2022 Council resolved to approve the Council Plan 2021-2025 Action Plan 2022/2023 and invite public submissions.

The Council Plan 2021-2025 incorporates the Community Vision and Public Health and Wellbeing Plan (Plan). In developing the Vision, Council Plan and Health and Wellbeing Plan Council took into account the needs and aspirations raised by our communities. Council engaged with the community by conducting an online survey and holding in person community conversation sessions.

In developing the Plan it was intended to be a living document that will be reviewed and updated annually. The plan contains annual actions, allowing Council to adapt to our changing environment and inform the budget for each financial year.

The development of the 2022/2023 Action Plan was informed through community

consultation in the initial development of the plan along with consultation sessions held during March 2022.

The action plan continues to work towards the vision: Working together to be a connected, inclusive and prosperous community.

This vision will be achieved through values with transparent and accountable actions and decisions, inclusion and collaboration with residents, showing respect and integrity to all; and being proactive and responsible encouraging innovation.

Actions for 2022/2023 are set against four key themes:

- Our Community
- Built and Natural Environment
- Competitive and Innovative Economy
- Governance and Financial Sustainability.

The Health and Wellbeing Actions 2022/2023 focus on five key areas:

- Healthy Eating
- Active Living
- Social Connectivity
- Improving Mental Health
- Preventing all forms of violence and injury.

The draft Action Plan was made available to allow for submissions for the period Thursday 2 June 2022 to Friday 24 June 2022.

**Submissions:**

Council received one (1) submission in relation to the 2022/2023 Action Plan.

The submission was received from Katherine Durant of Rainbow. Katherine would like to see childcare established in Rainbow.

In response to this submission the 2022/2023 Action Plan includes advocating for after school care and an increase in childcare in Hindmarsh Shire.

Officers will liaise with Council's early years provider in relation to increased childcare.

**Options:**

Council must prepare and advertise its Council Plan 2021-2025 and Community Vision 2040 pursuant to the *Local Government Act 2020*. The Health and Wellbeing Plan must be prepared pursuant to the *Public Health and Wellbeing Act 2008*.

**Link to Council Plan:**

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides initiatives and activities under the four key themes.

**Financial Implications:**

Actions for 2022/2023 will be contained within the annual budget 2022/2023 and long term financial plan.

**Risk Management Implications:**

The preparation of the Council Plan, incorporating the Health and Wellbeing Plan, and Community Vision is a statutory requirement.

**Relevant legislation:**

*Local Government Act 2020*

*Public Health and Wellbeing Act 2008*

**Community engagement:**

The Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 was developed following consultation with the community through an online survey and in person community conversation sessions.

Community conversation sessions included round table discussions where participants were asked to consider and discuss a series of questions with Councillors and staff members.

**Gender equality implications:**

No gender impact assessment is required.

**Conflict of Interest:**

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

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

**Communications Strategy:**

Copies of the Council Plan 2021-2024 incorporating the Health and Wellbeing Plan Actions 2022/2023 will be available at Council's Customer Service Centres and on Council's website.

**RECOMMENDATION:**

***That Council approves the Council Plan 2021-2025 (incorporating the Health and Wellbeing Plan) Actions 2022/2023.***

***MOVED: CRS R Gersch/W Bywaters***

***That Council:***

***1. approves the Council Plan 2021-2025 (incorporating the Health and Wellbeing***

*Plan) Actions 2022/2023; and*  
**2. acknowledges the submission received.**

**CARRIED**

*Attachment Numbers: 11 – 12*

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## **9.2 ADOPTION OF THE 2022/2023 BUDGET (INCORPORATING THE LONG-TERM FINANCIAL PLAN FOR 2022/2023-2031/2032 AND THE REVENUE AND RATING PLAN)**

**Responsible Officer:** Director Corporate & Community Services

**Attachment Numbers:** 13 – 14 (late attachment)

### **Introduction:**

This report presents the 2022/2023 Annual Budget (incorporating the Long-Term Financial Plan for 2022/2023-2031/2032 and Revenue and Rating Plan) for adoption.

### **Discussion:**

At the Council meeting held on Wednesday 1 June 2022 Council resolved to approve the draft 2022/2023 Annual Budget (incorporating the Long-Term Financial Plan and Revenue and Rating Plan) and invite public submissions.

Council is required under Section 94 of the *Local Government Act 2020* to prepare a budget for each financial year and the subsequent 3 financial years by 30 June each year or any other date fixed by the Minister by notice published in the Government Gazette.

The budget has been prepared in accordance with relevant statutory requirements, including the *Local Government Act 2020 (the Act)* and *Local Government (Planning and Reporting) Regulations 2014*.

A requirement of the *Local Government Act 2020* is that all Victorian Local Governments adopted a Revenue and Rating Plan by 30 June 2021. The Revenue and Rating Plan was developed and adopted on 23 June 2021 and has been revised in conjunction with preparation of the 2022/2023 Budget. The Revenue and Rating Plan was developed to retain the current differentials for farm and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount) and non-farm vacant land (100 percent penalty).

When revising the plan consideration was given on the capacity for each class of ratepayer to pay rates and benchmarking against similar councils was undertaken.

The 2022/23 budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, as well as new initiatives to improve



amenity and make Hindmarsh a better place to live. It replicates the format of the four Key Results Areas used in the 2021-2025 Council Plan, namely:

- Our Community;
- Built and Natural Environment;
- Competitive and Innovative Economy ; and
- Good Governance and Financial Sustainability.

The budget has been prepared based on available information to inform forecasts and assumptions.

**Submissions:**

Council received two (2) submissions in relation to the draft 2022/2023 budget (incorporating the Long-Term Financial Plan and Revenue and Rating Plan).

The first submission was received from Claire Roll of Rainbow. Rainbow has recently formed a Trailblazers community group to develop bike and walking tracks around Rainbow. The Trailblazers committee looks forward to working with Council to create more bike/walking tracks in the Rainbow area for locals and tourists to be able to use.

In response to this submission Council congratulates the Rainbow community on the establishment of this community group. We look forward to working with the Rainbow Trailblazers.

The second submission was received from Ross Barker of Nhill. Ross expresses concern about the disproportionate and unbalanced spending across the Hindmarsh Shire wards and towns. Ross also expresses concerns about Nhill not directly benefiting from spending on the Silo Art trail and that the runway and drainage work at Nhill airfield is subject to grant funding.

Ross also feels the initiatives for the Nhill Caravan Park have been discriminatory because it is not directly managed by Council.

In response to this submission Council allocates expenditure based on need and does not divide it up per ward. Expenditure varies from year to year depending on a number of factors including condition audits on assets, grants received and requests from staff, Town Committees and Councillors. Council requires grants to undertake many community projects with grants also vary from year to year depending on the funding stream available.

Council is supporting many projects current and future in and around Nhill and district. To support community organisations Council has taken over the Committee of Management for the Nhill Tennis Club and Nhill Historical Society. Funding has been allocated through the Local Roads and Community Infrastructure program and Council's budget for new club rooms at Nhill Tennis Club. Although the Committee of Management has not been finalised with DELWP, Council has already assisted the Nhill Historical Society with a few maintenance issues at the building.

Council is also supporting the following projects / organisations through funding in the current year budget and 2022/2023 budget:

- Grant application for the Nhill Aerodrome Taxi Way, along with operating costs for the Aerodrome
- Grant application for a new bore at Nhill Lake to ensure a secure water source (the required contribution is being funded by GWM and Council)
- Implementation of the Nhill Streetscape Plan
- Master plan development of the Nhill Caravan Park to support future grant applications
- Allocation of an additional \$100,000 towards the Davis Park upgrades to support a grant application building on the budget allocations already set aside
- New luxury cabins at Nhill Caravan Park (one all abilities; one standard)
- Nhill Library upgrades
- New Solar Heating at Nhill Swimming Pool
- A number of capital works projects including final seals and reseals; a section of footpath in Church Street; a number of resheet projects within the Nhill district.

Nhill currently has no all abilities accommodation, meaning that people are staying outside of Nhill. Having accommodation available in Nhill at the caravan park encourages people to stay local therefore increasing tourism and local spend.

#### **Rates and Charges:**

The rates and charges calculated for 2022/23 are based on revaluation figures as at 1 January 2022. The Revenue and Rating Plan includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

The Victorian State government rate cap increase for 2022/2023 has been set at 1.75%. The cap, in line with the Essential Services Commission (ESC) calculation method, applies the increase to the average rates payable per assessment.

The total amount to be raised by general rates and charges in 2022/2023 is \$9.434m which is an increase of \$0.2m from 2021/2022.

The following table summarises the rates to be determined for the 2022/2023 year. A more detailed analysis of the rates to be raised is contained in the budget document under item 4.1.1 Rates and charges.

<b>Type or Class of Land</b>		<b>Budget 2021/2022 \$</b>	<b>Budget 2022/2023 \$</b>	<b>Change</b>
Residential	Cents/\$ CIV	0.00389260	0.00287260	-26.20%
Farm Land	Cents/\$ CIV	0.00350330	0.00258530	-26.20%
Business, Industrial & Commercial Land	Cents/\$ CIV	0.00350330	0.00258530	-26.20%

Recreational and Cultural Land	Cents/\$ CIV	0.00194630	0.00143630	-26.20%
Urban Vacant Land	Cents/\$ CIV	0.0078510	0.00574520	-26.20%
Municipal charge	\$/ property	\$200.00	\$200.00	0.00%
Kerbside waste / recycling collection charge	\$/ property	\$393.00	\$418.00	1.063%
General waste charge	\$/ property	\$13.00	\$15.00	1.15%

### Capital Works:

The 2022/2023 budget includes capital works expenditure of \$8.997m. A number of larger, grant funded projects, are budgeted to be completed during 2022/2023 including:

- Jeparit Riverbank Precinct Amenities
- Swimming Pool Solar Heating
- Rainbow Caravan Park Amenities
- Silo Art

### Key Initiatives

The proposed key initiatives for the 2022/2023 financial year are outlined below. Further details are included in the relevant sections of the budget document.

### Community Infrastructure

- Funding obtained through the Local Roads and Community Infrastructure Round 3 will enable Council to undertake works on Community Infrastructure including:
  - Rainbow Enduro Infrastructure Upgrades;
  - Dimboola Visitor Node carpark and laneway sealing;
  - Jeparit Swimming Hole Deck and Retaining Wall;
  - Swimming Pool Upgrade package to include
    - Installation of solar heating at Nhill Swimming Pool; and
    - New vacuum and Mobility Hoist at Dimboola Swimming Pool

### Tourism Development

- \$700,000 for Silo Art (total project \$2.1M)
- \$45,000 for building maintenance on the Yurunga Homestead and Pioneer Museum
- \$20,000 on tourism signage

### Economic Development

- \$30,000 for Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. The program will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire.

### **Empowered Communities**

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fifth year, this funding has enabled some fantastic projects in our towns since its inception.
- \$20,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.
- \$27,000 for Community Events which includes \$12,000 towards the Rainbow Desert Enduro.

### **Infrastructure**

- Reseals and Final Seals: Council will undertake reseal and final seal projects totalling \$571,902 in 2022/23. These include: Moulder St Dimboola, Goldsworthy St Nhill, Riverside St Jeparit, Church St Dimboola, Thomas St Nhill, Johnson St Nhill, Wimmera St Dimboola, Ellerman St Dimboola, Wimmera St Jeparit, Turner St Nhill, Reserve Road Rainbow, Kinimakatka Road Nhill, Hardings Road Nhill, Dimboola Minyip Road Dimboola, Mt Elgin Rd Nhill, Lorquon Road Nhill and Pullut West Road Rainbow.
- Sealed Road Construction: Council will undertake sealed road construction projects totalling \$513,046 in 2022/23. These include: Mt Elgin Road Nhill and Woorak Ni Ni Lorquon Road Nhill.
- Road Resheet Projects: Council will undertake 9 resheet projects during 2022/23 totalling \$228,313. These include Kurnbrunin Road Rainbow, Propodollah Netherby Road Nhill, Tarranyurk East Road Jeparit, Tarranyurk West Road Jeparit, Dahlenburg Road Nhill, Eldorado Road Nhill and Laverty Road Nhill.
- Footpaths: Footpath projects totalling \$163,296 will be undertaken during 2022/23. These include: Church St Nhill, High St and Ellerman St Dimboola, Roy St Jeparit and Taverner St Rainbow.

The draft 2022/2023 budget incorporating the revised Rating and Revenue Plan and the draft Long Term Financial Plan was presented to Council on Wednesday 1 June 2022. Under Council's Community Engagement Policy the draft budget, revised Revenue and Rating Plan and draft Long Term Financial Plan was made available for public inspection and the receiving of submissions for the period Monday 6 June to Friday 24 June 2022. Council will be advised of any submissions received at the 29 June 2022 Council meeting.

The draft 2022/2023 budget incorporating the revised Revenue and Rating Plan and draft Long Term Financial Plan was also available for public inspection at Council's Customer Service Centres or online on Council's website.

### **Link to Council Plan:**

The 2022/2023 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2021-2025.

**Financial Implications:**

The 2022/2023 Budget is consistent with the parameters set out in Councils' ten-year financial plan.

**Risk Management Implications:**

The preparation of the Budget is a statutory requirement.

**Conflict of Interest:**

Under section 130(2) of the Local Government Act 2020 officers providing advice to Council must disclose any interests, including the type of interest.

Author: Heather Boyd, Manager Finance and Customer Services.

In providing this advice as the Author of this report I have no interests to disclose.

Officer Responsible: Monica Revell, Director Corporate and Customer Services.

In providing this advice as the Officer Responsible of this report I have no interests to disclose.

**Communications Strategy:**

Council must give notice of the adoption of the Budget 2022/2023 incorporating the Revenue and Rating Plan and Long-Term Financial Plan. A public notice will be inserted in the Dimboola Banner, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Budget 2022/2023.

Copies of the adopted Budget incorporating the Revenue and Rating Plan and Long-Term Financial Plan will be placed on Council's website and hard copies will be made available from Hindmarsh Shire Council Customer Service Centres.

**RECOMMENDATION:**

- 1. That having considered submissions to the proposed 2022/2023 Budget, Council:**
  - 1.1 adopts the 2022/2023 Budget incorporating the Revenue and Rating Plan and the Long Term Financial Plan pursuant to the Local Government Act 2020;**
  - 1.2 gives public notice of this decision to adopt the 2022/2023 Budget incorporating the Revenue and Rating Pan and Long Term Financial Plan, and makes available for public inspection on Council's website and at Council's Customer Service Centres;**
  - 1.3 acknowledge the contribution of submitters to the budget process, and thanks them for their contribution; and**
  - 1.4 authorises officers to notify in writing, each person who has made a formal submission to the budget process.**

**2. That having considered submissions to the proposed 2022/2023 budget, Council declares the following rates and charges:**

**2.1 That an amount of \$9,433,951 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:**

<b>General rates</b>	<b>\$7,403,051</b>
<b>Municipal charge</b>	<b>\$749,000</b>
<b>Kerbside waste / recycling collection charge</b>	<b>\$1,118,150</b>
<b>General waste charge</b>	<b>\$56,160</b>
<b>Windfarms in lieu of rates</b>	<b>\$107,590</b>
<b>Total</b>	<b>\$9,433,951</b>

**2.2 That it be further declared pursuant to the Local Government Act 2020 that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2022/23;**

**2.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying “Capital Improved Value” of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):**

<b>Type of Rate</b>	<b>Rate in Dollar on Capital Improved Value Cents/\$CIV</b>
<b>Residential Land</b>	<b>0.00287260</b>
<b>Farm Land</b>	<b>0.00258530</b>
<b>Business, Industrial &amp; Commercial Land</b>	<b>0.00258530</b>
<b>Recreational and Cultural Land</b>	<b>0.00143630</b>
<b>Urban Vacant Land</b>	<b>0.00574520</b>

**2.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2022 from the Valuer General.**

**3. MUNICIPAL CHARGE**

**3.1 That pursuant to the Local Government Act 2020, a Municipal Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;**

**3.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;**

- 3.3** *The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.*
- 4. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)**
- 4.1** *That pursuant to the Local Government Act 2020, an Annual Service Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;*
- 4.2** *That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”;*
- 4.3** *That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$418.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available;*
- 4.4** *That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”;*
- 4.5** *That the Annual Service Charge for “General waste charge” be in the sum of \$15.00 for each rateable land within the municipal district of which a general waste charge may be levied.*
- 5. INTEREST ON UNPAID RATES AND CHARGES**  
*That interest at the rate prescribed in the Local Government Act 2020 be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to the Act by the date specified for their payment.*
- 6. AUTHORISATION TO LEVY AND RECOVER**  
*That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.*
- 7. SUBMISSIONS**  
*That having considered all submissions received, Council thanks those who have made a submission and notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, under section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by the Act and the role of Council as determined by the Act.*

**MOVED: CRS R Gersch/B Ireland**

- 1.** *That having considered submissions to the proposed 2022/2023 Budget, Council:*
- 1.1** *adopts the 2022/2023 Budget incorporating the Revenue and Rating Plan and the Long Term Financial Plan pursuant to the Local Government Act 2020;*

- 1.2 gives public notice of this decision to adopt the 2022/2023 Budget incorporating the Revenue and Rating Plan and Long Term Financial Plan, and makes available for public inspection on Council's website and at Council's Customer Service Centres;
- 1.3 acknowledges the contribution of submitters to the budget process, and thanks them for their contribution; and
- 1.4 authorises officers to notify in writing, each person who has made a formal submission to the budget process.

2. That having considered submissions to the proposed 2022/2023 budget, Council declares the following rates and charges:

- 2.1 That an amount of \$9,433,951 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

<b>General rates</b>	<b>\$7,403,051</b>
<b>Municipal charge</b>	<b>\$749,000</b>
<b>Kerbside waste / recycling collection charge</b>	<b>\$1,118,150</b>
<b>General waste charge</b>	<b>\$56,160</b>
<b>Windfarms in lieu of rates</b>	<b>\$107,590</b>
<b>Total</b>	<b>\$9,433,951</b>

- 2.2 That it be further declared pursuant to the Local Government Act 2020 that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2022/23;
- 2.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying "Capital Improved Value" of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):

<b>Type of Rate</b>	<b>Rate in Dollar on Capital Improved Value Cents/\$CIV</b>
<b>Residential Land</b>	<b>0.00287260</b>
<b>Farm Land</b>	<b>0.00258530</b>
<b>Business, Industrial &amp; Commercial Land</b>	<b>0.00258530</b>
<b>Recreational and Cultural Land</b>	<b>0.00143630</b>
<b>Urban Vacant Land</b>	<b>0.00574520</b>



**2.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2022 from the Valuer General.**

**3. MUNICIPAL CHARGE**

**3.1 That pursuant to the Local Government Act 2020, a Municipal Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;**

**3.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;**

**3.3 The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.**

**4. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)**

**4.1 That pursuant to the Local Government Act 2020, an Annual Service Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;**

**4.2 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”;**

**4.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$418.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available;**

**4.4 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”;**

**4.5 That the Annual Service Charge for “General waste charge” be in the sum of \$15.00 for each rateable land within the municipal district of which a general waste charge may be levied.**

**5. INTEREST ON UNPAID RATES AND CHARGES**

**That interest at the rate prescribed in the Local Government Act 2020 be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to the Act by the date specified for their payment.**

**6. AUTHORISATION TO LEVY AND RECOVER**

**That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.**

**7. SUBMISSIONS**

**That having considered all submissions received, Council thanks those who have made a submission and notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, under section 223 of the Act, the reason being that Council believes the budget as adopted achieves**

***the objectives of Council as determined by the Act and the role of Council as determined by the Act.***

**CARRIED**

Attachment Number: 13 – 14

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### **9.3 HINDMARSH SHIRE COUNCIL INSTRUMENT OF APPOINTMENT AND AUTHORISATION (*PLANNING AND ENVIRONMENT ACT 1987*)**

**Responsible Officer:** Director Corporate & Community Services

**Introduction:**

This report seeks to appoint Council officers as authorised officers of Hindmarsh Shire Council under the *Planning and Environment Act 1987*.

**Discussion:**

S224(1) of the *Local Government Act 1989* provides that a Council may appoint a person to be an authorised officer for the purpose of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.

Council is required to have an authorised officer under the *Planning and Environment Act 1987* to attend to enforcement of planning permits. Appointments are reviewed and updated regularly due to changes in staff, amendments to legislation and changes in positions/roles within Council.

Council Officers have prepared the attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) which seeks to appoint the following officers as authorised officers under the *Planning and Environment Act 1987*:

- Petra Croot
- Guy Corney

Three of the five previously appointed authorised officers have left Council, and the appointment of Guy Corney (Environmental Health Officer) and Petra Croot (Manager of Governance and Human Services) will ensure that Council can effectively fulfil its planning enforcement obligations under the *Planning and Environment Act 1987*.

**Options:**

1. Council can choose to adopt the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)
2. Council can choose to not adopt the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

**Link to Council Plan:**

Strong governance practices

A skilled Council and workforce capable of meeting community needs

**Financial Implications:**

N/A

**Risk Management Implications:**

Updating the Instrument of Delegation to Council Staff will ensure that Council is maintaining good governance and that Council Officers have the appropriate delegation to make decisions.

**Conflict of Interest:**

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, 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—Petra Croot, Manager Governance and Human Services  
In providing this advice as the Author, I have no disclosable interests in this report.

**Communications Strategy:**

Council's public list of Delegations and Authorisations will be updated to reflect these changes.

**RECOMMENDATION:**

***In the exercise of the powers conferred by s224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the Instrument), Hindmarsh Shire Council (Council) RESOLVES THAT -***

- 1. the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument;***
- 2. the Instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and***
- 3. the Instrument be sealed.***

**MOVED: CRS R Ismay/B Ireland**

***In the exercise of the powers conferred by s224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the Instrument), Hindmarsh Shire Council (Council) RESOLVES THAT -***

1. *the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument;*
2. *the Instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and*
3. *the Instrument be sealed.*

**CARRIED**

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## **10 COUNCIL COMMITTEES**

### **10.1 AUDIT AND RISK COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 15

**Introduction:**

The Hindmarsh Shire Audit and Risk Committee held a meeting on 15 June 2022. 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 Audit and Risk Committee meeting held on 15 June 2022.*

**MOVED: CRS B Ireland/D Nelson**

*That Council notes the minutes of the Hindmarsh Shire Audit and Risk Committee meeting held on 15 June 2022.*

**CARRIED**

*Attachment Number: 15*

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### **10.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 16

**Introduction:**

The Wimmera Mallee Pioneer Museum Committee has provided their first quarterly report. A copy of this report is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the first quarterly report of Wimmera Mallee Pioneer Museum Committee.***

**MOVED: CRS B Ireland/D Nelson**

***That Council notes the first quarterly report of Wimmera Mallee Pioneer Museum Committee.***

**CARRIED**

*Attachment Number: 16*

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**11 LATE REPORTS**

**12 NOTICES OF MOTION**

**13 OTHER BUSINESS**

**14 CONFIDENTIAL REPORTS**

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by Section 3 of the *Local Government Act 2020* as being:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
  - i. relates to trade secrets; or
  - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989

**RECOMMENDATION:**

***That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020:***

- 14.1 *HARDSHIP APPLICATION – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;***
- 14.2 *CONTRACT AWARD 2021-2022-20 PROVISION OF RESOURCES TO EXTRACT QUARRY MATERIALS AND ASSOCIATED SERVICES AT COUNCIL QUARRIES – this report contains “council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and***
- 14.3 *RURAL COUNCILS CORPORATE COLLABORATION (RCCC) TENDER OUTCOME – this report contains “council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.***

**MOVED: CRS R Gersch/R Ismay**

***That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020:***

- 14.1 *HARDSHIP APPLICATION – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;***
- 14.2 *CONTRACT AWARD 2021-2022-20 PROVISION OF RESOURCES TO EXTRACT QUARRY MATERIALS AND ASSOCIATED SERVICES AT COUNCIL QUARRIES – this report contains “council business information, being information that would prejudice the Council’s position in commercial***

*negotiations if prematurely released” insofar as it pertains to contractual matters; and*

- 14.3 RURAL COUNCILS CORPORATE COLLABORATION (RCCC) TENDER OUTCOME – this report contains “council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

**CARRIED**

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**15 MEETING CLOSE**

There being no further business, Cr M Albrecht declared the meeting closed at 4:52pm.

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Hon Jaala Pulford MP

Minister for Employment  
Minister for Innovation, Medical Research  
and the Digital Economy  
Minister for Resources  
Minister for Small Business

GPO Box 4509  
Melbourne, Victoria 3001 Australia  
Telephone: +61 3 839 26006  
DX 210477

Ref: CMIN-2-22-15433

Mr Greg Wood  
Chief Executive Officer  
Hindmarsh Shire Council  
PO Box 250  
92 Nelson Street  
NHILL VIC 3418  
By email: [gwood@hindmarsh.vic.gov.au](mailto:gwood@hindmarsh.vic.gov.au)

Dear Mr Wood

### **PUBLIC HOLIDAY GAZETTAL**

Thank you for your letter dated 7 June 2022, requesting substitute public holiday arrangements within Hindmarsh Shire in lieu of Melbourne Cup Day 2022.

I have made a declaration in the Victorian Government Gazette that Tuesday 1 November 2022 is not a public holiday for the localities of Rainbow, Albacutya, Kenmare, Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Hindmarsh Shire.

As a substitute for this day, Tuesday 11 October 2022 is appointed a full day public holiday for the localities of Rainbow, Albacutya and Kenmare within the Hindmarsh Shire, and Thursday 13 October 2022 is appointed a full day public holiday for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Hindmarsh Shire.

A copy of the notice has been attached for your records. If you require further information, please contact Ylva Carosone, Executive Director, Small Business Victoria in the Department of Jobs, Precincts and Regions at [ylva.carosone@ecodev.vic.gov.au](mailto:ylva.carosone@ecodev.vic.gov.au).

Yours sincerely

**Hon Jaala Pulford MP**  
Minister for Small Business  
07/07/2022





**Hindmarsh**  
Shire Council

**Administration  
Centre**

PO Box 250  
92 Nelson Street  
Nhill VIC 3418  
Ph: (03) 5391 4444  
Fax: (03) 5391 1376

email:  
info@hindmarsh.vic.gov.au

website:  
www.hindmarsh.vic.gov.au

ABN 26 550 541 746

**Customer Service  
Centres**

**Jeparit**  
10 Roy Street  
JEPARIT VIC 3423  
Ph: (03) 5391 4450  
Fax: (03) 5397 2263

**Dimboola**  
101 Lloyd Street  
DIMBOOLA VIC 3414  
Ph: (03) 5391 4452  
Fax: (03) 5389 1734

**Rainbow**  
15 Federal Street  
RAINBOW VIC 3424  
Ph: (03) 5391 4451  
Fax: (03) 5395 1436

15 July 2022

Julie Woolcock  
Secretary/Treasurer  
Nhill Agricultural & Pastoral Society  
PO Box 80  
NHILL VIC 3418  
Email: [nhillap.secretary@gmail.com](mailto:nhillap.secretary@gmail.com)

Dear Julie

**Re: Request for substitute public holiday in lieu of Melbourne Cup Day for Nhill Show Day 2022**

Thank you for your letter dated 12 April 2022 requesting a public holiday for Nhill and surrounding localities for Nhill Show day in lieu of Melbourne Cup Day public holiday.

At its meeting on 1 June 2022, Council resolved to write to the Minister for Small Business requesting that a substitute public holiday be observed on Thursday 13 October 2022, in lieu of Melbourne Cup Day for the Nhill Agriculture and Pastoral Society Show Day for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Gerang Gerung and Little Desert within the Shire.

Council has received confirmation from the Minister that this request has been approved, and Thursday 13 October 2022 has been gazetted by the Minister as a public holiday for these districts. This is in place of Melbourne Cup Day no longer being declared a public holiday for Nhill and surrounding districts.

I am pleased that the Nhill A&P Society will be able to hold this event after missing out the past few years and wish you all the best for your preparation for the Nhill Show 2022. I trust that it will be a successful day.

Yours sincerely

Greg Wood  
**Chief Executive Officer**



**Hindmarsh**  
Shire Council

**Administration  
Centre**

PO Box 250  
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Fax: (03) 5389 1734

**Rainbow**  
15 Federal Street  
RAINBOW VIC 3424  
Ph: (03) 5391 4451  
Fax: (03) 5395 1436

15 July 2022

Norelle Eckermann  
Secretary  
Rainbow Agricultural & Pastoral Society Inc  
PO Box 85  
RAINBOW VIC 3424  
Email: [rainbowshow3424@gmail.com](mailto:rainbowshow3424@gmail.com)

Dear Norelle

**Re: Request for substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show Day 2022**

Thank you for your letter received 20 May 2022 requesting a public holiday for Rainbow and surrounding localities for Rainbow Show Day in lieu of Melbourne Cup Day public holiday.

At its meeting on 1 June 2022, Council resolved to write to the Minister for Small Business requesting that a substitute public holiday be observed on Tuesday 11 October 2022, in lieu of Melbourne Cup Day for the Rainbow Agriculture and Pastoral Society Show Day for the localities of Rainbow, Albacutya and Kenmare within the Shire.

Council has received confirmation from the Minister that this request has been approved, and Tuesday 11 October 2022 has been gazetted by the Minister as a public holiday for these districts. This is in place of Melbourne Cup Day no longer being declared a public holiday for Rainbow and surrounding districts.

I am pleased that the Rainbow A&P Society will be able to hold this event after missing out the past few years and wish you all the best for your preparation for the Rainbow Show 2022. I trust that it will be a successful day.

Yours sincerely

Greg Wood  
**Chief Executive Officer**



# Hindmarsh Shire Council

## Procurement Policy

Adopted 04 August 2021

Amended XX July 2022

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# 1 Principles

## 1.1 Background

Hindmarsh Shire Council recognises that:

- Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives such as sustainable and social Procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.
- The elements of best practice applicable to local government procurement incorporate:
  - broad principles covering ethics, value for money, responsibilities and accountabilities, probity and transparency;
  - guidelines giving effect to those principles;
  - a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process); and
  - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement.

Council's contracting, purchasing and contract management activities endeavour to:

- support Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
- take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives;
- provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- achieve value for money and quality in the acquisition of goods, services and works by Council;
- ensure that risks are identified, assessed and managed at all stages of the procurement process;
- use strategic procurement practices and innovative procurement solutions to promote sustainability and value for money, in particular making use of collaboration and partnership opportunities;
- use social procurement to enhance sustainable and strategic procurement to effectively contribute towards building stronger communities and meeting the wider social objectives of Council;
- comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

### **1.2 Scope**

This Procurement Policy is made under Section 108 of the *Local Government Act 2020*. *The Act* is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 108 of *the Act* requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff and temporary employees, contractors and consultants while engaged by Council.

*The Act*, Council's Procurement Policy and Council's Contract Management Manual are the primary reference points for how all procurement are to be performed.

### **1.3 Purpose**

The purpose of this Policy is to:

- provide policy and guidance to Council to allow consistency and control over Procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

### **1.4 Treatment of GST**

All monetary values stated in this policy excludes GST except, where specifically stated otherwise.

## 2 Effective Legislative and Policy Compliance and Control

### 2.1 Ethics and Probity

#### 2.1.1 Requirement

This Policy represents the principles, processes and procedures that will be applied to the purchase of all goods, services and works by Council. The scope of this Policy commences from when Council has identified a need for procurement requirements through to the delivery of goods or completion of works or services.

This Policy will apply to Councillors, Council staff and all persons undertaking procurement on Council's behalf and they are accountable for complying with all relevant procurement legislative and Policy requirements.

#### 2.1.2 Conduct of Councillors and Council Staff

Councillors and Council staff (and all persons engaged in procurement on Council's behalf) must at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- comply with the respective codes of conduct;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

#### 2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated guidelines and procedures, relevant legislation, relevant Australian Standards and *The Act*.

#### 2.1.4 Conflict of Interest

Councillors and Council staff must avoid situations in which private interest's conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:



- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council staff, plus their relatives and close associates.
- **Declare** that there is no conflict of interest. Where future conflicts or relevant private interests arise, Council Staff must make their manager or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- **Observe** prevailing Council and Victorian Local Government guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

### 2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

### 2.1.6 Gifts, Benefits and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which Council is interested.

Councillors and Council staff must not accept gifts, benefits or hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Councillors and Council staff must also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO.

### 2.1.7 Disclosure of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- allocated Council budgets for proposed tenderers, unless included in tender documents;
- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier. Such discussions must only occur with the Contract Manager.

## 2.2 Governance

### 2.2.1 Structure

Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council;
- ensure that Council's procurement structure:
  - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
  - provides prospective contractors and suppliers an equal opportunity to tender/quote;
  - encourages competition.

### 2.2.2 Standards

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- *The Act*,
- Council policies procedures and guidelines,
- Council's Codes of Conduct,
- Local Government Best Practice Procurement Guidelines
- Other relevant legislative requirements such as but not limited to the *Goods Act (1958)*, the relevant provisions of the *Competition and Consumer Act 2010* and the *Environmental Protection Act 2018*. Procurement operations are consistent with prescribed rights and responsibilities and they respect the 20 fundamental rights within the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

### 2.2.3 Methods

Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- purchasing card;
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
- under contract following a tender process
- under panel contract following a tender process;

- using collaborative or aggregated purchasing arrangements with other councils, Procurement Australia, the Municipal Association of Victoria (Vendor Panel), and other State and Federal Government Agency or Department Purchasing Panels. Utilising this method would not require Council to go to market.
- contracts entered into under an arrangement approved by the Minister for LG;
- other arrangements authorised by Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies

Council may, at the CEO's discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Council may also choose to seek Requests for Information or Requests for Proposals as a precursor to the tender process.

### 2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegation.

Purchases must not be split to fit within their financial delegation or to avoid requirements under this procurement policy for quotations and tenders. Council staff that breach their delegated authority may face action under Council's Discipline and Termination Policy. The decision to initiate disciplinary action or other action will be taken by the CEO based on a recommendation by the Director Corporate & Community Services following consultation with the relevant Director or Executive Manager.

Council staff must not disclose allocated tender budgets to suppliers.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

## 2.3 Procurement Processes and Thresholds

### 2.3.1 Process

Council procurement processes are based on a number of principles:

- **Value for Money**

The benefits of the purchase are weighted against the costs necessary for the optimum result for Council and the local community. Council is not required to accept the lowest tender. Instead, Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to the overall objectives of the *Local Government Act 2020*.

Value for Money is often mistaken for meaning the lowest price, however, in terms of the procurement process, Value for Money requires us to balance quality and price with as

much transparency as is reasonably achievable. In this context price should take into account the whole-of-life cost of the provision.

Achieving Value for Money also requires *challenging* the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, *comparing* service provision options against all those available, *consulting* with key stakeholders and ensuring *competition* in the open market.

Achieving value for money must be the basis of all procurement decisions within the Council.

- **Open and Fair Competition**

All suppliers are treated fairly in an open and transparent manner and have access to the same information. During a public tender process, all prospective providers must be afforded an opportunity to tender.

The commercial interests of suppliers and potential suppliers must be protected.

Late tenders will not be accepted under any circumstances.

- **Accountability**

Council maintains consistency in the approach to procurement across the whole organisation through coherent frameworks, policies and procedures. Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with Council's procurement policies and procedures as set out in this policy and related, relevant Council policies and procedures.

Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by Council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

- **Risk Management**

Council will manage all aspects of its procurement processes in accordance with its adopted risk management policy and in such a way that all risks, including occupational health and safety are identified, analysed, evaluated, managed, monitored and communicated.

- **Probity and Transparency**

Councillors and members of staff (and all persons engaged in procurement on Council's behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

- **Expression of Interest**

An Expression of Interest (EOI) is an invitation process involving the marketplace, to provide information to Council, where Council wishes to consider ahead of formal tender processes such issues as whether:

1. Those suppliers likely to tender possess the necessary technical, managerial and financial resources to successfully complete the project; the requirement is complex, difficult to define, unknown or unclear.
2. The requirement is capable of several technical solutions;
3. Tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
4. It is necessary to pre-qualify suppliers and goods to meet defined standards; or
5. The requirement is generally known but there is still considerable analyses, evaluation and clarification required (both of the objective and solution).

This process may in turn lead to a request for tender or request for quotation process, or directly to a negotiation with one or several preferred suppliers.

The actual EOI is submitted from the marketplace to Council in response to the EOI invitation.

The key document involved in an EOI process is the scoping document. This scoping document outlines the type of information Council is seeking and must be:

1. In writing
2. Clear and unambiguous
3. Prepared by persons (staff or third party) with sufficient expertise to prepare the scoping specifications, and
4. Address evaluation criteria that may be used should a formal request for quotation or request for tender follow the initial EOI.

### • **Panel Contracts**

Contractors may be engaged through the use of panel contracts which Council has put in place. Supplier panels may be appointed by Council after a publicly advertised tender process has taken place.

Purchases may be made directly from the supplier panel to source goods, services of works. A supplier, consultant and / or contractor listed on an approved supplier panel has been assessed against a value for money criteria for inclusion on a preferred supplier panel arrangement.

### • **Collaborative Procurement**

In accordance with s 108(c) of the *Local Government Act 2020* Council will give consideration to collaboration with other Councils and public bodies or utilise collaborative procurement arrangements, when procuring goods, services or works. This may be done by assessing:

- The nature of the opportunities available (if any), and the councils or public bodies with whom they are available; and
- Whether the identified opportunities should be perused

Council may collaborate with other councils or use other agents (such as MAV Procurement or Procurement Australia) to procure goods, services and works or utilise existing collaborative procurement arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous value for money outcome for Council..

### 2.3.2 Minimum Spend Competition Thresholds

Any Council procurement under the thresholds must comply with Council's own policy, guidelines and procedures.

Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by Council by analysing the historical size and complexity of the procurement activity and of proposed procurement activities.

#### 2.3.2.1 Tenders

Purchase of all goods, services, building and construction works for which the estimated expenditure exceeds \$200,000 (exclusive of GST) must be undertaken by public tender, except that these limits shall not apply for the supply of fuel for plant and vehicles provided that:

- Arrangements entered into must satisfy an approved Ministerial arrangement under s108(3)(d) of the *Local Government Act 2020* which provides for exemption from other provisions of s108 of *the Act* requirements for public tendering by a Council, and
- The Chief Executive Officer must consider price and any detrimental effect on local businesses of any contract entered into, before entering into such a contract.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds.

#### 2.3.2.2 Quotations

Purchase of goods, services and construction works having a total valuation of \$200,000 (exclusive of GST) or less may be undertaken using the procurement by quotation method as described below:

- **Items with a value up to \$1,000 – does not require a written quotation.**  
A minimum of one verbal quotation must be obtained. For purchases less than \$100, no purchase order is required however an itemised tax invoice must be obtained.
- **Items with a value up to \$10,000 – Request for Quotation.**  
A minimum of one written (including email/fax) quotation must be obtained or a preferred supplier used. The details must be recorded before placing an order (similar details must be recorded where more than one supplier has quoted) and documented in Council's records system.
- **Items with a value \$10,001 to \$30,000 – Request for Quotation.**  
Council will request a minimum of two written (including email/fax) quotations.  
The quotation offering the best value for money must be confirmed by the supplier on company letterhead or with an email signature and the order placed with that firm.  
Details of the suppliers contacted and their quotations must be recorded on at least a simple spreadsheet or similar document in Council's records system.
- **Items with a value \$30,001 to \$125,000 – Request for Quotation.**

Council will receive a minimum of three written quotations by issuing a written Request for Quotation.

Public advertising is not required.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best outcome.

The original suppliers' quotations must be maintained in Council's records system.

- **Items with a value \$125,001 to \$200,000 – Public Advertising.**

Purchases of \$125,001 and over must be publicly advertised unless prior approval from the Chief Executive Officer is sought to receive a minimum of three written quotations by issuing a written Request for Quotation instead.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best outcome.

The original suppliers' quotations must be maintained in Council's records system.

- **Public Advertising.**

Quotations may be advertised at the Chief Executive Officer's discretion in addition to the methods above. This may occur when a field of potential tenderers has not been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.

Table Summary;

Procurement Value (excluding GST)	Minimum Market Engagement	Payment Method	Record Keeping
\$0 to \$1,000	1 Verbal Quotation	Petty Cash (\$100 limit) Purchase Order \$100 and above	No purchase order required for amounts under \$100 however tax invoice essential
\$1,000 to \$10,000	1 Written Quotation	Purchase Order	Written Quote/s must be saved in Council's records system for Audit purposes
\$10,001 to \$30,000	2 Written Quotations		
\$30,001 to \$125,000	3 Written Quotations		
\$125,001 to \$200,000	Public Advertising unless approval from CEO for 3 Written Quotations		
\$200,001 and over	Public Advertising and Tenders		In accordance with Council's Procurement Procedure

### 2.3.3 Exceptions to obtaining quotations

The required number of quotations must be obtained in all circumstances except for:

- Emergency response, relief or recovery and public safety situations requiring immediate action including urgent medical attention.
- Plant and equipment servicing and genuine parts and similar under warranty.
- Legal services.
- Labour Hire.
- Electoral or valuation services.
- Specialist knowledge and skill or sole supplier of intellectual property.
- Information technology resellers and software developers.
- Conferences, Training Courses, Seminars, Information Forums.
- Insurance.
- Sole supplier services such as Utility providers (power and water).
- Vehicle suppliers where the only option is for central online quotations.
- At Council or the Chief Executive Officers discretion in accordance with section 2.3.4.

### 2.3.4 Chief Executive Officers Discretion

Where a member of Council staff has taken all reasonable steps to comply with this policy and its associated procedures but is unable to meet requirements the Chief Executive Officer can use discretion in the event of:

- An unforeseen urgency; or
- Where there is an inability to obtain sufficient quotations; or
- a strong preference for continuity of supply; or
- goods, services or works being of such a specialised nature that there are insufficient known suppliers from which to seek the required number of quotations; or
- other exceptional circumstances.

The Chief Executive Officer may, upon receiving a written explanation, give approval to not advertise or to seek less than the number of quotations required by section 2.3.2.2.

### 2.3.5 Shared Services

Where Council has entered into Shared Services with one or more Councils, individual Councils will not be required to obtain tender/quotations. Tenders/quotations will be sought by the lead Council and approved according to the individual Council's procurement policy.



### 2.3.6 Statutory Payments

The Chief Executive Officer has authority to approve statutory payments (eg. Fire Services Levy, GST, fortnightly payroll expenses and deductions) to Government and Legislated authorities and in line with legislated requirements that are in excess of the Chief Executive Officer delegations.

### 2.3.7 Local Price Preference and Local Supply/Local Jobs First

Council wishes to maintain and encourage the development of local industry and commerce including local employment. Council's preference is to source goods locally from suppliers and contractors within the Prescribed Local Area and Prescribed Regional Area and will provide a price weighting preference for Local Supply/Local Jobs First.

A price preference will apply to quotations and tenders invited by the Hindmarsh Shire Council, for the supply of goods, services and works, unless Council Officers resolve that this does not apply to a particular quotation or tender.

For Prescribed Local Contractors/Suppliers located in a **Prescribed Local Area**, a 2.5% price preference reduction will be weighted. For Prescribed Regional Contractors/Suppliers located in a **Prescribed Regional Area**, a 2.5% price preference reduction will be weighted.

Where a Prescribed Contractor/Supplier falls under both **Prescribed Local Area** and **Prescribed Regional Area**, they will receive a combined 5% weighting for price preference.

A summary of weighting Council will use during the tender process;

Criteria	Description	Weighting
Local Supply / Local Jobs First	Percentage of Goods, Services or Works sourced from within the Prescribed Area*	2.5%
	Permanent staff based within the Prescribed Local Area	1.5%
	Employment of trainees and apprentices from within the Prescribed Local Area	1.0%
Prescribed Contractor/Supplier	Principal Place of Business (permanent office in the <b>Prescribed Local Area</b> for a period of at least 6 months)	2.5%
	Principal Place of Business (permanent office in the <b>Prescribed Regional Area</b> for a period of at least 6 months)	2.5%

\*Majority of goods, materials and services sourced from Prescribed Areas. Goods, materials and services may only be sourced from outside the Prescribed Area where Local Supply isn't available.

Where Local Supply is sourced from outside the Prescribed Area, Australian made and manufactured products and services will be favoured over imported.

If in the opinion of Hindmarsh Shire Council a Contractor/Supplier has deliberately provided false or misleading information so as to benefit from this preference, their quotation/tender may be considered non-conforming and as such may be excluded from the evaluation process.

Please see Appendix A for further details on Prescribed Local Area, Prescribed Regional Area, Prescribed Local Contractor/Supplier, Prescribed Regional Contractor/Supplier and Prescribed Area.

### **2.3.8 Total Cumulative Spend**

Care should be taken when reviewing the limits at 2.3.2.1 and 2.3.2.2 (above). In order to comply with the requirements of the Act where significant sums are spent in aggregate with one supplier or on one service, it is necessary to structure procurement proposals (as requests for tenders, quotations or prices), in order to achieve greatest value and supplier performance by leveraging this cumulative spend, rather than treating each discrete arrangement as a separate procurement exercise. Council has determined that the cumulative expenditure to a supplier or for a specific product/service for a rolling period of three (3) years is to be taken into account unless the exemption is approved by the Chief Executive Officer.

Should the Chief Executive Officer consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the thresholds set under this Policy.

## **2.4 Delegation of Authority**

### **2.4.1 Requirement**

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

### **2.4.2 Delegations**

Council shall maintain a documented scheme of procurement delegations to the CEO to make procurement commitments in respect of goods, services and works on behalf of the Council. The CEO may sub-delegate these functions to Council staff in an instrument of delegated staff purchase authorities.

## **2.5 Internal Controls**

Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;

- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.
- Maintain all records relevant to administering this Policy in accordance with the *Public Records Act 1973 (Vic)*.

Council will develop and maintain a Contract Management Manual to provide guidance to staff on all operational aspects of procurement. The manual will include all checklists and forms required in Council's procurement process.

## **2.6 Risk Management**

### **2.6.1 General**

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

### **2.6.2 Supply by Contract**

The provision of goods, services and works by contract potentially exposes Council to risk. Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- implementing a robust, systematic and unbiased tender evaluation and due diligence process;
- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

## **2.7 Contract Terms**

All contractual relationships must be documented in writing based on standard terms and conditions. Where this is not possible, approval must be obtained from the appropriate member of Council staff listed in the Council Delegations.

To protect Council's best interests, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate member of Council staff listed in the Council Delegations.

## **2.8 Dispute Resolution**

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

## **2.9 Contract Management**

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing system monitoring and meeting the responsibilities and obligations of both parties under the contract; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives value for money.

## **2.10 e-Procurement**

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services` and works. Council may use e-procurement to:

- reduce transaction costs;
- achieve greater leverage;
- improve audit trail for internal control, compliance and accountability;
- make processes more efficient;
- improve management information and visibility of spend;
- increasing control and consistency of processes, and
- improve spend compliance.

# **3 Demonstrate Sustained Value**

## **3.1 Integration with Council Strategy**

The Council procurement policy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- feeling safe,
- living in a clean and pleasant environment, and
- receiving good quality and well managed Council services that are value for money

## **3.2 Achieving Value for Money**

### **3.2.1 Requirement**

Council's procurement activities will be carried out on the basis of obtaining value for money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations.

Lowest price is not the sole determinant of value for money and it is a balanced judgement of financial and non-financial factors relevant to the procurement. Value for money must be taken into account for all procurement activities Council engages.

### **3.2.2 Approach**

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions (e.g. e-Procure);
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements;
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

### **3.2.3 Role of Specifications**

Specifications used in quotations, tenders and contracts are to support and contribute to Council's value for money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- clearly defines Council's requirements;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements.

### **3.2.4 Applying and measuring value for money**

Value for money takes into account a wide range of factors such as quality, costs and resources, fitness of purpose, timelines and risk. Financial and non-financial factors are both critical elements for measuring value for money. The key elements of the value for money procurements process is;

- analysis
- stakeholders
- market engagement
- innovation
- delivery
- reporting

### **3.2.5 Total cost of ownership**

Calculating the total cost of ownership includes a 'whole of lifecycle' analysis taking into account the costs of acquiring, operating, maintaining and disposing. Total cost of ownership involves all costs associated with ownership (calculated over whole of life of procurement and contract cycle) including residual / salvage values.

For high risk and high value projects spanning over a number of years, it may be necessary to analyse cash flow taking into account net present value, return on investments and internal rate of return into the total cost of ownership calculation as well as other financial indicators.

### **3.3 Performance Measures and Continuous Improvement**

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

### **3.4 Corporate Social Responsibility**

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate Council's commitment to the local community and environment on which it impacts. This means Council maximising the benefits of the services it provides across the community and minimising the negative aspects of its activities.

Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

### 3.4.1 Social Procurement

Social Procurement generates positive outcomes by building on initiatives already undertaken by the Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the Council.

Council is committed to Social Procurement by:

- ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;
- achieving greater value for money across the community through the use of effective procurement;
- ensuring all businesses have the same opportunity to tender for Council contracts;
- enhancing partnerships with other Councils, suppliers and community stakeholders;
- building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents) and further strengthening the local economy;
- purchasing ethical and fair trade goods to support equitable, local, national and international trade;
- supporting procurement from local businesses (please see 2.3.7 local and regional preference for further information).

Council will include in its tender process, where applicable, a weighting of two and a half percent (2.5%) for social procurement practices when engaging Contractors/Suppliers.

Criteria	Description	Weighting
Social Procurement	Employment of Aboriginal people and purchasing goods, services and works from Aboriginal Businesses*.	1.0%
	Contractors/Suppliers employing people with a disability or disadvantaged people such as long term unemployed, single parents, migrants and refugees etc.	0.5%
	Engaging Contractors/Suppliers that promote gender equality, provide training and services in relation to family violence, mental health etc.	1.0%

\*Please see Appendix A for further details.

### **3.5 Sustainability**

#### **3.5.1 General**

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment, including but not limited to the following:

- waste management;
- recycling;
- energy management;
- emission management;
- water conservation;
- green building design; and
- environmentally sustainable procurement.

#### **3.5.2 Sustainable Procurement**

Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. Council aims to achieve this by:

- taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services;
- taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured;
- considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner;
- considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
- selecting products / services that have minimal effect on the depletion of natural resources and biodiversity;
- giving a preference to Fairtrade, or equivalent, and ethically sourced and produced goods and services;
- working with local suppliers to ensure they are encouraged to bid for Council's business in line with the Procurement Policy and Regional Price and Local Supply (please see 2.3.7 for further details);
- ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured;
- complying with all Australian regulations and legislation and ensuring our suppliers do the same;
- training all Council staff on sustainability considerations within the procurement process.



Council will include in its tender process, where applicable, a weighting of two and a half percent (2.5%) for environmentally sustainable practices and content when engaging Contractors/Suppliers.

Criteria	Description	Weighting
Sustainable Procurement	Percentage of sustainable content in the delivery of the Goods, Services or Works.	1.5%
	Documented evidence of the organisation’s commitment to its own environmental performance. This may include policies, initiatives and environmental management systems.	1.0%

### **3.6 Diversity**

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

## **4 Apply a Consistent and Standard Approach**

Council will provide effective and efficient commercial arrangements for the acquisition of goods, services, building and construction works.

### **4.1 Standard Processes**

Council will provide effective commercial arrangements covering standard products and provision of standard services across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- pricing where relevant;
- processes, procedures and techniques;
- tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements);
- reporting requirements;
- application of standard contract terms and conditions.

### **4.2 Performance Indicators**

A list of performance indicators will be developed to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels;
- knowledge and skill of Council employees in procurement process;
- level of compliance and understanding of Council procurement policies;
- measuring the success of procurement initiatives e.g. procurement cards.

### **4.3 Management Information**

Council seeks to improve its' performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend
- Number of transactions per supplier
- Compliance
- Supplier performance
- User satisfaction

Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia
- Supplier reports

## **5 Build and Maintain Supply Relationships**

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the value for money in terms of time, expertise, cost, value and outcome.

### **5.1 Developing and Managing Suppliers**

Developing and managing suppliers is essential to achieving a competitive market capable of delivering Council's services and works requirements.

Council needs to interact with the market and our suppliers in particular to understand their views and what enables and encourages diverse parts of the market to bid for work with Council. At the same time Council will ensure that our relationship with strategic suppliers is mutually productive and that goals are shared. Council aims to develop a relationship with suppliers that creates mutually advantageous, flexible and long term relations based on the quality of performance and value for money.

## **5.2 Supply Market Development**

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger, more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises (SMEs)
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations

## **5.3 Relationship Management**

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across Council
- Criticality of goods / services to the delivery of Council's services
- Availability of substitutes

## **5.4 Communication**

External communication is very important in ensuring a healthy interest from potential suppliers and partners. Council will use its website and local media to promote forthcoming contract opportunities.

## **6 Review Process**

Council endeavours to continually improve its procurement performance such that all relevant policies, guidance and training are continually reviewed and updated.

## **7 Policy Owner and Contact Details**

**Responsible Officer:** Director Corporate & Community Services  
**Adopted by Council:** 04 August 2021  
**Review Date:** 04 August 2025

For further information on this policy, please contact via email: [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au) or phone **03 5391 4444**.

## 8 Document Control

Procurement Policy		<b>Policy Category</b>	Council
<b>Version Number</b>	3.0	<b>Policy Status</b>	Approved
<b>Approved/Adopted By</b>	Council	<b>Approved/Adopted on:</b>	04 August 2021
<b>Prepared By</b>	CEO		
<b>Version History</b>	<b>Date</b>	<b>Version</b>	<b>Descriptions</b>
	7 February 2018	1.0	Creation of Policy
	16 December 2020	2.0	Update of Policy
	4 August 2021	3.0	Review of Policy to comply with new LGA 2020
	27 July 2022	4.0	Update of Policy

## Appendix A Definitions and Abbreviations

Term	Definition
Aboriginal Business	An entity where an Aboriginal person has direct control and management of at least 50% of the business. E.g. a Director in a Company, Partner in a Partnership etc.
Act / The Act	<i>Local Government Act 2020.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g. prices, discounts, rebates, profits, methodologies and process information.
Contract Management	The process that ensures both parties to a contract that fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full-time and part-time Council staff, and temporary employees, contractors and consultants while engaged by Council.
Probity	Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services' and works.
Prescribed Local Area	Municipal areas of Hindmarsh Shire Council
Prescribed Regional Area	Municipal areas of Hindmarsh Shire Council, Yarriambiack Shire Council, Horsham Rural City Council, Northern Grampians Shire, West Wimmera Shire Council and Buloke Shire Council.
Prescribed Local Contractor/Supplier	Contractor or supplier located within the municipal areas of Hindmarsh Shire Council.
Prescribed Regional Contractor/Supplier	Contractor or supplier located within the municipal areas of Hindmarsh Shire Council, Yarriambiack Shire Council, Horsham Rural City Council, Northern Grampians Shire, West Wimmera Shire Council and Buloke Shire Council.
Prescribed Area	means either the Prescribed Local Area or the Prescribed Regional Area.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts.

Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Social Procurement	Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Tender Process	The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement procedures prescribed under this policy as outlined by Section 108 of <i>the Act</i> .
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This Invitation is not an offer or a contract
Request for Proposal (RFP)	A request for proposal is generally sent to the supplier market, designed to capture commercial information and pricing. Allows Council to assess suitability and evaluate responses against a set of pre-defined requirements
Value for money	Value for money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of Council’s priorities;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>



**Hindmarsh**  
Shire Council

## Governance Rules

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Adopted 19 August 2020

(Amended Draft for consultation 27 July 2022)

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## **PART 1      PRELIMINARY**

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### **1 Title**

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Hindmarsh Shire Council Governance Rules

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### **2 Purpose**

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The purpose of the Governance Rules is to provide for:

- (1) the conduct of Council meetings;
- (2) the conduct of meetings of Delegated Committees;
- (3) the form and availability of meeting records;
- (4) the election of the Mayor and the Deputy Mayor;
- (5) the appointment of an Acting Mayor;
- (6) an election period policy;
- (7) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee;
- (8) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee;
- (9) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- (10) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (11) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (12) any other matters prescribed by the regulations made under the Act.

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### **3 Objectives**

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The objectives of this Procedure are to:

- (1) provide a mechanism to facilitate the good governance of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner that acknowledges the role of local government within the Australian system of Government;
- (2) to promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (3) to regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Delegated Committees;
- (4) to regulate and control the procedures governing the conduct of meetings including:
  - a. the notice required for meetings; and
  - b. the keeping of minutes;
- (5) to regulate and control the use of the Council's common seal;
- (6) to provide for the administration of the Council's powers and functions; and
- (7) to provide generally for the peace, order and good governance of the municipal district.

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#### **4 Role of Council**

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- (1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Hindmarsh municipal community.
- (2) Council will provide good governance through –
  - a. the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
  - b. the Councillors of the Council performing their roles in accordance with the requirements of the Act;
- (3) In performing its role, Council may –
  - a. perform any duties or functions or exercise any powers conferred on Council by, or under, the Act or any other Act; and
  - b. perform any other functions that Council determines are necessary to enable Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

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#### **5 Overarching governance principles and supporting principles**

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- (1) Council will, in the performance of its role, give effect to the overarching governance principles.
- (2) The following are the overarching governance principles –
  - a. Council decisions are to be made and actions taken in accordance with the relevant law;
  - b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
  - d. the municipal community is to be engaged in strategic planning and strategic decision making;
  - e. innovation and continuous improvement is to be pursued;
  - f. collaboration with other Councils and Governments and statutory bodies to be sought;
  - g. the ongoing financial viability of the Council is to be ensured;
  - h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
  - i. the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles –
  - a. the community engagement principles;
  - b. the public transparency principles;
  - c. the strategic planning principles;
  - d. the financial management principles; and
  - e. the service performance principles.

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## 6 Council decision making

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Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.

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## 7 Authorising provision

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The Council's power to make the Governance Rules is contained in section 60 of the Act.

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## 8 Commencement

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These Rules comes into operation on 19 August 2020.

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## 9 Definitions

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Unless contrary intention appears in these Governance Rules –

- (1) words defined in section 3 of the Act have the same meaning in these Governance Rules;
- (2) words have the following meaning in these Rules:

<b>Act</b>	means the <i>Local Government Act 2020</i>
<b>Act 1989</b>	means the <i>Local Government Act 1989</i>
<b>Advisory Committee</b>	means a committee established by Council, that provides advice to Council;
<b>Agenda</b>	means the notice of a meeting setting out the business to be transacted at the meeting;
<b>Audit and Risk Committee</b>	means the Audit and Risk Committee established under section 53 of the Act
<b>Authorised Officer</b>	means an Authorised Officer appointed under section 224(1) of the Act 1989.
<b>Business Day</b>	means a normal working day of the Council, usually Monday – Friday excluding declared Public Holidays
<b>Chair</b>	refers to the Chairperson.
<b>Chairperson</b>	means the person who chairs a meeting of the Council or Delegated Committee of the Council and includes an acting, temporary and substitute Chairperson;
<b>Chief Executive Officer</b>	means the person occupying the office of Chief Executive Officer of Council, and includes their delegate;
<b>Council</b>	means Hindmarsh Shire Council.

## Hindmarsh Shire Council Governance Rules

<b>Councillor</b>	means a person who is an elected member of the Council.
<b>Council meeting</b>	means a meeting of the Council convened in accordance with these Governance Rules and includes Ordinary and Special meetings of the Council.
<b>Delegated Committee</b>	means a Delegated Committee established by Council under s63 of the Act;
<b>Deputy Mayor</b>	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;
<b>Division</b>	means a formal count of those for and those against a motion, generally called to remove any doubt as to whether the motion is supported or opposed.
<b>Procedural Motion</b>	means a motion dealing with the conduct of the meeting as referred in in clause 82.
<b>Mayor</b>	means the Mayor of Council and any person appointed by Council to be acting as Mayor;
<b>Member</b>	refers to a person who is entitled to vote at a meeting of the Council or a Delegated Committee of the Council.
<b>Minister</b>	means the Minister responsible for administering the Act.
<b>Minutes</b>	means the official record of the proceedings and decisions of a Meeting;
<b>Point of Order</b>	means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;
<b>Quorum</b>	means the minimum number of members of the Council or of a Delegated Committee of the Council required by this Procedure to be present in order to constitute a valid meeting of the Council or the Delegated Committee respectively.
<b>Senior Officer</b>	means— (a) the Chief Executive Officer; and (b) any other member of Council staff nominated as such in writing by the Chief Executive Officer.



## Part 2 THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

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### 10 When is a Mayor to be elected

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- (1) The meeting to fill the vacancy of Mayor will be held:
  - a. as soon as practicable after the declaration of the result of the general election and no later than one month after the date of the general election; or
  - b. where the position of Mayor becomes vacant other than as the result of a general election being held, as soon as practicable after the vacancy has occurred.
- (2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term.
- (3) If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1-year term as is reasonably practicable.
- (4) If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2-year term as is reasonably practicable.
- (5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- (6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1-year or 2-year term serves the remaining period of the previous Mayor's term.

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### 11 Election of Mayor

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- (1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until a Mayor is elected,
- (2) The Chief Executive Officer will invite nominations for the office of Mayor.
- (3) Any nominations for the office of Mayor must be seconded by another Councillor.
- (4) Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.

#### *Single Nomination*

- (5) If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### *Multiple Nominations and Candidate Elected On First Vote*

- (6) If there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates.
- (7) In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

#### *Three or More Nominations and No Candidate Obtaining Absolute Majority on First Vote*

- (8) In the event that:
  - a. there are three or more candidates; and
  - b. no candidate receives the votes of an absolute majority of Councillors;

## Hindmarsh Shire Council Governance Rules

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- (9) If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- (10) For the purposes of sub-Rules 11(8) and 11(9), if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- (11) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
  - a. each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
  - b. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - c. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

### *Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority on First Vote*

- (12) In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- (13) If:
  - a. it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Clause 11 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and
  - b. it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate

receives the votes of an absolute majority of Councillors, the provisions of sub-clause 11(12) and 11(13) must again be followed.

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## **12 Election of Deputy Mayor**

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- (1) The term for Deputy Mayor shall be the same as determined for the Mayor in 10(2).
- (2) Clause 10, other than subclause (2), applies to the election of a Deputy Mayor by the Councillors as if any reference in that clause to the Mayor was a reference to the Deputy Mayor.
- (3) Clause 11 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

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## **13 Acting Mayor**

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- (1) Council must elect a Councillor to be the Acting Mayor when –
  - a. neither the Mayor or any elected Deputy Mayor is able for any reason to attend a Council meeting or part of a Council meeting; or
  - b. the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason including illness; or
  - c. the office of Mayor and Deputy Mayor are vacant.
- (2) An appointment under subclause (1) must be for a period specified by Council.
- (3) If –
  - a. an appointment has not been made under subclause (1) or has expired; and
  - b. any of the circumstances specified in subclause (1)(a), (b) or (c) apply –Council must elect a Councillor to be the Acting Mayor for a period specified by Council.
- (4) An Acting Mayor –
  - a. must perform the role of the Mayor; and
  - b. may exercise any powers of the Mayor –until the circumstances specified in subclause (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been elected, unless inconsistent with the context or subject matter, a reference in the Act (except sections 20 and 23, Division 4 of Part 4 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

## **PART 3 COUNCIL MEETINGS**

### **Division 1 Notice and Agendas**

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## **14 Dates and times of Ordinary Meetings**

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The date, time and place of ordinary meetings of the Council are to be fixed by the Council from time to time and appropriate notice of such meetings must be provided to the public.

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## **15 Council may alter meeting dates**

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The Council may change the date, time and place of any ordinary meeting of the Council which has been fixed and must provide reasonable notice of the change to the public.

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## **16 Special meetings**

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- (1) The Chief Executive Officer must call a special meeting of Council when requested to do so by the Mayor, or two (2) councillors provided sufficient time to enable reasonable notice can be given to Councillors.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

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## **17 Notice of meeting**

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- (1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every councillor:
  - a. For an ordinary meeting, at least 5 days before the meeting;
  - b. For a special meeting, within a reasonable time before the meeting; and
  - c. For a Delegated Committee meeting, within a reasonable time before the meeting.
- (2) The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by email, post or be otherwise delivered to each councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the councillor.
- (3) A notice may be handed personally to a councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant councillor is held by the Chief Executive Officer.
- (4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

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## **18 Leave of absence**

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It will be unnecessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of their absence.

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## **19 Postponement of meeting for an emergency**

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In the case of an emergency or unforeseen circumstances, the Chief Executive Officer, or in their absence, a Senior Officer, may, in consultation with the Mayor, postpone a meeting of the Council, without the necessity to comply with clauses 15 – 18 – (inclusive) provided reasonable attempts are made to notify every Councillor.

## **Division 2 Meetings and the use of electronic means of communication**

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### **20 Determination of meeting format**

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- (1) Council meetings shall be conducted in person except as provided for in this Division.
- (2) Despite this Division, Council may, by resolution, determine that a specific meeting or meetings will be conducted –
  - a. in person; or
  - b. by electronic means of communication.

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### **21 Meetings conducted in person**

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- (1) At meetings conducted in person, Councillors attending the meeting shall do so physically unless a request to participate by electronic means of communication has been granted in accordance with this clause.
- (2) A request to participate by electronic means of communication must be in writing, signed by the Councillor, and be lodged or sent to the Chief Executive Officer at least 24 hours before the commencement of the meeting.
- (3) A request to participate in a meeting by electronic means of communication must provide an explanation as to why the Councillor cannot reasonably participate in the meeting in person. For the avoidance of doubt, a Councillor's personal preference to participate by electronic communication does not constitute sufficient grounds for making a request. The Chief Executive Officer shall, if requested by the Councillor, keep confidential the submitted reasons for the request.
- (4) If a request to participate in a meeting by electronic means of communication does not comply with subclause (3), the Chief Executive Officer may decline to accept it, and shall notify the Councillor and, if time permits, provide them an opportunity to submit a further request.
- (5) Subject to subclause (6), the Chief Executive Officer may grant requests to participate in the meeting by electronic means of communication, and shall notify all Councillors of the decision.
- (6) The Chief Executive Officer may not grant a request to participate in a meeting by electronic means of communication at the first meeting of Councillors after a general election, or if the meeting will consider:
  - a. the election of the Mayor under section 25 of the Act;
  - b. the election of the Deputy Mayor under section 27 of the Act;
  - c. the adoption of Governance Rules under section 60 of the Act;
  - d. the adoption of a Community Vision under section 88 of the Act;
  - e. the adoption of a Council Plan under section 90 of the Act;
  - f. the adoption of a Long Term Financial Plan under section 91 of the Act;
  - g. the adoption of an Annual Budget under section 94 of the Act;
  - h. the adoption of a Revised Budget under section 94 of the Act;
  - i. the presentation by the Mayor of an Annual Report under section 100 of the Act;or
  - j. the adoption of a Councillor Code of Conduct under section 139 of the Act,unless they are satisfied that extraordinary circumstances warrant it.

- (7) A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without approval shall be recorded as absent, and shall not be entitled to participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

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## **22 Meetings conducted by electronic means of communication**

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- (1) Should the Chief Executive Officer determine that extraordinary circumstances warrant it, they are authorised to determine that any meeting be conducted solely by electronic means of communication.
- (2) The Chief Executive Officer may take all relevant factors into account in making a determination that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication including, but not limited to:
- a. any risk to the health and safety of Councillors, staff and the community;
  - b. whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act;
  - c. the ability to provide public notice to members of the public who had registered to attend the meeting;
  - d. whether the orderly conduct of a meeting may be affected by the choice of meeting format; and
  - e. the availability of suitable meeting facilities.

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## **23 Adjustments to meeting rules**

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- (1) If a meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:
- a. references to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance;
  - b. momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Mayor's request for the declaration of conflicts of interest occurs during the absence;
  - c. casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the Chair's request, verbally stating their vote;
  - d. in the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting shall resume in the Councillor's absence; and
  - e. in the event of a Councillor being required to leave a meeting due following the disclosure of a conflict of interest, a Councillor may leave the meeting by:
    - i. deactivating their microphone and camera (for meetings that are open to the public); or
    - ii. disconnecting from the online meeting platform (for all meetings) or be placed in a waiting room.

- (2) The Chair may, with the consent of the meeting, modify the application of any other of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

### **Division 3 Open Meetings**

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#### **24 Meetings open to the public**

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- (1) A meeting of Council, including Delegated Committee meetings, must be kept open to the public unless Council considers it necessary to close the meeting to the public because a circumstance specified in paragraph (2) applies.
- (2) The circumstances are –
  - a. the meeting is to consider confidential information; or
  - b. security reasons; or
  - c. it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (3) If the circumstance specified in paragraph (2)(b) or (2)(c) apply, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- (4) For the purposes of subclause 24(3), the arrangements may include provision to view the proceedings on the Internet or on close circuit television.
- (5) If Council or a Delegated Committee determines that a meeting is to be closed to the public to consider confidential information, the Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection –
  - a. the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in clause 3 of the Act; and
  - b. an explanation of why the specified ground or grounds applied.

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#### **25 Councillor Code of Conduct**

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During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct.

### **Division 4 Quorums**

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#### **26 Council meetings**

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The quorum required for every Council meeting will be a majority of the Councillors capable of being elected to the Council.

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#### **27 Meetings of Delegated Committees**

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The quorum for a meeting of a Delegated Committee will be not less than a majority of members.

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## **28 Inability to gain a quorum**

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- (1) If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting the Chief Executive Officer, or in their absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

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## **29 Inability to maintain a quorum**

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- (1) If, during any meeting, a quorum cannot be achieved and maintained, the Chief Executive Officer, or in their absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) If a Council meeting lapses, the unresolved business may be included in the agenda for the next Ordinary Council meeting.

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## **30 Inability to achieve or maintain a quorum due to conflicts of interests of Councillors**

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- (1) This clause applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision listed to be made at the Council meeting.
- (2) Council must consider whether the decision can be made by dealing with the matter in an alternative manner, such as under delegation.
- (3) For the purposes of subclause (2), an alternative manner may include –
  - a. the Chair splitting the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
  - b. making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- (4) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of –
  - a. all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - b. any other person or persons that Council considers suitable.
- (5) Section 63(2) of the Act applies to a Delegated Committee established under subclause (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter being decided.

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## **31 Notice of adjourned meeting**

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The Chief Executive Officer may provide written notice of an adjourned meeting, but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone or facsimile, in person or by electronic means will be sufficient.



## Division 5 Disclosure of conflict of interest

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### 32 Council meetings and Delegated Committee meetings

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- (1) If a Councillor or member of a Delegated Committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the Delegated Committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with this clause.
- (2) At the time indicated in the Agenda, a Councillor or Delegated Committee member with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
  - a. the item for which they have a conflict of interest; and
  - b. whether their conflict of interest is general or material; and
  - c. the circumstances that give rise to the conflict of interest.
- (3) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (4) A Councillor or member of a Delegated Committee who is not present at the designated time in the agenda for disclosures of conflict of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at clause 32(1) prior to leaving the meeting.
- (5) A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting or Delegated Committee meeting must not communicate with any participants in the meeting while the decision is being made.
- (6) If disclosing a conflict of interest would mean disclosure of confidential or private information, the Councillor or Delegated Committee member can make a full disclosure to the Chief Executive Officer or delegate in writing before the meeting and then only disclose the class of interest in the meeting.
- (7) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Delegated Committee must—
  - a. leave the meeting and notify the Mayor or the Chairperson of the Delegated Committee of their departure; and
  - b. remain outside the room and any gallery or other area in view or hearing of the meeting.
- (8) The Mayor or the Chairperson of the Delegated Committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the meeting after—
  - a. consideration of the matter; and
  - b. all votes have been cast on the matter.
- (9) If a Councillor or member of a Delegated Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
  - a. the declaration of the conflict of interest; and
  - b. the classification of the interest that has given rise to the conflict; and
  - c. if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (10) The Chief Executive Officer must—

- a. keep written disclosures received under this clause in a secure place for 3 years after the date the Councillor or member of a Delegated Committee who made the disclosure ceases to be a Councillor or member of a committee; and
- b. destroy the written disclosure when the 3-year period referred to in paragraph (a) has expired.

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### **33 Other meetings conducted under auspices of Council**

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- (1) Councillors must disclose conflicts of interest in other meetings that are conducted under the auspices of the council. This may mean a meeting organised by the council, resourced by the council or arranged with council support, such as:
  - a. regular councillor briefings or forums,
  - b. other briefing meetings,
  - c. committees other than a delegated or community asset committee (such as advisory committees),
  - d. public consultations, and
  - e. site meetings.It will also include meetings the council arranges jointly with other organisations.
- (2) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (3) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (4) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (5) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (6) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (7) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of conflicts of interest.
- (8) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (9) Meeting records and reports will be presented to Council for noting and inclusion on the public record.
- (10) At a meeting under the auspices of Council that is not a meeting of the Council or Delegated Committee, the Chief Executive Officer must ensure that a written record is kept of –
  - a. the names of all Councillors and members of Council staff attending;
  - b. the matters considered;
  - c. any conflict of interest disclosures made by a Councillor attending;
  - d. whether a Councillor who disclosed a conflict of interest leaves the meeting.

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### **34 Council staff**

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- (1) All council staff must act in accordance with the Employee Code of Conduct.

- (2) Council staff must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions in this clause and the Employee Code of Conduct.

*Procedure*

- (4) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (5) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of conflicts of interest.
- (6) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - a. the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - b. the staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - c. the staff member's manager determines that the conflict of interest has not influenced the advice provided; and
  - d. the existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## **PART 4 MINUTES**

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### **35 Keeping of minutes**

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The Chief Executive Officer is responsible for arranging the keeping of minutes for Council Meetings.

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### **36 Confirmation of minutes**

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- (1) An appropriate motion to confirm the minutes would be:  
*"That the minutes of the (Type of Meeting) held on (Date of Meeting) be confirmed."*
- (2) If some slight alterations are required to be made to the minutes, then the following words could be added:  
*"subject to the following alteration(s)"*
- (3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:  
*"That the Confirmation of Minutes be held over until:" OR*  
*"That the Confirmation of Minutes be held over and relisted on the next Agenda."*

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### **37 No debate on confirmation of minutes**

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No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

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### **38 Objection to confirmation of minutes**

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- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
- a. state the item or items with which they are dissatisfied; and
  - b. propose a motion clearly outlining the alternative wording to amend the minutes.

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### **39 Deferral of confirmation of minutes**

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Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

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### **40 Contents of minutes**

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- (1) In keeping the minutes of a meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
- a. the date, place, time, duration and nature of the meeting;
  - b. the names of Councillors and whether they were PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
  - c. the names of members of Council staff providing advice to Council with their organisational title;
  - d. the name of any other person asking questions or making submissions at the meeting and the organisation they represented or the capacity in which they attended;
  - e. the arrival and departure item number of Councillors and members of Council staff providing advice to Council during the course of the meeting (including any temporary departures or arrivals);
  - f. every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
  - g. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
  - h. procedural motions (which might be highlighted);
  - i. where a valid division was called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - j. details of a failure to achieve or maintain a quorum and any adjournment;
  - k. details of any question directed or taken upon notice;
  - l. details of any deputations made to the Council;
  - m. the time and reason for any adjournment of the meeting or suspension of standing orders;
  - n. any relevant reports or a summary of relevant reports considered by Council;
  - o. any interests or conflicts of interest disclosed at the meeting, including the nature of any such interests or conflicts of interest which were disclosed; and
  - p. any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- (1) In addition, the minutes should:
- a. bear the date and time the meeting was commenced, adjourned, resumed and concluded;

- b. be consecutively page numbered; and
- c. contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub titles and file references.

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#### **41 Availability of minutes**

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The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

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#### **42 Recording of meetings**

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- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with the appropriate recording equipment the proceedings of a Council meeting.
- (2) Subject to paragraph (1), a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be, at any time during the course of such meeting, revoked by Council or the Chairperson.

### **PART 5 BUSINESS OF MEETINGS**

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#### **43 The order of business**

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- (1) The order of business appearing on an agenda will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The order of business appearing on agendas should be consistent from meeting to meeting, however, the order of business can be altered according to the discretion of the Chief Executive Officer to enhance the fluent and open process of government of the Council, to meet identified needs of the Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer must consult with the Mayor.
- (4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
  - a. Opening prayer;
  - b. Acknowledgement of Country;
  - c. Apologies;
  - d. Disclosure by Councillors of any interest or conflicts of interest in any item on the agenda;
  - e. Confirmation of minutes;
  - f. Public question and submission time;
  - g. Councillor activity reports;
  - h. Planning permit reports;
  - i. Reports requiring a decision;
  - j. Reports for noting;
  - k. Late reports;
  - l. Notices of Motion;
  - m. Councillor questions and general business; and

- n. Confidential reports.

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#### **44 Change to order of business**

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Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council or the submission of late reports by Chief Executive Officer.

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#### **45 Chief Executive Officer may include items on an agenda**

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The Chief Executive Officer may include any matter on an agenda that they think should be considered by the meeting.

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#### **46 Time limits for meetings**

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- (1) No Council meeting will continue longer than three (3) hours unless a majority of the Councillors present vote in favour of an extension of time.
- (2) An extension of time shall not exceed 30 minutes.
- (3) No more than two (2) extensions of time will be permitted at a Council meeting.
- (4) In the absence of such continuance, the Council meeting must stand adjourned to a time, date and place to be determined by the Chairperson.
- (5) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned, and of the business remaining to be considered, in accordance with clause 84.

### **PART 6 VOTING AT MEETINGS**

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#### **47 How a motion is determined**

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- (1) Subject to clause 61, in determining a question before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will then declare the result to the meeting.

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#### **48 Method of voting**

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- (1) Voting on any matter will be by show of hands.

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#### **49 Deciding Vote**

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- (1) In the event of a tied vote, the Chair must, unless the Act provides otherwise, exercise a casting vote.

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#### **50 When a division is permitted**

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- (1) A division may be requested by any Councillor on any matter.

- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

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### **51 Procedure for a division**

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- (1) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (2) The Chairperson shall name those Councillors voting for the motion and those Councillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.
- (3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

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### **52 Change between original vote and division**

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- (1) No Councillor is prevented from changing their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

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### **53 No discussion once declared**

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- (1) Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves:
  - a. a Councillor requesting that their opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
  - b. a subsequent notice of motion following a rescission motion; or
  - c. for a Councillor to call for a division.

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### **54 Application to Delegated Committee meetings**

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- (1) The provisions of Part 6 apply to meetings of Delegated Committees to the extent that they are relevant to the proceedings of any Delegated Committee and any reference to Councillor in those clauses extends to any member of a Delegated Committee.

## **PART 7 ADDRESSING THE MEETING**

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### **55 Addressing the meeting**

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- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the Chair.
- (2) Any person addressing the Chair should refer to the Chairperson as:
  - a. Mayor; or
  - b. Chair.

as the case may be.

- (3) All Councillors, other than the Mayor should be addressed as Cr [Surname].
- (4) All members of Council staff should be addressed as Ms or Mr [Surname] as appropriate, or by their official title.

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## **56 Suspension of standing orders**

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- (1) These Rules may be suspended for a particular purpose by resolution of the Council.
- (2) The purpose of suspending standing orders is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (3) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- (4) No motion can be accepted by the Chairperson or lawfully dealt with during any suspension of standing orders, except a motion to resume standing orders.

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## **57 Interruption for point of order**

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A Councillor who is addressing the meeting must not be interrupted unless called to order. In that event, they must remain silent until the Councillor raising the point of order has been heard and the point of order determined by the Chairperson.

## **PART 8 OTHER MEETING PROCEDURES**

### **Division 1 Matters not provided for**

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#### **58 Matters not provided for**

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Where a situation has not been provided for under these Rules, the Council may determine the matter by resolution.

### **Division 2 Motions**

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#### **59 Chairperson's duty**

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- (1) Any motion or amendment that:
  - a. is defamatory;
  - b. is objectionable in language or nature;
  - c. is outside the powers of the Council;
  - d. is not relevant to the item of business on the agenda and has not been admitted as general business; or
  - e. purports to be an amendment but is not -must not be accepted by the Chairperson.

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#### **60 Moving a motion**

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- (1) The procedure for moving any motion is
  - a. the mover must state the motion without speaking to it;
  - b. the motion must be seconded by a Councillor other than the mover;
  - c. if a motion is not seconded the motion will lapse for want of a seconder;
  - d. if the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
  - e. if no Councillor indicates opposition, the Chairperson must ask:
    - i. the mover to address Council on the motion;
    - ii. the seconder to address Council on the motion if additional points are to be made.
  - f. if a Councillor indicates opposition, then the Chairperson must ask
    - i. the mover to address the Council on the motion;
    - ii. the seconder of the motion may speak or reserve the right to speak later in the debate;
    - iii. any Councillor opposed to debate the motion; and
    - iv. any other Councillors for and against the motion to debate, in turn.
  - g. Except for the purposes of a right of reply or for the purposes of raising a point of order no Councillor may speak more than once on any motion.
  - h. A Councillor may, with leave of the Chairperson, ask a question for the purpose of clarification. In asking such questions, Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.
  - i. All addresses under (e) and (g) must be made in accordance with clause 79.

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#### **61 Agreement to alter a motion**

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- (1) With the leave of the meeting, both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor.
- (2) Any such alteration shall not be regarded as an amendment to the motion.

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#### **62 Right of reply**

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- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

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#### **63 No right of reply for amendments**

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- (1) No right of reply is available when an amendment is before Council.

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#### **64 Moving an amendment**

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- (2) A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

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**65 Who may propose an amendment**

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- (1) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.

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**66 Who may debate an amendment**

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- (1) A Councillor may address the meeting once on any amendment (whether or not they have spoken to the original motion) but debate must be confined to the terms of the amendment.

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**67 How many amendments may be proposed**

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- (1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (2) A Councillor cannot move more than one (1) amendment, unless the Chairperson determines that an amendment should be dealt with in part in succession.

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**68 An amendment once carried**

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- (1) If the amended motion is carried, it then becomes the question before the Chair.

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**69 Foreshadowing motions**

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- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

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**70 Withdrawal of motions**

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- (1) Before any motion is put to the vote, it may be withdrawn with leave of the Council.

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**71 Separation of motions**

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- (1) Where a motion or amendment contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

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## **72 Motions in writing**

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- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

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## **73 Debate must be relevant to the motion**

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- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If, after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to be seated and not speak further in respect of the matter then before the Chair. In that event, the speaker must comply with the Chairperson's requirement.

### **Division 3 Speaking times**

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## **74 Speaking times**

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- (1) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
  - a. the mover of a motion – three (3) minutes;
  - b. the mover of a motion when exercising their right of reply – three (3) minutes;
  - c. any other Councillor for or against the motion – three (3) minutes.

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## **75 Extension of speaking times by resolution of Council**

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- (1) An extension of speaking time may be granted by resolution of the Council but only one (1) extension is permitted for each speaker on any question.
- (2) The length of extension must not exceed two (2) minutes.

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## **76 When an extension can be proposed**

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- (1) A motion for an extension of speaking time must be proposed at the point the allocated time has elapsed.

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## **77 No extension after next speaker has commenced**

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- (1) A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her contribution to the debate.

## **Division 4 Points of order**

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### **78 Procedure for point of order**

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- (1) A Councillor raising a point of order must:
  - a. state the point of order; and
  - b. the clause, paragraph or provision upon which the point of order is based.

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### **79 Chairperson to decide**

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- (1) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

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### **80 Chairperson may adjourn to consider**

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- (1) The Chairperson may seek advice from an Officer or adjourn the meeting to consider a point of order but must otherwise rule on it as soon as it is raised.
- (2) All other matters before the Council are to be suspended until the point of order is decided.

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### **81 Final ruling on a point of order**

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- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is carried.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is a motion of dissent in the ruling of the Chair and the Chairperson must at all times remain in the Chair and maintain their rights as the Chairperson.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

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### **82 Valid points of order**

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- (1) A point of order may be raised in relation to:
  - a. a procedural matter;
  - b. a Councillor who is or appears to be out of order;
  - c. debate that is irrelevant to the matter under consideration;
  - d. a matter that is outside the powers of Council; or
  - e. any act of disorder.

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### **83 Contradiction of opinion**

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- (1) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

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## **84 Adjournment and resumption of meeting**

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- (1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

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## **85 The closure**

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- (1) A motion may be moved “that the motion be now put” –
- (2) The motion in sub-clause (1):
  - a. is a procedural motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without further debate discussion or amendment other than the original mover’s right of reply;
  - b. if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
  - c. if lost, allows debate to continue unaffected.
- (3) The Chairperson has discretion to reject such a motion if the original motion has not in their opinion been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

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## **86 Adjourning the debate**

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- (1) A motion may be moved “That the motion and amendments now before the meeting be adjourned”
- (2) The motion in subclause (1):
  - a. is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson;
  - b. may only be amended in relation to the time, date and place of the proposed adjournment;
  - c. should provide a date or time to which the adjournment is sought (but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council); and
  - d. if lost, allows debate to continue unaffected.

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## **87 Procedural motions**

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- (1) Notwithstanding anything else contained in this Procedure:
  - a. unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
  - b. the mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
  - c. procedural motions may be seconded by a Councillor who has already spoken in the debate.

- d. a procedural motion cannot be moved by the Chairperson.
- e. debate on a procedural motion is not permitted and the mover does not have a right of reply.
- f. a procedural motion cannot be amended.

## **Division 5 Notice of motion**

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### **88 Notice of motion**

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- (1) A Councillor may submit a Notice of Motion for inclusion in the Agenda of an Ordinary Meeting.
- (2) The Notice of Motion must include concise reference to a Council Plan objective and should demonstrate added value to Council.
- (3) A notice of motion must be in writing by the submitting Councillor, and one other Councillor, and lodged with the Chief Executive Officer no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting.
- (4) Councillors are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (5) The Chief Executive Officer may reject any Notice of Motion that is vague or unclear in intention or would be unlawful to implement, but must:
  - a. give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - b. notify the Councillor who lodged it of the rejection and the reasons for the rejection.

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### **89 If notice of motion is lost**

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- (1) Unless the Council resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was last lost.

## **Division 6 Notice of amendment or rescission**

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### **90 Procedure**

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- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
  - a. the previous motion has not been acted upon; and
  - b. a notice endorsed by two (2) Councillors is delivered to the Chief Executive Officer outlining;
    - i. the decision proposed to be amended or rescinded; and
    - ii. the meeting and date when the decision was made.
- (2) A decision will be acted upon once its details have been communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

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**91 Listing notice on agenda**

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- (1) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

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**92 Criteria to amend or rescind a motion**

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- (1) For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

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**93 If notice to amend or rescind is lost**

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- (1) Unless the Council resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was last considered.

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**94 If notice of amendment or rescission is not moved**

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- (1) If a notice of amendment or rescission is not moved and seconded at the meeting for which it is listed, it will lapse.

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**95 May be moved by any Councillor**

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- (1) A notice of amendment or rescission listed on an agenda may be moved by any Councillor present but cannot be amended.

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**96 When not required**

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- (1) A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to a policy of the Council.
- (2) However, the following standards should apply:
  - a. any intention to change a Council policy which may result in significant impact should be communicated to those affected and this may require publication and consultations, either formally or informally; and
  - b. the Council may determine the extent to which these standards should be followed which will depend on the circumstances of each case.

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**97 Councillor questions or general business**

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- (1) The following matters are not capable of becoming items of general business:
  - a. the creation or abolition of any office;
  - b. the appointment of any person to any office or termination of that appointment;
  - c. employment issues;
  - d. the sale or lease of any asset;

- e. the declaration of any rate or charge;
- f. the creation, alteration or abolition of any strategy, policy or guideline;
- g. any request for an investigation which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources; and
- h. any request for a report which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources.

## Division 7 Public participation

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### 98 Public question or submission time

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- (1) At an ordinary meeting, time may be allocated to enable any member of the community to provide the Council with a question or a general submission.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- (3) Any questions or general submissions must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) 24 hours prior to the commencement of the meeting.
- (4) Questions (maximum 100 words including any pre-amble) or general submissions (maximum 100 words) may be submitted by mail, email [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au) or delivered in person to a council customer service centre but are limited to two questions and one general submission per person per meeting.
- (5) At the discretion of the Chairperson, the person submitting the question or general submission must be present at the Council meeting for the question to be answered or the general submission read.
- (6) The question or general submission should only be read to the meeting if the Chairperson has determined that the question or general submission:
  - a. does not relate to a matter of the type described in section 66 of the Act;
  - b. does not relate to a matter in respect of which the Council has no power;
  - c. is not defamatory, indecent, abusive, or objectionable in language or substance;
  - d. is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
  - e. is not asked to embarrass a Councillor or member of Council staff.
- (7) If the Chairperson has determined that the question or general submission shall not be read to the meeting:
  - a. the meeting must be advised accordingly; and
  - b. the question or submission shall be available to Councillors upon request.
- (8) The Chief Executive Officer or delegate must read to the meeting the name and locality of the person who has submitted a question or a general submission.
- (9) The Chief Executive Officer or delegate must read the general submission or the question and the Chairperson may then direct that the question be answered by a nominated Councillor or member of Council staff.
- (10) No debate or discussion of a question or submission or an answer is permitted other than for the purpose of clarification.
- (11) A Councillor or member of staff nominated to answer a question or submission may:
  - a. seek clarification of the question or submission from the person who submitted it;



- b. seek assistance of another person in answering the question or submission; and
  - c. defer answering the question or submission, so that the answer may be researched and a written response provided within 10 working days following the meeting.
- (12) If a person who asked a question or made a submission is not satisfied with the answer given, they may follow the question up with the relevant Council Officer by emailing [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au).
- (13) Community consultation:
- a. Submissions may also be made where called for during community consultation.
  - b. Submissions made in response to a public consultation must be made in writing before the time specified in the consultation process.
  - c. A submission arising from public consultation is not limited in length but will not be read to the meeting as it will be included in the agenda (where practicable) and minutes.
  - d. A person making a submission arising from a public consultation may be, at the discretion of the Chair, permitted to speak to that submission for up to 3 minutes.

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## **99 Conduct during Council Meetings**

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- (1) Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

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## **100 Chairperson may remove**

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- (1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- (2) At the request of the Chairperson, a member of Victoria Police may remove from the Council Chamber any person who acts in breach of these Governance Rules.

## **Division 8 Additional duties of the Chairperson**

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### **101 The Chairperson's duties and discretions**

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- (1) In addition to other duties and discretions provided in these Governance Rules, the Chairperson's duties include but are not limited to:
- a. presiding over and controlling the Meeting to ensure, to the best of their ability, that it is conducted in accordance with these Governance Rules and the Act;
  - b. ascertaining that a quorum is present, and if a quorum is present formally declaring the meeting open;
  - c. welcoming Councillors, Members and visitors;
  - d. calling for disclosure by Councillors of any conflicts of interest in accordance with these Governance Rules and the Act;
  - e. presenting any reports for which they are responsible;
  - f. ensuring debates are conducted in the correct manner; and
  - g. in the case of competition for the right to speak, will decide the order in which the Members concerned will be heard.

- (2) The Chairperson
- a. must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer, resident or other member of the public;
  - b. must call to order any person who is disruptive or unruly during any meeting;
  - c. must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
  - d. must call a person to order if their behaviour is disruptive and interferes with the conduct of the meeting; and
  - e. must decide on all points of order and other questions and other questions of procedure.

## **PART 9 COMMON SEAL**

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### **102 The Council's Common Seal**

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- (1) The Chief Executive Officer must ensure the security of the Council's Common Seal at all times.
- (2) The Council's Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer, or other Senior Officer authorised by the Chief Executive Officer, and a councillor.

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### **103 Authority for use of Common Seal**

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- (1) The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been made by resolution at a Council meeting.

## **PART 10 DELEGATED COMMITTEE MEETINGS**

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### **104 Minutes**

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- (1) The Secretary is responsible for the keeping of minutes on behalf of the Delegated Committee.
- (2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (3) If a committee member is dissatisfied with the accuracy of the minutes, then they must:
  - a. state the item or items with which they are dissatisfied; and
  - b. propose a motion clearly outlining the alternative wording to amend the minutes.

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### **105 Business of the meeting**

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- (1) The Secretary is responsible for the keeping of minutes on behalf of the Delegated Committee.

- (2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (3) If a committee member is dissatisfied with the accuracy of the minutes, then they must:
  - a. state the item or items with which they are dissatisfied; and
  - b. propose a motion clearly outlining the alternative wording to amend the minutes.

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#### **106 Addressing the meeting**

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- (1) Except for the Chair, any committee member or person who addresses the meeting must address all remarks through the Chair.
- (2) A committee member who is speaking must not be interrupted unless called to order when they must sit down and remain silent until the committee member raising the point of order has been heard and the Chairperson has ruled on the point of order.

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#### **107 Motions and amendments**

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- (1) Any motion which is –
  - a. defamatory; or
  - b. objectionable in language or nature; or
  - c. outside the powers of the committee; or
  - d. stated to be an amendment but is notmust not be accepted by the Chairperson.
- (2) The procedure for any motion is –
  - a. the mover must state the motion without speaking to it;
  - b. it must be seconded by a committee member other than the mover;
  - c. if a motion is not seconded, the motion will lapse for want of a seconder; and
  - d. if the motion is seconded the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve their address until later in the debate.
- (3) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can debate in turn.
- (4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the committee.
- (5) An amendment may be proposed or seconded by a committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- (6) A committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (8) If the amendment motion is carried, it then becomes the final motion before the Chair.

- (9) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- (10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
  - a. the mover of a motion – 3 minutes;
  - b. the mover of a motion when exercising their right of reply – 3 minutes
  - c. any other committee member – 3 minutes.

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#### **108 Notice of motion**

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- (1) Delegated Committee members may submit a Notice of Motion for inclusion in the Agenda of a meeting. The notice of Motion must include concise reference to a current project and should demonstrate added value to the Delegated Committee.
- (2) A notice of motion must be in writing signed by the submitting member, and one other member, and lodged with the Chairperson no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting
- (3) Committee members are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (4) The Chairperson may reject any Notice of Motion that is vague or unclear in intention but must:
  - a. give the Committee Member who lodged it an opportunity to amend it prior to rejection if practicable to do so; and
  - b. notify the Committee Member who lodged it of the rejection and the reasons for the rejection.
- (5) The Chairperson must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they were received.
- (6) Unless the Delegated Committee resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Committee for at least three (3) months from the date it was last lost.

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#### **109 Other matters**

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- (1) If the committee is required to deal with:
  - a. divisions;
  - b. procedural motions;
  - c. separation of motions;
  - d. points of order;
  - e. adjournment of meetings;

- f. suspension of standing orders;
- g. a notice of rescission motion;
- h. maintenance of order;
- i. suspension; or
- j. removal from the meeting –

these matters should be dealt with in accordance with the relevant Governance Rules applying to a meeting of Council.

## **PART 11 CONFIDENTIAL INFORMATION**

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### **110 Confidential Information**

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- (1) If the Chief Executive Officer is of the opinion that information is confidential information within the meaning of the Act, they may designate the information as confidential and may advise Councillors and/or members of Council staff accordingly.
- (2) Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

## **PART 12 ELECTION PERIOD POLICY**

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### **111 Purpose**

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The purpose of this policy is to:

- ensure Council meets its obligations under Section 69 of the Local Government Act 2020 (**Act**) which requires that a Council must include an election period policy in its Governance Rules;
- ensure that the ordinary business of local government for Council continues throughout the election period in a reasonable, transparent and lawful manner;
- assure the community that Council elections are conducted in a manner that is ethical, fair and equitable and are publically perceived as such;
- avoid actions and decisions being made during the election period that may be interpreted as influencing voters or binding the incoming Council.

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### **112 Scope**

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This policy applies to all employees and Councillors of Council, or a person or Delegated Committee acting under delegation given by Council.

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### **113 Election period**

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The election period is defined in section 3 of the Act and means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.

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### **114 Definitions**

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In this policy the following words and phrases have the following definitions:

**Delegated Committee** means a delegated committee established by Council under section 63 or 64 of the Act or a Committee exercising any power of Council under the Act.

**Election period** means the period that –

- (a) starts at the time that nominations close on the nomination day; and
- (b) ends at 6pm on election day.

**Electoral material** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

**Council decision** means:

- (a) a resolution made at a Council meeting;
- (b) a resolution made at a meeting of a delegated committee; or
- (c) the exercise of a power of the performance of a duty or function of Council by a member of Council staff (which includes the CEO) or a Community Asset Committee under delegation.

**MGHS** means Manager Governance and Human Services

**DCCS** means Director Corporate and Community Services

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## **115 Role of the Chief Executive Officer**

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In addition to the CEO's statutory responsibilities, the CEO must ensure as far as possible that:

- all Councillors are informed of the requirements of this policy;
- guidelines are issued to staff on their role and responsibilities in the implementation of this policy; and
- matters of Council business requiring major or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

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## **116 Decision making**

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### (4) Prohibited decisions

Section 69 of the Act prohibits Council from making a decision:

- during the election period for a general election that:
  - relates to the appointment or remuneration of the CEO but not to the appointment or remuneration of an Acting CEO;
  - commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
  - the Council considers could be reasonably deferred until the next Council is in place; or
  - the Council considers should not be made during an election period; or
- during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

### (5) Significant decisions

Over and above the decisions specified in section 69 of the Act, Council will avoid making other decisions during the election period that are of a significant nature that would unnecessarily bind an incoming Council.

Significant decisions include:

- approval of contracts that require significant funding in future financial years or are regarded as politically sensitive matters;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- decisions of a politically sensitive nature; and
- policy or strategy decisions.

### (6) Scheduling of significant decisions

The CEO should as far as practicable avoid scheduling significant decisions during the election period and instead, ensure that significant decisions are either considered by the Council prior to the election period or scheduled for determination by the incoming Council.

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**117 Election statement**

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During the election period, the CEO will ensure that an election statement is included in every report submitted to Council or to a delegated committee of Council for a decision.

The election statement will state that:

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

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**118 Council publications during the Election Period**

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Council publicity will not be used in any way which might influence the outcome of a Council election. Councillors and members of staff are required to comply with section 304(2) of the Act which states that:

*A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.*

*Penalty: 60 penalty units.*

(7) Prohibition on publishing materials during the election period

Council will refrain from printing, publishing or distributing any materials during the Election Period which relate to issues that are the subject of election campaigns, except if the printing, publishing or distribution of a document or other material is essential for the conduct of Council operations. Where that is the case, the document or material must first be approved in writing by the CEO. This obligation also applies to any publications appearing via Council's social media platforms, including Facebook and Instagram.

(8) Considerations of the Chief Executive Officer in granting publication approval

Except as described more specifically elsewhere in this Policy, in considering whether to grant approval for the publication of material during the election period the CEO:

(a) must not permit any material to be published which include reference to the following:

- (i) a candidate in the election;
- (ii) a current Councillor;
- (iii) the strengths or weaknesses of a candidate;
- (iv) response to claims made by a candidate;
- (v) advocacy for, or criticism of, the policies of the Council or of a candidate;
- (vi) publicity for the achievements of the elected Council;
- (vii) an issue before the voters in connection with the election.

(b) may approve the publication of material which only contains information about:

- (i) the election process itself; or
- (ii) Council information that does not include any reference to a current Councillor otherwise precluded by this Policy.



(9) Council's website

During the election period the website will not contain material precluded by this Policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

Material published on Council's website in advance of the election period is not subject to certification; however, existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

(10) Council's social media

The social media outlets will continue to operate; however the ability for members of the public to post comments on Council's social media will be removed for the duration of the election period. Any material posted by the authorised social media manager and operators will be first approved by the CEO under the Election Period Certification Procedure.

(11) Annual report

If the publication of the Annual Report occurs during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2014 and membership of delegated committees and other bodies to which they have been appointed by Council.

The annual report does not require approval by the CEO; however any publications of an extract or summary of the Annual Report will require approval.

(12) Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the DCCS or DIS and then approved in writing by the CEO in accordance with the Election Period Certification Procedure prior to publication. This is to ensure that any circulated displayed, or otherwise publically available material during the election period does not contain material that may be construed as electoral matter.

Council publicity during the Election Period will be restricted to promoting normal Council activities. Where a publicity campaign is deemed necessary for Council service or function (eg, vaccinations), it must be approved by the CEO. Council funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity.

(13) Council notice boards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that contains information about:

- (a) the election process itself; or
- (b) information that would not reasonably be determined to be electoral material.

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**119 Misuse of position**

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Councillors must not misuse, or inappropriately make use of their position to gain an advantage or cause detriment to another person at any time, including during the Election Period. Without limitation if a Councillor chooses to stand as a candidate for the election, the Councillor must:

- (a) continue to act in accordance with their obligations under the Act and relevant codes of conduct;
- (b) take care to maintain the distinction between their position as a current Councillor and their role as a candidate for the election;
- (c) avoid any conflicts of interest between their position as a current Councillor and their role as a candidate for the election; and
- (d) maintain appropriate relationships with Council Officers, including by observing all relevant communication protocols between Councillors and Council Officers.

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**120 Council resources**

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Section 304 of the Act provides that a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the DCCS or the CEO.

(14) Council resources

Council resources including landlines and mobile telephones, computers and email accounts, offices, meeting rooms, secretarial support, equipment and stationary will be used exclusively for normal Council business and must not be used in connection with any candidate's election campaign.

Photographs or images taken by or on behalf of Council must not be used for the purposes of electioneering.

Where Councillors have Council funded services such as mobile phones, landlines, internet connections and where it is impractical to discontinue their use of these during the election, Councillors will reimburse Council for usage of those services during the election period that exceeds normal usage levels.

(15) Correspondence

Councillors will not sign any correspondence during the election period. Correspondence addressed to councillors that relates to operational matters will be referred to the relevant Director for response. The CEO should sign correspondence in respect to significant, sensitive or controversial matters, or to policy matters. All replies to letters must be free from the perception of political bias.

(16) Expenses Incurred by Councillors

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties— not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO may

approve a partial reimbursement to cover Council activities. No reimbursement for personal internet services or personal mobiles will be made during election periods.

(17) Travel and Accommodation

Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that the Mayor (or delegate) represent Council on a delegation or forum, Council may be resolution approve attendance. The CEO may determine if consideration by Council is impracticable.

(18) Council Branding and Stationery

No Council logos, letterheads, or other Hindmarsh Shire Council branding will be used for, or linked in any way, to a candidate's election campaign.

(19) Support to the Mayor and Councillors

No staff, including support staff for the Mayor and Councillors may be asked to undertake any tasks connected directly or indirectly with an election campaign.

(20) Community Forums and Meetings

No local community forums, ward meetings or any other forums of the type identified in the Community Engagement Framework will be held by Councillors during the election period.

(21) Events

During the election period, current Councillors may continue to attend functions and events. Only events essential to the operation of Council will be scheduled and run during the election period. Council officers will be responsible for speeches during events.

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## **121 Access to Council information**

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All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

Any enquiries by Councillors or candidates to staff regarding information requests or briefing material will be referred by staff in the first instance to the DCCS for a determination.

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## **122 Media and media services**

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The Council's media services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

(22) Media Advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO or the CEO's delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

(23) Media Releases/Spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will determine the appropriate staff member to be the spokesperson.

Media releases will require approval by the CEO.

(24) Publicity Campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

(25) Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

(26) Council Employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements relate to the electoral process and have been approved by the CEO.

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**123 Equity in assistance to candidates**

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All candidates for the Council election will be treated equally.

(27) Candidate Assistance and Advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

(28) Election Process Enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the MGHS or DCCS.

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**124 Communication**

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A copy of this policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public at the Council office and any district offices, and be published on Council's website.

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**125 References**

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*Local Government Act 2020 (Vic)*

*Local Government Act 1989 (Vic)*

Hindmarsh Shire Council Election Period Certification Procedure

Hindmarsh Shire Council Councillor Code of Conduct

The background of the cover is a photograph of a modern, multi-story building with a prominent curved glass facade. The building's interior is visible through the windows, showing office desks, chairs, and bookshelves. The sky above is a clear, light blue. The text is overlaid on the central part of the image.

**HINDMARSH SHIRE COUNCIL**

**INTERIM  
FINANCIAL REPORT**

**FOR THE PERIOD ENDING  
30 JUNE 2022**

**Hindmarsh Shire Council  
Management Financial Report  
For the period ending 30 June 2022**

**COMMENTARY**

**General**

This interim report is for the period ending 30 June 2022.

The Financial report provides financial reporting and variances against budget. This report incorporates Year to Date actual and variance figures for the ten months up to 30 June 2022.

This report is subject to internal adjustments and external audit with the final report to be presented as the End of Financial Year Audited Statements.

**Dashboard**

The Dashboard provides Council with a set of graphs detailing both financial and non-financial items.

**Executive Summary & Ratios**

The Executive Summary and ratios provides Council with a summary of financial items comparing year to date actuals against year to date budget.

**Financials**

Attached to this report are a set of financial statements consisting of an Income Statement, Balance Sheet, Cash Flow Statement, Capital Works Schedule and Detailed Program Expenditure. These statements are prepared in line with Australian Accounting Standards and the relevant regulations under the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2014*. The statements provide YTD Actual data with a comparison against YTD Budget figures.

A brief summary of the major budget variances is outlined on the following pages.

**Comprehensive Income Statement**

The Comprehensive Income Statement shows an operating surplus for the period 1 July 2021 to 30 June 2022 of \$8,913,601 compared to a budgeted surplus of \$6,716,518.

There are a number of items that make up the overall variances between actual and budget. Explanation of material variances have been detailed against the Comprehensive Income Statement report.

**Balance Sheet and Cash Flow**

Cash and cash equivalents at 30 June 2022 shows a balance of \$14,980,216.

**Capital Expenditure**

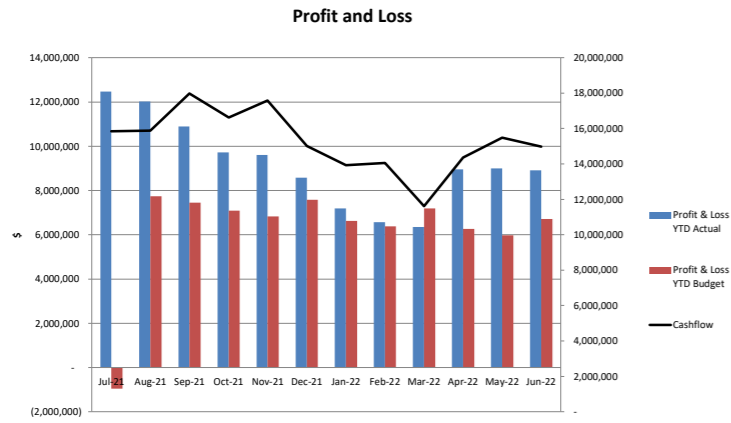
This report shows Capital works expenditure of \$12,169,477 for the period 1 July 2021 to 30 June 2022.

"The Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020* is of the opinion a revised budget is not required"



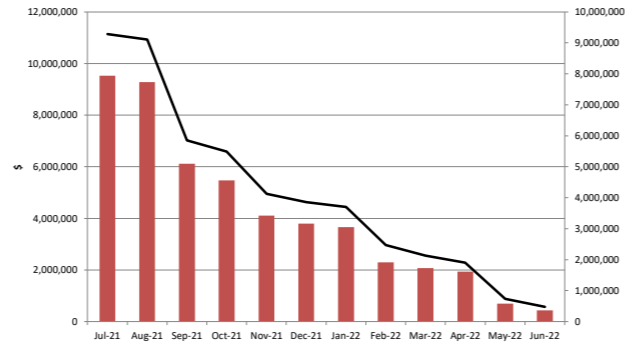
### Hindmarsh Shire Council Performance Dashboard For the period ending 30 June 2022

#### Profit & Loss

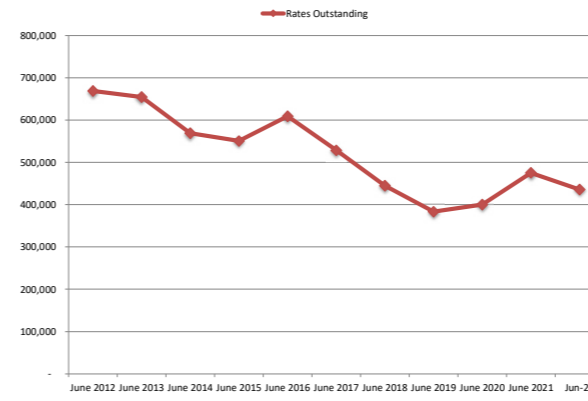


#### Outstanding Debtors, Rates & Infringements

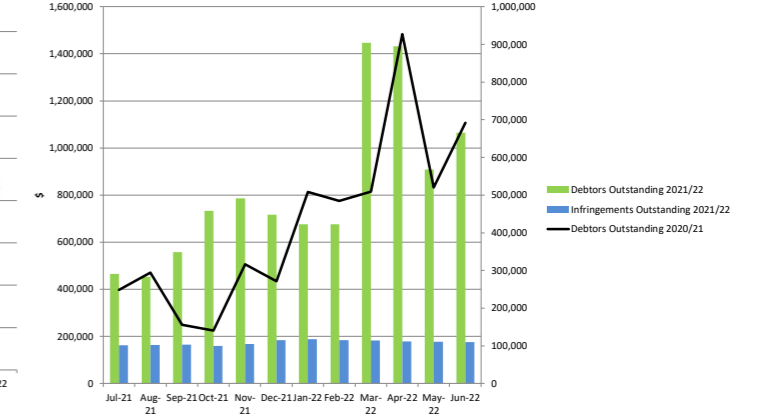
##### Rates Outstanding



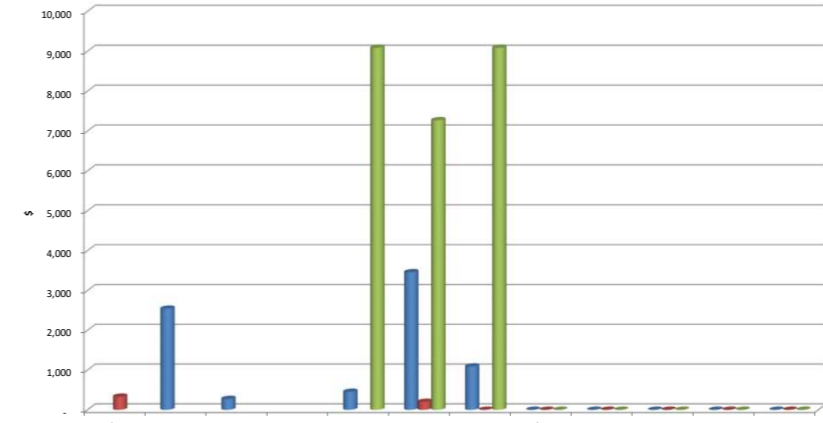
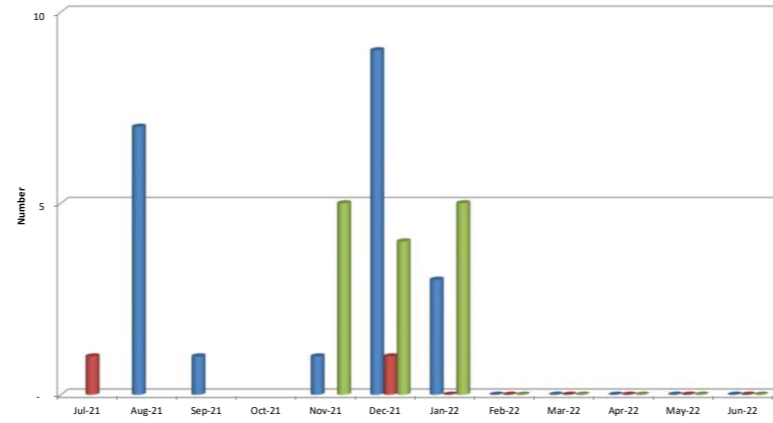
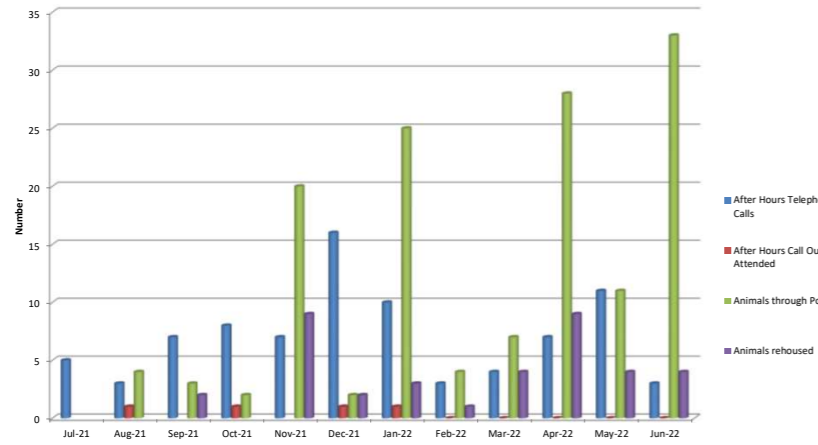
##### Rates Arrears



##### Debtors & Infringements

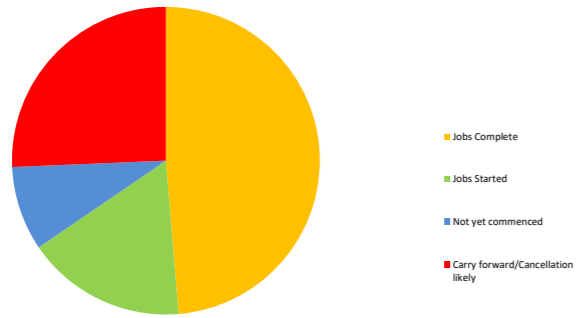


#### Local Laws



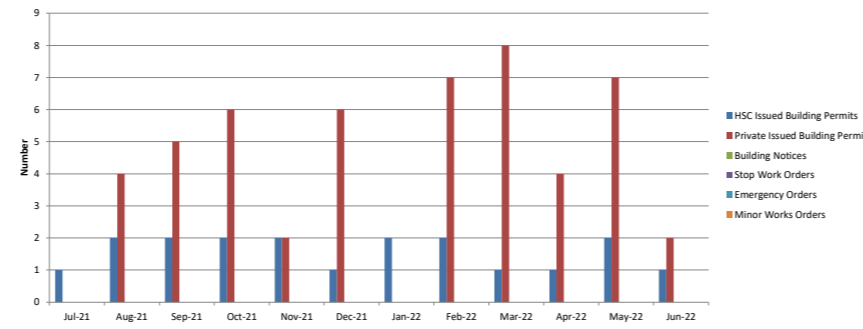
#### Capital Works

##### Capital Works

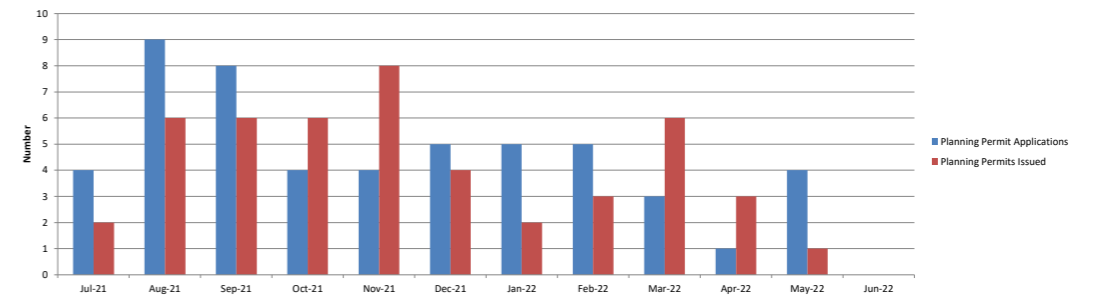


#### Building & Planning

##### Building



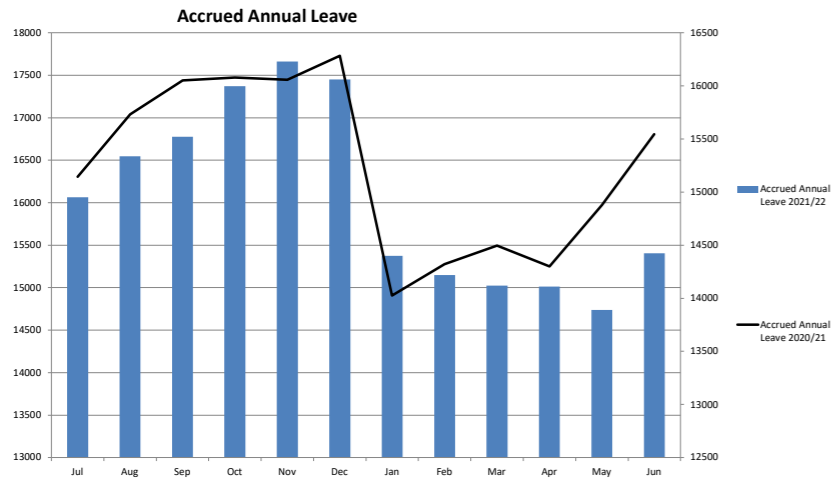
##### Planning



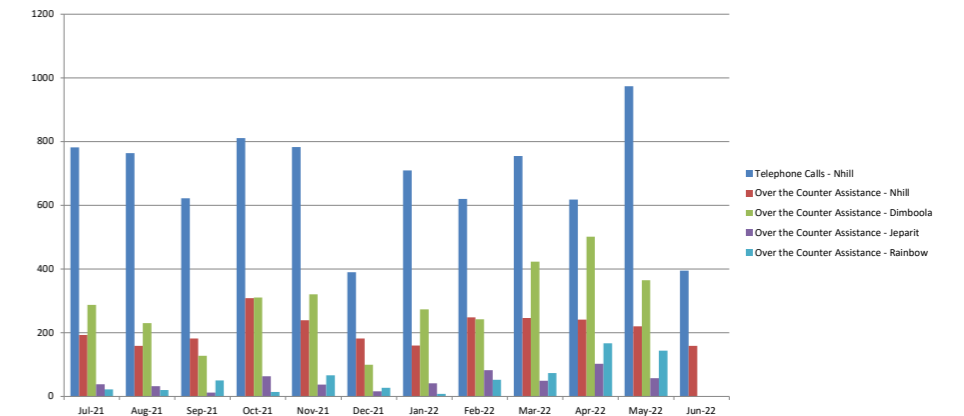
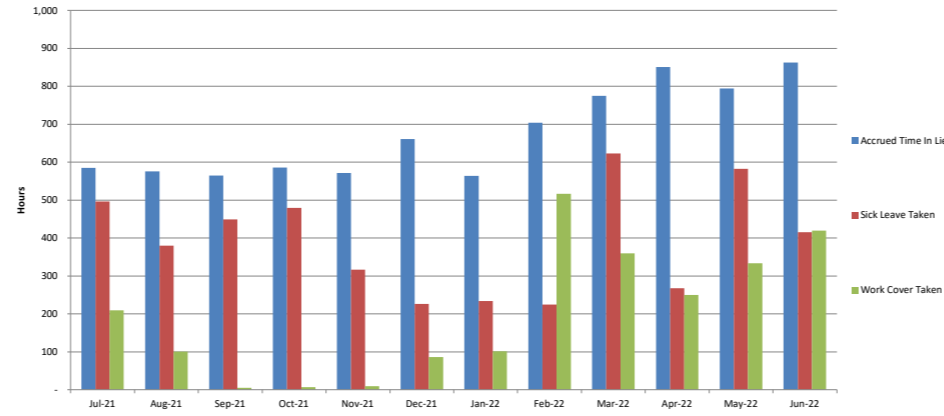


Hindmarsh Shire Council Performance Dashboard  
For the period ending 30 June 2022

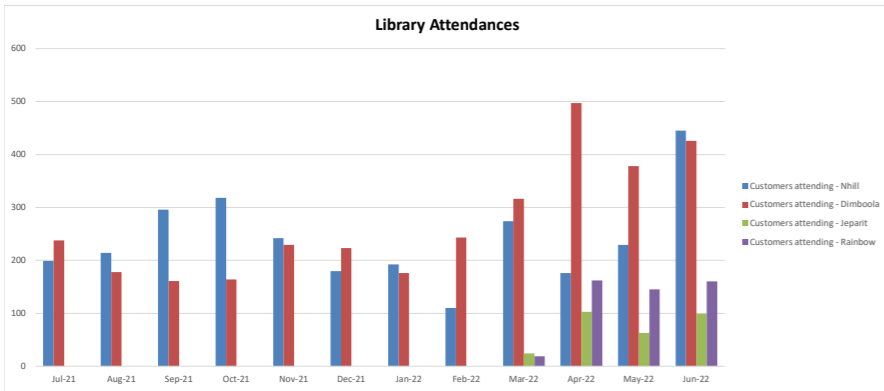
Human Resources



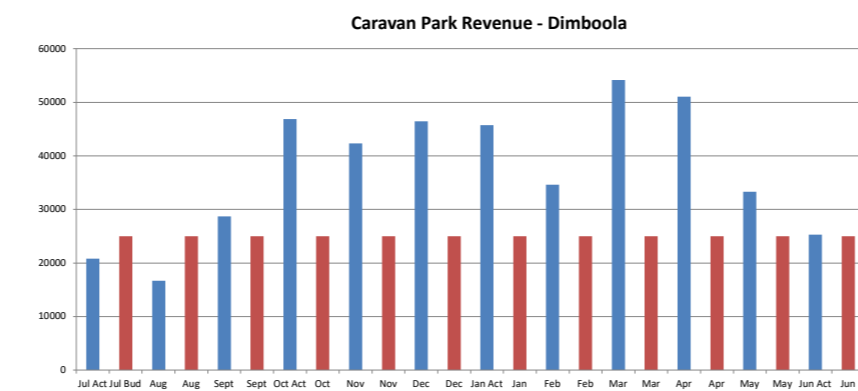
Customer Services



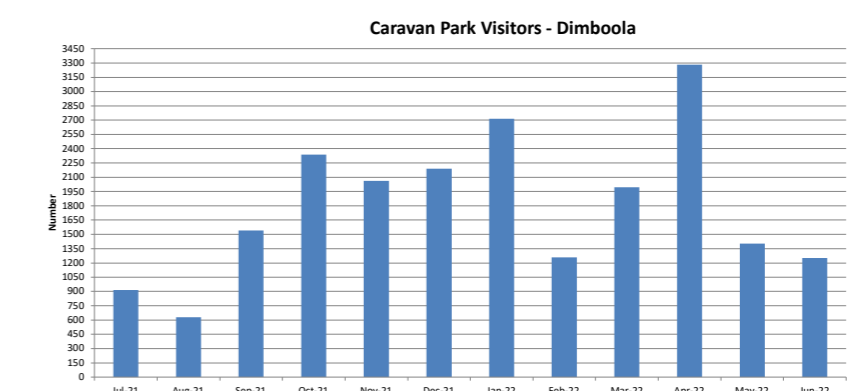
Library attendances



Caravan Park - Dimboola

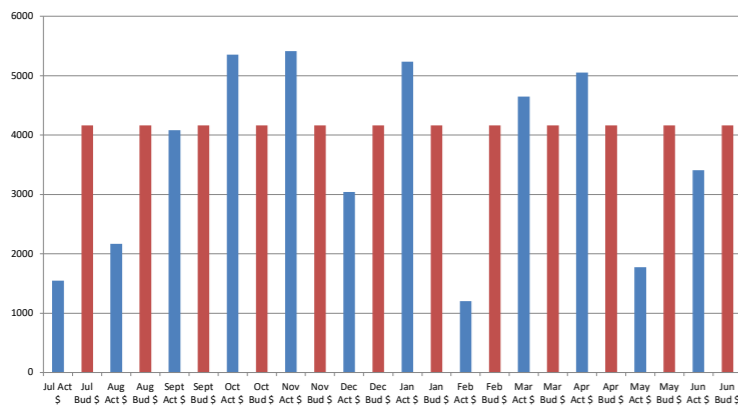


Caravan Park - Dimboola

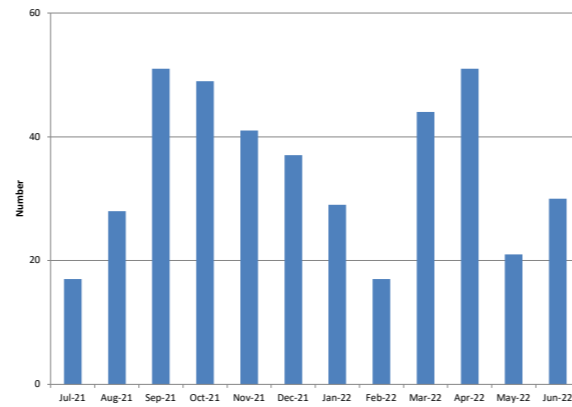


Caravan Park

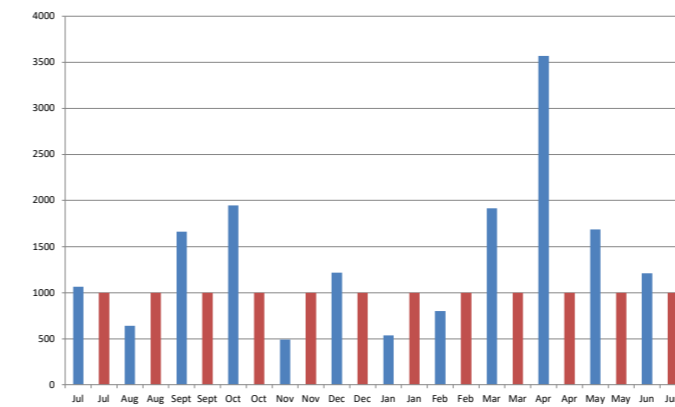
Caravan Park Revenue - Jeparit



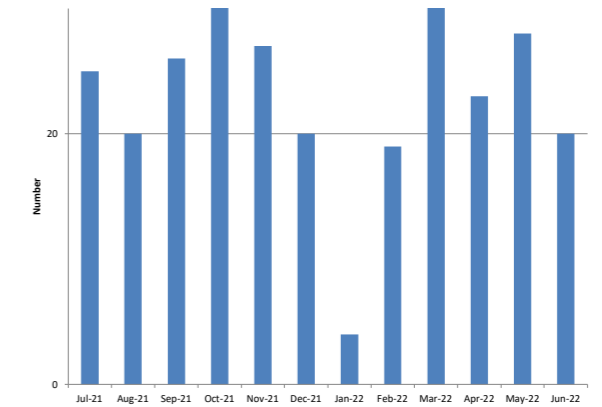
Caravan Park Visitors - Jeparit



Caravan Park Revenue - Rainbow



Caravan Park Visitors Rainbow





**Hindmarsh Shire Council  
Executive Summary  
As at 30 June 2022**

	<b>Actual YTD June 2022</b>	<b>Budget YTD June 2022</b>	<b>Indicator</b>
Rates & Charges Collected	9,261,346	9,213,701	
Income Statement Operating Surplus/(Deficit)	8,913,601	6,716,518	
Adjusted Underlying Surplus/(Deficit)	835,744	(1,196,563)	
Cash & Investments	14,980,216		
Rates Debtors	404,939		
Sundry Debtors	1,064,311		
Infringement Debtors	176,416		
Balance Sheet Working Capital	14,386,359		
Total Operating Revenue	29,366,531	26,634,227	
Total Operating Expenditure	20,452,930	19,917,709	
Capital Works Expenditure	12,169,477	12,802,243	

**Indicator Legend**

	No action required
	Requires active monitoring
	Immediate action required

**Hindmarsh Shire Council  
Ratio Summary  
As at 30 June 2022**

	Actual YTD	Budget	Indicator
<b>Working Capital</b> (This ratio identifies if the Council has sufficient Current Assets to meet its due debts with a safety margin. A generally acceptable current ratio is 2 to 1.)	580%	106%	
<b>Asset Renewal</b> (This ratio identifies councils expenditure renewing assets compared to the depreciation of the asset)	208%	131%	
<b>Own Source Revenue Coverage Ratio</b> (This ratio is the measurement of a Council's ability to cover its costs through its own revenue efforts.)	61%	59%	
<b>Operating Surplus Ratio</b> (This ratio is a measure of a Council's ability to cover its operational costs and have revenues available for capital funding or other purposes.)	72%	-5%	
<b>Liquidity</b> (This ratio is the measurement of a Council's current assets compared to current liabilities.)	499%	414%	
<b>Unrestricted Cash</b> (This ratio is the measurement of a Council's cash compared to current liabilities.)	457%	162%	
<b>Indebtedness</b> (This ratio is the measurement of a Council's non-current liabilities compared to own source revenue.)	1%	2%	
<b>Rates Concentration</b> (This ratio is the measurement of a Council's rate revenue compared to total revenue.)	31%	35%	
<b>Cash Expense Ratio (months)</b> (This ratio indicates (in months) how long Council can continue to undertake operations without any revenue being received.)	4.10		

**Indicator Legend**

	No action required
	Requires active monitoring
	Immediate action required

**Hindmarsh Shire Council**  
**Comprehensive Income Statement**  
**For the period ending 30 June 2022**

	YTD Actual \$	YTD Budget \$	YTD Variance \$	Ref
<b>Income</b>				
Rates and charges	9,222,168	9,213,701	8,467	
Statutory fees and fines	46,821	41,500	5,321	
User fees & Reimbursements	1,749,440	1,379,390	370,050	1
Contributions - cash	105,715	12,000	93,715	2
Grants - operating (recurrent)	7,427,665	5,801,032	1,626,633	3
Grants - operating (non-recurrent)	307,774	94,739	213,035	4
Grants - capital (recurrent)	1,099,926	1,080,798	19,128	5
Grants - capital (non-recurrent)	7,949,658	7,342,081	607,577	6
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	128,199	571,000	(442,801)	7
Interest	76,775	80,000	(3,225)	
Other income	1,252,391	1,017,986	234,405	8
<b>Total Income</b>	<b>29,366,531</b>	<b>26,634,227</b>	<b>2,732,304</b>	
<b>Expenses</b>				
Employee costs	7,722,904	7,747,893	(24,989)	9
Materials and services	5,522,698	4,980,712	541,986	10
Depreciation	5,841,647	5,674,928	166,719	11
Other expenses	1,365,680	1,514,176	(148,496)	12
<b>Total expenses</b>	<b>20,452,930</b>	<b>19,917,709</b>	<b>535,221</b>	
Share of net profits/(losses) of associates and joint ventures accounted for by the equity method	-	-	-	
<b>Surplus (deficit) for the year to date</b>	<b>8,913,601</b>	<b>6,716,518</b>	<b>2,197,083</b>	
Net asset Revaluation increment / (decrement)	-	-	-	
<b>Comprehensive result</b>	<b>8,913,601</b>	<b>6,716,518</b>	<b>2,197,083</b>	

**Comprehensive Income Statement**  
**Explanation of material variations**  
**For the period ending 30 June 2022**

Variance		
Ref	Item	Explanation
1	User fees & Reimbursements	User fees and charges is above budget due to Aged care service fees, transfer station fees, private works and caravan park fees being higher than budgeted.
2	Contributions	Council contributions to the town committees has been processed as well as income being received for MAV for Tobacco Activity.
3	Grants - operating (recurrent)	Recurrent operating grants are higher than budgeted due to the receipt of part of the 2022/2023 Victorian Grants Commission funding .
4	Grants - operating (non-recurrent)	Non-recurrent operating grants are higher than budgeted due to the receipt of additional funding for Outdoor Dining and for LG Business Concierge & Hospitality.
5	Grants - capital (recurrent)	Grants - Capital (recurrent) is above budget due to the timing of the budget for the Roads To Recovery Grant which has been received in full.
6	Grants - Capital (non-recurrent)	Capital grants are higher than budgeted as funding has been received for the Local Roads and Community Infrastructure program, Redevelopment of the Rainbow Rises Event centre, Heavy Vehicle Safety and Productivity Program, Rainbow Female Friendly Change Rooms and Nhill Caravan Park Amenities.
7	Net gain/(loss) on disposal of property, infrastructure, plant and equipment	The net gain/loss on the sale of assets has be reconciled at the end of the 2021/2022 financial year.
8	Other income	Additional income has been received through the internal recovery for plant and quarry operations.

**Comprehensive Income Statement  
Explanation of material variations  
For the period ending 30 June 2022**

9	Employee Costs	Employee costs are lower than budgeted due to staff vacancies.
10	Materials and services	Materials and services is higher than budgeted due to the timing of the budget for maintenance work on roads. The road and infrastructure audit, Rainbow Lake development and quarry restoration have been undertaken from the budget carried forward from 2020/21.
11	Depreciation	Depreciation for 2021/2022 will be reconciled at the end of the financial year as part of the annual audit.
12	Other Expenses	Other expenses are lower than anticipated due to a the timing in payment of Audit Fees and insurance.

**Hindmarsh Shire Council**  
**Balance Sheet**  
**As at 30 June 2022**

	YTD Actual 2021/2022 \$	Actual 2020/2021 \$	Ref
<b>Current assets</b>			
Cash and cash equivalents	14,980,215	17,319,237	1
Rates and other receivables	1,902,960	1,138,319	2
Other assets & Inventories	503,346	556,149	
<b>Total current assets</b>	<u>17,386,521</u>	<u>19,013,705</u>	
<b>Non-current assets</b>			
Investments in associates by equity method	213,072	213,072	
Infrastructure, Property and Plant and Equipment	155,030,147	161,300,312	
Capital Expenditure 2021/22	12,169,477	0	3
Trade and other receivables	2,207	2,207	
<b>Total non-current assets</b>	<u>167,414,903</u>	<u>161,515,591</u>	
<b>Total assets</b>	<u>184,801,424</u>	<u>180,529,296</u>	
<b>Current liabilities</b>			
Trade and other payables	566,093	5,254,140	4
Trust Funds and Deposits	101,886	101,509	5
Provisions	2,332,183	2,285,986	6
<b>Total current liabilities</b>	<u>3,000,162</u>	<u>7,641,635</u>	
<b>Non current liabilities</b>			
Provisions	160,457	160,457	6
<b>Total non-current liabilities</b>	<u>160,457</u>	<u>160,457</u>	
<b>Total liabilities</b>	<u>3,160,619</u>	<u>7,802,092</u>	
<b>Net assets</b>	<u>181,640,805</u>	<u>172,727,204</u>	
<b>Equity</b>			
Accumulated surplus	71,533,641	69,135,437	
Surplus/(Deficit) for period	8,913,601	2,398,205	
Asset revaluation reserve	101,193,563	101,193,563	
<b>Total equity</b>	<u>181,640,805</u>	<u>172,727,205</u>	

**Balance Sheet**  
**Explanation of material variations**  
**As at 30 June 2022**

Variance		
Ref	Item	Explanation
1	Cash and Cash Equivalents	Cash and Cash Equivalents reflects the receipt of substantial grant funding late in the previous financial year that was carried forward for projects which are to, or have, commenced in 2021/2022. A substantial part of the 2022/2023 Financial Assistance Grants was received in April 2022.
2	Rates and Other Receivables	Rates and other receivables recognise total unpaid rates rates raised for the 2021/2022 financial year as well as sundry debtors outstanding.
3	Capital Expenditure	Capital Expenditure as at 30 June 2022 was \$12,169,477. Refer to the Capital Works report for further information.
4	Trade and Other Payables	Trade and Other Payables represents the amount outstanding to creditors as at 30 June 2022.
5	Trust Funds and Deposits	As at 30 June 2022 Council holds \$89,570 for the Fire Services Levy which will be remitted in the 2022/2023 financial year and \$12,316 in refundable deposits.
6	Provisions	Provisions represents the amount held for Long Service and Annual Leave as well as quarry and landfill restoration.

**Hindmarsh Shire Council**  
**Statement of Cash Flows**  
**For the period ending 30 June 2022**

**Cash Flows from Operating Activities**

	<b>Inflows/ (Outflows)</b>
<b>Receipts</b>	
Rates & Charges	9,261,346
Statutory Fees and Fines	33,516
User Fees	1,379,618
Interest	76,775
Contributions - Cash	105,715
Grants - Recurrent	7,735,439
Net GST refund/(payment)	(420,022)
Grants - Non Recurrent	4,278,696
Trust	(293)
Other Revenue	1,252,391
<b>Payments</b>	
Employee Costs	(7,676,707)
Other Expenses	(1,439,325)
Suppliers	(5,313,410)
	9,273,738

**Cash Flows from Investing Activities**

Payments for Property Plant and Equipment and Infrastructure	(12,169,477)
Proceeds from sale of Property Plant and Equipment	556,718
<b>Net cash inflow (outflow) from investing activities</b>	<b>(11,612,759)</b>

**Cash flows from Financing activities**

<b>Net cash inflow (outflow) from financing activities</b>	<b>-</b>
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<b>Net increase/(decrease) in cash held</b>	<b>(2,339,021)</b>
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Cash at beginning of the period	17,319,237
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<b>Cash at end of the period</b>	<b>14,980,216</b>
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**Hindmarsh Shire Council**  
**Capital Works**  
For the period ending 30 June 2022

	YTD Actual \$	YTD Budget \$	YTD Variance \$	Ref
<b>Property</b>				
Land	31,748	-	(31,748)	1
<b>Total Land</b>	<u>31,748</u>	<u>-</u>	<u>(31,748)</u>	
Buildings	1,723,492	1,002,840	(720,652)	2
<b>Total Buildings</b>	<u>1,723,492</u>	<u>1,002,840</u>	<u>720,652</u>	
<b>Total Property</b>	<u>1,755,240</u>	<u>1,002,840</u>	<u>752,400</u>	
<b>Plant and Equipment</b>				
Plant, machinery and equipment	2,306,112	1,937,500	(368,612)	3
Fixtures, fittings and furniture	88,249	137,000	48,751	4
<b>Total Plant and Equipment</b>	<u>2,394,361</u>	<u>2,074,500</u>	<u>(319,861)</u>	
<b>Infrastructure</b>				
Roads	3,687,048	3,109,010	(578,038)	5
Bridges	3,076,126	3,500,000	423,874	6
Footpaths and cycleways	312,779	203,209	(109,570)	7
Drainage	122,383	283,684	161,301	8
Other infrastructure	821,540	2,629,000	1,807,460	9
<b>Total Infrastructure</b>	<u>8,019,876</u>	<u>9,724,903</u>	<u>(1,705,027)</u>	
<b>Total Capital Works Expenditure</b>	<u>12,169,477</u>	<u>12,802,243</u>	<u>632,766</u>	
<b>Represented by:</b>				
New asset expenditure	1,519,734	2,383,500	863,766	
Asset renewal expenditure	6,287,096	5,514,748	(772,348)	
Asset expansion expenditure	-	-	-	
Asset upgrade expenditure	4,362,647	4,903,995	541,348	
<b>Total Capital Works Expenditure</b>	<u>12,169,477</u>	<u>12,802,243</u>	<u>632,766</u>	

**Capital Works**  
**Explanation of material variations**  
**For the period ending 30 June 2022**

Variance Ref	Item	Explanation
1	Land	Land was purchased to allow for the expansion of the Rainbow Caravan Park.
2	Buildings	Buildings are over budget due to the building of the Rainbow Library as well at the Nhill Early Learning Centre Upgrade which were carried forward from 2020/2021. Work has commenced on the Redevelopment of the Rainbow Rises Event Centre.
3	Plant, machinery and equipment	The purchase of plant and machinery is higher than budgeted as Council has received delivery of plant and equipment carried forward from 2020/2021.
4	Fixtures, fittings and furniture	Fixtures and fitting purchases will commence once the Holiday Park cabins have been completed.
5	Roads	The under expenditure in actual expenditure to budgeted is due to the phasing of the budgeted projects.
6	Bridges	The construction of the Albacutya Bridge is close to completion.
7	Footpaths and cycleways	This variance is due to the phasing of the Wimmera River Discovery Trail which is a project carried forward from 2019/2020 and 2020/2021.
8	Drainage	The under expenditure in actual expenditure to budgeted is due to the phasing of the budget for projects.
9	Other Infrastructure	The under expenditure in actual expenditure to budgeted is due to the phasing of the budget for projects, in particular the Silo Art trail and the transfer stations upgrades. The budget for improvements to Nhill Caravan Park was carried over from 2020/2021.

**Hindmarsh Shire Council**  
**Key Result Area Summary**  
For the period ending 30 June 2022

Service area	Description of services provided	2021/22 YTD Actual \$	2021/22 YTD Budget \$	2021/22 Annual Budget \$	
<b>Theme 1: Our Community</b>					
<b>Community Development</b>	Councils community Development Team works with community groups, organisations and individuals to assist communities reach their aspirations and be healthy, active and engaged.	Operating Expenditure	251,454	191,506	191,506
		Operating Revenue	177,944	-	-
		NET Expenses (Revenue)	73,510	191,506	191,506
		Capital Expenditure	4,500	-	-
<b>Maternal and Child Health Centres</b>	Maintain maternal and child health facilities in Dimboola and Nhill. Council provides support to early years' services through the Municipal Early Years Plan. Council does not provide Maternal and Child Health Services. This service is provided by West Wimmera Health Services in Dimboola, Jeparit, Nhill and Rainbow.	Operating Expenditure	8,480	18,052	18,052
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	8,480	18,052	18,052
		Capital Expenditure	-	-	-
<b>Kindergarten Services</b>	Provision of Kindergarten services in Dimboola, Jeparit, Nhill and Rainbow under contract with Horsham District Kindergarten Association. Council does not directly deliver Kindergarten Services.	Operating Expenditure	136,003	249,594	249,594
		Operating Revenue	104,019	94,739	94,739
		NET Expenses (Revenue)	31,984	154,855	154,855
		Capital Expenditure	20,210	6,500	6,500
<b>Youth Services</b>	Improve the wellbeing of and opportunities for youth within the Shire.	Operating Expenditure	122,554	91,583	91,583
		Operating Revenue	65,000	12,250	12,250
		NET Expenses (Revenue)	57,554	79,333	79,333
		Capital Expenditure	-	-	-
<b>Aged &amp; Disability Services</b>	Council's Aged and Disability Services aim to support people in their own homes and communities by providing services that promote and maintain independence. The program assists frail older people, people with a disability and their carers. These services provide basic support and maintenance to people living at home or who are at risk of premature or inappropriate admission to long-term residential care.	Operating Expenditure	995,611	1,089,394	1,089,394
		Operating Revenue	1,083,225	990,355	990,355
		NET Expenses (Revenue)	(87,615)	99,039	99,039
		Capital Expenditure	1,827	-	-
<b>Health Promotion</b>	To protect and enhance the health of the community.	Operating Expenditure	349,305	118,091	118,091
		Operating Revenue	116,229	37,000	37,000
		NET Expenses (Revenue)	233,076	81,091	81,091
		Capital Expenditure	2,169	-	-

Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Community Transport</b>		Operating Expenditure	-	7,250	7,250
		Operating Revenue	-	3,500	3,500
		NET Expenses (Revenue)	-	3,750	3,750
		Capital Expenditure	-	-	-
<b>Libraries</b>	Provision of permanent library services in Dimboola and Nhill, and improving services to Jeparit and Rainbow.	Operating Expenditure	304,040	312,438	312,438
		Operating Revenue	514,860	210,740	210,740
		NET Expenses (Revenue)	(210,820)	101,698	101,698
		Capital Expenditure	693,642	255,000	255,000
<b>Arts, Culture and Community Events</b>	Promote and support activities relating to arts, culture and community events throughout the Shire.	Operating Expenditure	125,077	104,056	104,056
		Operating Revenue	23,477	-	-
		NET Expenses (Revenue)	101,599	104,056	104,056
		Capital Expenditure	-	-	-
<b>Recreation Programs</b>	Providing a range of recreation programs that encourage an active and healthy life.	Operating Expenditure	13,817	14,049	14,049
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	13,817	14,049	14,049
		Capital Expenditure	-	-	-
<b>Public Order &amp; Safety</b>	Educate the community about public order and safety and enforce Council's compliance with the local laws when required. Operate the school crossing on the Western Highway in Nhill and maintain school crossings throughout the Shire.	Operating Expenditure	257,531	225,484	225,484
		Operating Revenue	87,987	84,174	84,174
		NET Expenses (Revenue)	169,544	141,310	141,310
		Capital Expenditure	-	-	-
<b>Early Years</b>	Lead a joint effort that will give Hindmarsh children the best start in life, working collaboratively with community and early years providers.	Operating Expenditure	23,357	36,230	36,230
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	23,357	36,230	36,230
		Capital Expenditure	-	-	-

Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Theme 2: Built &amp; Natural Environment</b>					
<b>Local Roads &amp; Bridges</b>	<p>Provide safe, all weather access to residences and allow for efficient transport of goods to and from the Shire.</p> <ul style="list-style-type: none"> <li>The aim of the road network is to provide property access for local traffic. Council endeavours to provide all-weather access to existing residential homes and dry weather access roads to non-residential properties.</li> <li>Council's road network comprises 573 kilometres of sealed roads, 845 kilometres of gravel roads (all weather) and approximately 1470 kilometres of earth roads (dry weather only, some contain gravel sections, though not maintained to an all-weather standard). The network also comprises six bridges and a significant number of large culverts.</li> <li>VicRoads is responsible for main roads including highways and marked routes. Similarly, state government agencies are responsible for roads and tracks within declared parks such as the Little Desert, Big Desert and along the Wimmera River.</li> </ul>	Operating Expenditure	5,514,416	5,276,596	5,276,596
		Operating Revenue	4,329,509	5,928,379	5,928,379
		NET Expenses (Revenue)	1,184,907	(651,783)	(651,783)
		Capital Expenditure	6,763,175	6,609,010	6,609,010
<b>Drainage Management</b>	Well maintained, fit for purpose drainage systems within townships.	Operating Expenditure	514,712	589,634	589,634
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	514,712	589,634	589,634
		Capital Expenditure	23,740	33,684	33,684
<b>Paths &amp; Trails</b>	Well maintained pedestrian access, including disabled access to critical and popular destinations around our townships.	Operating Expenditure	240,209	235,958	235,958
		Operating Revenue	5,000	-	-
		NET Expenses (Revenue)	235,209	235,958	235,958
		Capital Expenditure	312,779	203,209	203,209
<b>Tree Management</b>	Conduct maintenance, inspections and replanting works on Council road reserves, parks and gardens, and recreation reserves.	Operating Expenditure	218,236	346,025	346,025
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	218,236	346,025	346,025
		Capital Expenditure	-	-	-

Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Town Beautification</b>	Maintain and redevelop public open spaces in Dimboola, Jeparit, Nhill and Rainbow.	Operating Expenditure	693,290	672,647	672,647
		Operating Revenue	12,300	20,000	20,000
		NET Expenses (Revenue)	680,990	652,647	652,647
		Capital Expenditure	71,658	90,000	90,000
<b>Community Centres &amp; Public Halls</b>	Maintenance, renewal and upgrade of Council-owned and controlled community centres and halls, and support of communities that undertake these activities on behalf of Council. To protect and enhance the health of the community.	Operating Expenditure	230,051	291,562	291,562
		Operating Revenue	4,616	20,000	20,000
		NET Expenses (Revenue)	225,434	271,562	271,562
		Capital Expenditure	14,653	10,000	10,000
<b>Recreation Facilities</b>	Maintenance, renewal and upgrade of Council owned and controlled recreational land, buildings and facilities. Council also supports groups that undertake these activities on behalf of Council.	Operating Expenditure	939,747	926,278	926,278
		Operating Revenue	220,085	230,200	230,200
		NET Expenses (Revenue)	719,662	696,078	696,078
		Capital Expenditure	367,456	599,000	599,000
<b>Waste Management</b>	Management of Council's transfer stations and collection and disposal of domestic waste and recyclables across the Shire.	Operating Expenditure	1,272,154	1,388,990	1,388,990
		Operating Revenue	1,700,579	1,703,052	1,703,052
		NET Expenses (Revenue)	(428,425)	(314,062)	(314,062)
		Capital Expenditure	-	460,000	460,000
<b>Quarry Operations</b>	Management of Council-owned and controlled quarries and gravel pits for extraction of gravel for road making.	Operating Expenditure	363,829	331,685	331,685
		Operating Revenue	412,858	400,000	400,000
		NET Expenses (Revenue)	(49,028)	(68,315)	(68,315)
		Capital Expenditure	-	-	-
<b>Waterway Management</b>	Management of Council-controlled waterways including weir pools and lakes.	Operating Expenditure	95,106	37,172	37,172
		Operating Revenue	22,631	-	-
		NET Expenses (Revenue)	72,476	37,172	37,172
		Capital Expenditure	-	-	-
<b>Environmental Management</b>	Manage, protect and enhance Council's natural assets in conjunction with Government departments and environmental groups.	Operating Expenditure	208,484	144,695	144,695
		Operating Revenue	79,464	75,000	75,000
		NET Expenses (Revenue)	129,020	69,695	69,695
		Capital Expenditure	-	-	-
<b>Fire Prevention</b>	Identification of potential fire hazards and prevention of loss of life and property caused by fire.	Operating Expenditure	111,242	129,614	129,614
		Operating Revenue	36,958	3,200	3,200
		NET Expenses (Revenue)	74,284	126,414	126,414
		Capital Expenditure	-	-	-

Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Theme 3: Competitive and Innovative Economy</b>					
<b>Economic Development</b>	Facilitate an environment that is conducive to a sustainable and growing local business sector and provides opportunities for residents to access employment.	Operating Expenditure	307,089	139,422	139,422
		Operating Revenue	205,735	-	-
		NET Expenses (Revenue)	101,354	139,422	139,422
		Capital Expenditure	28,461	50,000	50,000
<b>Tourism</b>	To develop a thriving Wimmera Mallee Tourism industry predominantly based on, but not limited to, the Shire's heritage and environmental assets.	Operating Expenditure	199,283	272,065	272,065
		Operating Revenue	1,693,160	1,400,000	1,400,000
		NET Expenses (Revenue)	(1,493,877)	(1,127,935)	(1,127,935)
		Capital Expenditure	212,418	1,430,000	1,430,000
<b>Private Works</b>	Provision of private civil works services. <ul style="list-style-type: none"> <li>• Provide quotations for private works undertaken by Council's works department to residents, contractors and other authorities.</li> <li>• Potential private works include grading of farm driveways, grading of fence lines, construction of driveway cross-overs, and supply of labour, plant and materials.</li> <li>• Private works also include repair to Council's infrastructure caused by repair work to third party assets.</li> </ul>	Operating Expenditure	369,073	253,902	253,902
		Operating Revenue	343,253	324,700	324,700
		NET Expenses (Revenue)	25,821	(70,798)	(70,798)
		Capital Expenditure	-	-	-
<b>Caravan Parks and Camping Grounds</b>	Maintenance, renewal and upgrade of Council Caravan Parks and Camping Grounds.	Operating Expenditure	503,846	528,287	528,287
		Operating Revenue	1,357,964	672,500	672,500
		NET Expenses (Revenue)	(854,118)	(144,213)	(144,213)
		Capital Expenditure	1,276,104	870,000	870,000
<b>Land Use Planning</b>	To ensure that any development that occurs in Hindmarsh Shire is carried out in accordance with relevant planning policies, principals and controls.	Operating Expenditure	253,092	220,234	220,234
		Operating Revenue	100,655	50,500	50,500
		NET Expenses (Revenue)	152,437	169,734	169,734
		Capital Expenditure	-	-	-
<b>Building Control</b>	To provide statutory and private building services to the community	Operating Expenditure	204,390	214,416	214,416
		Operating Revenue	51,218	57,000	57,000
		NET Expenses (Revenue)	153,172	157,416	157,416
		Capital Expenditure	-	-	-
<b>Aerodrome</b>	Manage and maintain the Nhill Aerodrome	Operating Expenditure	114,845	67,843	67,843
		Operating Revenue	13,169	-	-
		NET Expenses (Revenue)	101,676	67,843	67,843
		Capital Expenditure	-	-	-

Service area	Description of services provided		2021/22 YTD Actual \$	2021/22 YTD Budget \$	2021/22 Annual Budget \$
<b>Theme 4: Good Governance &amp; Financial Sustainability</b>					
<b>Civic Governance &amp; Leadership</b>	To ensure that Council provides effective leadership and that its decisions are transparent, inclusive and based on sound recommendations and advice.	Operating Expenditure	985,353	1,009,001	1,009,001
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	985,353	1,009,001	1,009,001
		Capital Expenditure	1,405	-	-
<b>Customer Service Centres</b>	Operation and maintenance of customer service centres to provide facilities from which Council can efficiently deliver services to the community. Provision of information to ratepayers and the general public on a broad range of services provided by Council and other government agencies.	Operating Expenditure	449,469	501,595	501,595
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	449,469	501,595	501,595
		Capital Expenditure	2,283	16,340	16,340
<b>Council Elections</b>	Efficient and effective running of Elections by the Victorian Electoral Commission on behalf of Council.	Operating Expenditure	1,836	20,000	20,000
		Operating Revenue	4,671	-	-
		NET Expenses (Revenue)	(2,835)	20,000	20,000
		Capital Expenditure	-	-	-
<b>Financial Management</b>	To ensure the efficient and effective allocation of resources through sound financial planning and management that secures the long term financial viability of the municipality.	Operating Expenditure	430,966	470,900	470,900
		Operating Revenue	7,725,049	5,621,543	5,621,543
		NET Expenses (Revenue)	(7,294,083)	(5,150,643)	(5,150,643)
		Capital Expenditure	-	-	-
<b>Rating and Valuations</b>	Management of Council's rating system, including valuation of properties and the levying of rates and charges.	Operating Expenditure	204,315	207,343	207,343
		Operating Revenue	8,124,640	8,096,963	8,096,963
		NET Expenses (Revenue)	(7,920,326)	(7,889,620)	(7,889,620)
		Capital Expenditure	-	-	-
<b>Records Management</b>	Effective and efficient recording, storage, retrieval and disposal of records in line with the standards of the Public Records Office of Victoria.	Operating Expenditure	57,846	56,675	56,675
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	57,846	56,675	56,675
		Capital Expenditure	-	-	-
<b>Information Technology</b>	Using Information Technology as a tool to connect with the community and provide efficient and effective services.	Operating Expenditure	305,434	275,130	275,130
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	305,434	275,130	275,130
		Capital Expenditure	65,206	82,000	82,000



Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Risk Management</b>	Monitor and manage Council's risks in relation to operations, employment and infrastructure.	Operating Expenditure	479,551	547,940	547,940
		Operating Revenue	1,022	-	-
		NET Expenses (Revenue)	478,528	547,940	547,940
		Capital Expenditure	-	-	-
<b>Contract Management</b>	Preparation of contract specifications, administration of tender processes and management of Council's contracted services.	Operating Expenditure	254,341	250,078	250,078
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	254,341	250,078	250,078
		Capital Expenditure	-	-	-
<b>Payroll and Human Resources Services</b>	Provision of payroll services to Council employees and the provision of Human Resources services to management.	Operating Expenditure	315,789	278,458	278,458
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	315,789	278,458	278,458
		Capital Expenditure	-	-	-
<b>Emergency Management</b>	Provide support to the community in the areas of emergency preparedness, emergency response and emergency recovery.	Operating Expenditure	60,886	38,138	38,138
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	60,886	38,138	38,138
		Capital Expenditure	-	-	-
<b>Depots &amp; Workshops</b>	Operation of Council's depots and workshops including the provision of heavy plant and equipment.	Operating Expenditure	213,059	283,563	283,563
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	213,059	283,563	283,563
		Capital Expenditure	2,057,667	1,695,000	1,695,000
<b>Asset Management</b>	Provision of skills, resources and systems to ensure the most efficient and effective management of Council's assets. <ul style="list-style-type: none"> <li>• Ensure that Council targets the correct level of asset expenditure to achieve and maintain the desired levels of service into the foreseeable future.</li> <li>• Ensure that Council's asset renewal expenditure targets the most critical assets.</li> <li>• Provide regular condition and defect audits of Council's assets to ensure safety and levels of service are maintained.</li> <li>• Provide Council's asset valuations.</li> </ul>	Operating Expenditure	237,876	157,053	157,053
		Operating Revenue	2,696	-	-
		NET Expenses (Revenue)	235,181	157,053	157,053
		Capital Expenditure	-	-	-

Service area	Description of services provided	2021/22	2021/22	2021/22	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
<b>Fleet Management</b>	Ensure that Council's vehicle fleet is management, maintained and replaced in the most efficient and efficient way possible.	Operating Expenditure	216,799	278,142	278,142
		Operating Revenue	83,973	77,040	77,040
		NET Expenses (Revenue)	132,827	201,102	201,102
		Capital Expenditure	250,127	392,500	392,500
<b>Accounts Payable</b>	Payment of invoices in an efficient and timely manner.	Operating Expenditure	36,483	35,507	35,507
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	36,483	35,507	35,507
		Capital Expenditure			
<b>Accounts Receivable</b>	Receival of payments from debtors in an efficient and timely manner.	Operating Expenditure	13,681	13,315	13,315
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	13,681	13,315	13,315
		Capital Expenditure	-	-	-

## **Yurunga Homestead Community Asset Committee**

General Meeting, Thursday, April 28, 2022, Yurunga dining room, 7:30pm

### **Minutes**

Welcome and Opening at 7:35 pm

Members present: Jenny Solly (Chair), Peter Solly (Secretary/Treasurer), Col Drendel.

Visitors: Cr Brett Ireland (Deputy Mayor, Hindmarsh Shire),

Apologies:

Additional items for General Business (to be accepted at Chairperson's discretion)

- Policy on Phil Molesworth's private tours – wanting access to Yurunga.
- Go ahead with fence painting – no response re maintenance budget
- Gardening update suggestions

Declaration by a Councillor, Officer or Committee Member of any direct or indirect interest in any item on the agenda

Nil

Minutes of the previous meeting as circulated

Moved: - Peter Solly, Col Drendel - That the minutes of the meeting held March 24<sup>th</sup> 2022 as circulated be accepted as a true and accurate record. c/d

Business arising:

- March 29: Carpenter Marcus Feher checked out the coach house front rooms and under the schoolroom floor in order to quote on grant work
- April 5: Gary Spivak rang. He restored a threshing machine and donated it to Yurunga several years ago. He will visit on Sunday, July 3 to service/oil the machine, which is in the shipping container. Gary: 0424 690 438
- April 6: We emailed some more recent Yurunga photos to Jeff after our meeting. Jeff has updated the photos on the new Hindmarsh Shire webpage. Thanks Jeff
- April 7&8: Shire outdoor worker, Chris, mowed the lawn and chipped around the edges
- April 8: Jenny cleaned the house
- April 10: Marcus Feher's quote for repairs was received. It was forwarded to Dr Gary Hill, who is now able to apply to Heritage Victoria for permits for all of the grant works
- No response from Council yet re funding of picket fence painting or balance of mural costs. Several staff have been on leave

- Volunteer registration forms/police check/working with children: Joan Harmer has retired from the Hindmarsh Shire Customer Service Centre in Rainbow. We will have to start the process with reception and governance staff again
- Pruning the female carob tree: Allan Roberts will look into it when he returns from leave
- We had 12 visitors on Easter Day
- April 23: Yurunga's Craft Shop annual membership was paid (\$6)
- April 26: The Wimmera Mallee Tourism Board will hold their meeting in the Yurunga dining room from 11am
- Heather Davidson updated the electrical switchboard. All circuits are now safety switch protected.

#### Correspondence In (Emails)

- March 25: Jeff Woodward to Peter and Jenny re suggestions for the script for the mural audio history
- March 25: Jeff to Peter re happy to update photos & Angela Veitch is a possible contact for forms
- April 5: Jeff W to Peter re images for websites
- April 6: Jeff W to Peter re photos updated
- April 10: Quote from Marcus Feher, AusPro Carpentry, for repairs to coach house rooms (for storage) and schoolroom floor
- April 20x2: Donna Eaton, Trade Travel, to Peter re passenger list & dietary requirements for catering/tour on May 15, 2022 (Wheelers Hill Combined Probus)
- April 21: Donna Eaton to Peter re contacts for May 15 tour
- April 22: Chelsea Jones, Expanding Horizons, to Peter re new booking, Naracoorte Charters, October 2, 2022

#### Late Correspondence In (Emails)

- April 27: Donna Eaton – Trade Travel to Peter re more detail about a guest's food.

#### Correspondence Out (Emails)

- March 25: Peter to Jeff W re script audio, outstanding liabilities, Hindmarsh webpage, volunteer forms and contact at Council
- March 25: Peter to Jeff W re possibility of fence painting being covered by maintenance budget
- April 2: Peter to Dr Gary Hill & Elaine Doling (Minerva Heritage) re copy of quote for roof spout from Robinson Plumbing, update on carpenter's visit and photos of damage beneath the schoolroom floor. Dr Gary rang back
- April 5&6: Peter to Jeff W re more recent photos of Yurunga for the webpage and thanks

- April 7: Peter to Garry Salt and Jeff re picket fence painting possibly being covered by the maintenance budget and have the balance of mural costs been met?
- April 7: Garry out of office. Peter forwarded the above email to Angela Hoy. She is on leave
- April 10: Peter to Minerva Heritage re copy of quote from AusPro Carpentry for grant works. Dr Gary rang back
- April 11: re copy of February Minutes to Council
- April 20x2: Peter to Donna Eaton re catering/tour on May 15

#### Late Correspondence Out (Emails)

- April 26: Peter to Donna Eaton – Trade Travel re more detail about a guest’s food, May 15<sup>th</sup>.
- April 26: Peter to Chelsea Jones – Expanding Horizons re accepting booking for October 22<sup>nd</sup> 2022, cd

#### Reports ~ Financial

#### Yurunga Homestead Community Asset Committee

#### Financial Report

March 1<sup>st</sup> 2022 to March 31<sup>st</sup> 2022

Opening Balance per statement at 1<sup>st</sup> March      \$12,300.51

#### Plus Income:

##### Entries:

Trade Travel 12<sup>th</sup> Mar      \$105.00

Trade Travel 14<sup>th</sup> Mar      \$225.00

Renault Car Club 26<sup>th</sup> Feb      \$135.00

General entries      \$237.50

##### Catering:

Trade Travel 14<sup>th</sup> Mar      \$525.00

Renault Car Club 26<sup>th</sup> Feb      \$315.00

##### Merchandise:

Jams      \$86.00

Craft Shop plums      \$28.00

Donations:      \$19.00

Total Income      \$1,675.50

#### Less Expenses:

Learning Group Brochures      \$47.25

Bakery 7 Bread      \$30.40

J Solly Catering meat (Coles)      \$46.78

Total Expenses      \$124.43

Closing Balance per statement at 31<sup>st</sup> March           \$13,851.58

Term Deposit reinvested with interest on January 6<sup>th</sup> 2022  
at 0.07% interest pa for 3 months                   \$5,042.36

Origin Energy bill for \$167.67 is due May 9<sup>th</sup>

We have had issues renewing the term deposit. A visit to the Horsham Branch will be necessary with two signatories.

*Peter Solly* Secretary/Treasurer, Yurunga Homestead Community Asset Committee

Moved Peter Solly, Col Drendel - That the financial report for March be received.  
c/d

~ Deputy Mayor, Cr Brett Ireland

One cabin has arrived at the Rainbow Caravan Park. A grant application is in for two more.

The draft of the Shire budget is out. Funding from council will be limited apart from grants.

~ Jeff Woodward absent

Moved – Col Drendel, Peter Solly - That the Shire report be received. c/d

#### General Business

- Volunteer week has an afternoon tea for volunteers on May 18<sup>th</sup> at 2 pm. We will notify our volunteers.
- Helpers available for May catering tours and Hopetoun patchwork group tour on Sunday, May 22 at 2pm (clashes with Federal Street History Walk)
- Committee duty on Mother's Day, May 8. Peter and Jenny will cover this
- Date of May meeting. This will be held a week earlier, 19<sup>th</sup> May due to Jenny and Peter being unavailable on 26<sup>th</sup>.
- Policy on Phil Molesworth's private tours – wanting access to Yurunga.

Moved Col Drendel, Peter Solly - All tours of Yurunga will be conducted by the committee or by their authorized volunteers. c/d

- Go ahead with fence painting – no response re maintenance budget. We will contact Trig and get things started.
- Gardening update suggestions. Jenny has ideas and will organize.

### Bookings

Thursday, May 5, 2022, Warracknabeal Men's Probus, lunch and tour, 20ppl, arrival midday  
Contact: Geoff Lovell

Saturday, May 7, 2022, Wimmera 4WD group, tour only, 15-20ppl, arrival 10am  
Contact: Brett Moore [REDACTED]

Sunday, May 15, 2022, Trade Travel, lunch and tour, Wheelers Hill Combined Probus, 42ppl & 2 crew, 12:45pm arrival  
Contact: Donna Eaton [REDACTED]  
Tour host Colin Hood: [REDACTED] (on the day)

Sunday, May 22, 2022, Hopetoun patchwork group, tour only, 10-12ppl, 2pm arrival  
Contact: Lynne Gould [REDACTED]

Monday, May 23, 2022, (Expanding Horizons, Adelaide) Lamble Tours, 30ppl & 2 crew, tour then lunch, 11am arrival  
Contact: Chelsea Jones [REDACTED]

Saturday, June 4 and Sunday June 5, 2022, Roll family reunion tour  
Saturday: 10am-1:30pm  
Sunday: 9-10am and 2-4pm

Sunday, October 2, 2022, Naracoorte Charters, tour and lunch, approx 30ppl & 2 crew, 11am arrival  
Contact: Chelsea Jones, Expanding Horizons, Adelaide

Sunday, November 13, 2022, Trade Travel Qld, 25ppl & 2 crew, lunch and tour, 12:30 pm arrival  
Contact: Tracey O'Connell [REDACTED] [REDACTED]

Next Meeting: May (to be decided)

If you have an idea or would like some action taken, please notify the Secretary or Chairperson so that it can go on the agenda for discussion at the meeting. If something comes up after the agenda goes out (usually a week before the meeting), it can be listed on the night.

Meeting Close 9:15

## **Yurunga Homestead Community Asset Committee**

General Meeting, Thursday, May 26, 2022, via Zoom, 7:30pm

### **Minutes**

Welcome and Opening at 7:40 pm

Members present: Jenny Solly (Chair), Peter Solly (Secretary – Treasurer), Lou Ravenhorst, Col Drendel.

Visitors: Cr Brett Ireland, Jeff Woodward (Hindmarsh Shire)

Apologies: Nil

Additional items for General Business (to be accepted at Chairperson's discretion)

- Mowing around trees
- Fruit fly in orchard
- Cash only on Facebook

Declaration by a Councillor, Officer or Committee Member of any direct or indirect interest in any item on the agenda

Nil

Minutes of the previous meeting as circulated

Moved: - Lou Ravenhorst, Col Drendel - That the minutes of the meeting held April 28<sup>th</sup> 2022 as circulated be accepted as a true and accurate record. c/d

Business arising:

- April 29: Peter messaged Heather Davidson re the new safety switches dropping out. She replied. Peter will monitor the lights
- May 5: Warracknabeal Men's Probus lunch and tour, 17ppl. It went very well. Thanks to workers Cynthia Harberger, Ruth Gosling, Peter and Jenny Solly
- May 7: Peter looked after the Wimmera 4WD tour, 11 adults and 3 children. Thanks Peter
- New booking May 12: Holy Trinity Lutheran School, Horsham, 47 Year 1 students and 6 adults visited as part of their history studies. Contact: Kimberley Crabtree. A huge thank you to tour guides Barbara Young, Ruth Gosling and Dawn Saul. It was a cold, wet, muddy day. Thanks to the groups of children for taking off their shoes at the door! We do not charge for primary age students. We suggested a donation from the school would be appreciated.
- Sunday, May 15: Trade Travel Wheelers Hill Combined Probus dropped from 42ppl and 2 crew to 35ppl and 2 crew. Thank you so much to our



willing and capable team for looking after the group, who brought packed lunches. We provided tea and coffee. Thanks Col and Heather Drendel, Ruth Gosling, Barbara Young and Lisa Jochinke. Peter and Jenny were in Covid isolation. A recording of Peter's spiel was played. Thanks to Col for picking the quinces, and Heather for offering to make jam. Heather made quince jelly and paste for sale from 23<sup>rd</sup> May. All but 3 jars of jelly were sold that day.

- The Lamble Tours lunch and tour, Monday May 23, dropped from 32ppl and 2 crew to 15ppl. We are now expecting 17ppl and 2 crew
- May 18: Heather Davidson indicated she will return to fix the "tripping" problem with the light switches in the vestibule when she can
- May 18 and 19: Jenny cleaned the house
- May 19: Allan Roberts started trimming the female carob tree. He will do more next week
- May 19: Jenny rang Alison Ey at the Learning Group re orchard pruning. Alison will get back to us
- May 19: Frank Mellington will prepare a quote for sealing the picket tops and painting the fence

#### Additional late items:

- Many thanks to Heather Drendel for making quince jelly and quince paste
- The orchard has fruit fly. We will have to set up traps
- Catering and tour May 23<sup>rd</sup> went well. Thanks to Lou, Peter, Cynthia, Dawn and Jenny
- May 25<sup>th</sup> Jenny spoke to Belinda Eckermann re recording for the mural and QR code which she will do next week.
- Belinda says don't stress about the mural coating. The paint is UV resistant. She has a small town mural to complete first
- So far in May we have had over 150 visitors!! Income for May \$1,583.00

#### Correspondence In (Emails)

- May 9: Jeff Woodward to Peter re covering large group visits on May 12 and 15
- May 12: Donna Eaton, Trade Travel to Peter re passenger numbers and details for May 15
- May 13: Nicole Bria, Expanding Horizons numbers and dietary requirements for Lamble Tours, May 23
- May 16: Brett Ireland to Peter re suggested change to meeting date
- May 16: Jeff Woodward to Peter re flexible about meeting date
- May 17: Jenni Klippert, Expanding Horizons to Peter re amended Lamble Tours numbers, May 23
- May 17: Donna Eaton to Peter re Invoice for lunch and tour on May 15
- May 19: Nicole Bria, Expanding Horizons to Peter re 2nd amended final numbers for May 23
- May 20: Marcus Feher, Auspro Carpentry, to Peter & Jenny re updated quote for conservation work as discussed with Dr Gary Hill

Late Correspondence In  
(Emails)

- May 25: Payment advice from Expanding Horizons for May 23<sup>rd</sup> tour and lunch

Correspondence Out  
(Emails)

- May 9: Peter to Committee, Brett and Jeff re covering large group visits
- May 9: Peter to Jeff re above
- May 15: Peter to Committee, Brett and Jeff re suggested change to meeting date
- May 17: Peter to Trade Travel re Invoice for tour and lunch on May 15
- May 17: Peter to Jenni Klippert, Expanding Horizons re update on numbers for May 23 and Yurunga is in Rainbow, not Hopetoun
- May 18: Jenny to Council re copy of March Minutes
- May 20: Peter to Marcus Feher re thanks for updates quote
- May 20: Peter to Dr Gary Hill, Minerva Heritage re updated quote from Marcus Feher, AusPro Carpentry

Late Correspondence Out  
(Emails)

- May 24: Peter to Expanding Horizons re invoice for tour and lunch May 23<sup>rd</sup>
  - May 25: Peter to Expanding Horizons re thanks for payment received
- Moved Col Drendel, Lou Ravenhorst – That the inward correspondence be received and the outward endorsed. c/d

Reports ~

Financial

Yurunga Homestead Community Asset Committee

Financial Report

April 1<sup>st</sup> 2022 to April 30<sup>th</sup> 2022

Opening Balance per statement at 1<sup>st</sup> April           \$13,851.58

Plus Income:

Entries:	
General entries	\$395.00
Merchandise:	
Jams	\$18.00
Donations:	\$101.70
 Total Income	 \$514.70

Less Expenses:

IGA Catering expenses	\$41.96
Origin Energy Electricity	\$167.67

Total Expenses \$209.63

Closing Balance per statement at 30<sup>th</sup> April \$14,156.65

Term Deposit reinvested with interest on April 27<sup>th</sup> 2022  
at 0.07% interest pa for 3 months \$5,043.32

*Peter Solly* Secretary/Treasurer, Yurunga Homestead Community Asset Committee

Moved Peter Solly, Lou Ravenhorst - That the financial report for April be received. c/d

~ Deputy Mayor, Cr Brett Ireland

The change of Government may impact on shire funding. We have funding in the bank for major projects for a few years.

There is the possibility of tourism train through area.

There may be a good announcement for the next meeting.

~ Jeff Woodward

There may be a good announcement at the next meeting – there is good news afoot!

Redirection of the new Visit Hindmarsh website is working

New visitwimmeramallee website now live

We almost have a decision on the architect for Lou's silo project.

The Mini Albacutya Silo from federation Square is in Ron Ismay's shed.

Moved – Col Drendel, Lou Ravenhorst - That the Shire reports be received. c/d

General Business

- Oiling the verandah - seek advice from Dr Gary
- Mowing around trees – Lou will talk to the Lion's club.
- Fruit fly in orchard – This is a district problem Heather Drendel will be getting some advice to us.
- "Cash only" is to be added to our facebook page.

## Bookings

Saturday, June 4 and Sunday June 5, 2022, Roll family reunion tour

Saturday: 10am-1:30pm

Sunday: 9-10am and 2-4pm

Sunday, October 2, 2022, Naracoorte Charters, tour and lunch, approx 30ppl & 2 crew, 11am arrival

Contact: Chelsea Jones, Expanding Horizons, Adelaide

Sunday, November 13, 2022, Trade Travel Qld, 25ppl & 2 crew, lunch and tour, 12:30 pm arrival

Contact: Tracey O'Connell [REDACTED] [REDACTED]

Next Meeting: Thursday, June 23, 2022

If you have an idea or would like some action taken, please notify the Secretary or Chairperson so that it can go on the agenda for discussion at the meeting. If something comes up after the agenda goes out (usually a week before the meeting), it can be listed on the night.

Meeting Close 8:10 pm



**MINUTES OF THE JEPARIT TOWNSHIP ADVISORY COMMITTEE MEETING OF THE HINDMARSH SHIRE COUNCIL HELD ON 20<sup>TH</sup> JUNE 2022 AT THE JEPARIT FOOTBALL PAVILION RECREATION CENTRE COMMENCING AT 7.30PM.**

**Present:** Jason Hutson (Chair-CM), Teresa Smith (VC-CM), Craige Proctor (CM), Alan Hewitt (CM), AnnMarie Werner (CM), Bec Schultz (CM) Sharon Reilly (AS-CM), Tara Paech (Community Member) & Janette Fritsch (HSC).

**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

*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.*

**2. APOLOGIES**

Cheryl Quinn (Secretary-CM), Brett Ireland (HSC Councillor), Ron Ismay (HSC Councillor), Louise Dillon (CM)

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

- General conflict of interest; or
- Material conflict of interest

Declaration of general or material conflict of interest must also be advised by Committee Members at the commencement of discussion of the specific item.

**NIL.**

**4. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Jeparit Committee Meeting held on 9<sup>th</sup> May 2022 at Jeparit Football Pavilion Recreation Centre circulated to Committee Members be taken as read and confirmed. (Attachment 1)*

**Moved:** Craige Proctor

**Seconded:** Bec Schultz

**Carried**

**5. BUSINESS ARISING FROM THE MINUTES**

5.1 Reconnecting Communities Double Movie Event - Jeparit Memorial Hall - Sunday 12<sup>th</sup> June - 4:00pm onwards - 24 at children's movie session, 30 at adult's movie session. Message from Tara Paech regarding event that read:  
"Hi Sharon, I've been wanting to contact you to thank you and everyone else involved in the movie night on Sunday. It was an awesome night. It well exceeded our expectations with surprise after surprise with the snacks."

## 6. CORRESPONDENCE

### **INWARD:**

- 6.1 (CM) C. Proctor Re: Brochure draft – (CM) 9/5/2022
- 6.2 HSC – News & Events 10/05/22
- 6.3 (CM) S. Reilly Re: Movie Poster – (CM) 23/5/22
- 6.4 (CM) M. Wagener response to Movie Poster – 23/5/22
- 6.5 Ms. Janette Fritsch (HSC) Volunteer requirement WWWC - 24/05/22
- 6.6 (CM) S. Reilly – Movie Poster – 25/05/22
- 6.7 (CM) L. Dillon – Movie Choice 25/5/22
- 6.8 HSC – News & Events – 27/5/22
- 6.9 Grampian Tourism Industry Newsletter – 31/5/22
- 6.10 HSC J. Fritsch – Financial Report 1/6/22
- 6.11 HSC J. Fritsch – Final JTCA Minutes 9/5/22 – 1/6/22
- 6.12 HSC J. Fritsch- Purchase Orders – 1/6/22
- 6.13 S86 to (President) J. Hudson Re: Committee Approvals – 7/6/22
- 6.14 Tara Paech – request to speak at next JTAC Meeting – 8/6/22
- 6.15 HSC Update June projects – 11/6/22
- 6.16 Late inward correspondence - Letter from Jeparit Lions Club, and cheque for \$10,000 as a donation for a playground at the "node" (caravan park precinct). (Noted: to be banked in HSC account & listed on monthly financial report as JTAC Funds.)

### **OUTWARD:**

- 6.17 (CM) S. Reilly Delivery Response of Screen & Projector -7/06/22
- 6.18 Tara Paech – Response to request – attending next meeting – 8/6/22
- 6.19 HSC Previous Minutes, Fin statement & Agenda for meeting 20/6/22 – 15/6/22
- 6.20 CM -Previous Minutes, Fin statement & Agenda for meeting 20/6/22 – 15/6/22

### **RECOMMENDATION:**

That the Outward Correspondence be approved and the Inward Correspondence noted.

**Moved:** Jason Hutson

**Seconded:** Sharon Reilly

**Carried**

### **BUSINESS ARISING FROM THE CORRESPONDENCE:**

Nil.

## 7. EVENTS

Nil.

## 8. GENERAL BUSINESS

8.1 (CM) S. Reilly - Loud Signs (Warracknabeal) provided a quote for wrapping 3 x 44 gallon drums as a full sized drum, 2/3<sup>rd</sup> of a drum, and 1/3<sup>rd</sup> of a drum with design of birds across all three. All birds included in the list are native to Lake Hindmarsh - all sighted on Four Mile Beach. Mock-up was distributed amongst committee members at the meeting and a more accurate design is to be requested of Loud

signs in the 1<sup>st</sup> design (random birds) with no clouds, on drums in “nest” as would be seen when on street.

**8.2** Tara Paech has been attending the Café Health (WWHS) at the museum each month, and has submitted a grant application for \$5,000. While yet to hear the outcome (applications closed 17/06/22), Tara applied for it with the thought of using it for a cooking demonstration day & a community event with all clubs and associations to showcase who they are, what they do, where they meet, contacts etc. There are 21 clubs in Jeparit that need members, so Tara’s idea was that by showcasing these groups other community members may get involved.

Thoughts from members of the JTAC:

- Gym – previously considered to run an opening day and co-ordinate with WWHS dietician etc. to show healthy choices.
- Street event with car boot sale, food demonstrations, healthy eating, service clubs to promote themselves in Menzies Square and along the main street so through traffic could stop and mingle too.
- Run in combination with the A & P Society show in October.
- Provide a packet of seeds for participants to grow their own produce and share excess with the community.
- Community garden a future possibility – Jeparit Garden Club is going to Warracknabeal Community Garden & will report back.
- Township newsletter once a month.
- Booklet with all clubs, organisations and businesses information could be sent out to every household in Jeparit.

Lots of great ideas to consider and implement. Thank you Tara!

## **9. COUNCILLOR REPORT**

N/A.

## **10. OFFICER REPORT**

**10.1** The budget and Council plan actions are due for adoption on 29 June 2022.

**10.2** Two bedroom cabin funding has been applied for, for the caravan park.

**10.3** Officers are working on the building permit application for the camp kitchen at the Swimming Hole. Once a permit is issued the camp kitchen will be constructed and two new outdoor dining pods installed.

**10.4** Volunteers to deliver MOW’s are desperately required. Meals are delivered 3 days a week (M,W,F). Contact Hannah, Customer Service Team Leader, if you can assist.

## **11. URGENT BUSINESS**

## **12. FINANCE REPORT**

### **12.1 Summary of Balances in Finance Report.**

#### **RECOMMENDATION:**

That the Finance Report to 31<sup>st</sup> May, 2022 be approved.  
(Attachment 2)

**Moved:** Bec Schultz

**Seconded:** Teresa Smith

**Carried**

### **12.2 Purchase Orders to be raised - \$2,000 or less**

Nil.

**12.3 Purchase Orders to be raised – Greater than \$2,000**

Nil.

**13. DECISIONS TO BE MADE**

Nil.

**14. MEETING CLOSED**

The meeting closed at 8:45pm

**15. COUNCIL OFFICER AUTHORISATION**

\*to be completed by the Council Officer

I Janette Fritsch advise there were no recommendations made to Council.

SIGNED: Council Officer

Janette Fritsch  
06/07/2022

Dated:





**MINUTES OF THE JEPARIT TOWNSHIP ADVISORY COMMITTEE MEETING OF THE HINDMARSH SHIRE COUNCIL HELD ON 11<sup>TH</sup> JULY 2022 AT THE JEPARIT FOOTBALL PAVILION RECREATION CENTRE COMMENCING AT 7.30PM.**

**Present:** Councillor in Attendance: Mr. B. Ireland (HSC), Ms. J. Fritsch (HSC), Jason Hutson (Chair-CM), Cheryl Quinn (Secretary-CM), Teresa Smith (VC-CM), Sharon Reilly (VS-CM) Craige Proctor (CM), Mel Wagener (CM), Annmarie Werner (CM) and Tony Simpson (Community Member).

**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

*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.*

**2. APOLOGIES**

Alan Hewitt (CM) and Louise Dillon (CM) and Bec Schultz (CM)

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

- General conflict of interest; or
- Material conflict of interest

Declaration of general or material conflict of interest must also be advised by Committee Members at the commencement of discussion of the specific item.

**NIL.**

**4. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Jeparit Committee Meeting held on 20<sup>th</sup> June 2022 Jeparit Football Pavilion Recreation Centre circulated to Committee Members be taken as read and confirmed. (Attachment 1)*

**Moved:** Teresa Smith

**Seconded:** Craige Proctor

**Carried**

**5. BUSINESS ARISING FROM THE MINUTES**

Nil

**6. CORRESPONDENCE**

**INWARD:**

6.1 (CM) S. Reilly Drum Wrap pictures for Jeparit Street Scape. 20/6

6.2 HSC J. Fritsch re: Lions Club Donation. 21/6

6.3 Grampian Tourism Industry Newsletter 30/6

6.4 HSC J. Fritsch re: June meeting minutes 1/7

6.5 HSC Heather Boyd – Budget Submission 2022-23 1/7

6.6 (CM) S. Reilly – draft JTAC Min Meeting June 4/7

6.7 HSC J. Fritsch re: Financial statement 30/6 - 4/7

6.8 HSC J. Fritsch – Final JTCA Minutes 6/7

**OUTWARD:**

6.9 (CM) S. Reilly Drum Wrap pictures for Jeparit Street Scape. 20/6 JTAC Members

6.10 HSC J. Fritsch re: Lions Club Donation. 21/6 JTAC Members

6.11 Grampian Tourism Industry Newsletter 30/6 JTAC Members

6.12 HSC Heather Boyd – Budget Submission 2022-23 1/7 JTAC Members

6.13 HSC J. Fritsch re: Financial statement thank you 30/6 - 4/7 1

6.14 HSC J. Fritsch re: Financial statement 30/6 - 4/7 10/7 JTAC Members

6.15 HSC J. Fritsch – Final JTCA Minutes 6/7 10/7 JTAC Members

**RECOMMENDATION**

That the Outward Correspondence be approved and the Inward Correspondence noted.

**Moved:** Annmarie Werner

**Seconded:** Mel Wagener

**Carried**

Noted that Secretary Cheryl will re-send the budget submission document to CM's, from Heather Boyd, previously emailed on 01/07/2022. (Completed).

**7. EVENTS**

Nil

**8. GENERAL BUSINESS AS NOTIFIED TO THE CHAIR**

**8.1.** Teresa Smith (CM-AMP Representative) spoke about the split air-conditioner that has been installed in the kitchen of the Jeparit Football Pavilion Recreational Reserve. The financial shortfall of appliance and installation is approx \$2,600.00. Seeking assistance from HSC, JTAC, Community Action Group, Community Action Grant.

Ms. J. Fritsch (HSC) to investigate which Council Officer was involved in this and ascertain whether any of the Hindmarsh grants would be applicable given the circumstances (unit already installed).

**8.2.** Mel Wagener to forward to Secretary (for distribution to CM.) the application form for Living Local initiative. (Completed)

**8.3** Jason Hutson (Chair) informed CM that the town entry signage has been retrieved from Rainbow and is in storage.

**8.4** Alternative pictures of birds for home owners rubbish receptacle will be available.

**8.5** New Caravan Park fees effective NOW:

Powered site	NOW \$25.00 per night	OR \$153.00 per week
Non Powered	NOW \$20.00 per night	OR \$ 92.00 per week
Cabin (sleeps 4)	NOW \$105.00 per night	OR \$510.00 per week
Cabin (2 bedroom)	NOW 150.00 per night	OR 750.00 per week

## **9. COUNCILLOR REPORT**

**9.1** Councillor in Attendance: Mr. B. Ireland (HSC) mentioned the National Party initiative of distribution of funds for the next 2 years.

**9.2** Recommendations towards Carbon Emissions 2050.

**9.3** General consensus of No More Wind Farms.

**9.4** Second stage to Caravan Park Area to cope with more on site cabins, current installation of cabin completion is due 6-8 weeks. New furniture in storage.

**9.5** Camp kitchen has been financially paid for and is waiting finalisation of permits.

**9.6** W.C. must be on land controlled by HSC and effectively cope with the beautification (possible future expansion) of the caravan park.

**9.7** Last Census indicated an increase of mental health issues by 17% in the residents of Jeparit.

**9.8** Glass Receptacles (Purple Bins) are due to households in Jan 2023

## **10. OFFICER REPORT**

**10.1** Ms. J. Fritsch (HSC) Swimming Hole – The retaining wall was advertised as a design and construct tender with no tenders received. Council is currently preparing detailed designs and will obtain all permits so next tender will just be for construction.

## **11. URGENT BUSINESS**

Nil

## **12. FINANCE REPORT**

**12.1 Summary of Balances in Finance Report.**

**RECOMMENDATION:**

That the Finance Report as provided 30<sup>th</sup> June 2022 with this Agenda be approved. (Attachment 2)

Moved: Teresa Smith  
Seconded: Jason Hutson

Carried

12.2 Purchase Orders to be raised - \$2,000 or less

Nil

12.3 Purchase Orders to be raised – Greater than \$2,000

Nil

**13. DECISIONS TO BE MADE**

Nil

The following decisions are recommendations to Council for endorsement:

**14. MEETING CLOSED**

The meeting closed at 8.14pm

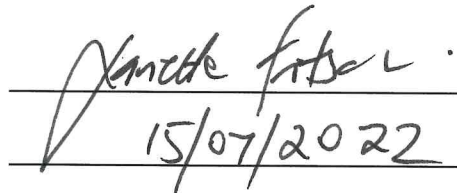
**15. COUNCIL OFFICER AUTHORISATION**

\*to be completed by the Council Officer

I Janette Fritsch advise there were no recommendations made to Council.

SIGNED: Council Officer

Dated:

  
\_\_\_\_\_  
15/07/2022