



27 January 2023

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, on Wednesday 1 February 2023 commencing at **3:00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1	ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER	3
2	APOLOGIES	3
3	DECLARATION OF INTERESTS	3
4	CONFIRMATION OF MINUTES	4
5	PUBLIC QUESTION AND SUBMISSION TIME	4
6	ACTIVITY REPORTS	4
7	CORRESPONDENCE	8
7.1	GENERAL CORRESPONDENCE	8

8	PLANNING PERMITS	9
8.1	VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION	9
8.2	APPLICATION FOR PLANNING PERMIT 1785-2022 – SUBDIVISION OF LAND INTO TWO (2) LOTS – 3320 NHILL-YANAC ROAD, YANAC VIC 3418	13
9	REPORTS REQUIRING A DECISION	25
9.1	GOVERNANCE REPORT	25
9.2	FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2022	29
9.3	COUNCIL PLAN 2021-2025 PROGRESS REPORT	30
10	COUNCIL COMMITTEES	46
10.1	RAINBOW TOWNSHIP ADVISORY COMMITTEE	46
11	LATE REPORTS	46
12	NOTICES OF MOTION	47
12.1	AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL CONFERENCE	47
13	OTHER BUSINESS	47
14	CONFIDENTIAL REPORTS	48
14.1	CONTRACT AWARD 2022-2023-12 FOOTPATH CONSTRUCTION	
14.2	VARIATION OF WASTE MANAGEMENT CONTRACT NO. 2019-2020-04 KERBSIDE RECYCLING COLLECTION	
14.3	VARIATION OF AWARDED COSTS AND AFFIXATION OF THE COUNCIL SEAL - REGIONAL AIRPORTS GRANT VARIATION	
14.4	JEPARIT SWIMMING HOLE / RIVERSIDE PRECINCT - AMENITIES BUILDING	
15	LATE CONFIDENTIAL REPORTS	49
16	MEETING CLOSE	49

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

Hindmarsh Shire Council acknowledges that this meeting is being held on the lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and we acknowledge them as Traditional Owners of Country.

We recognise the important ongoing role that Indigenous people have in our community and pay our respects to their Elders, past and present.

Opening Prayer

Dear Lord,

We humbly request your blessing upon this Council and welcome your guiding presence among us.

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

2 APOLOGIES

3 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.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 14 December 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

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 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.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 7 December 2022 – 23 January 2023

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
07/12/2022	Rainbow Lake Opening	Rainbow Lake	
07/12/2022	Television report ABC from Lake Hindmarsh, Jeparit Swimming Hole and main street Jeparit	Jeparit	Aired on the news early January.
07/12/2022	5 Youth Councillor Interviews	Rainbow	
08/12/2022	MixxFM Christmas Party	Horsham	
12/12/2022	Rainbow College School Awards Night	Rainbow	
13/12/2022	Nhill College School Awards Night	Nhill	

14/12/2022	Meet with CEO	Nhill	RE agenda and meeting
14/12/2022	Council Briefing	Nhill	
14/12/2022	Council Meeting	Nhill	
14/12/2022	Council Christmas Party	Nhill	
15/12/2022	Dimboola College Awards Night	Dimboola	
15/12/2022	Mayoral Matters column to newspapers		
15/12/2022	Emailed successful Youth Councillors		
19/12/2022	Friends of Lake Hindmarsh AGM	4 Mile Beach	
21/12/2022	Interview in Main St Jeparit with Alex Darling of ABC	Jeparit	
12/01/2023	Radio interview with Rebekah Lowe ABC		Regarding Swimming pools
12/01/2023	Newspaper article Mail Times		RE pools
12/01/2023	Newspaper article Advertiser		RE pools
13/01/2023	Inspected Jeparit Swimming Pool (opening day), Swimming Hole, Weir Wall		After receiving concerns from residents as to river levels.
	General		Over harvest had discussions with 30 plus farmers as to their concerns throughout the shire. (topics: roads, Schulzes Beach, water quality in river, 4 mile beach upkeep, Schulzes Beach amenity block, etc)

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
07/12/2022	Hindmarsh LGBTIQ+ Advisory Committee meeting	Nhill	Our meet and greet ready to officially start our new advisory group in 2023.
14/12/2022	Council Briefing	Nhill	
14/12/2022	Council Meeting	Nhill	

Cr GERSCH

Date	Meeting	Location	Comments
07/12/2022	Rainbow Lake Opening	Rainbow Lake	
07/12/2022	Youth Council	Nhill	

	interview		
08/12/2022	Youth Council interview	Nhill	
08/12/2022	Webinar RCV Climate Change		
09/12/2022	RCV Planning Session	Leongatha	(No cost to Council)
09/12/2022	RCV Planning Session	Leongatha	
14/12/2022	Council meeting	Nhill	
14/12/2022	Council Xmas Dinner	Nhill	
16/12/2022	Nhill Urban Fire Brigade Xmas wind up		
17/12/2022	Nhill Xmas Carols	Jaypex Park Nhill	
18/12/2022	Boyeo Hall Xmas celebrations		
22/12/2022	Council Xmas breakup	Dimboola	
26/12/2022	Nhill Boxing Day Races		
12/01/2023	NWMA final meeting before new region		

Cr BYWATERS

Date	Meeting	Location	Comments
07/12/2022	Town community meeting outside Allambi Age Care	Dimboola	Dimboola Community gathered to ask questions and talk about the age-care crisis and solutions. Elderly people deserve to live in their hometown if they choose. The same town that they, and their families have supported all their lives. Anne Webster, Federal member for Mallee was in attendance.
08/12/2022	3WM, Mixx FM and The Weekly Advertiser Christmas breakup	Horsham	
10/12/2022	Tower Park Market	Dimboola	
10/12/2022	Wimmera Karen New Year Celebration	Horsham	Horsham and Nhill Karen Groups celebrated Karen New Year 2672 at Horsham College. The Karen New Year is an important date in the Karen lunar calendar, and it was an honour to support and attend this incredible event.
14/12/2022	Council briefing, Council Meeting, and the HSC Councillor	Nhill	

	and Senior management Christmas party.		
17/12/2022	Meet the services, expo	The Patch, Nhill	This event was organised by the Wimmera Development Association, Nhill Learning Centre, and Wimmera Settlement Services. This partnership is important as it breaks down barriers between the Karen community and all emergency services and other vital services. Over 60 people attended, and it was a very successful family friendly event.
17/12/2022	Nhill Town Committee Christmas Carols	Jaypex Park, Nhill	
17/12/2022	Karen Christmas Celebrations	Uniting Church, Nhill	
22/12/2022	Hindmarsh Shire Staff Christmas Party	Dimboola	
11/01/2023	Four Mile Beach visit	Lake Hindmarsh	
14/01/2023	Tower Park Market	Dimboola	
14/01/2023	Jeparit Pool Opening	Jeparit	

Cr NELSON

No activity report received.

Cr ISMAY

No activity report received.

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 7

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 06/12/2022 – Letter from Anne Simms RE Taverner Street
- 12/12/2022 – Congratulatory Letter from Emma Kealy MP to Cr Ireland
- 12/12/2022 – Congratulatory Letter from Emma Kealy MP to Cr Albrecht
- 03/01/2023 – Letter to CEO from John Pesutto MP

Outwards:

- 13/01/2023 – Response Letter to Anne Simms RE Taverner Street
- 20/01/2023 – Response Letter to John Pesutto MP

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Numbers: 2 – 7

8 PLANNING PERMITS

8.1 VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION

Responsible Officer: Director Infrastructure Services

Introduction:

This report provides Council with an update on VicSmart permits processed by Council for the period 01 October 2022 to 31 December 2022.

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

Discussion:

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

Key features of VicSmart include:

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

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

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Statutory Days
VS1797-2022	700 Nhill Yanac Rd, Nhill	Buildings and works to construct an agricultural building (farm machinery shed)	19/10/2022	Clause 35.07-4 of Farming Zone (FZ) – Buildings & works to construct an agricultural building within 100m of a waterway	08/11/2022	13
VS1807-2022	108 Ellerman St Dimboola	Development of land with a fence	14/11/2022	Clause 42.01-2 (Environmental Significance Overlay, Schedule 6 (ESO6) – A permit is required to construct a fence that may obstruct the flow of water.	21/11/2022	5

The following Planning Permit Applications were approved under delegation by the Chief Executive Officer, during this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date Approved	Stat-utory Days
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PA1779-2022	1033 Dimboola East Rd Dimboola	Use & development of a Store (storage shed for personal vehicles and equipment)	30/05/2022	Clause 35.07 - (Farming Zone) – A planning permit is required for use of the land for a Store. A planning permit is also required to construct buildings and works.	11/10/2022	56
PA1727-2021-A1 – Amendment application	2-4 High St Dimboola (CFA Facility)	Amend preamble to include vegetation removal and amend plans to increase the length of the rear building by 1.7m and vegetation removal of one tree.	20/06/2022	Clause 42.01-2 – (Environmental Significance Overlay – ESO6) - A planning permit is required for vegetation removal.	11/10/2022	30
PA1788-2022	35-41 Sands Ave, Jeparit	Development of buildings and works to existing place of worship.	19/07/2022	Clause 32.05-10 (Township Zone) – A permit is required to construct a building or construct or carry out works for a use in Section 2 (permit required). Clause 43.01-1 (Heritage Overlay) – A permit is required to construct a building or construct or carry out works.	03/10/2022	41
PA1793-2022	7 High St Dimboola	Removal of vegetation.	07/09/2022	Clause 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required for vegetation removal.	19/10/2022	29
PA1765-2022	Riverside Street, Jeparit	Removal of native vegetation for the upgrade of the Jeparit Swimming Hole including earthworks, retaining wall and decking.	31/01/2022	Clause 52.17 (Native Vegetation) – A permit is required for the removal of native vegetation.	14/11/2022	6
PA1774-2022	29 Glenferness St, Nhill	Use and development of a Rural Store.	31/05/2022	Clause 35.07-1 (Farming Zone) – A permit is required to use land for a Rural Store. Clause 35.07-4 (FZ) – A permit is required to construct a building or construct or carry out works for a use in Section 2 of the FZ.	04/11/2022	139
PA1789-2022	18 Lochiel St Dimboola	External painting and alterations to the building & reduce the required number of car parking spaces required for use for trade supplies and food & drink premises.	16/09/2022	Clause 34.01-4 (Commercial Zone), Clause 43.01-1 (Heritage Overlay) and Clause 52.06-3 (Car Parking) - A permit is required to construct buildings and works (C1Z), for external painting and external alterations to the building (HO) and a reduction in the required rate of car	15/11/2022	60

				parking (Car Parking Clause).		
PA1798-2022	1 Faith St Dimboola	Development of alterations and additions to existing dwelling.	31/10/2022	Clause 35.07-4 (Farming Zone) – Buildings and works associated with a Section 2 use (dwelling) being an extension greater than 100m2 in area. Clause 44.04-2 – Land Subject to Inundation Overlay – Buildings and works.	21/11/2022	21
PA1802-2022	38 Taverner St Rainbow	Demolition of rear addition of existing building	08/11/2022	Clause 43.01-1 (Heritage Overlay) – A permit is required for the demolition of part of the building.	21/12/2022	29

Options

N/A

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

Fees associated with planning permit applications and amendments are set by the State in accordance with the Planning and Environment (Fees) Regulations 2016. These fees are currently being applied to all applications received by Council.

Risk Management Implications:

Risk is managed appropriately by adhering to the VicSmart process.

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 – Janette Fritsch, Manager Development

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services

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

Communications Strategy:

Nil

Next Steps:

Next Report to be provided April 2023.

RECOMMENDATION:

That Council notes

- 1. VicSmart Planning Applications for the period 1 October 2022 to 31 December 2022; and*
 - 2. Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 October 2022 to 31 December 2022.*
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8.2 APPLICATION FOR PLANNING PERMIT 1785-2022 – SUBDIVISION OF LAND INTO TWO (2) LOTS – 3320 NHILL-YANAC ROAD, YANAC VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	166200
Application Number:	PA1785-2022
Application Received:	30 June 2022 (amended plan submitted 12 July 2022)
Applicant:	Ann Dickinson C/- Ferguson Perry Pty Ltd
Owner:	Michael N Dickinson
Subject Land:	3320 Nhill-Yanac Road Yanac VIC 3418 (Lot 1 Title Plan 812048F)
Proposal:	Subdivision of land into two (2) lots
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Number:	8

Summary:

This report recommends that Council approves Planning Permit PA1785-2022 for the subdivision of land into two (2) lots on the subject land known as 3320 Nhill-Yanac Road Yanac VIC 3418 (Lot 1 Title Plan 812048F) for the reasons discussed in this report.

Background:

On 30 June 2022, Ferguson Perry Surveying Pty Ltd on behalf of Ann Dickinson lodged a planning application to the Responsible Authority for the subdivision of land into two (2) lots at 3320 Nhill-Yanac Road, Yanac.

Proposal Details:

The permit applicant, Ferguson Perry Surveying Pty Ltd, seeks approval for the subdivision of land into two (2) lots on the subject land at 3320 Nhill-Yanac Road, Yanac. The subject land comprises a broadacre cropping allotment with an area of approximately 115 hectares, and currently an existing dwelling setback approximately 415 metres from the Nhill-Yanac Road boundary.

It is proposed to excise the existing dwelling from the land and retain a balance agricultural parcel. Proposed Lot 1 (the house lot) will be approximately 3.67ha in area and contain the dwelling and scattered domestic outbuildings and native vegetation. Proposed Lot 2 (the balance lot) will comprise native vegetation patches and cropping land. Existing access to each lot will be maintained via the existing internal driveway to Nhill-Yanac Road, which is proposed to have a carriageway easement created to allow shared access.

Plan of the proposed subdivision is contained within Figure 1 below.

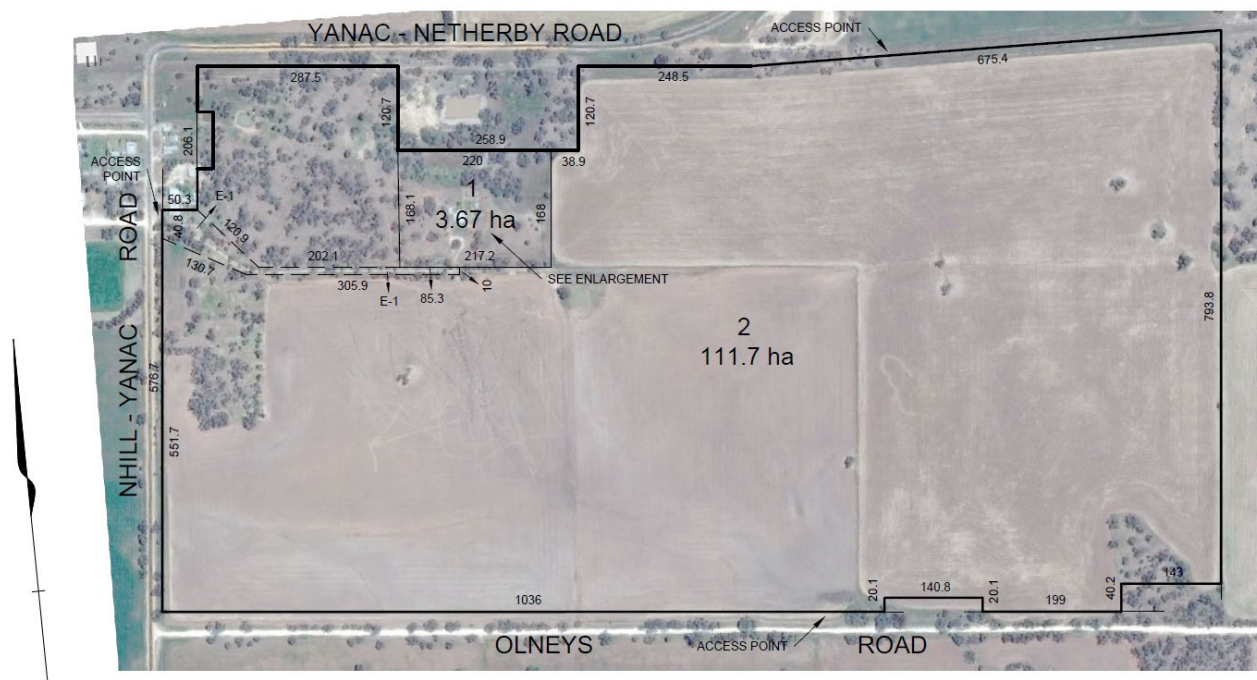


Figure 1: Proposed plan of subdivision.

Requirement for Permit:

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

- Clause 35.07-3 (Farming Zone) – A permit is required to subdivide land.
- Clause 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required to subdivide land.

Definitions:

No relevant definitions are identified.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

A CHMP is not required as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity, as per Regulation 7 of the *Aboriginal Heritage Regulations 2018*.

Subject site & locality:

The subject site is known as 3320 Nhill-Yanac Road, Yanac (Lot 1 Title Plan 812048F), which comprises a single title of approximately 115 hectares bounded by Nhill-Yanac Road on the western boundary and Olneys Road on the southern boundary.

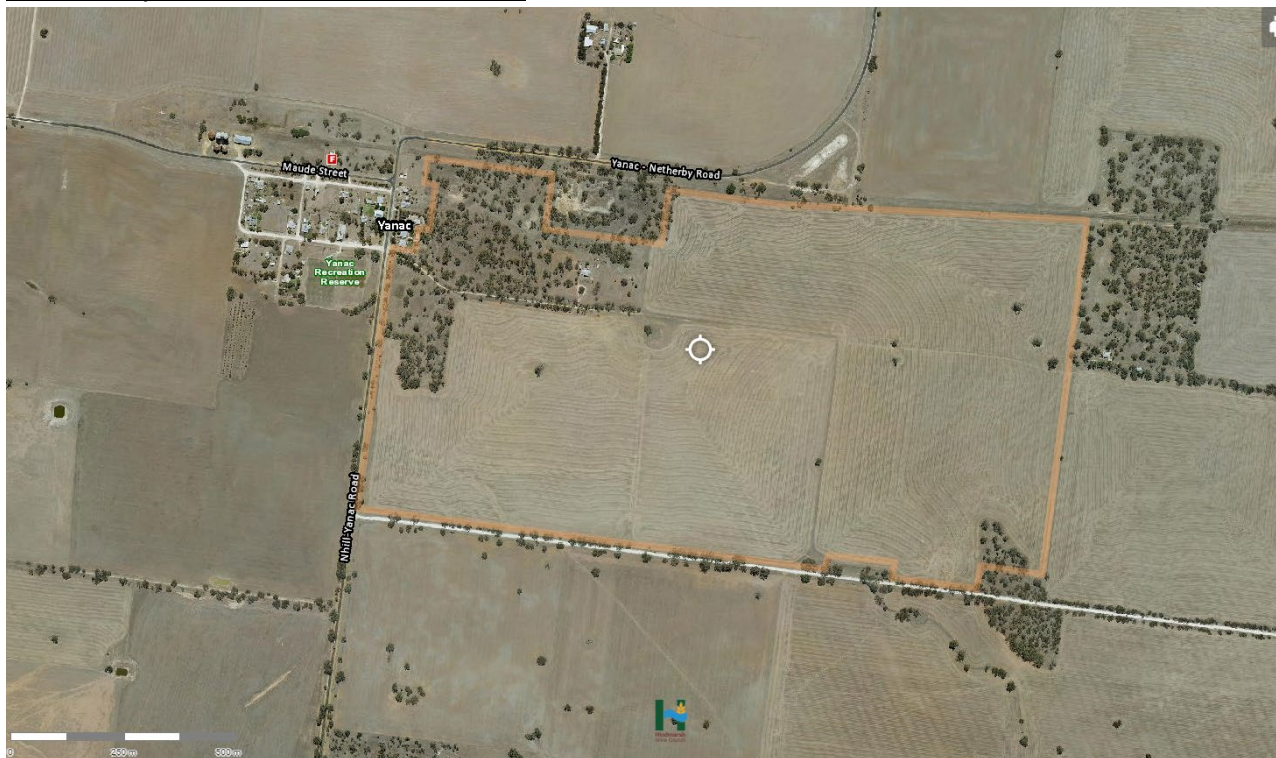
The land is generally flat, with minimal fall across the site. The land is currently used for broadacre cropping and contains a dwelling and associated domestic outbuildings in the north western pocket of the site, approximately 415m from the Nhill-Yanac Road boundary.

The site has existing access arrangements from both Nhill-Yanac Road and Olneys Road. There are dense pockets of native vegetation in the north western and south eastern corners of the site as well as several trees scattered across the site. The site appears to have access to reticulated power and telecommunications, but not water and sewer.

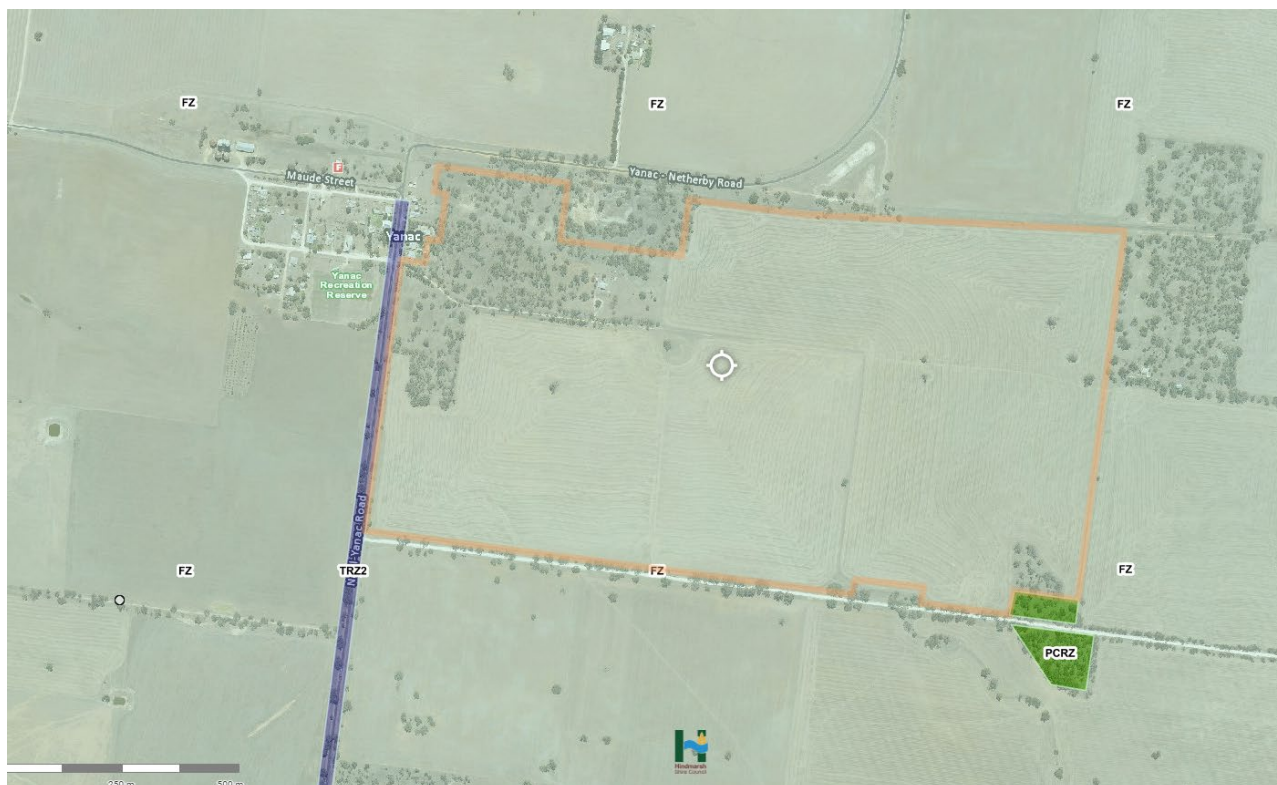
The surrounding area predominantly consists of land used for broadacre cropping and rural dwellings. The Yanac Town Centre is adjacent to the site to the west and a number of dwellings abut the site to the west.

An aerial image of the site and a zoning map is contained below.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by the following:

- Letters to adjoining and nearby property owners.
- Sign on the land.

No objections or submissions have been received to the proposal.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	Consent, no conditions. Response received 1 August 2022

Section 52 and Internal Notices	
Engineering	Conditional consent. Response received 18 August 2022
Department of Transport	Consent, no conditions Response received 9 November 2022

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 02.03-4 Natural resource management
- Clause 11.01-1L Settlement – Hindmarsh
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-2S Sustainable agricultural land use

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

Clause 35.07-3 Subdivision

A permit is required to subdivide land. Clause 35.07-3 provides that a permit may be applied for to create a lot smaller than the minimum lot size (40 hectares) if it is to create a smaller lot for an existing dwelling and the subdivision is a two lot subdivision.

Clause 35.07-6 Decision Guidelines

The following decision guidelines are relevant to the assessment of this application.

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.*

Planning Response:

The consideration of the relevant decision guidelines listed above is aided by relevant State and Local Planning Policy. Relevant policies relating to agricultural land emphasise the need to protect agricultural land from loss due to inappropriate small lot subdivisions diminishing the productive capacity of the land (Clause 02.03-4, Clause 14.01-1S and Clause 14.01-2S). This is encapsulated by the decision guidelines of the Farming Zone and the elevated weight that agricultural factors carry in deciding on an application. The planning scheme is unequivocal in ensuring that productive agricultural land is protected from continued encroachment of non-agricultural uses and inappropriate subdivision.

The subdivision seeks to excise an existing dwelling from the remainder of the land which will continue to be used for agricultural production. Ordinarily, the area of the dwelling lot should be the minimum amount necessary to accommodate the existing dwelling and any associated buildings and septic systems. The proposed dwelling lot has an area of 3.67 hectares which would usually be considered excessive for a dwelling excision. However, the proposed dwelling lot is covered in native vegetation and therefore is not valuable agricultural land. As such, the proposed boundaries are positioned appropriately to protect the balance of land for agriculture.

The proposal does not result in a greater demand for services or require additional service connections. The dwelling lot is of a sufficient size to retain and manage all stormwater and wastewater from the existing dwelling. All existing vehicle access arrangements will remain. Access to the dwelling lot is via a carriageway easement which is a suitable outcome to avoid fragmenting the balance lot.

Environmental issues are unlikely to result from the proposed the subdivision as it does not change the way the land is used and no additional buildings and works are proposed. As per the principles expressed in the decision *Villawood Properties v Greater Bendigo CC (Red Dot) [2005] VCAT 2703 (20 December 2005)*, Council must consider any future net losses to native vegetation as a result of the subdivision. Whilst no vegetation will be physically removed to achieve the proposed subdivision, creating a new lot will have this effect as the exemptions for native vegetation removal under Clause 52.17-7 (Fencing) apply as soon as the new titles are issued. This means that native vegetation within 4 metres of either side of the proposed boundaries of Lot 1 can be removed to enable the construction of a boundary fence. The applicant did not wish to seek a planning permit under Clause 52.17 for removal of native vegetation and as such a condition will be added to any permit issued showing that there is no native vegetation (trees) within 4m of a boundary, ensuring that this exemption cannot be applied to remove native vegetation in the future.

Taking into consideration the above, the proposal is considered to be appropriate in the context of the purpose and decision guidelines of the Farming Zone.

Overlay Provisions:

Clause 42.01 – Environmental Significance Overlay – Schedule 6 (ESO6)

Clause 42.01-2 Subdivision

A permit is required to subdivide land.

Clause 5.0 to Schedule 6 of Clause 42.01-2 Decision guidelines (relevant to the application)

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

- The Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines.

Planning Response:

It is considered that the proposed subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands. The proposal does not include any works elements; rather it creates a new lot located outside of the ESO6 area. Any future works that trigger permits under these Clauses will be assessed on their merits at the appropriate time.

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.
- 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.

Clause 65.02– Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas

Planning Response:

The proposal is appropriate taking into account the matters set out in Section 60 of the Planning and Environment Act 1987. Namely, the proposal satisfies the relevant provisions of the Hindmarsh Planning Scheme, notification and referrals were undertaken and no objections or concerns were received and there are no significant environmental, social or economic effects.

As deliberated throughout this report, the proposal is consistent with the Planning Policy Framework and the purpose and decision guidelines of the Farming Zone. The proposal

results in an orderly and desirable planning outcome as the boundaries are positioned appropriately to protect the balance of land for agriculture and appropriate conditions will be included on any permit issued to protect native vegetation within four metres of the proposed boundaries.

The land is suitable for a subdivision and dwelling excisions are common within the Farming Zone. The dimensions of each lot are appropriate taking into account the existing use and development of the land. Further, the proposed lots are of an adequate size to appropriately manage stormwater and wastewater from the existing buildings. Existing service connections and access will be maintained.

The site is not within an area of cultural or heritage sensitivity and is not prone to natural hazards. The proposed subdivision is unlikely to result in any environmental impacts and stormwater and wastewater can be managed appropriately on the proposed lots.

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 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 discussed above.

Clause 42.01 Environmental Significance Overlay Schedule and 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 (Schedule 6) for the reasons outlined in the planning response 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 Farming Zone of the Hindmarsh Planning Scheme. The proposal is consistent with the Environmental Significance Overlay – Schedule 6.

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:

30/06/2022 The application was received.
12/07/2022 The application was amended.
18/07/2022 The fee was paid.

20/07/2022 The application was referred.
01/08/2022 Referral response received from Wimmera CMA.
11/08/2022 Meeting between applicant and Council to discuss HSC concerns.
19/08/2022 Engineering referral response received.
21/08/2022 Applicant requested Council delay making a decision.
29/09/2022 Applicant advised Council to proceed with V2 plan.
08/11/2022 Advertising instructions were sent to the applicant.
09/11/2022 Advertising letters sent by Council.
09/11/2022 Referral response received from Department of Transport.
15/11/2022 Advertising sign erected by owner.
05/12/2022 Statutory declaration returned.
01/02/2023 The report is being presented to Council at the meeting held 1 February 2023 (132 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have not 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: Jessie Holmes, Director Infrastructure Services

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

Author: Ebony Cetinich , 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:

N/A.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Permit if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1785-2022 for the subdivision of land into two (2) lots on the subject land known as 3320 Nhill-Yanac Road Yanac VIC 3418 (Lot 1 Title Plan 812048F), subject to the following conditions:

Amended Plans

- 1. Prior to the endorsement of plans, an amended plan of subdivision to the satisfaction of the Responsible Authority must be provided to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit.***

In order to protect native vegetation from future removal, the amended plan must show that the boundaries of Lot 1 are not within 4 metres of any native vegetation (trees). All existing trees that are within 10 metres of the boundary of Lot 1 must be shown with the offset distance from the boundaries clearly annotated.

Endorsed Plans

- 2. The subdivision 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.***

Subdivision Conditions

- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

Environmental Health Conditions

- 6. Prior to the issue of a Statement of Compliance for the subdivision hereby approved, the permit holder must demonstrate that the wastewater system associated with the existing dwelling complies with the relevant EPA Code of Practice for On-site Wastewater Management.***

If the system is found to be non-compliant, a compliant system must be installed to the satisfaction of the Responsible Authority.

Time Limit

7. The above-mentioned planning permit will expire if either of the following circumstances arise:

- (a) The plan of subdivision is not certified within two (2) years of the date of this permit; or**
- (b) The subdivision is not completed within five (5) years of the date of certification.**

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.

Attachment Number: 8

9 REPORTS REQUIRING A DECISION

9.1 GOVERNANCE REPORT

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 9 – 11

Introduction:

This report seeks Council adoption of the Financial Hardship Policy and presents an update on Hindmarsh Shire Council's Domestic Animal Management Plan 2021-2025.

Discussion:

Financial Hardship Policy

Section 171A of the *Local Government Act 1989* (Vic) provides the following:

(1) A person who -

(a) is suffering financial hardship; or

(b) would suffer financial hardship if that person paid the full amount of a rate or charge for which he or she is liable—

may apply to a Council for the waiver of the whole or part of any rate or charge or of any interest imposed for late payment.

The amended Financial Hardship Policy was presented at the Council meeting on Wednesday 23 November 2022, where Council resolved to endorse the policy to be available for public consultation from Thursday 24 November 2022 to Thursday 15 December 2022. At the time of closing no submissions were received in relation to the policy.

Changes to the policy reflect the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*, and included updated provisions around payment plans, notice of amount owed, informal referrals to financial counselling services, rights of appeal, conflict of interest management and detailed provisions on the three relevant sections of the *Local Government Act 1989*; Deferment of Rates and Charges, Waiver of Rates and Charges and Waiver of Interest and Legal Charges.

The update to the policy reflects current legislative requirements and is in line with Council's current practices.

Domestic Animal Management Plan 2021-2025

Under Section 68A of the *Domestic Animals Act 1994*, every Council in Victoria must prepare a Domestic Animal Management Plan every four years in consultation with the Secretary of the Department of Environmental and Primary Industries. Council is required to review the Domestic Animal Management Plan (the Plan) on an annual basis and report on the performance measures against the identified actions in the current plan.

Council's Domestic Animal Management Plan 2021-2025 (the Plan) was adopted by Council on Wednesday 22 September 2021. The purpose of the Plan is to provide Hindmarsh Shire Council with a strategic framework that delivers policy direction and action plans for animal management over a four year period.

Council is required to review the plan annually and publish a review on the performance measures against the actions under Section 68A(3). The list of activities in the current Plan and achievement to date has been updated and provided as an attachment. Minor editorial changes have been made to the plan to update the number of animals registered and 2021 CENSUS data. The Plan now also directly lists the recurring training requirements of Local Laws Officers. Additionally, a small number of actions have had their dates amended to an achievable completion date. For a large portion of 2022, the second FTE Local Laws Officer was on Secondment, meaning that there was decreased capacity to meet the timelines noted in the document.

Options:

1. That Council adopts the Financial Hardship Policy and notes the Domestic Animal Management Plan Update.
2. That Council does not adopt the Financial Hardship Policy, requesting changes, and notes the Domestic Animal Management Plan Update.

Link to Council Plan:

Strong governance practices

Financial Implications:

Financial Hardship Policy

A successful application for waiver or deferment of rates and charges will impact Council's cumulative rates and charges for relevant periods. Additionally, the period for recovery of charges through legal processes will be in excess of two years.

Domestic Animal Management Plan 2021-2025

Items listed in the Domestic Animal Management Plan are included in the Annual Budget.

Risk Management Implications:

Financial Hardship Policy

The Financial Hardship Policy provides clear guidance around the objective, fair and consistent evaluation of financial hardship applications, ensuring that the risk of Council waiving rates in unnecessary circumstances, or failing to appropriately give due consideration to a legitimate application, is minimised.

Domestic Animal Management Plan 2021-2025

A robust Domestic Animal Management Plan ensures that Council is complying with its obligations under the *Domestic Animals Act 1994*, also decreasing high-risk incidences such as dog attacks and dangerous dog declarations. Increasing education around domestic

animal keeping ensures lower incidences of infringements and non-compliance in the community.

Relevant legislation:

Local Government Legislation Amendment (Rating and Other Matters) Act 2022

Local Government Act 2020

Local Government Act 1989

Domestic Animals Act 1994

Community engagement:

The Financial Hardship policy was available for public comment from 24 November 2022 to 15 December 2022. Community engagement processes were undertaken in the development of the Domestic Animal Management Plan 2021-2025 in 2021.

Gender equality implications:

A Gender Impact Assessment was conducted on both the updated Financial Hardship Policy and Domestic Animal Management Plan 2021-2025 as per the *Gender Equality Act 2020*.

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 and 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:

Financial Hardship Policy

The adopted policy will be published in Council's website, available for public access at Council offices and notice of its adoption will be published in Council's newsletter, e-news and on the Hindmarsh Shire Council Facebook page.

Domestic Animal Management Plan 2021-2025

The amended Domestic Animal Management Plan 2021-2025 will be published on Council's website, available for public access at Council offices and notice of its review and amendment will be published in Council's newsletter, e-news and on the Hindmarsh Shire Council Facebook page.

Next Steps:

As above.

RECOMMENDATION:

That Council:

- 1. Adopt the Financial Hardship Policy; and***
- 2. having reviewed the Domestic Animal Management Plan 2021 – 2025 receives the detailed outcomes achieved during 2022 and adopts the minor changes.***

Attachment Numbers: 9 – 11

9.2 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2022

Responsible Officer: Director Corporate and Community Services
Attachment Number: 12

Introduction:

The Financial Report for the second quarter of the 2022/2023 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

RECOMMENDATION:

That Council notes the Financial Report for the period ending 31 December 2022 as presented.

Attachment Number: 12

9.3 COUNCIL PLAN 2021-2025 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Introduction:

This report provides Council with a progress update on the actions for 2022/2023 taken against the Council Plan 2021-2025.

Discussion:

Council’s main strategic document the Council Plan 2021-2025 was developed and adopted in 22 September 2021. The document contains strategic objectives under four Themes Our Community; Built and Natural Environment; Competitive and Innovative Economy; and Good Governance & Financial Sustainability with annual actions on how Council will achieve the objective of the plan.

Progress on the 2022/2023 actions against the Plan are included below:

Theme One – Our Community

Action Item	Update on Action
Monthly and fortnightly e-newsletters distributed through emails and available on Council’s website	Q1 & Q2. Council continues to prepare and circulate fortnightly e-newsletters and monthly newsletters. Monthly Newsletters are printed for collection at all libraries, Council offices and a variety of businesses in Dimboola, Jeparit, Nhill and Rainbow. Council is now also including a 2-page newsletter with Community Care Accounts when they are being sent out each month.
Establish LGBTIQ+ Focus Groups to advise Council on key projects and initiatives	Q1. Expressions of Interest for the LGBTIQ+ Advisory Committee will be considered by Council on 26 October 2022. Q2. The LGBTIQ+ Advisory Committee met for the first time on Wednesday 7 December 2022. The meeting was informal with introductions and discussions regarding thoughts and activities for the committee.
Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings	Q1 & Q2. Councillors and Council Officers attend Town Advisory Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings.
Advocate for after school care and an increase childcare in Hindmarsh Shire.	Q1. The State Government are currently providing funding for schools to establish

	<p>after school care. Council is supporting the Wimmera Southern Regional Partnership Childcare feasibility study for the region.</p> <p>Q2. Council’s Director Corporate & Community Services and Project Management & Early Years Coordinator (PMEYC) met with By-five executives to discuss childcare in the region. A report has been commissioned by By-five identifying gaps in the region. Following this meeting Council’s PMEYC met with Rainbow Secondary College to discuss if there was any options of spaces for Childcare in Rainbow.</p> <p>Emerge (Hindmarsh’s Early Years provider) will be attending the March 2023 briefing session to discuss services in Councillors.</p>
<p>Implement the Hindmarsh Shire Youth Strategy</p>	<p>Q1. Council Officers are currently working through the actions identified in the Hindmarsh Shire Youth Strategy. Minutes of Youth Council meetings are provided to Councillors for information. Officers continue to communicate with Nhill Learning Centre/ The Patch to discuss ways in which Council can be involved, collaborate and/or provide support.</p> <p>Q2. Council Officers continue to work with community groups and organisations to continue implementing the Hindmarsh Shire Youth Strategy. Liaison with the Youth Council has been critical in ensuring we are implementing the strategy with a continued youth focus and input. Council officers continue to build relationships and opportunities to further be involved with youth, collaborate and provide support.</p>
<p>Work with various agencies to host and promote school holiday activities throughout the Shire.</p>	<p>Q1. September School Holidays were a success with over 400 attendances in total across all events held. Utilising our Libraries brought about fun science and crafty art activities. Collaborating with the Oasis in Rainbow, the Recreation Reserve in Dimboola, and the Jeparit Primary</p>

	<p>School and Hall allowed for ample amount of space to host Games Days and Outdoor Cinemas.</p> <p>Training for children of all ages in Animal First Aid with “Your Family Vet” and Human First Aid with “Casey Kosch” - Painting with local artist Maria La Grue, Tennis Coaching with Steffi McDonald, and a Cricket Fun Day were also included. The options appeared almost endless for the young people of the Hindmarsh Shire, and the enjoyment was clear in attendance numbers, and smiles on faces.</p>
<p>Continue to support early years services in Hindmarsh Shire</p>	<p>Q1. Council continues to provide buildings and funding to support early years services in Hindmarsh.</p> <p>Q2. Council liaises regularly with its Early Years Service provider Emerge, to ensure facilities meet the needs of Hindmarsh Shire families. Designs for access and facility improvements are proposed for several centres in early 2023 to enable Council to be ready for grants when they open.</p>
<p>Partner with Nhill Learning Centre to ensure barriers and views of the Karen and other multicultural communities are considered</p>	<p>Q1. Council’s Youth Officer attends Homework Club when available to connect and converse with the Karen community. Along with conversing with young people to develop relationships that allow openness and connectedness with a goal of utilising this relationship in the future to bring about more events and activities inclusive to all individuals residing in Hindmarsh.</p> <p>Q2. Council’s Director Corporate & Community Services attended the VEC Karen State Election information session at Nhill Learning Centre. The session was well attended. Officers will continue to liaise with the Karen community to hold future information sessions on Council services.</p>
<p>Support and host youth events that are accessible to all Hindmarsh Shire youth.</p>	<p>Q1. Youth Council are meeting regularly to discuss and organise events for Youth in Hindmarsh.</p>

	<p>Current initiatives include a Neon Disco Event in Rainbow in late October/early November. A FReeZA committee has been formed in Rainbow, and is also being formed in Dimboola and Nhill. These committees are being created by Youth Councillors and will attract their peers in local schools to form a group that will plan and organise FReeZA events using our State FReeZA funding. These groups will allow more young people to learn event planning and marketing skills, and give more Hindmarsh youth a chance to participate and have their wants/interests met through events/trainings/etc.</p> <p>Q2. Youth Council continue to meet regularly to discuss events, trainings and opportunities to bring to Hindmarsh. Most recently Youth Council have succeeded with their Youth Formal event, with nearly 100 young people in attendance. Youth Council continue to ensure and evaluate the accessibility of all opportunities they bring about for young people and are passionate about ensuring anyone who wishes to attend their events has the opportunity to do so.</p>
<p>Key documents translated into Karen</p>	<p>Q2. There have not been any key documents prepared to date. Hindmarsh Shire Libraries Nhill library is building the collection of books available in Karen as they become available for purchase.</p>
<p>Undertake Cultural Audit and Develop Strategy</p>	<p>Q1. A consultant has been approached and we are just waiting to receive further information and a quotation for the audit and strategy development.</p> <p>Q2. Officers have been trying to make contact with a consultant to provide this service. Unfortunately to date we have not received any firm information on when an audit and strategy can be developed.</p>
<p>Support our ageing community through hosting seniors concert, social connection activities including movie matinees and morning teas, and delivery of community</p>	<p>Q1. Monthly movie matinees continue to be held and are proving popular with the community.</p> <p>A Keith Potger concert was hosted in</p>

<p>care service</p>	<p>August 2022. Weekly Cuppa Connections are held in each library for interested community members. Q2. On Tuesday 23 August 2022 Hindmarsh Shire Council hosted Keith Potger who played to over 160 people at Nhill Memorial Community Centre. Community members travelled by bus for free from Rainbow, Jeparit and Dimboola, as well as other Shires to attend the 90-minute concert. This concert was funded by Council as part of the range of activities and events aimed at getting people out again following the COVID-19 pandemic lockdowns. Monthly Classic Movies have a regular following by HS Community members. People are welcome to attend the morning tea prior to the screening, which encourages personal reconnecting. Cuppa Connections in the libraries have been well attended. People have reconnected as well as making new friends. Some community members have gone on to volunteer or join community groups. Vulnerable people have also identified Hindmarsh Shire Libraries as safe spaces.</p>
<p>Support local community events such as the Rainbow Desert Enduro, Nhill Friday Fiestas in February, Peter Taylor Barefoot Tournament etc.</p>	<p>Q1. Support was provided to the Rainbow Desert Enduro event held in August 2022. Q2. Officers continue to provide support to event organisers assisting with completion of required permits issued through Council and external organisations.</p>
<p>Celebrate volunteers week, International Day of People with Disability and Harmony day</p>	<p>Q2. Hindmarsh celebrated International Day of People with Disability with an event held at the croquet club in Dimboola where members of the club assisted in teaching a number of individuals how to play croquet. There was also a free BBQ and some other games set up owned by council for people to play if they weren't interested in croquet. This event was a major success with multiple disability</p>

	support services in attendance among a number of other individuals.
Support culturally significant days including for first nations people	Q2. Facebook posts and recognition displayed for a number of these special days and weeks. Council officers continue to stay vigilant in recognizing these important days/weeks/months and ensuring attention is brought to them whether it be by a planned activity, flag raising, social media posting, or something else.
Provide community action grants to support Hindmarsh community groups and organisations	Q1. Round 1 of the community actions grants program will be recommended to Council on Wednesday 26 October 2022. Q2. Round 2 of the Community Action Grant program opened on 19 December 2022 and will close Friday 10 February 2023 for a report to be completed and submitted for consideration at the 2023 March Council Meeting.
Continue to advocate for funding for the Rural Outreach Program	
Advocate for and host a range of learning and skill development opportunities for all ages throughout Hindmarsh	Q1. Council and the Karen community leaders are liaising with the Victorian Electoral Commission to host an information session prior to the upcoming State election. Q2. Council have assisted in providing Teen Mental Health First Aid training for Youth Councillors and hope to continue to do this not only for Youth Council, but the wider community. Council Officers also continue to liaise and discuss what learning and skill development is needed in our communities and research ways to bring these about. Council Officers hope to bring about some more training and learning opportunities in the next quarter such as financial literacy, gambling education, and more.
Support and coordinate the volunteer taxi service in Nhill	Q1 & Q2. Council continues to coordinate and support the Volunteer Taxi Service in Nhill.
Work with community groups including Senior Citizens to re-establish following the	Q1. Council's Community Development and Social Support Officer continues to

<p>COVID-19 pandemic</p>	<p>liaise with Senior Citizens. Q2. Many community groups struggled to regroup post-lockdown, but have found new ways to operate. HSC assisted Nhill Senior Citizens to re-establish. The group regularly liaised with HSC regarding Covid safety requirements. Club president reported the numbers are returning and they have a number of new members in 2022.</p>
<p>Consider community garden opportunities in Dimboola</p>	<p>Q2. Council's Director Corporate & Community Services has liaised with a community member who was keen to establish a community garden on private property to discuss any permit requirements.</p>

Theme Two – Built & Natural Environment

<p>Action Item</p>	<p>Update on Action</p>
<p>Seal Dimboola Civic Hub Carpark; laneway between Lochiel Street and public amenities and Road between Wimmera Street and Carpark.</p>	<p>Q1. Works are scheduled to commence in late October / early November 2022. Q2. Works have recently been completed with the laneway and road sealed, and carpark asphalted. Car parking has been line marked, with provisions for electric charging and a disabled parking bay.</p>
<p>Implement glass collection throughout the Shire</p>	<p>Q1. Council is on track – having awarded the transfer station upgrade at the August Council meeting and ordering the residential 120lt purple bins with delivered expected in October 22. Q2. Council has received the purple bins and liaised with the contractor for roll out of bins in late February – collection to commence in early April, All households will receive letters in the late January 2023 about the service.</p>
<p>Work with Hindmarsh Landcare in addressing pest and weed problems throughout Hindmarsh including the weed Gazania which is spreading along roadside verges.</p>	<p>Q1. Council is currently collaborating with Hindmarsh Landcare to accurately map target areas. Q2. Hindmarsh Landcare will be looking to undertake this work with their volunteers in Quarter 3.</p>
<p>Seek funding for BMX dirt tracks, pocket parks, dog parks</p>	<p>Q2. Funding for these types of infrastructure improvements have not</p>

	<p>been available as yet, however monitoring for funding opportunities will continue.</p>
<p>Hold free green waste month in September and encourage residents to tidy their properties</p>	<p>Q1. Council accepted free green waste at Hindmarsh Transfer Stations from 1 September 2022 due to the significant wet weather free green waste collection has been extended until the end of October 2022.</p> <p>Q2. As result of the October Rain events – free green waste was extended to December 30 2022.</p>
<p>Implementation of Nhill streetscape plan</p>	<p>Q1. Council has allocated funding through LRCI Phase 3.</p> <p>A community survey and drop-in sessions were conducted seeking feedback on the first stage of implementation. 64% of respondents said the Nhill Lake Pathway was the highest priority with solar bollard lighting the preferred option.</p> <p>Q2. Quotations will be sought in early 2023 for the construction of the pathway from Victoria Street to the Nhill Lake foreshore including the installation of solar bollards.</p>
<p>Installation of solar heating on Nhill swimming pool</p>	<p>Q1. The current solar heating has been decommissioned and Council is awaiting works by the Department of Education on the roof to facilitate the installation of new solar heating.</p> <p>Q2. The Contract for installation has been awarded and Council is awaiting the Victorian School Building Authority works to be completed in Q3 for the solar to be installed.</p>
<p>Develop playground strategy</p>	<p>Q1. A Strategy is currently being drafted, consultation with the community will occur in February 2023.</p> <p>Q2. Playground Strategy Draft to be presented to Council at March Briefing.</p>
<p>Seek funding for all abilities access to the swimming pool and changeroom at Dimboola Swimming Pool</p>	<p>Q1. Tenders have been called for necessary maintenance to all four swimming pools, this will include all abilities hoists for Dimboola and Rainbow Swimming Pools.</p> <p>Council will continue to seek funding for changeroom upgrades at Dimboola</p>

	<p>Swimming Pool.</p> <p>Q2. All ability hoists have been ordered and are due to be installed in February.</p>
Seek funding to develop a Masterplan for the Dimboola Recreation Reserve	<p>Q1. Council was unsuccessful with the grant application for masterplan development.</p>
Seek funding to undertake a solar assessment on Council buildings and halls	<p>Q2. Awaiting suitable Sustainability Victoria funding round to be opened.</p>
Construction of shade structures at Dimboola and Nhill Skateparks	<p>Q1. Council has allocated funding through LRCI Phase 3. 8m x 4m cantilever structures have been ordered for the Dimboola and Nhill Skateparks with construction expected to be completed by the end of 2022.</p> <p>Q2. The concrete slabs for the shelters were constructed prior to Christmas 2022 however the delay in obtaining the building permit for the Nhill shelter has resulted in the delayed construction of the shelters. The shelters are expected to be completed in early January 2023.</p>
Consider opportunities and seek funding for lighting in public areas	<p>Q2. Public lighting will be installed in the car park of the Dimboola Library, the laneway beside the Dimboola SES Building, Lochiel Street, Dimboola, the Dimboola skate park and Nhill skate park in early 2023.</p> <p>Lighting in other public areas will be carried out as appropriate funding becomes available.</p>
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Hindmarsh Landcare Network	<p>Q1. Council continues to have representatives on the Western Highway Action Committee, Regional Transport Group and Hindmarsh Landcare Network</p>
Continue to advocate for funding for Davis Park improvements	<p>Q1. Council continues to advocate for funding the improvements to Davis Park. An election commitment has been recently made by member for Lowan Emma Kealy of \$900,000 towards improvements should the liberal / national parties win government.</p> <p>Q2. Following a meeting between Council and the steering committee of the NDSC in mid-December 2022, plans for AFL compliance change rooms and an</p>

	<p>undercover spectator seating area are being amended as the proposed first stage of redevelopment. Future stages of development will be dependent upon funding becoming available for specific infrastructure.</p> <p>NDSC have provided Council with their prioritised preferences in January 2023.</p>
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Theme Three – Competitive and Innovative Economy

Action Item	Update on Action
Upgrades to ensuites at Dimboola Caravan Park	Q2. Awaiting quotes
Provide the business assistance grants program	<p>Q1. Round 1 of the Business Assistance Grants Program will be recommended to Council on 26 October 2022.</p> <p>Q2. Round 2 of the Business Assistance Grant program opened on 19 December 2022 and will close Friday 10 February 2023 for a report to be completed and submitted for consideration at the 2023 March Council Meeting.</p>
Promote Hindmarsh as a tourism destination to stop, stay and play	<p>Q1. Council continues to update the Visit Hindmarsh website with relevant information, and regularly posts on the Visit Hindmarsh Facebook page.</p> <p>Q2. New brochure designs have been completed and printed. These have been distributed to various Visitor Centre throughout Victoria (including Melbourne Visitor Hub) and Limestone Coast (SA). A drone has been purchased and video footage is being captured and edited for social media and website ongoing. There is ongoing support to get business and attractions listed on the Australian Tourism Data Warehouse. There is currently around 20 listed for the shire.</p>
Partner with West Vic Business to provide events and education for Hindmarsh businesses to come together, network and learn	Q1. Council hosted a Hindmarsh Business Networking Session in Rainbow in September. We are planning the next quarterly meeting for Dimboola, with a date yet to be determined.
Tourism information available in Hindmarsh	Q1. Council has recently received the new

<p>Shire business</p>	<p>Jeparit, Rainbow and Nhill brochures and awaiting an update of the Dimboola and HSC brochures. A brochure order form is currently being updated with the new brochures and will be circulated to local businesses and Visitor Information Centres.</p> <p>Q2. All new brochures were received by late-December. Brochures have been distributed to Visitor Centres around Victoria and will be distributed to local business on an on-going basis from January 2023</p>
<p>Seek funding for continued development of Hindmarsh Shire Caravan Parks including a Masterplan for Nhill Caravan Park</p>	<p>Q1. Council received funding through the Regional Tourism Investment Funding for an additional six cabins (1 Jeparit; 2 Rainbow; 3 Dimboola).</p> <p>The development of a masterplan for Nhill Caravan Park will commence in early 2023.</p> <p>Q2. A contract has been awarded for the design, construction and installation of the six cabins as mentioned above with installation expected in mid-2023.</p> <p>Identification of funding opportunities for the continued development of caravan parks is ongoing. Quotations for the development of a Master Plan for the Nhill Caravan Park will occur in early 2023.</p>
<p>Implementation of Council's economic development strategy</p>	<p>Q2. A review of Council's existing 2015-2020 Economic Development Strategy will occur in the first half of 2023 as part of the establishment of a new 2023-2028 strategy. Council is seeking quotations from appropriate qualified and experienced consultants to undertake both the review and establishment of a new strategy.</p>
<p>Seek funding and implement components of the Wimmera Mallee Pioneer Museum Masterplan</p>	<p>Q1. A key priority of the Masterplan, a Collection Significance Assessment has been completed. Funding opportunities are continuously looked for.</p> <p>Council officers will continue to recommend the committee look at the initial priorities, re-arranging of displays in-</p>

	<p>line with the masterplan that can be achieved with no funding required.</p> <p>Q2. Newly appointed WMPM secretary Iain Sedgman has completed a study of Liquid Fueled Lighting and Heating Appliances and is doing ongoing work on interpretive signage with support from Council Officers.</p>
Support Wimmera Development Association housing strategy	Q1 & Q2. Council continues to attend WDA housing strategy meetings.
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	<p>Q1. Planning and designs continue to be worked through for the Llew Schilling Silo. Drop-in sessions will be held in late October for Rainbow community members to view the initial designs and provide feedback.</p> <p>Q2. Positive feedback was received for the Silo design at several Drop in Sessions held in Rainbow. A Planning Permit application has been submitted and the Architect and engineers continue to work through design development with the goal of being ready for tender in late Q3 / early Q4.</p>
Construct new amenities at Rainbow Caravan Park	<p>Q1. A report will be presented to the 26 October Council meeting recommending awarding the contract for new amenities at the Rainbow Caravan Park.</p> <p>Q2. A contract was awarded at Council's October 2022 meeting for the design, construction and installation of a new amenities building at the Rainbow Caravan Park. Installation is anticipated mid-2023.</p>

Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action
Implementation of strategies identified in the Workforce Plan	<p>Q1. The development of an Employee Survey is underway, which HR is currently finalising the content to cover both Gender Equality and Workforce Plan requirements.</p> <p>The Gender Equality Action Plan has been developed and approved by the Commission. Recruitment, induction,</p>

	<p>position descriptions and onboarding are being reviewed as part of the implementation of Happy HR. Graduate/training programs are being offered for both Business Administration roles and Environmental Health positions. Flexible workplace options continue to be implemented.</p> <p>Q2. Human Resources have undertaken an Employee Survey, receiving a total of 84 submissions. A report on the survey will be completed in early 2023, with executive and senior managers, alongside HR, developing actions to be taken relating to the responses. Flexible workplace arrangements are being reviewed as a component of EBA negotiations – Council’s policies already allow for generous flexibility arrangements for staff. Leadership have continued to hold Safety and Efficiency meetings with outdoor staff and have undertaken site visits throughout the year, these are to be scheduled more frequently in 2023. A learning and development framework is in draft form, to be finalised and adopted in early 2023.</p>
<p>Online streaming of Council meetings through Council’s Facebook page</p>	<p>Q1. Council amended and adopted their Governance Rules on 31 August 2022 which included changes to the use of electronic means of communication for meetings. Council will continue to livestream all future Council meetings through Council’s Facebook Page.</p>
<p>Consideration of employing a trainee, or apprentice when vacancies arise throughout the year</p>	<p>Q1. Traineeship/Supported Study opportunities available for Business Administration and Environmental Health positions. A Customer Service trainee will commence with Council in late November 2022.</p> <p>Q2. Council has recently appointed an</p>

	Engineering Cadet to work with Council during University break. Our Customer Service Trainee commenced with Council in November 2022.
Community conversation sessions held annually in our four main towns	Q1. Community Conversation Sessions were held in October 2022 all four towns providing an update on Council projects, changes to waste management and providing an update on Capital Works. The Nhill session was livestreamed on Council's Facebook page for those unable to attend in person.
Drop-in sessions held allowing for community input on key documents or projects	Q1. Drop-in sessions were recently held in Nhill seeking input on the Nhill Streetscape Plan implementation. Q2. Drop-in sessions were held in December in Nhill, Dimboola, Jeparit and Rainbow to inform and assist business and committees to list services and attractions onto the Australian Tourism Data Warehouse. Follow-up and on-going support will be delivered throughout 2023 by Wimmera Mallee Tourism assisted by Council Officers.
Update Long Term Financial Plan	Q1. The updated Long Term Financial Plan was adopted by Council on 29 June 2022 as part of the annual budget.
Quarterly finance reporting to Council	Q1. Quarterly financial reports are presented to Council with quarter 1 presented to the 26 October Council meeting.
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	Q1 & Q2. Council continues to have representatives on the WDA, RCV and MAV.
Quarterly Council plan reporting to Council	Q1. The first quarter update is being provided to Council on 26 October 2022. Q2. The second quarter update is being presented to Council on 1 February 2023
Implementation of gender equality action plan	Q1. The GEAP actions are currently being implemented by the Human Resources team as well as Manager Governance and Human Services. This includes redeveloping Council's Gender Equality Leadership Statement, planning training around inclusion, gender-based

	<p>discrimination and sexual harassment, and event planning for International Women’s Day and 16 Days of Activism. Gender Impact Assessments are also being undertaken for all policies, plans and projects that have a direct and significant impact on the community.</p> <p>Q2. A family violence leave memo was sent on 2 November 2022, outlining staff entitlements to FVL and signposting to support services.</p> <p>The Gender Equality leadership statement has been reviewed and will be displayed at Council worksites and included in employee inductions.</p> <p>As with the Workforce Plan, an employee survey has been undertaken. This included questions relating to accessibility, inclusion and discrimination.</p> <p>Council participated in the 16 Days of Activism Campaign, hosting a screening of Brazen Hussies at the Nhill Cinema and regularly posting Facebook content relating to the prevention of gender-based violence.</p> <p>Council staff who are regularly involved in interview panels have undertaken Unconscious Bias training in early December 2022.</p>
<p>Collaborate with Horsham Rural City Council, and Loddon Shire to implement the Rural Council Transformation Project</p>	<p>Q1. Council continues to collaborate with HRCC and Loddon on the implementation of the RCTP. The tender has been awarded and an implementation plan is now being developed.</p> <p>Q2. The tender for the RCTP software was awarded to Civica for their Altitude Software. Initial phases of the software installation has commenced with all three Councils working together to develop an appropriate General Ledger structure which includes work order structures. It is anticipated that the software will be ready to go live early in the 2023/2024 financial</p>

	year.
Audit & Risk Committee meetings review and consider Council risks at each meeting	Q1 & Q2. Council's Risk register is provided at each Audit & Risk Committee meeting for discussion and consideration.

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 annual actions to achieve the plan under the four key themes.

Financial Implications:

Council's annual budget allocates funding to complete initiatives.

Risk Management Implications:

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

Relevant legislation:

The Council Plan was developed under the *Local Government Act 2020* and Public Health and *Wellbeing Act 2008*.

Community engagement:

Community engagement was undertaken as part of the development and adoption of the Council Plan 2021-2025.

Gender equality implications:

A gender impact assessment was not 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 and Officer Responsible – Monica Revell, Director Corporate & Community Services
In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

RECOMMENDATION:

That Council receives the Council Plan 2021-2025 second quarter actions 2022/2023 update.

10 COUNCIL COMMITTEES

10.1 RAINBOW TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 13

Introduction:

The Rainbow Township Advisory Committee held a meeting on 16 January 2023. 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:

- 1. notes the minutes of the Rainbow Township Advisory Committee meeting held on 16 January 2023; and***
- 2. notes the resignations of Max Clark and Alison Ey from the Rainbow Township Advisory Committee.***

Attachment Number: 13

11 LATE REPORTS

12 NOTICES OF MOTION

12.1 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL CONFERENCE

Responsible Councillors: Cr Wendy Bywaters & Cr Debra Nelson

Introduction:

The 2023 National Conference hosted by Australian Local Government Women's Association (ALGWA) and the Mornington Peninsula Shire Council is on from 17-20 May 2023 at RACV Cape Schanck Resort in Victoria.

The Conference brings councillors and officers together from across Australia, to advance female participation in Local Government and put a spotlight on issues facing women in the sector.

Delegates draw inspiration from thought-provoking presenters, network with other attendees and benefit from the tremendous peer support offered by ALGWA.

Now that Hindmarsh Shire Council is a member of the Australian local government women's Association it's important that council discuss having a delegate as we do for RCV and the MAV etc.

It is important that the list of council appointments to external organisation is as complete as possible, as council policy provides that the travel expenses and out-of-pocket expenses payable for attendance at meetings of these organisations.

A Councillors role with these organisations is to provide strategic input, influencing outcomes that are consistent with goals in Council's Plan, and be a communication conduit between the organisation and Council.

Link to Council Plan:

Demonstrate leadership on gender equity and promote respectful relationships through partnerships, programs, activities, spaces and education and Council's implementation of the *Gender Equality Act 2020*.

RECOMMENDATION:

That Hindmarsh Shire Council appoints a councillor delegate, and a councillor substitute for the Australian local government women's Association of Victoria.

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 part IV of the *Freedom of Information Act 1982*, and 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, and/or Part IV of the Freedom of Information Act 1982:

- 14.1 CONTRACT AWARD 2022-2023-12 FOOTPATH CONSTRUCTION – 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;**
- 14.2 VARIATION OF WASTE MANAGEMENT CONTRACT NO. 2019-2020-04 KERBSIDE RECYCLING COLLECTION – 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;**
- 14.3 VARIATION TO AWARDED COSTS AND AFFIXATION OF THE COUNCIL SEAL – REGIONAL AIRPORTS GRANT VARIATION – 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**
- 14.4 JEPARIT SWIMMING HOLE / RIVERSIDE PRECINCT - AMENITIES BUILDING – 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.**

15 LATE CONFIDENTIAL REPORTS

16 MEETING CLOSE
