



20 July 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 26 July 2023 commencing at **3:00pm**.

Greg Wood
Chief Executive Officer

AGENDA

1	ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY	3
2	APOLOGIES	3
3	DECLARATION OF INTERESTS	3
4	CONFIRMATION OF MINUTES	4
5	PUBLIC QUESTION AND SUBMISSION TIME	4
6	ACTIVITY REPORTS	5
7	CORRESPONDENCE	9
	7.1 GENERAL CORRESPONDENCE	9
8	PLANNING PERMITS	10

- 8.1 AMENDED APPLICATION TO PLANNING PERMIT PA0039-1999 – AMEND
CONDITION 7 TO INCREASE THE MAXIMUM DUCK NUMBERS TO 20,000 – 142
DRAPERS ROAD NHILL VIC 3418 10

9 REPORTS REQUIRING A DECISION 23

- 9.1 GOVERNANCE UPDATES 23
9.2 INTERIM FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2023 26
9.3 COUNCIL PLAN AND MUNICIPAL HEALTH & WELLBEING PLAN 2021-2025
PROGRESS REPORT 27
9.4 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE DISSOLUTION 41

10 COUNCIL COMMITTEES 44

- 10.1 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE 44
10.2 RAINBOW TOWNSHIP ADVISORY COMMITTEE 44
10.3 NHILL TOWNSHIP ADVISORY COMMITTEE 44
10.4 JEPARIT TOWNSHIP ADVISORY COMMITTEE 45
10.5 HINDMARSH HEAVY TRANSPORT AND FREIGHT WORKING GROUP 45
10.6 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE 46
10.7 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE 46
10.8 RAINBOW CIVIC CENTRE COMMUNITY ASSET COMMITTEE 46

11 LATE REPORTS 48

12 NOTICES OF MOTION 48

13 OTHER BUSINESS 48

14 CONFIDENTIAL REPORTS 48

15 LATE CONFIDENTIAL REPORTS 49

16 MEETING CLOSE 49

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.

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 28 June 2023 at the Nhill Memorial Community Centre, 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, 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.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 20 June – 17 July 2023

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
20/06/2023	Wimmera Mallee Pioneer Museum Meeting		
21/06/2023	Hindmarsh Shire Volunteers Appreciation Dinner		Speech.
21/06/2023	CEO Meeting		RE upcoming agenda.
22/06/2023	Jeparit Bowling Club AGM		Afterwards, the idea was discussed into using the club as a community hub, incorporating such things as a community garden, craft workshops, meeting place, etc.
22/06/2023	Yurunga Homestead Meeting		
26/06/2023	Civic Centre Meeting with Drama Club to look at future committee going forward	Rainbow	The meeting was very positive and at this stage the committee looks likely to remain.
28/06/2023	Council Briefing		
28/06/2023	Council Meeting		
28/06/2023	Community Care Services Break up Dinner		
29/06/2023	Mayoral Matters Column		
30/06/2023	Drag Bingo Night	Nhill	Speech. Fully booked out in advance and everybody seemed to enjoy a different theme. Our intention is to keep bringing events if people show enthusiasm to attend.
02/07/2023	NAIDOC Week Art Exhibition Opening	Dimboola Hub	Speech. A wide range of indigenous art on display and we received 2 pieces of artwork for perpetuity to display in the library area relevant to Hindmarsh shire. A big thanks to artist Gail Harradine.
03/07/2023	Radio Interview with Flow FM		Current topics in Shire, Lake Hindmarsh, Budget, etc.
04/07/2023	Dimboola Town Meeting		
05/07/2023	Meeting with Gem Consulting to discuss recruitment of CEO	Nhill	

10/07/2023	Jeparit Town Committee Meeting		
13/07/2023	RCV Rural Summit Dinner	Echuca	
14/07/2023	RCV Rural Summit Conference	Echuca	
15/07/2023	Guest Speaker Rotary Club of Nhill Changeover Night	Little Desert Lodge	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
27/06/2023	Wimmera Southern Mallee Development Board Meeting	Online	
28/06/2023	Council Briefing	Nhill	
28/06/2023	Council Meeting	Nhill	
02/07/2023	Dimboola NAIDOC Art Exhibition	Dimboola	Congratulations and thank you to all the talented artists that shared their art work in the NAIDCOC week celebrations exhibition. A huge thank you to Gail Harradine for sharing her amazing work with the community, with two beautiful pieces being permanently displayed at the Dimboola library.
05/07/2023	Meeting with CEO recruitment consultant	Nhill	
17/07/2023	Nhill Town Committee Meeting	Nhill	Thank you to the outgoing members of the Nhill Town Committee and a huge thank you to Alana Storey who has done a wonderful job as Chair.

Cr GERSCH

Date	Meeting	Location	Comments
21/06/2023	Shire Acknowledgement Volunteers		
23/06/2023	RCV Board Meeting		
28/06/2023	Council Briefing / Meeting		
28/06/2023	Community Care Dinner		
02/07/2023	Nhill Lions Changeover Event		
03/07/2023	Nhill Information Centre Volunteer		
05/07/2023	Meeting with		

	Consultant RE CEO Recruitment		
13/07/2023	RCV Forum Dinner and Tour with Campaspe Shire	Echuca	
14/07/2023	RCV Summit	Echuca	

Cr NELSON

Date	Meeting	Location	Comments
21/06/2023	Volunteers Thank You Event	Nhill	
28/06/2023	Council Briefing	Nhill	
28/06/2023	Council Meeting	Nhill	
28/06/2023	Community Care Staff Thank You Event	Nhill	
02/07/2023	NAIDOC Week Art Show	Dimboola	
04/07/2023	Dimboola Town Advisory Committee Meeting		
05/07/2023	CEO Employment Meeting	Nhill	
08/07/2023	Christmas in July	Dimboola	
11/07/2023	Mates Mentoring	Dimboola	

Cr ISMAY

Date	Meeting	Location	Comments
28/06/2023	Council Briefing	Nhill	
28/06/2023	Council Meeting	Nhill	
28/06/2023	Community Care Workers Thank You		
05/07/2023	CEO Recruitment Meeting	Nhill	
07/07/2023	Inspection of Tree Planting Project	Rainbow Rises	
13/07/2023	RCV Welcome Dinner	Echuca	
14/07/2023	RCV Forum	Echuca	

Cr BYWATERS

Date	Meeting	Location	Comments
20/06/2023	Homework Club	The Patch Nhill	
28/06/2023	Council Briefing	Zoom	Online from Darwin caring for my

	Meeting and Council Meeting		grandchildren for the Northern Territories three-week school holidays.
05/07/2023	Meeting with CEO Recruitment Consultant	Phone Link from Darwin	
14/07/2023	Rural Councils Victoria Forum	Echuca	The theme was "Doing things differently".
15/07/2023			

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 5

Introduction:

The following correspondence is attached for noting by Council.

Outwards:

- 2023/06/30 – Letter to Jonathan Starks RE Council Plan Submission
- 2023/06/30 – Letter to Barbara and Bernard Young RE Council Plan Submission
- 2023/06/30 – Letter to Emily Gladdis RE Council Plan Submission
- 2023/06/30 – Letter to Wendy Werner RE Council Plan Submission

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Number: 2 – 5

8 PLANNING PERMITS

8.1 AMENDED APPLICATION TO PLANNING PERMIT PA0039-1999 – AMEND CONDITION 7 TO INCREASE THE MAXIMUM DUCK NUMBERS TO 20,000 – 142 DRAPERS ROAD NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200136
Application Number:	PA0039-1999-A1
Application Received:	20 March 2023 (application amended)
Applicant:	Mr Sonny Hoang - Scolexia Pty Ltd
Owner:	Rosina Fine Foods Pty Ltd
Subject Land:	142 Drapers Road Nhill VIC 3418 (Lot 1 PS 432916L)
Proposal:	Amend condition 7 to increase the maximum duck numbers to 20,000
Zoning & Overlays:	Farming Zone (FZ) Bushfire Management Overlay (BMO) – does not apply to developed area
Attachment Numbers:	6 – 7

Summary:

This report recommends that Council issues a Notice of Decision to Amend Planning Permit PA0039-1999 to Amend Condition 7 to increase the maximum duck numbers to 20,000 on the subject land known as 142 Drapers Road, Nhill VIC 3418 (Lot 1 PS432916L).

Background:

On 20 March 2023, Scolexia Pty Ltd on behalf of Luv-a-Duck lodged an application to amend Planning Permit PA0039-1999, seeking to amend Condition 7 to increase the maximum duck numbers from 12,000 to 20,000. Relevant background information is contained under the points below.

- In 2019, an amended permit for 24,000 ducks was issued by VCAT at a Compulsory Conference. The increased duck capacity was included on the amended permit but the associated development was not.
- Luv-A-Duck applied to change the development form approved. This was objected to and appealed, where VCAT found the amended permit had expired and had reverted back to the 1999 permit.
- In 2022, VCAT approved the new shed works with the duck numbers remaining as per the original permit in 1999.
- This application now seeks to increase the duck numbers commensurate with the approved development.

Proposal Details:

The permit applicant, Scolexia Pty Ltd seeks approval to amend Planning Permit PA0039-1999, to increase the maximum on-site duck numbers from 12,000 to 20,000. The

applicant's submission states that recently upgraded sheds have additional capacity to increase bird numbers up to 20,000. This requires Condition 7 of the Planning Permit to be updated to reflect the increase in bird numbers.

As the change updates permit conditions only and no buildings and works are proposed, no plans were submitted nor required for assessment.

Requirement for Permit:

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

- Clause 35.07-1 (Farming Zone) – A permit is required to use the land for a use in Section 2 of Clause 35.07-1 (Poultry Farm).

Definitions:

Poultry Farm – *Land used to keep or breed poultry.*

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is in association with an activity that was lawfully occurring on the land before 28 May 2007, and is occurring on land that is not of Aboriginal Cultural Heritage Sensitivity.

Subject site & locality:

The subject site is known as 142 Drapers Road Nhill (Lot 1 PS432916L Parish of Winiam), which comprises a single title of 41.67 hectares. The land is generally flat, with minimal fall across the site. The land is currently improved by the existing Luv-a-Duck facilities on the land, and takes the benefit of Planning Permit PA0039-1999, which allows the use and development of the land for a poultry farm with a capacity of up to 12,000 birds.

The subject site adjoins farming zoned land in all directions. Surrounding land holdings are typically (but not exclusively) used for agricultural production, with the majority of holdings comprising broadacre farming activities. To the south of the land are stands of remnant native vegetation, with the Little Desert National Park located approximately 1.4km south of the subject land.

Heavy vehicle access to the land is provided via Drapers Road, L Creek Road and Winiam East Road to the Western Highway.

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

Aerial Map below – Hindmarsh POZI (2016)



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



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners; and
- A notice in the ‘Nhill Free Press’.

One (1) objection has been received to the application. The objection raises the following concerns:

- Application lacking sufficient/accurate detail to understand what is being proposed.
- Increase in duck numbers will adversely affect the amenity of the surrounding area from noise, odour, increased traffic and feathers.
- The poultry farm is currently operating in breach of their permit and are concerned about future breaches.
- Traffic and road safety impacts.
- Impacts on tourism.

These concerns will be discussed further in this assessment.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
No Section 55 referrals were required for this application.	

Section 52 and Internal Notices	
Engineering	Consent, no new conditions dated 20 June 2023.
EPA	A response was not provided within the 28-day statutory timeframe (28 June).

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 02.03-4 Natural resource management
- Clause 13.05-1S Noise management
- Clause 13.06-1S Air quality management
- Clause 13.07-1S Land use compatibility
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-2S Sustainable agricultural land use
- Clause 14.01-2R Agricultural productivity – Wimmera Southern Mallee

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

35.07-1 Table of uses

A permit is required to use the land for a use in Section 2 of Clause 35.07-1 (Poultry Farm).

Planning Response:

The proposal represents an amendment to an existing permit that authorises the use and development of the land for a Poultry Farm, with capacity for up to 12,000 ducks. In this

context, the assessment required to be undertaken by Council is limited only to the amendment sought, which is to increase the duck capacity to 20,000 associated with the approved use. No modification to the existing built form or associated accessways and infrastructure is proposed.

The proposal will support the ongoing operation and expansion of the existing poultry farm by allowing increased duck capacity and thus increased yield. As a result, the proposal reinforces the purpose of the Farming Zone and provides for the on-going use of the land for agriculture, consistent with the Decision Guidelines of Clause 35.07-6. An expansion of this form of agricultural use enjoys broad and strong policy support by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework, as listed above. The poultry farm has operated from this site for more than 20 years, with no complaints received from abutting agricultural land uses. This demonstrates that the use is compatible with surrounding land uses and there is opportunity for expansion provided that the use is managed appropriately.

The site is capable of accommodating the increase in duck numbers as a new and improved duck shed has been approved under the previous permit. Surrounding land uses predominantly consist of broadacre cropping, with the nearest sensitive land use being located approximately 2km from the new duck shed. The existing permit and endorsed plans include a detailed Environmental Management Plan to manage the use which will continue to apply to the amended proposal. Provided that the Environmental Management Plan is adhered to, unreasonable off-site amenity impacts and environmental issues are unlikely to result from the increase in duck numbers.

Decision guidelines relating to Accommodation and Design and Siting are not relevant to the assessment of this application as no buildings and works or accommodation are proposed. As mentioned above, the ducks will be housed within a modern shed approved as part of the previous permit where design, siting, access and other built form related matters were considered.

Based on the above factors, the proposed amendments are considered to be acceptable and will facilitate the ongoing operation of the Luv-a-Duck facility on the subject land.

Overlay Provisions:

The proposed amendment relates to existing buildings located outside the BMO and there are no land use triggers under the BMO. As such, the provisions of the BMO are not discussed further in this report.

Particular Provisions:

Clause 53.09 – Poultry Farm

Clause 53.09-1 – Application

This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Clause 53.09-6 – Decision guidelines

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

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018).

Planning Response:

The relevant decision guidelines are addressed in turn below:

- *The purpose of the relevant zone.*
The subject site is located within the Farming Zone, where the purpose of the zone encourages agricultural land uses to be located. The proposed amendment to increase bird numbers will support and enhance agricultural production on the land by ensuring the viability and on-going operation of the Luv-a-Duck facility.
- *The design, height, setback and appearance of the proposed buildings and works.*
N/A no buildings and works are proposed.
- *The proposed landscaping.*
No additional landscaping is considered to be required given that no new buildings and works are proposed.
- *The need to protect amenity of existing uses on adjoining land.*
Adjoining land uses predominantly consist of agriculture in the form of broadacre cropping. Areas of native vegetation are common and no sensitive land uses are observed within 1km of the site. Adjoining land uses are not sensitive in nature, however, any potential off-site amenity impacts will be appropriately managed and enforced by the existing Environmental Management Plan.
- *The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.*
The original permit allowed for the installation of modern shedding facilities which included modern ventilation, feeding equipment and the like. These improvements have provided the opportunity for increased duck capacity whilst ensuring that environmental impacts and off-site amenity impacts can be suitably managed in line with the existing Environmental Management Plan for the site.
- *The impact of the proposal on any wetlands, waterways or water bodies.*

There are no wetlands, waterways or water bodies within close proximity of the site. In spite of this, the existing Environmental Management Plan includes measures to mitigate any potential impacts to water resources within the surrounding area.

- *The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.*

There are no anticipated impacts on natural physical features or biodiversity of the site as the birds are currently and will continue to be housed within the approved poultry sheds. As the increase in bird numbers will not necessitate the physical expansion of the facility, the proposal is unlikely to impact natural physical features or biodiversity in the area. Furthermore, as stated previously, the use will be required to operation in accordance with the existing Environmental Management Plan to ensure that any environmental impacts are avoided.

- *Whether the development will support and enhance agricultural production.*
As discussed previously, the proposal supports the ongoing operation and expansion of an existing Poultry Farm. Recent improvements to site facilities and infrastructure have provided the opportunity for duck numbers to increase at a scale commensurate with the scope of development already authorised. By increasing duck numbers, it will allow the facility to cater for increased demand as well as safeguard its long term viability and on-going operation.
- *The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018).*
N/A – the existing facility does not operate as a low density mobile outdoor poultry farm.

For the reasons discussed above, the amendments are considered to be consistent with the provisions of Clause 53.09.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.

- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Planning Response:

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 there are no negative environmental, social or economic effects. One objection was received against the application and the matters raised have been suitably addressed below.

As deliberated throughout this report, the proposal is consistent with the Planning Policy Framework, the Farming Zone and Clause 53.09. The proposal results in an orderly and desirable planning outcome as it provides for the ongoing operation and expansion of an existing poultry farm on land zoned for such purposes. The increase in duck numbers is unlikely to result in any unreasonable amenity and environmental impacts given that surrounding land uses are not sensitive in nature and the existing Environmental Management Plan will continue to apply.

The proposal will not have any implications in terms of cultural heritage and bushfire and no native vegetation will be impacted. Existing access and on-site loading/unloading facilities will be utilized. No issues were raised by the engineering department in terms of the capability of the road network to accommodate any increase in traffic as a result of the increased duck numbers. As such, the proposal is unlikely to impact the current and future operation of the transport system.

Response to Objections:

(Objection in italics, response in standard text)

Application lacking sufficient/accurate detail to understand what is being proposed.

Response: The written submission from the applicant is considered to clearly outline what is being proposed and includes an assessment of the relevant planning considerations. As

the application only proposes an increase in duck numbers, plans are not considered to be required for the assessment of this application, noting that the proposal is intrinsic to the plans approved by VCAT in August 2022.

Increase in duck numbers will adversely affect tourism and the amenity of the surrounding area from noise, odour, increased traffic and feathers.

Response: The original permit allowed for the installation of modern shedding facilities which included modern ventilation, feeding equipment and the like. These improvements have provided the opportunity for increased duck capacity whilst ensuring that environmental impacts and off-site amenity impacts can be suitably managed. The existing Environmental Management Plan will continue to apply to the amended proposal to manage and potential off-site amenity impacts.

The poultry farm is currently operating in breach of their permit and are concerned about future breaches.

Response: Council has received complaints that as a consequence of the Tribunal's decision in *Dahlenburg v Hindmarsh SC (Red Dot) [2022] VCAT 669 (21 June 2022)*, the subject site is in breach of the current 'duck number' condition of 12,000. Given that this permit application is before Council, any such breach (which has not been proven at the time of writing) would be considered to be rectified should the application be approved.

In terms of assessment of this application, the principles expressed in *Van Egmond v Knox CC & Bassett & Ors [1985] 3 PABR 249 (23 April 1985)* and its expansions in *Knox City Council v Tulcany Pty Ltd [2004] VSC 375 (30 September 2004)* should be applied to this proposal. These are relevantly summarised in each matter as follows:

Van Egmond v Knox CC

'The board proposes to consider the application on its merits and not place the applicant at any disadvantage because he has commenced the use illegally. Ironically the fact that the applicant has illegally commenced the use enables a better assessment of the use as possible problems have already been revealed.'

Knox City Council v Tulcany Pty Ltd

'The statement of principle contained in Van Egmond does not suggest the Tribunal should look only at the application plans. To the contrary, it expressly identifies the paradox that unlawful commencement of a use (or construction of a development) may enable a better appreciation of its impact on its context than plans or other descriptions of a proposal ever could. This is self-evidently correct.'

The crux of these decisions is that, a permit holder must not be punished nor rewarded should an application be made retrospectively/in breach of a permit, however the fact that an activity may already be occurring can aid assessment. The application is assessed on this basis.

In relation to future conduct, any prospective permit breaches are enforcement matters to be dealt with under a separate process, and not matters to be considered when assessing the merits of a planning permit application.

Traffic and road safety impacts.

Response: No issues were raised by the Engineering Department in relation to the capacity of the road network to cater for increased traffic or road safety concerns. It is noted that the proposal has been previously assessed in relation to road safety matters, which can continue to be managed by suitable conditions.

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 to the zone as discussed above.

Clause 53.09 Poultry Farm

The proposal complies with the relevant decision guidelines of Clause 53.09 for the reasons outlined in the planning response to this clause as discussed above.

Clause 65 Decision Guidelines

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Farming Zone and Clause 53.09 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

15/09/2022 Application to amend Planning Permit PA0039-1999 lodged with Council.
06/10/2022 The fee was paid.
20/03/2023 The application was amended.
30/05/2023 The application was notified.
31/05/2023 The application was referred to Engineering.
31/05/2023 The application was referred to the Environment Protection Authority.
15/06/2023 Objection to the application received.

- 16/06/2023 Engineering referral response provided.
16/06/2023 Advertising period completed for the proposal.
27/06/2023 Applicants response to the objection was received.
26/07/2023 The report is being presented to Council at the meeting held 26 July 2023 (111 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: Michael Tudball, 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 Bob Huxley, Manager Regulatory Services.

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

Link to Council Plan:

Objective – Facilitating and supporting economic development.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue a Notice of Decision to Amend the Planning Permit if approved by Council.

RECOMMENDATION:

That Council issues a Notice of Decision to Amend Planning Permit PA0039-1999 to amend condition 7 to increase the maximum duck numbers to 20,000 on the subject land known as 142 Drapers Road Nhill VIC 3418 (Lot 1 PS432916L), subject to the following amended conditions:

Department of Natural Resources and Environment Conditions

1. ***That all works be carried out in accordance with the submitted plans and specifications.***
2. ***On site waste management shall be in line with EPA guidelines thereby minimising the risk of waste movement from the site.***
3. ***That all pest plant and animal infestations are actively controlled.***

Environmental Protection Authority Conditions

4. ***The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority's Publication No AQ2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions, or as amended to the satisfaction of the Responsible Authority.***

Responsible Authority Conditions

5. ***Prior to the endorsement of the plans associated with the amended development authorised by Tribunal order dated 16 August 2022 ('the amended development'), amended plans are required to be submitted to the satisfaction of the Responsible Authority delineating the 2 nearest sensitive receptors on the appendix M plan that have not been identified on the plan.
Once endorsed, these plans will form part of this permit.***
6. ***The use and development must be undertaken in accordance with the endorsed plans except with the written consent of the Responsible Authority.***
7. ***The number of ducks housed at the facility shall not exceed 20,000, without application for a further Planning Permit.***
8. ***A Building Permit is required for the construction of the buildings.***

Amenity

9. ***The construction of the amended development must be managed so that the amenity of the area is not adversely affected through the:***
 - (a) ***Transport of materials, goods or commodities to or from the land;***
 - (b) ***Appearance of any buildings, works or materials;***
 - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) ***Presence of vermin; or***
 - (e) ***In any other way.***
10. ***Any further external lighting proposed as part of the amended development must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority***

Engineering

11. ***Traffic associated with construction of the amended development to be limited to daylight hours on L Creeks Road and Drapers Road from the datum of Winiam East Road intersection through to the entrance to the subject site to the satisfaction of the Responsible Authority.***
12. ***The applicant is to provide an independent condition assessment of L Creeks Road and Drapers Road from the datum of Winiam East Road intersection***

through to the entrance to the subject site prior to the commencement of the amended development and increase in duck numbers from 12,000 to 20,000 and is to meet any costs associated with remedial works resulting from damage caused by construction traffic associated with the development of the site to the satisfaction of the Responsible Authority.

- 13. Traffic associated with the construction of the amended development must only enter Winiam East Road via the Western Highway.**

Decommission of sheds

- 14. Within 3 months of the commencement of use of the shed shown in green on drawing number SCL21-06-002, sheds E and F as shown on that plan must be decommissioned so as to not house ducks and evidence of decommissioning provided to the satisfaction of the Responsible Authority.**

Expiry condition

- 15. This permit as it relates to the amended use and development will expire if:**
- (a) The amended development is not commenced within two (2) years of the date of the amended permit (16/08/2022);**
 - (b) The amended development is not completed within four (4) years of the date of the amended permit (16/08/2022);**
 - (c) The amended use is not started within two (2) years after the completion of the amended development; or**
 - (d) The amended use is discontinued for a period of two (2) or more years.**

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment	Responsible Authority
16 August 2022	This permit has been amended pursuant to Section 74 of the Planning and Environment Act 1987, having regard to the following: (a) Permit preamble amended (b) Conditions 5 and 9-15 inserted and Conditions 6-8 renumbered accordingly	Victorian Civil and Administrative Tribunal
26/07/2023	This permit has been amended pursuant to Section 74 of the Planning and Environment Act 1987, having regard to the following: (a) Condition 7 and 12 has been amended to increase duck numbers to 20,000 and Condition 15 has been updated to include the amended use.	Hindmarsh Shire Council

Attachment Numbers: 6 – 7

9 REPORTS REQUIRING A DECISION

9.1 GOVERNANCE UPDATES

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 8 – 10

Introduction:

This report provides an update on the progress of Council's Gender Equality Action Plan (GEAP) and seeks adoption of the amended Volunteer Policy and Asset Management Policy.

Discussion:

Gender Equality Action Plan

The GEAP is an organisational commitment to improving gender equality in the workplace. The GEAP presents a number of once-off and recurring strategies and measures to be undertaken by Council in support of its vision for gender equality. Updates around the GEAP's implementation are provided to Council when the Council Plan update is presented every quarter.

Attachment 8 details the Council's progress against Gender Equality Action Plan's Strategies and Measures. Council is progressing well with the implementation of the plan and will continue to ensure that we are on-track to submit progress reports in early 2024 to the Commission for Gender Equality.

Volunteer Policy

Council's Volunteer Policy supports Council's relationship with its volunteers and ensures that the mutual obligations between Council and volunteers are clearly defined. Council's volunteers ensure that critical services are available to the community when Council may not have the funding or resources to do so with paid staff. The policy is scheduled to be reviewed every two years, and minor updates have been made to reflect changes in legislation, including the *Gender Equality Act 2020*. The responsibilities of Council and Volunteers have also been reviewed and updated to ensure all fundamental mutual obligations are included.

Council Officers responsible for the management of and supervision of volunteers were consulted on all amendments to the Volunteer Policy.

Asset Management Policy

Council's Asset Management Policy forms part of its Asset Management Framework, supporting compliance with section 92(1) of the *Local Government Act 2020*. The Asset Management Policy was last reviewed in 2015 and as such, Council officers have revised the policy in line with current practices and Council objectives. These changes reflect and support current roles, responsibilities and practices, and refine the principles that guide Council's asset management strategy.

Options:

1. Council can choose to note the Gender Equality Action Plan update and adopt the Volunteer Policy and Asset Management Policy;
2. Council can choose to note the Gender Equality Action Plan update and amend the Volunteer Policy and/or the Asset Management Policy prior to adoption;
3. Council can choose to note the Gender Equality Action Plan update and not adopt the Volunteer Policy and/or Asset Management Policy.

Link to Council Plan:

Strong governance practices
A community well informed and engaged
Gender Equity, respect and leadership

Financial Implications:

NIL

Risk Management Implications:

Strategic Risks – *Governance, Community Needs & Asset Management*

Establishing a GEAP and ensuring that all actions are being implemented and reporting processes are in place ensures that Council is complying with the *Gender Equality Act 2020*.

Ensuring that Council's volunteer management documents and processes are clear, mutually beneficial and up-to-date strengthens Council's relationship with volunteers and ensures that the services they provide to the community continue to operate effectively. This policy also ensures that Council is complying with relevant policies and legislation in the management of volunteer activities.

Asset management is one of Council's Strategic Risks. Council has an extensive number of critical assets that ensure the safe and effective functioning of our community. The maintenance of existing assets and development of new assets are core Council services and are at the centre of Council's overall financial and strategic planning decision-making. Ensuring that this policy is relevant, appropriate and robust supports Council's broader asset management framework. The principles listed in the policy provide guidance to Council staff and Councillors in decision-making around the management of Council assets.

Relevant legislation:

Local Government Act 2020
Local Government Act 1989
Gender Equality Act 2020

Community engagement:

Council has met with volunteer representatives and groups on various occasions to discern how Council officers can improve the management and support of volunteer groups. The

principles identified through these consultation processes have been included in the policy review.

Gender equality implications:

Volunteer Policy & Asset Management Policy

A Gender Impact Assessment is required when the policy is externally facing and aimed at the general public. The Volunteer Policy's scope is Council Staff, Councillors and Volunteers of Council, therefore a Gender Impact Assessment is not required. Similarly, the Asset Management Policy guides Council's internal asset management processes and also does not require a Gender Impact Assessment. Specific activities that are directed at resourcing and evaluating asset maintenance and usability may be subject to a GIA.

Gender Equality Action Plan

The Gender Equality Action Plan is primarily concerned with promoting gender equality both within Council as an organisation and in the wider community – due to the nature of the document and it already having received approval from the Commission for Gender Equality, a Gender Impact Assessment on Council's progress is 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.

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 notes the Gender Equality Action Plan update and adopts the Volunteer Policy and Asset Management Policy.

Attachment Numbers: 8 – 10

9.2 INTERIM FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2023

Responsible Officer: Director Corporate and Community Services
Attachment Number: 11

Introduction:

The financial report for the fourth 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 Interim Financial Report for the period ending 30 June 2023 as presented.

Attachment Number: 11

9.3 COUNCIL PLAN AND MUNICIPAL HEALTH & WELLBEING 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 and Municipal Health & Wellbeing Plan 2021-2025.

Discussion:

Council’s main strategic document the Council Plan 2021-2025 was developed and adopted on 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 Council Plan are included below:

Theme One – Our Community

Action Item	Update on Action	Status
Monthly and fortnightly e-newsletters distributed through emails and available on Council’s website	Q4. 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.	Ongoing
Establish LGBTIQ+ Focus Groups to advise Council on key projects and initiatives	Q4. The LGBTIQ+ Advisory Committee has been established and continues to meet every two months.	Ongoing
Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings	Q4. Councillors and Council Officers attend Town Advisory Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings.	Ongoing
Advocate for after school care and an increase childcare in Hindmarsh Shire.	Q4. Emerge attended the March 2023 briefing session to discuss services and challenges with Councillors. Officers continue to meet with Emerge in relation to increased childcare in	Ongoing

	Hindmarsh Shire.	
Implement the Hindmarsh Shire Youth Strategy	Q4. Hindmarsh Shire Youth Council is regularly achieving activities and initiatives that assist with implementing the 2021-25 Youth Strategy. Our 2023 Youth Councillors are passionate about mental health and have successfully recorded the first two episodes of their Youth Council Mental Health Podcast. They bring forth creative ideas for events and initiatives for Hindmarsh that address the wider youth community including a games night to attract a wider crowd and potentially include those who may not usually attend other events such as their 80s Disco in Jeparit recently which was another great success.	Ongoing
Work with various agencies to host and promote school holiday activities throughout the Shire.	Q4. Officers and Youth Councillors worked closely to implement the most recent June/July School Holiday Program. With 20 successful activities including Art, Science, Cooking, Yoga, Gaming and other entertainment, young people in Hindmarsh weren't left with nothing to do. Similarly, to what we have done in the past we liaised with schools, caravan parks and community businesses to promote our events as well as regular promotion online. We are seeing consistent growth in numbers at all activities.	Ongoing
Continue to support early years services in Hindmarsh Shire	Q4. Officers continue to meet regularly with the Department and Emerge in relation to early years services in Hindmarsh Shire. Council continues to provide facilities for both kindergarten and long day care.	Ongoing
Partner with Nhill Learning Centre to ensure barriers and views of the Karen and other multicultural communities are considered	Q4. Officers are discussing with Karen representative's topics for future information sessions following the successful multicultural waste session in March 2023. Council's Youth Officer continues to work closely with the Centre for Multicultural Youth who are creating positive activities and opportunities at Nhill Learning Centre. Council is strengthening their relationship and supporting CMY where appropriate to bring about more opportunities for our Karen and other multicultural community and young people.	Ongoing
Support and host youth events that are	Q4. Each Youth Councillor has notably thrived over the past few months, and we have seen	Ongoing

<p>accessible to all Hindmarsh Shire youth.</p>	<p>them step into their roles ready to create change. They have successfully run multiple events including the 80s Disco with over 80 people in attendance - a 20 percent increase since their disco 12 months ago, a Games Night with 70 in attendance, recordings of two podcast episodes for the mental health podcast, 5 successful youth council meetings most with over 50% of Youth Councillors in attendance, assistance with school holiday activities, and the preparation of VicHealth related initiatives.</p>	
<p>Key documents translated into Karen</p>	<p>Q4. A recycling information video was created for the launch of the purple glass recycling bins. This video was released with both an English and Karen voice-over. The video was launched at a public information session in Nhill. The Wimmera Emergency Management brochures have also been translated into Karen and distributed through the neighborhood house networks.</p>	<p>Ongoing</p>
<p>Undertake Cultural Audit and Develop Strategy</p>	<p>Q4. The consultant has commenced work on the cultural review, the strategy has not yet been finalised.</p>	<p>Underway</p>
<p>Support our ageing community through hosting seniors concert, social connection activities including movie matinees and morning teas, and delivery of community care service</p>	<p>Q4. Monthly class movies continue to be shown with people enjoying the films and an opportunity to connect. Cuppa Connections continue in each of the libraries on a weekly basis. Planning is underway for the delivery of digital literacy to seniors in Hindmarsh Shire Libraries during August, September, October and November 2023.</p>	<p>Ongoing</p>
<p>Support local community events such as the Rainbow Desert Enduro, Nhill Friday Fiestas in February, Peter Taylor Barefoot Tournament etc.</p>	<p>Q4. Support for events continues across a range of services provided by Council. Recent examples of events supported through various departments includes the Wimmera Steampunk Festival, Wimmera Mallee Pioneer Museum Vintage Rally and local markets etc.</p>	<p>Ongoing</p>
<p>Celebrate volunteers week, International Day of People with Disability and Harmony day</p>	<p>Q4. Council hosted a function at the NMCC on 21 June 2023 to acknowledge and thank volunteers from across the shire. A free bus travel was provided for volunteers who live outside of Nhill. Catering and a free screening of a film was also enjoyed by those attending.</p>	<p>Ongoing</p>

Support culturally significant days including for first nations people	Q4. An art exhibition featuring the work of local indigenous is to be held in the Old Shire Hall Dimboola during NAIDOC Week. The exhibition will also include the unveiling of two works of art by Gail Harradine of Dimboola that will be on permanent display in the Dimboola Library.	Ongoing
Provide community action grants to support Hindmarsh community groups and organisations	Q4. Community Action Grants continue to be well received by the community and will continue in the 2023 / 2024 financial year. Some minor amendments to the guidelines and application process may be required.	Ongoing
Continue to advocate for funding for the Rural Outreach Program	Q4. Council places quarterly posts on Facebook to promote this valuable service to our community. Officers advocate for continuation of this important program at every opportunity.	Ongoing
Advocate for and host a range of learning and skill development opportunities for all ages throughout Hindmarsh	Q4. Planning is underway for the delivery of digital literacy for seniors training in Hindmarsh Shire Libraries during August, September, October & November.	Ongoing
Support and coordinate the volunteer taxi service in Nhill	Q4. Council continues to coordinate and support the Volunteer Taxi Service in Nhill.	Ongoing
Work with community groups including Senior Citizens to re-establish following the COVID-19 pandemic	Q4. Council's Social Support Officer continues to touch base with Senior Citizens.	Ongoing
Consider community garden opportunities in Dimboola	Q4. A community garden was prioritised at the Dimboola Community Planning meeting on 27 March 2023 for the development of the Community Plan. The Dimboola Urban Landcare has formed and are currently discussing options for a community garden.	Underway

Theme Two – Built & Natural Environment

Action Item	Update on Action	Status
Seal Dimboola Civic Hub Carpark; laneway between Lochiel Street and public amenities and Road between Wimmera Street and Carpark.	Q4. Project has been completed with solar lighting recently installed. This project has received a good response from the community.	Completed
Implement glass	Q4. Monthly collections have taken place since	Completed

collection throughout the Shire	April with a steady increase in bin presentation rates. The new waste contract will be put to Council in June with glass waste transitioning to 8 weekly.	
Work with Hindmarsh Landcare in addressing pest and weed problems throughout Hindmarsh including the weed Gazania which is spreading along roadside verges.	Q4. Rabbit ripping and weed spraying has been carried out by contractors across the identified locations.	Underway
Seek funding for BMX dirt tracks, pocket parks, dog parks	Q4. The Rainbow Neighborhood House is continuing to plan and obtain approvals prior to the construction of the BMX track at the Rainbow Recreation Reserve.	Ongoing
Hold free green waste month in September and encourage residents to tidy their properties	Q4. Completed, Free green waste was collected at all four transfer stations from September 1 to December 30, 2022.	Completed
Implementation of Nhill streetscape plan	Q4. Council has met with the Nhill Lake Committee and representatives of Nhill Park Run and have agreement on the proposed route of the pathway linking Victoria & Pine Streets to the Nhill Lake Foreshore. Final costings are being carried out and community consultation will be held as the proposal is to close the levee bank adjacent to Towns Lane to vehicle traffic and have Towns Lane as a one-way lane. Traffic bollards and solar bollard lighting will also be installed. The walking track will also link to the track through the swamp and to Jaypex Park which is part of the Nhill Park Run route.	Underway
Installation of solar heating on Nhill swimming pool	Q4. Council Officers continue to negotiate with the Department of Education and Training (DET) for consent to install the solar heating on the new stadium roof.	Underway
Develop playground strategy	Q4. Consultation is scheduled for late 2023 with early years and young people alongside	Underway

	guardians.	
Seek funding for all abilities access to the swimming pool and changeroom at Dimboola Swimming Pool	Q4. All ability hoists have been installed in at Dimboola and Rainbow Swimming Pools.	Completed
Seek funding to develop a Masterplan for the Dimboola Recreation Reserve	Q4. No update. To be considered in future budgets.	Delayed
Seek funding to undertake a solar assessment on Council buildings and halls	Q4. Awaiting suitable Sustainability Victoria funding rounds to be opened.	Delayed
Construction of shade structures at Dimboola and Nhill Skateparks	Q4. Construction on the shade shelters at Dimboola and Nhill Skateparks has been completed, additional security lighting has also been installed.	Completed
Consider opportunities and seek funding for lighting in public areas	Q4. Funding opportunities for increased lighting will continue to be monitored.	Ongoing
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Hindmarsh Landcare Network	Q4. Council continues to have representatives on the Western Highway Action Committee, Regional Transport Group and Hindmarsh Landcare Network	Ongoing
Continue to advocate for funding for Davis Park improvements	Q4. Council resolved to fund Stage 1 of Davis Park through the Local Roads and Community Infrastructure Phase 4. Plans have been endorsed by the Nhill and District Sporting Club Committee.	Underway

Theme Three – Competitive and Innovative Economy

Action Item	Update on Action	Status
Upgrades to ensuites at Dimboola Caravan Park	Q4. Rescoped works allowed Council to proceed with upgrades to 2 ensuites rather than 4. Future funding will be sourced to finish off the remaining ensuites.	Underway
Provide the business assistance grants program	Q4. Business Assistance Grants were provided through two rounds during 2022/2023. The Business Assistance Grants program will open again in the 2023 / 2024 financial year.	Ongoing

Promote Hindmarsh as a tourism destination to stop, stay and play	Q4. Officers have increased Visit Hindmarsh content across all social media channels through posts, reels, and videos. A media campaign through Wimmera Mallee Tourism was successful with Visit Wimmera Mallee social media campaign including Hindmarsh content. There is continued Hindmarsh content on Visit Wimmera Mallee and Silo Art Trail social media channels. Officers continue development of image and video content. Officers are providing support in development of Jeparit Heritage Walking Trail.	Ongoing
Partner with West Vic Business to provide events and education for Hindmarsh businesses to come together, network and learn	Q4. Plans for the next quarterly meeting on Tuesday 18 July 2023 is underway with a focus on how the visitor economy impacts local economic development. Wayne Street of Street Ryan who is preparing Councils Economic Development Strategy will facilitate a discussion. Council continues to be represented on region-wide projects and leveraging for best outcomes for Hindmarsh and WMT region through the State Governments Regional Tourism Reform.	Ongoing
Tourism information available in Hindmarsh Shire business	Q4. Tourism information is continually updated with the printing and distribution of visitor information.	Ongoing
Seek funding for continued development of Hindmarsh Shire Caravan Parks including a Masterplan for Nhill Caravan Park	Q4. A consultant has been appointed to develop a master plan for the Nhill Caravan Park with consultations to commence in August 2023. Delivery of the six new cabins located in Dimboola, Jeparit & Rainbow Caravan Parks are expected to occur during August / September 2023.	Underway
Implementation of Council's economic development strategy	Q4. Development of the Economic Development Strategy is well underway with the consultant to attend the Hindmarsh Business Network meeting in July to facilitate a discussion about how the Visitor Economy impacts Economic Development in the region.	Underway
Seek funding and implement components of the Wimmera Mallee Pioneer Museum Masterplan	Q4. Council provided support for the design of 12 interpretive signs now printed and installed around the museum. Council continues to work closely with committee in development of further interpretation signs.	Ongoing

Support Wimmera Development Association housing strategy	Q4. Council continues to support the WDA housing strategy.	Ongoing
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	Q4. Design now complete and project is advertised for tender from 22 April. Tender period open through 7 June. Other site works ongoing – replacement garage permit approved and materials ordered etc.	Underway
Construct new amenities at Rainbow Caravan Park	Q4. Currently awaiting a construction schedule to determine expected delivery date.	Underway

Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action	Status
Implementation of strategies identified in the Workforce Plan	Q4. Officers continue to work through the strategies identified in the Workforce Plan.	Ongoing
Online streaming of Council meetings through Council's Facebook page	Q4. Council continues to livestream the Council meetings with links to the recordings included on the Council website. Council adopted a <i>Live Streaming and Publishing Recordings of Council Meetings Policy</i> to provide structure to Council's processes and intentions for live-streaming and recording Council meetings, as well as making sure Council is adhering to privacy obligations.	Ongoing
Consideration of employing a trainee, or apprentice when vacancies arise throughout the year	Q4. Council continues to consider opportunities on a case-by-case basis as positions become vacant or new positions are available. During 2022/2023 Council has employed a Customer Service trainee, Environmental Health Officer Cadet and Planning Cadet.	Ongoing
Community conversation sessions held annually in our four main towns	Q4. Community Consultation Sessions were held in May 2023 in each of the four towns. Community Planning consultations were held in each town in late March / early April for input into the community plans and economic development strategy. Community Action Plans are currently being developed based on the outcomes of the community consultation sessions.	Ongoing
Drop-in sessions held allowing for community input on key documents or projects	Q4. During 2022/2023 drop-in sessions were held for the Nhill Streetscape Plan Implementation, and to support and assist businesses and committees to list onto the	Ongoing

	Australian Tourism Data Warehouse.	
Update Long Term Financial Plan	Q4. The updated Long Term Financial Plan was updated as part of the 2023/2024 annual budget development.	Ongoing
Quarterly finance reporting to Council	Q4. During 2022/2023 finance reports were presented to Council on a quarterly basis.	Ongoing
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	Q4. Council continues to have representatives on the WDA, RCV and MAV.	Ongoing
Quarterly Council plan reporting to Council	Q4. During 2022/2023 Council Plan reporting was presented to Council on a quarterly basis.	Ongoing
Implementation of gender equality action plan	Q4. Council has participated in the 2023 People Matter Survey for Local Government, Aboriginal and Torres Strait Islander Cultural Awareness Training (local focus) was undertaken by a significant group of customer-facing staff, Council forms reviewed during the EOFY process have been reviewed to include increased gender-neutrality and facilities audit planned for July 2023.	Ongoing
Collaborate with Horsham Rural City Council, and Loddon Shire to implement the Rural Council Transformation Project	Q4. Council staff are continuing to work with Civica, Loddon and Horsham on the new structures required for the Altitude software. Significant training has been completed as part of the roll out of the new software.	Ongoing
Audit & Risk Committee meetings review and consider Council risks at each meeting	Q4. Council's Risk register is provided at each Audit & Risk Committee meeting for discussion and consideration.	Ongoing

Progress on the 2022/2023 actions against the Municipal Health & Wellbeing Plan are included below:

Healthy Eating

Action Item	Update on Action	Status
Review "Healthy Food Choices Policy"	The Healthy Food Choices Policy was reviewed and updated in February 2023, establishing new pathways for the promotion of healthy food choices through the Youth Council and Supported Playgroup programs.	Ongoing

Promote and participate in national Nutrition Week	Council's school holiday activities include "cooking with Sharon" which includes preparation of healthy food. During the March / April school holidays participants created wraps with a choice of healthy salad and vegetables.	Ongoing
Healthy eating messages available in common areas, intranet, education messages, posters in our parks and across organisation	Council catering includes a range of healthy food choices, with employees encouraged to ensure meetings include predominately healthy food choices. Council continues to explore ways to promote healthy eating amongst our staff and within the community – including partnering with WWHS dieticians and health promotion teams to explore partnership opportunities.	Ongoing
Information on our healthy food choices policy included in new employee inductions	Policy is included as part of induction process for new employees.	Ongoing
Discuss healthy food choices with parents attending supported playgroup and provide information on the 'traffic light system'	Fresh fruit is provided for snacks for those attending supported playgroup sessions, encouraging children to try a variety of healthy food choices.	Ongoing

Active Living

Action Item	Update on Action	Status
Actively promote and participate in community initiatives that support physical activity including Active April, Walk to School, and Park Run.	Council encourages community groups to provide details of events and initiatives that support physical activity. Events are promoted on Council's website and social media pages.	Ongoing
Maintain and promote walking and cycling tracks across the Shire.	Council maintains footpaths and walking tracks throughout the municipality, and support community groups who are developing tracks and trails.	Ongoing
Provide maximum shade across the Shire (by planting more trees and installing shade structures) in different areas: walking tracks, cycling tracks and outdoor sitting areas.	Council has installed several shade shelters across the municipality including behind the library and nine-creeks area in Dimboola, Jeparit Swimming Hole, and Jaypex Park in Nhill. Shade shelters have been installed at the Dimboola and Nhill Skateparks. Council has also planted a large number of trees across the municipality during the financial year.	Ongoing

Maintain and promote local parks, bike paths, recreation facilities and community activities to encourage physical activity.	Council maintains playgrounds, sports ovals, swimming pools, skate parks and a number of other recreation areas throughout the Shire to encourage people to be active. Council Officers will explore developing a series of Facebook posts highlighting different recreation areas and their use and amenity.	Ongoing
Utilise Hindmarsh Shire Libraries and supporting organisations for a variety of physical activity sessions like yoga classes, pilates, as well as supporting education sessions from health professionals.	School holiday activities have included a range of events and activities in Hindmarsh Shire Libraries, including pilates.	Ongoing
Support and promote outdoor play and provide opportunities for this during playgroup and supported playgroup sessions	During the warmer months supported playgroup activities are undertaken outdoors. School holiday activities also includes events and activities outdoors.	Ongoing

Social Connectivity

Action Item	Update on Action	Status
Support our community to use Hindmarsh Shire Libraries and Neighbourhood Houses	A large range of activities are undertaken in Hindmarsh Shire Libraries to encourage the community to utilise the spaces. Weekly cuppa connections sessions are held for community members to attend, and neighbourhood house term brochures are available in Hindmarsh Shire Libraries.	Ongoing
Increase awareness and celebrate the diversity of people in our community.	Council celebrated diversity day with an event in Nhill attended by representatives from a diverse background. Council endeavours to support cultural events, where possible, in the provision of facilities, community grants programs and supporting with marketing and promotion.	Ongoing
Increase the range of community activities that support social connections.	Council provides a range of services and activities that encourage social connections including monthly movie matinees, weekly cuppa connections, school holiday activities, evening music sessions etc.	Ongoing
Support and maintain the	Music sessions have been held in parks /	Ongoing

use of the natural environment for different meet and greet activities	gardens throughout Hindmarsh including the rear of the Dimboola library, Menzies square, Rainbow oasis, Jaypex Park Nhill. Work is currently underway to improve access and landscape the Jeparit Swimming Hole and Riverbank precinct. Stage 1 of the Wimmera River Discovery Trail will follow the Wimmera River from Dimboola through Jeparit.	
Increase the opportunity to meet new and diverse people	Council provides a large range of events and activities to encourage people to meet new and diverse people. Council also encourages community groups and organisations to promote events and activities on Council's website and social media platforms	Ongoing
Support families to meet up outside of playgroup and early years services to strengthen relationships.	Council provides recreation facilities including parks, playgrounds, swimming pools to encourage people to meet up. Council committees and community groups also undertake a large range of activities to encourage family participation including easter egg hunts, Christmas carols in the park.	Ongoing

Mental Health

Action Item	Update on Action	Status
Support and promote participation in library-based programs	Hindmarsh Shire Libraries undertake a range of programs aimed at getting people out communicating with people, including cuppa connections, jigsaw club, the newly established writing club and storytime.	Ongoing
Promote awareness of support available and raise awareness of the signs of poor mental health through social media	Promotion of the Rural Outreach Program, signs of poor mental health, men's health week, 16 days of activism were all promoted on Council's social media platform and throughout the offices and depots.	Ongoing
Advocate for the continuation of the Rural Outreach Program	Council advocates for the continuation of funding for the Rural Outreach Program at any opportunity presented.	Ongoing
Improve residents access to the natural environment through appropriate planning, provision and maintenance of open spaces for residents to	Council is currently undertaking significant works at the Jeparit Swimming Hole and Riverbank precinct to improve access and facilities for community members to enjoy. Other projects including working with GWM and Nhill Lake Committee for the provision of a permanent water source for the Nhill Lake, small	Ongoing

use and enjoy.	bridges and a boardwalk at the rear of Dimboola Library / nine creeks will be installed allow more community members to enjoy and access the paths and trails, and improvements to local parks with shade structures.	
Participate in programs that support Mental Health including Mental Health First Aid Training	Council's Youth Council 2022 undertook mental health first aid training. Officers are currently working with West Wimmera Health Services to host a training session in Jeparit.	Ongoing

Preventing all forms of violence and injury

Action Item	Update on Action	Status
Provide public information and participate in 16 days of activism against gender-based violence to raise awareness of gender equity and family violence	Council participated in 16 days of activism promoting gender-based violence through our social media platforms and hosting the movie Brazen Hussies.	Ongoing
Implement the gender equality action plan	Implementation of the Gender Equality Action Plan continues.	Ongoing
Demonstrate leadership on gender equity and promote respectful relationships through partnerships, programs, activities, spaces and education and Council's implementation of the <i>Gender Equality Act 2020</i>	Council has established connections with Orange Door and will continue to explore how we might engage with that service in the course of our activities. Council officers actively participate in the Gender Equality Commissions Local Government Community of Practice to ensure we are actively collaborating and problem solving with sector stakeholders. Council has opened its library spaces to support community services and celebrate women's achievements, including the artworks of Gail Harradine, now permanently on display at the Dimboola library.	Ongoing
Commit to and implement CORE strategy 2021-2025 in partnership with Women's Health Grampians	Council signed the second iteration of the CORE strategy 2021-2025. Officers attend regular Women's Health Grampians meetings.	Ongoing
Promote awareness through social media on the signs of family	Ongoing awareness of signs of family violence through sharing information from other organisations, information placed in Council	Ongoing

violence and the support mechanisms in place available for victims	offices and depots.	
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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 actions 2022/2023 fourth quarter update and Municipal Health & Wellbeing Plan 2021-2025 actions 2022/2023 update.

9.4 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE DISSOLUTION

Responsible Officer: Director Corporate and Community Services
Attachment Numbers: 12 – 14

Introduction:

This report seeks Council approval to dissolve the Dimboola Town Advisory Committee and approve the transfer of funds currently held on behalf of the Dimboola Town Advisory Committee to the newly formed incorporated association, less the contribution of \$27,000 towards the Dimboola Soundshell project.

Discussion:

At the meeting of the Dimboola Town Advisory meeting held on 4 July 2023 (see attachment 14), the Committee resolved to request the dissolution of the Town Committee, as the Dimboola Progress Association Incorporated had been formed which would take over the role of the Town Committee.

The Dimboola Town Committee was originally formed under Section 86 of the *Local Government Act 1989*, that gave Council the power to establish Special Committees that are commonly known as “Section 86 Committees of Management”. Following the implementation of the *Local Government Act 2020 (Act)* the Dimboola Town Committee became the Dimboola Town Advisory Committee (Committee), with members appointed to the committee by Council.

The effect of the changes in the Act meant that the funds that were formally held by the Section 86 Committee required management by Council. Under the delegation the Committee requires approval of all expenditure - any funds to be expended below \$2,000 could be authorised by the Council's staff representative at the meeting while any expenditure above \$2,000 required Councils approval of the expenditure.

Following many discussions by the committee both with their committee members and other incorporated associations, the Committee decided that the community will be better served by an incorporated body who will be able to make financial decisions without the delay of requiring Councils approval at meetings and have the flexibility to operate under their incorporation rules rather than Terms of Reference set by Council.

A meeting was held on Tuesday 4 July 2023, open to the public, where the committee voted to request that Council dissolve the Committee and request that Council approve the transfer of funds currently held on behalf of the Committee to the newly formed committee, less the \$27,000 contribution towards the Dimboola Soundshell project.

To ensure any money provided by Council (both past and future) is used for community purposes, a set of guidelines have been developed to govern expenditure of funding currently held on behalf of the Town Committee and accessing any future allocations from Council.

Options:

1. That Council dissolves the Dimboola Town Advisory Committee and transfer the funds currently held by Council on behalf of the Town Committee to the new Progress Association, excluding the \$27,000 contribution towards the Dimboola Soundshell project.
2. That Council does not dissolve the Dimboola Town Advisory Committee and informs the current members that the Town Committee has not been dissolved.

Link to Council Plan:

Strong governance practices – Work collaboratively with, and support, appropriate community organisations, to plan community initiatives and mitigate community issues.

Financial Implications:

As at 30 June 2023, Council holds on behalf of Dimboola Town Advisory Committee \$56,567.00 in general funding, of which \$27,000.00 has been committed to the upgrade of the Soundshell, leaving \$29,567.00 available to transfer to the newly established Progress Association. There is also a further \$35,921.97 held relating to the Wimmera Steam Punk Festival which will also be paid to the Progress Association for use on the next Steam Punk Festival.

Risk Management Implications:

All risk management implications will be managed as part of the Council decision.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Dimboola Town Advisory Committee advertised and held an open meeting to discuss the dissolution of the Town Committee. A number of questions were asked at the meeting by members of the public which the Committee were able to answer satisfactorily.

Gender equality implications:

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.

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 – Heather Boyd, Manager Finance and Customer Services

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

Communications Strategy:

NA

Next Steps:

Officers will communicate the outcome of Council's decision to the committee and work through necessary processes.

RECOMMENDATION:

That Council:

- 1. Dissolves the Dimboola Town Advisory Committee, as an independent incorporated association has been established, which will perform a similar role to the Town Committee;**
- 2. Approves the transfer of the funds currently held on behalf of the Dimboola Town Advisory Committee to the newly formed incorporated association, less the contribution of \$27,000 towards the Dimboola Soundshell which are committed funds by the Dimboola Town Advisory Committee, and;**
- 3. Notes that transfers of Council funds to incorporated associations is subject to those funds being expended according to the 'Council Contribution to Incorporated Entities Expenditure Guidelines' as amended from time to time. (Attachment 13).**

Attachment Numbers: 12 – 14

10 COUNCIL COMMITTEES

10.1 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 14

Introduction:

The Dimboola Township Advisory Committee held a meeting on 4 July 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 Dimboola Township Advisory Committee Meeting held on 4 July 2023.

Attachment Number: 14

10.2 RAINBOW TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 15

Introduction:

The Rainbow Township Advisory Committee held a meeting on 19 June 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 Rainbow Township Advisory Committee Meeting held on 19 June 2023.

Attachment Number: 15

10.3 NHILL TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 16

Introduction:

The Nhill Township Advisory Committee held a meeting on 19 June 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 19 June 2023.

Attachment Number: 16

10.4 JEPARIT TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 17 – 18

Introduction:

The Jeparit Township Advisory Committee held its Annual General Meeting followed by a general meeting on 10 July 2023. The purpose of this report is to note the minutes (including chair handover report) from these meetings and appoint the positions of members from the annual general meeting. A copy of these minutes are included as attachments for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Jeparit Township Advisory Committee Annual General meeting (including the chair handover report) and general meetings held on 10 July 2023;***
- 2. appoints members in the following positions:***
 - Chairperson – Jason Hutson***
 - Vice Chairperson – Teresa Smith***
 - Secretary – Cheryl Quinn***
 - Committee Members – Craige Proctor, Mel Wagener, Rebecca Schultz, Sharron Reilly, Tara Paech and Ann-Marie Werner.***

Attachment Number: 17 – 18

10.5 HINDMARSH HEAVY TRANSPORT AND FREIGHT WORKING GROUP

Responsible Officer: Chief Executive Officer

Attachment Number: 19

Introduction:

The Hindmarsh Heavy Transport and Freight Working Group held a meeting on 14 June 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 Hindmarsh Heavy Transport and Freight Working Group Meeting held on 14 June 2023.

Attachment Number: 19

10.6 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 20

Introduction:

The Wimmera Mallee Pioneer Museum Community Asset Committee held a meeting on 16 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 Wimmera Mallee Pioneer Museum Community Asset Committee Meeting held on 16 May 2023.

Attachment Number: 20

10.7 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 21

Introduction:

The Yurunga Homestead Community Asset Committee held a meeting on 25 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 Yurunga Homestead Community Asset Committee Meeting held on 25 May 2023.

Attachment Number: 21

10.8 RAINBOW CIVIC CENTRE COMMUNITY ASSET COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 22

Introduction:

The Rainbow Civic Centre Community Asset Committee held a meeting on 26 June 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 Rainbow Civic Centre Community Asset Committee Meeting held on 26 June 2023.

Attachment Number: 22

11 LATE REPORTS

12 NOTICES OF MOTION

13 OTHER BUSINESS

14 CONFIDENTIAL REPORTS

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

No confidential reports.

15 LATE CONFIDENTIAL REPORTS

16 MEETING CLOSE
