



25 May 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 31 May 2023 commencing at **3:00pm**.



Greg Wood  
Chief Executive Officer

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**1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY**

***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.*

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**2 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.

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**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 3 May 2023 at the Council Chambers Nhill, as circulated to Councillors be taken as read and confirmed.***

*Attachment Number: 1*

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**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, questions which have been recently answered, or questions that may contain defamatory comments, 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.

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**6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES:** 25 April 2023 – 22 May 2023

**Cr IRELAND, MAYOR**

<b>Date</b>	<b>Meeting</b>	<b>Location</b>	<b>Comments</b>
25/04/2023	ANZAC Day	Jeparit	Jeparit dawn service and wreath laying.
25/04/2023	ANZAC Day	Nhill	Jeparit dawn service and wreath laying.
27/04/2023	Yurunga Homestead meeting		
01/05/2023	Meeting with Governance Officer	Nhill	To adapt CEO review policy.
01/05/2023	Meeting with CEO	Nhill	Re upcoming council agenda.
03/05/2023	Budget and council plan meeting		
03/05/2023	Briefing meeting		
03/05/2023	Council meeting		
04/05/2023	Mayoral matters column		
04/05/2023	Interview with ABC radio		
04/05/2023	Prepare statement for Outback magazine		Regarding success of Steampunk festival.
08/05/2023	Meeting with Jeparit bowling club		
08/05/2023	Jeparit community consultation meeting		
08/05/2023	Jeparit town advisory committee meeting		
09/05/2023	Dimboola community consultation meeting		
11/05/2023	Quarterly Regional Mayor and CEO meeting	Horsham	
12/05/2023	Meeting with Nhill aviation committee		Re extension proposal and event funding.
12/05/2023	Interview with Ace radio/ Weekly Advertiser		Re Federal budget implications on local government.
13/05/2023	Dimboola tower park market		
15/05/2023	Rainbow community consultation meeting		
16/05/2023	Nhill community		

	consultation meeting		
17/05/2023	Cuppa connections Jeparit		
17/05/2023	WWHS BBQ at Menzies square		To discuss needs of community in the specialised service area.
19/05/2023	MAV State Conference	Melbourne Town Hall	Voting on submissions to present to State government and brainstorming session.
22/05/2023	Cultural awareness training	Dimboola civic hub	

**Cr ALBRECHT, DEPUTY MAYOR**

Date	Meeting	Location	Comments
27/04/2023	Wimmera Development Association Board meeting	Online	Strategic Plan will be launched on 30 May 2023.
03/05/2023	Council Meeting	Online	
09/05/2023	Dimboola Community Consultation Session	Dimboola	Thank you to the community members that attended.
15/05/2023	Nhill Town Advisory Committee	Nhill	Amazing number of responses to our Dog Park survey. Thank you to all those that provided feedback. Results currently being collated.
16/05/2023	Nhill Community Consultation Session	Nhill	Thank you to the community members that attended.

**Cr GERSCH**

Date	Meeting	Location	Comments
25/04/2023	ANZAC Day dawn service	Nhill	
25/04/2023	ANZAC Day service	Nhill	
28/04/2023	RCV Board Meeting		
03/05/2023	Council meeting and briefing	Nhill	
16/05/2023	Nhill community meeting	Nhill	
22/05/2023	Culture Information Session	Dimboola	

**Cr NELSON**

Date	Meeting	Location	Comments
25/04/2023	Anzac Day March and ceremony	Dimboola	
01/05/2023	WSMLLEN HR meeting		
02/05/2023	Mates mentoring	DMSC	

03/05/2023	Council briefing meeting	Nhill	
03/05/2023	Council meeting	Nhill	
07/05/2023	Band Sunday	DMSC Hall	
08/05/2023	WSMLLEN HR meeting		
09/05/2023	Dimboola Croquet Club 10 year Anniversary		
09/05/2023	Community consultation	Dimboola	
11/05/2023	WSMLLEN EO interviews	Horsham	
11/05/2023	WSMLLEN AGM	Horsham	
16/05/2023	WSMLLEN Finance meeting		
17/05/2023	Teddy Bear Picnic	Dimboola	
17/05/2023	Mates mentoring	DMSC	
18/05/2023	Fed Uni Foundation Scholarship awards	Horsham	
22/05/2023	Cultural Awareness training	Dimboola	

**Cr ISMAY**

Date	Meeting	Location	Comments
25/04/2023	ANZAC ceremonies	Rainbow	
28/04/2023	WHAG meeting	Teams	
03/05/2023	Budget & Council Plan	Nhill	
03/05/2023	Briefing Meeting	Nhill	
03/05/2023	Council Meeting	Nhill	
13/05/2023	Meeting with Shane Brown		Re Brewery.
15/05/2023	Rainbow Community consultation	Rainbow	
15/05/2023	Rainbow Town Committee Meeting		

**Cr BYWATERS**

Date	Meeting	Location	Comments
25/04/2023	ANZAC Day wreath laying ceremony and Service	Dimboola	
30/04/2023	Nhill Karen Baptist Church 8th	Nhill	

	Anniversary celebrations		
12/05/2023	Nhill Aviation Heritage Centre (NAHC) meeting	Council Chambers	Discussions regarding the 2023 Airshow, and hangar extension, including grant possibilities.
13/05/2023	Tower Park Market	Dimboola	
13/05/2023	Nhill and District Sporting Club	Davis Park	
13/05/2023	Karen Community fundraising Concert	Nhill Memorial Community Centre	
16/05/2023	Homework club	The Patch, Nhill	
16/05/2023	Community Consultation session	Nhill Memorial Community Centre	
17/05/2023	Communities of Respect and Equity (CoRE) Leadership Group meeting	Zoom	
17/05/2023 to 20/05/2023	Australian Local Government Women's Association (ALGWA) four-day national conference and AGM	Cape Schanck Resort, Mornington Peninsula	

## 7 CORRESPONDENCE

No correspondence.

## 8 PLANNING PERMITS

No planning permit reports.



**9 REPORTS REQUIRING A DECISION**

**9.1 DRAFT 2023/2024 BUDGET (INCORPORATING THE LONG-TERM FINANCIAL PLAN FOR 2022/2023-2031/2032 AND THE REVENUE AND RATING PLAN)**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 2

**Introduction:**

This report presents the draft 2023/2024 Annual Budget (incorporating the draft Long-Term Financial Plan for 2022/2023-2031/2032 and draft Revenue and Rating Plan) in accordance with the *Local Government Act 2020*. The report includes a recommendation that Council adopt the draft 2023/2024 Annual Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan and invites community submissions.

**Discussion:**

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 draft 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 2023/2024 Budget. The updated draft 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 draft 2023/24 budget has been developed to balance the retention of existing community service levels (with the exception of in-home aged care services which will cease after 30 June 2023), and 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 draft budget has been prepared based on available information to inform forecasts and assumptions.

### **Rates and Charges**

The rates and charges calculated for 2023/2024 are based on revaluation figures as at 1 January 2023. The draft 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 2023/2024 has been set at 3.5%. 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 2023/2024 is \$9.8m which is an increase of \$0.37m from 2022/2023.

### **Capital Works:**

The 2023/2024 draft budget includes capital works expenditure of \$7.45m. The proposed key initiatives for the 2023/2024 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 Phase 4 will enable Council to undertake works on Community Infrastructure including:
  - Davis Park Upgrades including AFL Compliant Changerooms and tiered seating;
  - Dimboola Riverside Holiday Park Site Expansion;
  - Playground upgrades
  - Shade Structure for the Rainbow Skate Park;
  - Upgrade to the Dimboola Toddler Pool;
  - Cane ball/Volleyball Court in Nhill;
  - Nhill Streetscape Plan Implementation Stage 2.

### **Tourism**

- \$80,000 for veranda and urgent roof repairs for the Nhill Historical Society.

### **Community Centres & Public Halls**

- \$100,000 for the Nhill Memorial Community Centre works

### **Infrastructure**

- Reseals and Final Seals: Council will undertake reseal and final seal projects totalling \$120,000 in 2023/24. These include: Mt Elgin Rd and reseals identified in the condition audits.
- Sealed Road Construction: Council will undertake sealed road construction projects totalling \$2,416,153 in 2023/24. These include: Dimboola Minyip Rd, Lorquon-

Netherby Rd & Lorquon Rd, Tarranyurk East Rd, Woorak-Ni-Ni-Lorquon Rd and Western Beach Rd.

- Road Resheet Projects: Council will undertake to resheet Dimboola Minyip Road during 2023/24 totalling \$88,258.
- Unsealed Road Construction: Council will undertake 14 projects to upgrade unsealed roads in 2023/24 totalling \$994,149. These projects include Weirs Rd, Nossacks Rd, C Werner Rd, Propodollah Netherby Rd, P Colberts Rd, F Wheatons Rd and Heinrich Rd.
- Footpaths: Council will undertake \$95,000 of expansions to footpaths in William St, Nhill and Bow St, Rainbow in 2023/24.

The draft 2023/2024 budget incorporating the updated draft Rating and Revenue Plan and the draft Long Term Financial Plan have been prepared for approval by Council. Under Council's Community Engagement Policy the draft budget, updated draft Revenue and Rating Plan and draft Long Term Financial Plan will be made available for public inspection and the receiving of submissions for the period Thursday 1 June to Wednesday 21 June 2023. Council will be advised of any submissions received at the 28 June 2023 Council meeting.

The draft 2023/2024 budget incorporating the revised Revenue and Rating Plan and draft Long Term Financial Plan will also be available for public inspection at Council's Customer Service Centres or online on Council's website.

**Options:**

Council must formally prepare and advertise its 2023/2024 budget pursuant to sections 94 and 96 of the *Local Government Act 2020*. The draft Revenue and Rating Plan must be prepared pursuant to section 93 of the *Local Government Act 2020*.

**Link to Council Plan:**

The 2023/2024 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 2023/2024 draft 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:**

In line with Council's Community Engagement Policy it is proposed that the draft budget be made available to allow for submissions for the period from Thursday 1 June 2023 to Wednesday 21 June 2023. Submissions will be considered at the Council meeting on Wednesday 28 June 2023.

Copies of the draft 2023/2024 budget, including the draft Revenue and Rating Plan and Draft Long Term Financial Plan will be available at Council's Customer Service Centres and on Council's website.

**RECOMMENDATION:**

***That Council:***

- 1. Approves the draft 2023/24 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan for the purposes of public consultation in accordance with the Local Government Act 2020;***
- 2. Gives public notice of the preparation of the draft 2023/2024 Budget, incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan, inviting written submissions from the public for the period from Thursday 1 June 2023 to Wednesday 21 June 2023;***
- 3. Considers public submissions and the formal adoption of the draft budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan at the Council meeting on Wednesday 28 June 2023; and***
- 4. Authorises the Chief Executive Officer to undertake minor editorial changes to the draft 2023/2024 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan if required.***

*Attachment Number: 2*

## 9.2 ADVISORY COMMITTEE APPOINTMENTS

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

### Introduction:

This report seeks to appoint members to Hindmarsh Shire Council Advisory Committees for the term of 1 July 2023 to 30 June 2025.

### Discussion:

Together with the Advisory Committee Terms of Reference, the Advisory Committee Policy sets out the process for receiving nominations and making appointments to town Advisory Committees.

Council advertised in local newspapers, on Facebook and through Council newsletters and e-newsletters, requesting nominations for the four town Advisory Committees, as well as contacting current members and encouraging re-application for appointment. The selection criteria for membership was that nominees must work, study or reside in the town (or in the district surrounding the town) and must want to help the committee fulfill its core purpose. Nominations could be done by completing the online form available on Council's website or submitting a hard copy application. People wishing to nominate for a position were also required to give a short outline of what they could bring to the Advisory Committee.

At the close of nominations on Friday 5 May 2023, 19 nominations were received. An additional 5 nominations were received after the closing date, but have been included in this report for Council decision as membership limits had not been met.

The nominations are as follows:

Jeparit Town Committee	Nhill Town Committee	Rainbow Town Committee	Dimboola Town Committee
Teresa Smith	Pauline McCracken	Graham Nuske	Melissa Haby
Ann-Marie Werner	Rhys Webb	Allira Roberts	Karen Bennet
Cheryl Quinn	Venessa Drendel	Colleen Petschel	Joanne Donnelly
Mel Wagener	Heather Dufty	Greg Roberts	Chan Uoy
Craige Proctor		Roger Aitken	Kaylene Pietsch
Jason Hutson		Norelle Eckerman	
Rebecca Schultz		Belinda Eckerman	
Tara Paech			
Sharon Reilly			

The Terms of Reference for Town Advisory Committees set the minimum membership as 5 (one member being the appointed Councillor) and the maximum membership as 11. None of the Advisory Committee group nominations have exceeded the membership limit and all have met the minimum membership requirements.

### Options:

1. Council can choose to appoint members to the Town Committees as per the Officer recommendation.
2. Council can choose not to appoint members to the Town Committees as per the Officer recommendation.

**Link to Council Plan:**

A community well-informed and engaged  
Strong governance practices

**Financial Implications:**

The Advisory Committee will provide Council advice on spending money on projects that the Committee identifies as priorities for the relevant town. Each committee has a separate ledger and budget allocation to spend on town committee projects. All expenditure must be approved by a Council officer or by Council (where the expenditure is over \$2,000).

**Risk Management Implications:**

Strategic Risks - Community Needs and Governance

The appointment of Advisory Committees through a formal process ensures that the obligations within the Local Government Act 2020 are met and that Council can continue to build effective and efficient relationships with community representatives. Having robust Advisory Committees ensures that the reach and perception of Council services within the community can be strengthened and that projects, plans and strategies are effectively informed by identified community priorities.

**Relevant legislation:**

*Local Government Act 2020*

**Gender equality implications:**

A Gender Impact Assessment was completed for the Advisory Committee Policy that provides for the processes and decision-making around nominations and appointment incorporating intersectional and gender-based considerations.

**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:**

Council officers will liaise with the nominees who are appointed to the Advisory Committees and advise they have been appointed to the relevant Advisory Committee and ensure that all volunteer induction processes are completed prior to commencement.

**Next Steps:**

1. Contact appointees and let them know they were successful in their nomination to the Advisory Committee.
2. Set the July 2023 meeting where the Chairperson and Secretary will be elected and invite previous Chairpersons to attend to give the Committee a handover report.

**RECOMMENDATION:**

***That Council appoint the following members to the Jeparit Town Committee:***

1. ***Teresa Smith***
2. ***Ann-Marie Werner***
3. ***Cheryl Quinn***
4. ***Mel Wagener***
5. ***Craig Proctor***
6. ***Jason Hutson***
7. ***Rebecca Schultz***
8. ***Tara Paech***
9. ***Sharon Reilly***

***That Council appoint the following members to the Nhill Town Committee:***

1. ***Pauline McCracken***
2. ***Rhys Webb***
3. ***Venessa Drendel***
4. ***Heather Dufty***

***That Council appoint the following members to the Rainbow Town Committee:***

1. ***Graham Nuske***
2. ***Allira Roberts***
3. ***Colleen Petschel***
4. ***Greg Roberts***
5. ***Roger Aitken***
6. ***Norelle Eckerman***
7. ***Belinda Eckerman***

***That Council appoint the following members to the Dimboola Town Committee:***

1. ***Melissa Haby***
2. ***Karen Bennet***
3. ***Joanne Donnelly***
4. ***Chan Uoy***
5. ***Kaylene Pietsch***

### 9.3 DELEGATIONS AND AUTHORISATIONS

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

**Attachment Numbers:** 3 – 5

#### **Introduction:**

This report seeks the formal appointment of Council Officers as Authorised Officers or delegated officers through the adoption of the following updated Instruments of Delegation:

- S18 Sub-Delegation under the *Environmental Protection Act 2017 (EPA Act)*
- S6 Delegation from Council to Council Staff
- S11A *Planning and Environment Act 1987 (P & A Act 1987)* Delegation

#### **Discussion:**

##### ***S18 Sub-Delegation under the Environmental Protection Act 2017***

The *Environment Protection Act 2017* and Environment Protection Regulations 2021 came into effect on 1 July 2021. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed, however, there have been changes to the laws and powers of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to Councils.

Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council. Following this, Council can sub-delegate these powers, as conferred by section 437(2) of the Act to Council officers. The Instrument of Sub-Delegation from Council to Members of Council Staff (**Attachment 3**) reflects this advice and is presented to Council for adoption.

Council's current S18 Instrument was endorsed at the Council meeting held on 1 June 2022 – a review has been undertaken to ensure that it reflects the positions and responsibilities of the current organisational structure.

##### ***S11A Planning and Environment Act 1987 Delegation***

Council is required under the *Planning and Environment Act 1987* to have an authorised officer to attend to the enforcement of planning permits and to investigate and/or prosecute breaches of Council's Planning Scheme. 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 Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 4**) which seeks to appoint the following officers as authorised officers under the *Planning and Environment Act 1987* –

- Michelle Stewart (Environmental Health Officer)
- Robert Huxley (Manager Regulatory Services)
- Jessie Holmes (Director Infrastructure Services)



Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

### ***S6 Instrument of Delegation***

The S6 Instrument of Delegation from Council to members of Council staff (**Attachment 5**) relates to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), that contain a specific power of delegation. This Instrument was last reviewed in August 2021, and due to changes in organisational structure and minor updates to the Instrument itself, Council staff have conducted a review.

Changes made to the S6 Instrument of Delegation include:

- updated positions titles;
- updated delegations to particular staff to reflect current roles and responsibilities; and
- updates to reflect amendments and new provisions within the Acts and Regulations contained within the Instrument.

The current Instrument was adopted by resolution of Council on 4 August 2021.

### **Options:**

Council can:

1. approve the delegations outlined in the attached Instruments of Delegation and Instrument of Sub-delegation;
2. modify the delegations outlined in the attached Instruments of Delegation and Instrument of Sub-delegation;
3. choose to not adopt the Instruments of Delegation and Instrument of Sub-delegation and rely on the current in-force Instruments for delegations of the powers, duties and functions within the relevant legislation.

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

Strong governance practices

### **Financial Implications:**

NIL

### **Risk Management Implications:**

Strategic Risks – Governance, Organisational Culture and Capacity

Failure to update the Instruments of Delegation on a regular basis to accommodate required changes to legislation, organisational structure and position title changes may result in operational inefficiency and lead to decisions becoming invalid. The delegations have been reviewed by the appropriate Director in consultation with implicated staff to ensure that all parties are cognisant of the responsibilities and obligations prescribed within the Instruments.

The use of these documents ensures Council has compliant appointments, authorisations and delegations to relevant Council staff in place that meet the requirements of the Acts and regulations contained therein.

**Relevant legislation:**

*Local Government Act 2020*

*Local Government Act 1989*

*Planning and Environment Act 1987*

*Environmental Protection Act 2017*

*Cemeteries and Crematoria Act 2003*

*Domestic Animals Act 1994*

*Food Act 1984*

*Heritage Act 2017*

*Local Government Act 1989*

*Planning and Environment Act 1987*

*Residential Tenancies Act 1997*

*Road Management Act 2004*

*Cemeteries and Crematoria Regulations 2015*

*Planning and Environment Regulations 2015*

*Planning and Environment (Fees) Regulations 2016*

*Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*

*Road Management (General) Regulations 2016*

*Road Management (Works and Infrastructure) Regulations 2015*

**Gender equality implications:**

No gender impact assessment was required as the amendments to these Instruments have no direct and significant impact on the public.

**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:**

All relevant delegations will be available for the public to access in accordance with the *Local Government Act 1989* and the *Local Government Act 2020*.

**RECOMMENDATION:**

***In the exercise of the powers conferred by the legislation referred to in the attached S18 Instrument of Sub-Delegation under the Environmental Protection Act 2017, S11A Instrument of Delegation under the Planning and Environment Act 1987 and Instrument of Delegation from Council to Council Staff, Council resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in each Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The S11A Instrument of Delegation under the Planning and Environment Act 1987 comes into force immediately when the common seal of Council is affixed to the Instrument;***
- 3. The S18 Instrument of Sub-Delegation under the Environmental Protection Act 2017 and S6 Instrument of Delegation from Council to Council Staff come into force immediately upon the resolution being passed;***
- 4. On the coming into force of the Instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) pertaining to the same legislated powers, duties and functions are revoked.***
- 5. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

***Attachment Numbers: 3 – 5***

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## 9.4 GOVERNANCE UPDATES

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

**Attachment Numbers:** 6 – 9

### **Introduction:**

This report seeks Council adoption of the amended:

- CEO Employment and Remuneration Policy;
- Advisory Committee Policy; and
- Hindmarsh Pride Committee Terms of Reference (Formerly LGBTIQ Reference Group Terms of Reference).

Additionally, it seeks adoption of the new Live Streaming and Publishing Recordings of Council Meetings Policy.

### **Discussion:**

#### ***CEO Employment and Remuneration Policy***

Under section 45(1) of the *Local Government Act 2020 (the Act)*, Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy. The policy must provide for a number of requirements under section 45(2) of the Act;

- for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy;
- the recruitment and appointment process;
- provisions to be included in the contract of employment;
- performance monitoring;
- an annual review; and
- any other matters prescribed by the regulations.

The CEO Employment and Remuneration Policy has been reviewed as an act of diligence as the process for Chief Executive Officer (**CEO**) recruitment commences in view of the current CEO's contract expiring in October 2023. The Policy was initially adopted in November 2021.

Minor changes have been made to the policy to ensure effective management of CEO-Councillor relationships and to monitor CEO performance, this includes:

- The addition of prescribed three-monthly Councillor and CEO consultation to informally discuss performance objectives and any pertinent matters as determined by either Council or the Chief Executive Officer;
- Wording adjustment to note that the meeting schedule for the Committee shall be as required, but at a minimum every 6 months.

The Policy is required to be reviewed every three years, but also within 6 months of a Council election.

#### ***Advisory Committee Policy***

Minor administrative changes have been made to the Advisory Committee Policy in line with the commencement of the new Advisory Committee term. All changes reflect amendments that are already contained within each Committee's Term of Reference, and as such, consultation around these changes has already occurred. Some procedural elements were removed, as these are elucidated in the Terms of Reference.

### ***Live Streaming and Publishing Recordings of Council Meetings***

Council currently, where practical, endeavours to live-stream and publish its Council Meetings via Council's Facebook Page. This increases accessibility and ensures that those who are unable to physically attend the meeting can still participate. This supports the requirement that Council meetings be "open to the public" under section 66 of the *Local Government Act 2020*. The Notice of Council Meetings published by Council prior to the commencement of a calendar year gives effect to this decision.

Having a policy that provides structure to Council's processes and intentions for live-streaming and recording Council meetings ensures that Council is adhering to privacy obligations, minimising liability and supporting the principles of inclusivity, accessibility and transparency.

### ***Hindmarsh Pride Committee Terms of Reference***

At the Council Meeting held on 3 May 2023, it was resolved to change the name of the Hindmarsh LGBTIQ Reference Group to the Hindmarsh Pride Committee. The Terms of Reference have been updated to reflect this change.

### **Options:**

1. Council can choose to adopt the CEO Employment and Remuneration Policy, Advisory Committee Policy, Live Streaming and Publishing Recordings of Council Meetings Policy and Hindmarsh Pride Terms of Reference in accordance with the recommendation;
2. Council can choose to make amendments to the CEO Employment and Remuneration Policy, Advisory Committee Policy, Live Streaming and Publishing Recordings of Council Meetings Policy and/or Hindmarsh Pride Terms of Reference prior to adoption;
3. Council can choose to not adopt the CEO Employment and Remuneration Policy, Advisory Committee Policy, Live Streaming and Publishing Recordings of Council Meetings Policy and Hindmarsh Pride Terms of Reference.

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

Good governance practices

### **Financial Implications:**

NIL

### **Risk Management Implications:**

*CEO Employment and Remuneration Policy*  
Strategic Risk – Governance

The CEO Employment and Remuneration Policy is a requirement under the *Local Government Act 2020*. Ensuring that this policy meets both the requirements of the Act and the specific needs of our Council ensures smooth and transparent processes and effective relationships between Councillors the Chief Executive Officer. Such a framework is critical to the overall health of the organisation and Council's ability to fulfil its functions and maintain its services.

*Live Streaming and Publishing Recordings of Council Meetings Policy*

Strategic Risks – Governance and Community Needs

The Live Streaming and Publishing Recordings of Council Meetings Policy reinforces Council's commitment to community engagement and better positions staff and Councillors to receive and integrate the communicated needs, opinions and requests of community members. It's also promotes accessible, transparent and inclusive access to the deliberation and decisions of Council.

*Advisory Committee Policy*

Strategic Risk – Governance

Updates to this policy ensure that all documents surrounding Advisory Committees are uniform. This reinforces the governance principles that guide the activity and decision-making of Council's Advisory Committees.

**Relevant legislation:**

*Local Government Act 2020*

*Local Government Act 1989*

*Privacy and Data Protection Act 2014*

*Gender Equality Act 2020*

**Community engagement:**

As the CEO Employment and Remuneration Policy primarily articulates Council's legislated responsibilities, community consultation was not undertaken. No substantive changes were made to the CEO Employment and Remuneration Policy, and it is available for public access at all times through Council's website.

Council's Advisory Committees were consulted when the Terms of Reference were updated in November 2022, with changes to the policy reflecting the Terms of Reference and removing procedural elements.

The Live Streaming and Recording of Council Meetings Policy provides a framework to the public access and holding meetings by electronic means of communication provisions of the Governance Rules, the current iteration of the Governance Rules having been the subject of public consultation prior to adoption.

**Gender equality implications:**

A Gender Impact Assessment was conducted incorporating the development of, and policies around, Council's Advisory Committees.

**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:**

All policies will be made available on Council's website and distributed via email to Council staff. The Hindmarsh Pride Committee Terms of References will be circulated to all committee members and published on Council's website.

**Next Steps:**

As above.

**RECOMMENDATION:**

***That Council adopts the CEO Employment and Remuneration Policy, Live Streaming and Publishing Recordings of Council Meetings Policy, Advisory Committee Policy and the Hindmarsh Pride Committee Terms of Reference.***

*Attachment Numbers: 6 – 9*

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## 9.5 MELBOURNE CUP DAY PUBLIC HOLIDAY 2023

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 10 – 11

### **Introduction:**

This report outlines the procedure and options for the declaration of substitute public holidays for Melbourne Cup Day 2023.

### **Discussion:**

In 2011, the Victorian Government amended the *Public Holidays Act 1993* to give regional Councils the ability to request alternative local public holiday arrangements in lieu of Melbourne Cup Day. Council need to make the request at least 90 days prior to Melbourne Cup Day.

The Public Holidays Act 1993 section 8A(1) states:

*Council may request substitute holiday for Melbourne Cup Day*

- (1) *A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*
  - (a) *that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and*
  - (b) *that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.*
- (2) *A request under subsection (1) must—*
  - (a) *be made at least 90 days before the Melbourne Cup Day to which the request relates; and*
  - (b) *specify the day or 2 half-days of the substituted public holiday; and*
  - (c) *specify the reasons for making the request.*
- (3) *In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.*
- (4) *A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.*

Since 2012, Hindmarsh Shire Council has successfully applied to the Minister for Small Business for substitute public holidays to Melbourne Cup Day for the Rainbow and Nhill agricultural shows, as these are held each year on weekdays. Dimboola and Jeparit districts continued to take Melbourne Cup Day as a public holiday, as their respective agricultural shows fall on a weekend.

The show societies have indicated they are planning to hold agricultural shows in 2023 on the following dates:

**Rainbow** Tuesday 17 October 2023;



**Nhill** Thursday 19 October 2023;  
**Dimboola** Saturday 21 October 2023;  
**Jeparit** Sunday 22 October 2023.

The Nhill Show public holiday incorporates the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert.

The Rainbow show public holiday incorporates the localities of Rainbow, Albacutya and Kenmare.

**Options:**

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November, 7 November 2023;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

**Link to Council Plan:**

A range of effective and accessible services to support the health and wellbeing of our community.

Facilitating and supporting economic development.

**Financial Implications:**

No Financial Implications.

**Risk Management Implications:**

There are no risk management implications.

**Relevant legislation:**

*Public Holidays Act 1993 section 8A(1)*

**Community engagement:**

By providing a public holiday for the Rainbow and Nhill Show this will allow community members to attend.

**Gender equality implications:**

A gender impact assessment was completed. Substituting the public holiday will allow community members, working parents and carers greater flexibility to attend their local agricultural society.

**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 – Greg Wood, Chief Executive Officer

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

Author – Shauna Johnson, Executive Assistant

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

**Communications Strategy:**

Advertisements will be placed in each of the local papers following approval of the Gazetteal by the Minister for Small Business.

**RECOMMENDATION:**

***That Council writes to the Minister for Small Business expressing a preference for the following:***

- 1. A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 17 October 2023) for the localities of Rainbow, Albacutya and Kenmare within the Shire;***
- 2. A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 19 October 2023) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and***
- 3. Melbourne Cup Day for the remainder of the Shire.***

*Attachment Numbers: 10 – 11*

## 9.6 HINDMARSH HERITAGE ASSESSMENT STUDY AND C20HIND AMENDMENT AUTHORISATION REQUEST

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 12

### **Introduction:**

This report seeks to endorse the Hindmarsh Heritage Assessment Study and seek authorisation from the Minister to exhibit C20Hind Amendment.

### **Discussion:**

Council has recently undertaken a Heritage Assessment study with funding provided through the State government Regional Planning Hub. Heritage Advisor Mr. David Helms undertook the study, which considered the current 36 sites recorded in the Hindmarsh Planning Scheme Heritage Overlay as well as an additional seven new sites.

In order to add the study, Heritage guidelines and relevant citations to the Scheme as well as correct a number of controls and mapping errors – a planning scheme amendment is required.

Even though a heritage study has never been prepared for Hindmarsh Shire there are 36 places of local significance currently included in the HO that do not have a heritage citation or statement of significance, and there are some errors with mapping and addresses. In addition, the references in the Municipal Planning Strategy and Planning Policy Framework in relation to the protection and conservation of heritage places are limited.

The development and endorsement of the *Hindmarsh Heritage Assessment Study* aims to:

1. Ensure the heritage significance of 36 current HO places is properly documented.
2. Provide permanent protection for seven new individual heritage places of local significance.
3. Incorporate statements of significance for all local heritage places.
4. Update relevant sections of the Municipal Planning Strategy and Planning Policy Framework to enhance the heritage protection framework in the Hindmarsh Planning Scheme. This will include new local strategies, which will be supported by heritage guidelines.
5. Rectify existing HO mapping and address errors.

The amendment will ensure that the heritage controls in the Hindmarsh Planning Scheme remain current and reflect best practice to assist in the conservation of heritage places by ensuring that local heritage values are recognised and protected as well as encouraging conservation of heritage places and sympathetic new development that respect heritage values.

The report further request that Council request authorisation from the Minister for Planning to exhibit Amendment C20Hind to give statutory effect to the *Hindmarsh Heritage Assessment Study* prepared by David Helms Heritage Planning for Hindmarsh Shire by:

- a) Updating the heritage controls that apply to the 36 places of local heritage significance currently included within the heritage overlay (HO). This includes updating the names and addresses of places, removing, amending, or adding specific controls, and correcting mapping errors and adding application guidelines.
- b) Applying the HO to seven new heritage places on a permanent basis.
- c) Adding the statements of significance for the current and new places of local heritage significance as Incorporated Documents.
- d) Introducing the *Hindmarsh Heritage Assessment Study* and *Hindmarsh Heritage Guidelines* as background documents.
- e) Making consequential changes to the Municipal Planning Strategy and Planning Policy Framework of the Hindmarsh Planning Scheme.

The Council is required to seek authorisation for the Planning Scheme amendment from the Minister for Planning prior to the formal exhibition process. Correspondence between properties effected by the proposal has already taken place informally on two occasions so the formal exhibition process will not come as a surprise to property owners.

Following exhibition of the proposed amendment, submissions will be considered before consideration of a planning panel hearing or adoption of the amendment occurs.

**Options:**

1. Council endorse the Hindmarsh Heritage Study but do not seek authorisation for C20Hind Amendment.
2. Council does not endorse the Hindmarsh Heritage Study.

**Link to Council Plan:**

A community well informed and engaged – the Hindmarsh Heritage Study provides valuable information about the significant community history.

**Financial Implications:**

The amendment will slightly increase the number of properties affected by the Heritage Overlay. However, of the seven new places four are managed by Hindmarsh Shire Council and one is on Crown land. Therefore, the number of new permits will be limited.

In addition, the new statements of significance, heritage local policy, and guidelines will provide for improved decision making by Council. The amendment is therefore not expected to have any significant impact upon the resources and administrative costs of Council.

**Risk Management Implications:**

There are minimal resources currently available in the Planning Department of Council to progress the amendment through exhibition – however the Regional Planning Hub has

offered to undertake the mapping and Amendment Tracking System (ATS) Lodgment which will take a considerable amount of the workload from Council.

**Relevant legislation:**

This report seeks authorisation from the Planning Minister under section 8A of the *Planning and Environment Act 1987*.

**Community engagement:**

The properties impacted by the Amendment were contacted in August 2022 to advise that a Heritage Study was underway by a qualified Heritage consultant and were then further informed by way of a draft copy of their individual citation in December 2022. The Heritage consultant Mr David Helm corresponded via phone, email and in person with a number of property owners in relation to the preparation of the study and amendment.

**Gender equality implications:**

This report seeks adoption of the Hindmarsh Heritage Study and a planning scheme amendment to implement the findings of the study. No programming or built environment impacts have a gender equality impact. The policy changes relate to the implementation of the Hindmarsh Planning Scheme which is a gender-neutral document.

**Confidential Declaration:**

This Council report does not consider confidential information as defined by section 3 (1) of the *Local Government 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.

Author and Officer Responsible – Jessie Holmes, Director Infrastructure.

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

**Communications Strategy:**

If the amendment is authorized by the Minister for Planning – exhibition will occur in the manner required by the Act and include letters to the affected properties, notification in the locally circulating newspapers and publication on the Council website.

**Next Steps:**

If Council endorse the officer recommendation, the amendment will be lodged into the ATS for authorisation.

**RECOMMENDATION:**

***That Council:***

- 1 Endorses the Hindmarsh Heritage Assessment Study;**
- 2 Requests that the Minister for Planning grant authorisation under section 8A of the Planning and Environment Act 1987 to prepare and exhibit C20Hind to the Hindmarsh Planning Scheme to implement the Study; and**
- 3 Requests that the Minister for Planning grant authorisation under section 8A of the Planning and Environment Act 1987 to prepare and exhibit C20Hind to the Hindmarsh Planning Scheme to implement the recommendations of the Study specifically being:**
  - 3.1 Amend the Schedule to Clause 43.01 (Heritage Overlay) by:**
    - 3.1.1 Including application requirements for applications that include full or part demolition of buildings, alterations to contributory heritage features, and external or internal painting, where this is triggered by the HO schedule.**
    - 3.1.2 Deleting HO3 and HO12.**
    - 3.1.3 For HO1, HO9, HO34, HO38, HO39, HO14, HO15, HO16, HO17, HO18, HO19, HO20, HO21, HO22, HO23, HO24, HO27, and HO37 changing 'Solar energy system controls apply?' to 'No'.**
    - 3.1.4 For HO2, changing 'External paint controls apply' and 'Solar energy system controls apply' to 'No'.**
    - 3.1.5 For HO4, HO10, HO11 and HO25 amending the existing 'Solar energy systems' control to specifically apply only to the church building on these sites.**
    - 3.1.6 For HO8, amending existing internal controls to specifically apply only to the church and former school.**
    - 3.1.7 For HO14, changing 'Solar energy system controls apply' and 'Outbuildings or fences not exempt under Clause 43.01-4' to 'No'.**
    - 3.1.8 For HO32, amending existing external paint controls, internal controls, and solar energy systems controls to specifically apply only to the historic buildings relocated to the site.**
    - 3.1.9 For HO33, changing 'Solar energy system controls apply?' to 'No' and applying tree controls specifically to the Canary Island palms in the Federal Street median.**
    - 3.1.10 For HO34, changing 'Solar energy system controls apply?' to 'No' and applying tree controls specifically to two street trees in Lochiel Street, Dimboola.**
    - 3.1.11 For HO36, amends the heritage place to include the John Shaw Neilson Memorial at the corner of Dow Well Road and Western Highway, Nhill.**
    - 3.1.12 For HO40, changing 'Tree controls apply?' to No.**
    - 3.1.13 Applying new internal alteration controls to specific features of HO5 (ceiling and marble plaque in hall), HO10 (painted scroll decoration in the church and hall), and HO11 (painted decoration in the church).**
    - 3.1.14 Updating the names and addresses of all current local heritage places, as required.**

**3.1.15 Listing the Statements of Significance for all current local heritage places.**

**3.1.16 Including seven individual heritage places on a permanent basis with specific controls as shown in Table 1.**

**Table 3.1 – New heritage places HO controls**

<b>HO</b>	<b>Name and address of heritage place</b>	<b>Specific HO controls</b>
<b>HO44</b>	<b>Dimboola Banner Offices (Former), 27 Lochiel Street, Dimboola</b>	<b>None specified</b>
<b>HO45</b>	<b>Dimboola Power House (Former), 72 Upper Regions Street, Dimboola</b>	<b>None specified</b>
<b>HO46</b>	<b>Jeparit Railway Bridge (Wimmera River)</b>	<b>Solar energy systems controls - Yes</b>
<b>HO47</b>	<b>Jeparit Memorial Avenue, Broadway</b>	<b>Tree controls – Yes, Aleppo Pine Solar energy systems controls – Yes Outbuildings and fences not exempt under Clause 43.01-4 – Yes, stone boundary fence</b>
<b>HO48</b>	<b>Soldiers’ Memorial Lounge, 7 Clarence Street, Nhill</b>	<b>None specified</b>
<b>HO49</b>	<b>Lowan Shire War Memorial, Victoria Street, Nhill</b>	<b>Tree controls – Yes, Canary Island palms Solar energy systems controls – Yes</b>
<b>HO50</b>	<b>Nhill Band Rotunda, Victoria Street, Nhill</b>	<b>Solar energy systems controls – Yes</b>

**3.2 Amend the Planning Scheme Maps 9HO, 10HO, 16HO, 17HO, 22HO, and 33HO by:**

**3.2.1 On Map 9HO reducing the extent of HO8.**

**3.2.2 On Map 10HO:**

- **Reducing the extent of HO22, HO24 and HO25**
- **Deleting the properties from HO33 listed in Table 2 in Attachment 2.**
- **Extending HO33 to include the whole of the properties listed in Table 3 in Attachment 2.**

**3.2.3 On Map 16 HO:**

- **Reducing the extents of HO41 and HO42 and applying them correctly to the heritage place and a suitable curtilage.**
- **Including one place in HO46 on a permanent basis.**

**3.2.4 On Map 17HO, deleting HO12 and including one place in HO47 on a permanent basis.**

**3.2.5 On Map 22HO:**

- *Deleting HO27 which is in the wrong location and applying it correctly to the heritage place being the Nhill Railway Station and former goods shed.*
- *Reducing the extent of HO28, HO29 and HO36 to apply only to the heritage place and a suitable curtilage.*
- *Deleting HO30 which is in the wrong location and applying it correctly to 25 Nelson Street, Nhill.*
- *Extending HO37 to ensure all the contributory heritage buildings are included.*
- *Including three places in HO48, HO49 and HO50 on a permanent basis.*

**3.2.6 On Map 33HO:**

- *Changing the extent of HO2 to include the whole of the metal pedestrian footbridge, the whole of 36 Hindmarsh Street, and the former van goods shed and lamp room on the station platform, and to remove HO2 from the railway tracks and land containing no heritage features.*
- *Deleting HO3 from 65 & 67 Lloyd Street and applying HO34 to these properties.*
- *Deleting HO3 from 17 Wimmera Street.*
- *Deleting the part of HO5 that applies to 103 Lloyd Street and applying HO34.*
- *Deleting HO34 from part of 101 Lloyd Street and extending HO5 over the whole of this property.*
- *Deleting the properties from HO34 listed in Table 4 in Attachment 2.*
- *Including two properties in HO44 and HO45 on a permanent basis.*

**3.2.7 Add a new Planning Scheme Map 21HO, which applies HO36 to the John Shaw Neilson Memorial at the south east corner of Western Highway and Dow Well Road, Nhill.**

**3.2.8 Amend the Municipal Planning Strategy to:**

- *Include specific references to heritage in Clause 02.02 Vision.*
- *Update Clause 02.03-5 Built environment and heritage to ensure terminology is consistent with Planning Practice Note 1 and the Burra Charter, the diverse range of heritage in Hindmarsh Shire is correctly described, and to identify the need for a heritage study for Hindmarsh Shire.*

**3.2.9 Amend the Planning Policy Framework by:**

- *In Clause 11.01-1L Settlement – Hindmarsh replacing ‘Conserve Rainbow’s character, based on its places of heritage significance’ with ‘Protect and conserve the historic town centres of Dimboola, Jeparit, Nhill and Rainbow and individual heritage places within these towns’.*



- ***Adding a new local heritage policy at Clause 15.03-1L.***
- 3.2.10 Update the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include new Map 21HO.***
- 3.2.11 Amend the Schedule to Clause 72.04 (Documents incorporated in this scheme) to include 38 new incorporated documents, being the Statements of Significance for:***
  - ***35 individual heritage places: HO1, HO2, HO4, HO5, HO8, HO9, HO10, HO11, HO19, HO20, HO21, HO22, HO23, HO24, HO25, HO26, HO27, HO28, HO29, HO30, HO32, HO36, HO37, HO38, HO39, HO40, HO41, HO42, HO44, HO45, HO46, HO47, HO48, HO49 and HO50.***
  - ***Rainbow Town Centre heritage precinct for properties within HO33.***
  - ***Dimboola Town Centre heritage precinct for properties within HO34.***
  - ***Jeparit Town Centre heritage precinct for HO14, HO15, HO16, HO17 and HO18.***
- 3.2.12 Amend the Schedule to Clause 72.08 (Background documents) to include:***
  - ***Hindmarsh Heritage Assessment Study (David Helms Heritage Planning, 2023).***
  - ***Hindmarsh Heritage Guidelines, 2023.***
- 3.2.13 Amend the Schedule to Clause 74.02 (Further strategic work) to identify the need to prepare a heritage study for Hindmarsh Shire.***

*Attachment Number: 12*

## 9.7 PROPOSED AMENDMENTS TO THE GAZETTED B-DOUBLE TRANSPORT NETWORK IN HINDMARSH

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 13

### Introduction:

At the Ordinary Council meeting held on 4 August 2021 – Council approved the recommendation to gazette a number of roads across the Shire for B Double with conditions and B Double with no conditions.

This report builds on that decision by recommending additional roads and conditions be gazette on the Hindmarsh Road Network following consultation with the Heavy Transport and Freight Working Group and assessment by Councils Asset Inspector and Design Engineer.

### Discussion:

The current gazetted road network in Hindmarsh allows for vehicles to travel subject to conditions, without the need to obtain a NHVR permit if they meet the following criteria:

- Class 2 vehicles with a length limit of 26m and weight limit of 68.5 ton
- PBS Level 2A with a length limit of 26m and weight limit of 68.5 ton

Council received 181 permits between May 2022 and May 2023, of which 63 were NHVR permit applications for PBS Level 2B and A Double vehicle.

This report proposes that the gazetted road network be increased to be inclusive of:

- Class 2 vehicles with a length of 30m and weight limit of 85.5 ton
- PBS Level 2B with a length limit of 30m and weight limit of 85.5 ton.

It also proposes to add the following roads:

Road Name	Purpose	Road Type	Vehicle count
Solly Road between Nhill - Rainbow Road and Rainbow Rises Road	Bypass Rainbow township whilst travelling North from the Eastern side of the township.	5 R – unsealed Limestone construction Pavement width 4.3m average	25 ADT7 (weekly vehicle count) - 08/03/2023 • Is in good condition
Kiata North Road between the Western Highway and Antwerp - Woorak Road	Requested by the Heavy Freight Working Group as a North South connection that services the significant Hay facility.	5 R – unsealed Limestone construction Pavement width 4.5m average	46 ADT7 (weekly vehicle count) - 01/06/2022 • Fair condition Few potholes at the start, will be picked up with maintenance

<p>Yanac South Road between the border and Nhill-Yanac Road Teakles Road off Nhill Yanac Road and then Propodollah Extension Road to Propodollah Netherby Road.</p>	<p>To enable more effective East to West links between the West Wimmera border through to central Hindmarsh</p>	<p>5 R – unsealed Limestone construction Pavement width 4.2 m average 5 R -unsealed Limestone construction Pavement width 4.5m average</p>	<p>23 ADT7 (weekly vehicle count) - 08/03/2023  <ul style="list-style-type: none"> <li>• Is in good condition</li> </ul> </p>
<p>Sandsmere Road between the border and Diapur Road and O'Reillys Road between Diapur Road and Nhill Yanac Road.</p>	<p>To enable more effective East to West links between the West Wimmera border through to central Hindmarsh</p>	<p>Sandsmere – 5R unsealed Pavement width 4.5 average  O'Riellys - 5R sealed Pavement width 4.5 average</p>	<p>20 ADT7 (weekly vehicle count) - 08/03/2023  <ul style="list-style-type: none"> <li>• Is in good condition</li> </ul> </p>
<p>Lowes Road between Propodollah Road and Nhill Netherby Road</p>	<p>To enable more effective East to West links between the West Wimmera border through to central Hindmarsh</p>	<p>Lowes – 6R unsealed. Pavement width 4m average. *Recommend in Road Hierarchy review that this 4kms of road be upgraded to a 5R</p>	<p>3 ADT7 (weekly vehicle count) - 22/03/2023  <ul style="list-style-type: none"> <li>• Is in good condition</li> </ul> </p>
<p>Peakes Three Chain Road between Nhill Netherby Road and Woorak Ni Ni Lorquon Road</p>	<p>To enable more effective East to West links between the West Wimmera border through to central Hindmarsh</p>	<p>5 R – unsealed Limestone construction Pavement width of 4m average</p>	<p>22 ADT7 (weekly vehicle count) - 30/09/2020  <ul style="list-style-type: none"> <li>• Turning into intersection will take letter boxes out</li> <li>• Looks good (has had flood damage etc. so it isn't too bad, road still in fairly good condition)</li> <li>• Has been maintained well regardless of water</li> </ul> </p>

			<ul style="list-style-type: none"> <li>• Plenty of shoulder width</li> <li>• Just past Woorak West Rd has a couple of bad edges.</li> </ul> <p>At the swamp road is raised which is good.</p>
Winiam Road between Nhill Harrow Rd and Winiam East Road	To enable transport to the intensive animal husbandry enterprises along Winiam East Road	4 R – sealed Pavement width of 4.5 m average.	<p>62 ADT7 (weekly vehicle count) - 08/03/2023</p> <ul style="list-style-type: none"> <li>• Is in good condition</li> <li>• No truck signs will need to be removed</li> </ul>

It is also recommended that Council remove Drendel Road as it is only gazetted to Stasnowsky Road and in lieu gazette Pigick Kurnbrunin Road between Pigick Road and Kurnbrunin Road as this is also a school bus route in our road hierarchy.




In consultation with the Heavy Vehicle and Freight Transport Working Group – the following advice was provided by the Department of Transport's Senior Heavy Vehicle Network Officer:

*A 30m PBS Level 2B vehicle has the same performance geometrically etc. as a PBS Level 2A vehicle - which in turn performs better than a B-Double.*

*Both PBS Level 2A and B-doubles are currently operating on the same mapped network in Hindmarsh Shire via a national NHVR Gazette Notices.*

*The higher volume carried by 30m PBS Level 2B vehicles means less trips are required and the increase in road wear per trip is well and truly offset by a reduced number of trips for a given task, which also has benefits to the community in reduced truck movements, reduced fuel and emissions and more efficiency and productivity for industry. There's also a safety benefit of not encountering as many heavy vehicles.*

*The above is most true when talking about 30m HPFVs, but 2B 30m cubic vehicles also provide many of these benefits where the constraint is cubic space, not mass limitations.*

	 Semi Trailer	 B-double	 A-double
GCM (tonne)	46.0	68.5 +48.91%	85.5 +85.87%
TEU compacity	2	3	4
Payload (tonne)	27.4	44.34 +61.83%	54.73 +99.75%
Trips per 1,000 tonnes of payload moved	37	23 -37.84% (less trips)	19 -48.65% (less trips)
ESAs per 1,000 tonnes of payload moved	268	198 -26%	204 -23%
Fuel required per 1,000 km lead (1,000km full + 1,000km empty)	37000	29900 -19%	27360 -26%

*Note: TEU = Twenty foot (container) Equivalent Unit; ESA = pavement wear*

It is important to note that a road deemed for local use only is proposed to be accessible by a Class 2 or a PBS Level 2 B of 30m or below without a permit:

- If the destination of the vehicle is on the specific road for the purposes of loading and unloading; or
- If the vehicle depot is located on the road; or
- If there is no alternative route for the vehicle to reach its final destination.

If the above conditions are met but the vehicle length exceeds 30m or 85.5 ton then a permit application will need to be made and assessed.

It is recommended that with these changes to the road network – the only permits that should be issued are for Tarranyurk East which is an East West Link on the Yarriambiack border servicing a number of agricultural and industry enterprises – however it is unable to be gazetted due to the stacking distance of the railway line off the Dimboola – Jeparit Road.

The proposed changes will result in North-South and East-West links across the Shire at intervals of 15kms or less – sufficient for heavy transport and freight through traffic movements to be direct in nature and not requiring the use of the non gazetted roads except in instances of last mile requirements.

**Options:**

1. Council does not increase the length of heavy vehicles permitted from 26m to 30m and does not incorporate Performance Based Vehicle Category 2 but does add the additional roads.
2. Council does increase the length of heavy vehicles permitted from 26m to 30m and does not incorporate Performance Based Vehicle Category 2 but does not add the additional roads.

**Link to Council Plan:**

Built and Natural Environment:

Well maintained physical assets and infrastructure to meet community and organizational needs.

*Develop and implement a strategic roads strategy to support agriculture and communities.*

**Financial Implications:**

These changes will have an impact on the maintenance road budget as these roads will need minor works prior to gazettal.

If Lowes Road is upgraded in the road hierarchy from 6 to 5 – this will increase the maintenance costs associated with the Road Management Plan service levels.

There will be a savings of 0.1 FTE in the Asset Engineering team as a result of a decrease in the permits issued by approximately 1/3.

**Risk Management Implications:**

There is still debate about the impact of the longer, heavy vehicles vibrations on the road network versus the distribution of weight over axels across fewer vehicle movements reducing wear on the roads.

The NHVR, Mass Management and Department of Transport have all provided the Heavy Freight and Transport Working Group with evidence of the impact of the weight being offset by the reduction of vehicle movements.

The Council Asset Inspector will continue to monitor the roads to determine the ongoing impact of the permitted road vehicles with particular specificity to be given to the roads in the 23/24 condition survey against the 20/21 road condition survey.

**Relevant legislation:**

*The Local Government Act 1989*

*Road Management Act 2004*

*National Heavy Vehicle Law Act 2013*

**Community engagement:**

This request has come through the Heavy Vehicle and Freight Working Group, which is made up of Hindmarsh community members, Victoria Police representation, Department of Transport, industry stakeholders and Council representation.

**Confidential Declaration:**

This Council report does not consider confidential information as defined by section 3 (1) of the *Local Government Act 202*.

**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.

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

**Communications Strategy:**

The proposed changes would need to be gazetted and then relevant staff would inform the Department of Transport & Planning, National Heavy Vehicle Regulator, Heavy Vehicle and Freight Working Group and wider public be advised.

**Next Steps:**

Gazette the designated road network in accordance with the Council resolution.

**RECOMMENDATION:**

***That Council;***

- 1. Increase the permissions available on the gazetted routes from 26 meters to 30 meters incorporating Performance Based Vehicle Category 2b;***
- 2. Remove Drendel Road from the Approved declared road network for Heavy vehicles; and***
- 3. Add the following roads to the Approved declared road network for Heavy Vehicles:***
  - (a) Solly Road between Nhill - Rainbow Road and Rainbow Rises Road***
  - (b) Kiata North Road between the Western Highway and Antwerp - Woorak Road***
  - (c) Yanac South Road between the border and Nhill-Yanac Road***
  - (d) Teakles Road off Nhill Yanac Road and then Propodollah Extension Road to Propodollah Netherby Road.***
  - (e) Sandsmere Road between the border and Diapur Road and O'Reillys Road between Diapur Road and Nhill Yanac Road.***
  - (f) Lowes Road between Propodollah Road and Nhill Netherby Road***
  - (g) Peakes Three Chain Road between Nhill Netherby Road and Woorak Ni Ni Lorquon Road***
  - (h) Winiam Road between Nhill Harrow Rd and Winiam East Road***

Attachment Number: 13

## 10 COUNCIL COMMITTEES

### 10.1 RAINBOW TOWNSHIP ADVISORY COMMITTEE

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 14 – 15

**Introduction:**

The Rainbow Township Advisory Committee held meetings on 17 April 2023 and 15 May 2023. The purpose of this report is to note the minutes from these meetings. A copy of the minutes is included as attachments for the information of Council.

**RECOMMENDATION:**

*That Council notes the minutes of the Rainbow Township Advisory Committee Meetings held on 17 April 2023 and 15 May 2023.*

*Attachment Numbers: 14 – 15*

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### 10.2 JEPARIT TOWNSHIP ADVISORY COMMITTEE

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 16

**Introduction:**

The Jeparit Township Advisory Committee held a meeting on 8 May 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 notes the minutes of the Jeparit Township Advisory Committee Meeting held on 8 May 2023.*

*Attachment Number: 16*

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### 10.3 NHILL TOWNSHIP ADVISORY COMMITTEE

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 17

**Introduction:**

The Nhill Township Advisory Committee held a meeting on 15 May 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 notes the minutes of the Nhill Township Advisory Committee Meeting held on 15 May 2023.***

*Attachment Number: 17*

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**10.4 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE**

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 18

**Introduction:**

The Wimmera Mallee Pioneer Museum Community Asset Committee held a meeting on 18 April 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 notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 18 April 2023.***

*Attachment Number: 18*

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**10.5 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE**

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 19

**Introduction:**

The Yurunga Homestead Community Asset Committee held a meeting on 27 April 2023. The purpose of this report is to note the minutes from this meeting. Copies of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 27 April 2023.***

*Attachment Number: 19*

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**11 LATE REPORTS**

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**12 NOTICES OF MOTION**

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**13 OTHER BUSINESS**

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**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 EXTENSION OF CONTRACT AWARD – 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**
- 14.2 APPOINTMENT OF CONSULTANT – RECRUITMENT OF CHIEF EXECUTIVE OFFICER – 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.**

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**15 LATE CONFIDENTIAL REPORTS**

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**16 MEETING CLOSE**

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