



28 September 2023

## MINUTES

### Ordinary Council Meeting

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**Date:** Wednesday 27 September 2023

**Time:** Commencing at 3:00pm

**Venue:** Nhill Memorial Community Centre  
77-79 Nelson Street, Nhill

**Council:** Cr Brett Ireland – Mayor  
Cr Melanie Albrecht – Deputy Mayor (*apology*)  
Cr Debra Nelson  
Cr Robert Gersch OAM  
Cr Ron Ismay  
Cr Wendy Bywaters

**Officers:** Greg Wood – Chief Executive Officer  
Monica Revell – Director Corporate and Community Services  
Michael Tudball – Director Infrastructure Services

## **Acknowledgement of Indigenous Community**

Hindmarsh Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations 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.



## **Public Access**

This meeting is open to members of the public and will be livestreamed from Council's Facebook page at [www.facebook.com/hindmarshshirecouncil](https://www.facebook.com/hindmarshshirecouncil)

## **Live Streaming Statement**

This meeting will be streamed live on the internet and the recording of this meeting will be published on Council's website and/or social media pages after the meeting.

Members of the public attending this meeting may be filmed.

By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in the Council's Live Streaming and Publishing Recordings of Council Meetings Policy is available on the Council's website.

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**In Attendance:**

**Councillors:**

Cr Brett Ireland (Mayor), Cr Wendy Bywaters, Cr Robert Gersch OAM, Cr Ron Ismay and Cr Debra Nelson.

**Officers:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Michael Tudball (Director Infrastructure Services) and Ms Shauna Johnson (Executive Assisant).

**1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY & LIVE STREAMING STATEMENT**

Cr B Ireland opened the meeting at 3:02pm by acknowledging the Indigenous Community and by reading out the live streaming statement.

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**2 APOLOGIES**

Cr Melanie Albrecht (Deputy Mayor) was an apology.

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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.

Cr W Bywaters declared a material conflict of interest in item 12.1 due to the conference attendance expenditure being for Cr Bywaters.

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**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 30 August 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.***

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

***That the Minutes of the Ordinary Council Meeting held on Wednesday 30 August 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

**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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### **Leonie Miller, Nhill:**

#### **Question 1:**

Prior to 2020 members of the public were able to attend council meetings and present impromptu questions to the council.

With the introduction of lockdowns, meetings were moved to an online format with public questions having to be submitted in writing prior to the meeting.

Now that meetings are once again open to the public why does council still only allow pre submitted written public questions during the meetings?

#### ***Officer Response:***

*Questions will continue to be submitted 24 hours prior to the Council meeting as per Council's governance rules. Receiving questions in advance allows for accurate responses to be provided to the question, rather than the question being taken on notice.*

#### **Question 2:**

Do members of the public, who submit questions to the meeting, have a right of reply if they require more clarification, after the response is read out? Please explain the rational behind the answer to be given.

#### ***Officer Response:***

*Council meetings are a formal decision-making process. Debate on issues can only take place amongst councillors, with advice from officers. Should clarification be required on a question, members of the community are encouraged to speak with councillors or officers at any time outside of the meeting. There are many avenues for speaking with Councillors or officers including telephone or in person conversations or attending community consultation sessions.*

Mr T Pintarich spoke to his submission to the Councillor Interaction with Developers Policy in item 9.1.

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## 5.1 PETITION PLANNING APPLICATION PA1800-2022 67-69 NELSON STREET NHILL

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 2

### **Introduction:**

Council has received a petition containing 481 signatures predominantly from Nhill and surrounds within the Hindmarsh Shire objecting to the above Planning Application seeking the Construction of an Unstaffed Service Station, Removal of Vegetation and Demolition of Existing Buildings.

It is recommended that Council resolve to receive the petition and notes that the petition will be considered in the assessment of the planning application at a future meeting.

### **Discussion:**

The Planning Application is currently under assessment against the Planning Scheme, any relevant schedules, overlays and referred for relevant third party consent or comment. It is anticipated that this will be presented to Council prior to the end of 2023. Consideration of the petitioners' objection will be incorporated into this assessment.

### **Options:**

Council may resolve to receive the petition, or  
Council can take no further action.

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

A community well informed and engaged  
Strong governance practices

### **Financial Implications:**

Nil

### **Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Community Needs	Council needs to balance community needs, economic development opportunities and community views in considering such matters.

### **Relevant legislation:**

*Local Government Act 2020*

*Planning and Environment Act 1987*

*Victorian Planning Provisions*



*Hindmarsh Shire Council Planning Scheme*

**Community engagement:**

Council's Community Engagement Policy and relevant legislative requirements (above) have all been complied with.

**Gender equality implications:**

No. There are no Gender Equality implications with the petition itself, this will be considered in the planning application assessment process.

**Conflict of Interest:**

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

Officer Responsible – Michael Tudball, Director Infrastructure Services

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

Author – Michael Tudball, Director Infrastructure Services

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

**Communications Strategy:**

As per Community Engagement Policy and relevant planning legislation this matter has been advertised in print and electronic media and individual letters to affected residents or businesses.

**Next Steps:**

This petition will be referred to the Planning Assessment process which will come before Council at a future meeting.

**RECOMMENDATION:**

***That Council:***

- 1) receives the attached petition containing 481 signatures objecting to Planning Application PA1800-2022 67-69 Nelson Street Nhill - Construction of an Unstaffed Service Station, Removal of Vegetation and Demolition of Existing Buildings, and***
- 2) notes that the objection will be considered in the assessment of the planning application at a future meeting.***

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

***That Council:***

- 1) receives the attached petition containing 481 signatures objecting to Planning Application PA1800-2022 67-69 Nelson Street Nhill - Construction of an Unstaffed Service Station, Removal of Vegetation and Demolition of Existing Buildings, and***

***2) notes that the objection will be considered in the assessment of the planning application at a future meeting.***

**CARRIED**

*Attachment Number: 2*

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**6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: 22 August – 18 September 2023**

**6.1 CR IRELAND, MAYOR**

Date	Meeting/Event	Location	Comments
23/08/2023	Meeting with CEO re upcoming agenda		
23/08/2023	Conduct CEO interviews with applicants		
23/08/2023	Prepare report to Yurunga Committee Meeting due to apology		
29/08/2023	Media release for new CEO		
30/08/2023	Audit and Risk Meeting		
30/08/2023	Council Briefing		
30/08/2023	Council Meeting		
31/08/2023	Mayoral Matters to newspapers		
01/09/2023	Travelled to Shire Offices to sign new CEO contract		
04/09/2023	Radio interview ABC Wimmera		
11/09/2023	Jeparit Town Meeting		
13/09/2023	Meeting and update with CEO		
16/09/2023	Audit and Risk self-assessment report	Online	
18/09/2023	Rainbow Town Committee AGM		

**6.2 CR ALBRECHT, DEPUTY MAYOR**

Date	Meeting/Event	Location	Comments
22/08/2023	Wimmera Southern Mallee Development Board Meeting	Online	
Unable to attend other Council commitments during the period due to illness.			

**6.3 CR GERSCH**

Date	Meeting/Event	Location	Comments
23/08/2023	CEO Interviews		

25/08/2023	RCV Board Meeting		
30/08/2023	Council Meeting		
30/08/2023	Briefing Meeting		
30/09/2023	Risk Management Update		
01/09/2023	Tourist Information Social Afternoon		
04/09/2023	Tourist Information Roster		
10/09/2023	Football/Netball Final at Nhill		
13/09/2023	Presentation of OAM Medal at Government House		
16/09/2023	Football/Netball Grand Final at Dimboola		

#### 6.4 CR NELSON

Date	Meeting/Event	Location	Comments
22/08/2023	Mates Mentoring	DMSC Dimboola	
23/08/2023	CEO Interviews	Nhill	
24/08/2023	CFA Building Auction	Dimboola	
24/08/2023	Dimboola Lion's Club Luncheon Function		
28/08/2023	Dimboola Rowing Club AGM		
29/08/2023	Victorian Grants Commission Seminar	Online	
30/08/2023	Risk Management / Briefing Meeting	Nhill	
30/08/2023	Council Meeting	Nhill	
04/09/2023	Meet in the Middle Ladies / CWA Event	Dimboola	
05/09/2023	Mates Mentoring	DMSC Dimboola	
07/09/2023	DUFB Building Official Opening		
09/09/2023	Tower Park Market	Dimboola	
14/09/2023	WSMLLEN Meeting	Horsham	
14/09/2023	Tim Shaw's Retirement Dinner	Horsham	

### 6.5 CR BYWATERS

Date	Meeting/Event	Location	Comments
24/08/2023	CoRE commitment signing photo with Ange Ballinger of AFL Wimmera	Wimmera River Horsham	
29/08/2023	Statewide Information Session with the Victorian Local Government Grants Commission	Online Teams Meeting	
30/08/2023	Risk Management Workshop, Council briefing, and Council meeting	Nhill Community Centre	
07/09/2023	Official Opening of the new Dimboola Fire station by Jacinta Ermacora MP	Dimboola Fire Station, Dimboola	
09/09/2023	Two-day Multicultural Youth Camp	Ballarat	
10/09/2023			
15/09/2023	Guest Speaker for the Kaniva Progress Association	Kaniva	Alongside Dr Nikki, Vincent, public sector gender, equality, commissioner, and Louise Hobbs, with a bachelor's in science and a major pharmaceutical, Louise was headed for a career in pharmaceuticals, but driven by a desire for creatively and knowledge sharing she found teach for Australia, and realise education was what she was looking for. - A fabulous evening of networking, learning and delicious wood fire pizza at the little guys pizza and cafe in Kaniva.
17/09/2023	Nhill Community Market	Jaypex Park Nhill	
18/09/2023	Nhill Town Committee meeting	Nhill Memorial Community Centre	

### 6.6 CR ISMAY

Date	Meeting/Event	Location	Comments
23/08/2023	CEO Appointment Interviews		
24/08/2023	Meeting with Wayne Street, Peter Shaw and Neville Sleep		Regarding housing projects.
25/08/2023	WHAG Meeting	Via Zoom	

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30/08/2023	Risk Management Workshop	Nhill	
30/08/2023	Briefing Meeting	Nhill	
30/08/2023	Council Meeting	Nhill	
04/09/2023	RREC Meeting	Rainbow	

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## **7 CORRESPONDENCE**

No correspondence.

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## **8 PLANNING PERMITS**

No planning permit reports.

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## 9 REPORTS REQUIRING A DECISION

### 9.1 GOVERNANCE UPDATES

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

**Attachment Numbers:** 3 – 6

**Introduction:**

This report seeks adoption of the **Councillor Interaction with Developers Policy** and the **Public Transparency Policy**.

**Discussion:**

***Public Transparency Policy***

The Public Transparency Policy was presented to Council for endorsement subject to a period of community consultation. This consultation has now been undertaken and the final revised Public Transparency Policy is presented to Council for adoption.

One submission was received in relation to the Public Transparency Policy and is attached to this report. The submission related to the implementation rather than the content of the policy with respect to a particular decision made in Rainbow relating to the placement of an electric vehicle charging station. The submission has been attached for Council to note, with the location of the electric vehicle charging station in Rainbow being a decision taken by the Chief Executive Officer. Reviewing the Policy and seeking Councillor endorsement of the principles contained within it serves as a clear statement of Council's approach to transparent decision-making.

No changes have been made to the Public Transparency Policy since presentation on 30 August 2023.

***Councillor Interaction with Developers***

The Councillor Interaction with Developers Policy was presented to Council for endorsement subject to a period of community consultation. This consultation has now been undertaken and the final revised Councillor Interaction with Developers Policy is presented to Council for adoption.

One submission was received in relation to the Councillor interaction with Developers Policy. The submission drew attention to a section of the proposed policy as it relates to a specific matter of concern to the community member. In regards to the concern raised in the submission, it is noted that Councillor Gersch has declared Conflicts of Interest where required and has removed himself from deliberation and decision-making on those matters. The submission has been considered as a Public Submission for this meeting.

No changes have been made to the Councillor Interaction with Developers Policy since presentation on 30 August 2023.

**Options:**

1. Council can choose to adopt one or both of the policies.
2. Council can choose to amend one or both of the policies prior to adoption; or
3. Council can choose to not adopt one of both of the policies.

**Link to Council Plan:**

Strong governance practices  
A community well informed and engaged

**Financial Implications:**

NIL

**Risk Management Implications:**

Strategic Description	Risk	Risk Management Discussion
Governance		<p>The introduction of a <b>Councillor Interaction with Developers Policy</b> ensures that risks that might impact the appropriate and transparent undertaking of planning decisions are mitigated. It provides Councillors a uniform set of standards and expectations around these interactions that should reasonably prevent instances of real or perceived conflicts of interest. This also increases planning decision-making efficiency, ensuring that there are no unreasonable delays due to investigations into impartiality or inappropriate conduct.</p> <p>The amended <b>Public Transparency Policy</b> gives rise to Council's commitment to public transparency principles. Maintaining and implementing this policy ensures that Council is compliant and adhering to its own values and goals. It also ensures that Council is meeting its obligations and governance requirements under the <i>Local Government Act 2020</i> and supplementary regulations.</p>

**Relevant legislation:**

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

**Community engagement:**

Both policies were available for Community Consultation for the period 31 August 2023 to 15 September 2023.

**Gender equality implications:**



Gender impact assessments are required when the program, policy or service have a direct and significant impact on the community.

The Public Transparency Policy has a general impact on the public, however the provisions are strictly guided by legislation (Privacy and Data Protection Act 2014, Freedom of Information Act 1982 and the Local Government Act 2020). While Council can take measures to ensure that information is accessible to all members of the community equitably, those measures and mechanisms belong to other policies, process and procedures.

The Councillor Interaction with Developers Policy only has minor direct impacts on the public, with the significant components of planning decisions is guided by Council's planning scheme, the Planning and Environment Act 1987 and operational development decision-making procedures that guide Officer's recommendations. Consultation periods for proposed planning decisions ensure that public views, including those of all genders, are taken into account.

**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, in hardcopy on request and will be circulated to staff and Councillors via email and the Councillor SharePoint.

**Next Steps:**

Council officers have established a Councillor Interaction with Developers Register that will be maintained by the Manager Governance and Human Services and updated on the Hindmarsh Shire Council website on a monthly basis.

**RECOMMENDATION:**

***That Council adopts the Public Transparency Policy and Councillor Interaction with Developers Policy.***

**MOVED: CRS W Bywaters/D Nelson**

***That Council adopts the Public Transparency Policy and Councillor Interaction with Developers Policy.***

**CARRIED**

*Attachment Numbers: 3 – 6*

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## 9.2 END OF YEAR FINANCIAL REPORT AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2023

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

**Attachment Numbers:** 7 – 8

### **Introduction:**

The purpose of this report is to provide Council with the audited End of Year Financial Report and Performance Statement for the year ended 30 June 2023 and for Council to adopt the statements pending no material change to the reports presented.

### **Discussion:**

The *Local Government Act 2020* (Act) requires a resolution of Council to adopt the In-Principle Financial Statements and In-Principle Performance Statement. The Act also requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, under Section 99 (2) and (3).

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

The Financial Report and Performance Statements were presented to Council's Audit and Risk Committee meeting on Wednesday 20 September 2023 with the recommendation being, pending no material change to the Statements, that Council approve principle the Financial Statements and Performance Statement for the year ended 30 June 2023 and authorise any two Councillors to sign the Financial Report and Performance Statement in their final form.

At the time of preparing this report, the Audit and Risk Committee meeting had not been held. A verbal update will be provided at the Council meeting on the Audit & Risk Committee's recommendation.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial Report and Performance Statements for inclusion in Council's Annual Report 2022/23.

The 2022/23 Financial Statements show a comprehensive surplus of \$4.079 million compared to \$8.349 million in 2021/2022.

Total revenue for the financial year was \$23.59m, a decrease of \$2.78m from the previous financial year. The decrease is due to the reduction in Capital grants received in 2022/23 (\$3.459m) compared to 2021/22 (\$7.064m).

Total expenditure for the financial year was \$19.5m an increase of \$0.5m from the previous financial year.

At 30 June 2023 Council held \$10.588m cash at bank. The higher bank balance is due to receipt of 100% of the 2023/2024 Financial Assistance Grant in June 2023.

Capital works expenditure was \$9.102m for 2022/23, a decrease of \$3.08 from 2021/22. The decrease is due decreased grant funding for capital projects.

**Options:**

Council must comply with its obligations under the *Local Government Act 2020* by passing the resolutions required by Section 99. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or appoint all Councillors to certify with any two Councillors to sign.

**Link to Council Plan:**

An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.  
Good Governance and Financial Sustainability.

**Financial Implications:**

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

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Financial Sustainability	Council to monitor expenditure during the financial year to ensure that the Council remains financially sustainable. End of Year Financial Report presents Council position as at 30 June.
Governance	External audits ensure oversight of Council's compliance under the <i>Local Government Act 2020</i>

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Not Applicable

**Gender equality implications:**

No Gender impact assessment is required.

**Conflict of Interest:**

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

Author – Heather Boyd, Manager Finance and Customer Services In providing this advice as the Author, I have no disclosable interests in this report.

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

**Communications Strategy:**

Following signing of the final form of the Statements, the Statements will be included in Council's Annual Report for 2022/23 as well as being available on Council's website.

**RECOMMENDATION:**

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

- 1. Approves in principle the End of Year Financial Report and Performance Statement for the year ended 30 June 2023; and*
- 2. Authorises Mayor Cr Brett Ireland and Cr Debra Nelson to sign the End of Year Financial Report and Performance Statement in their final form.*

**MOVED: CRS D Nelson/W Bywaters**

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

- 1. Approves in principle the End of Year Financial Report and Performance Statement for the year ended 30 June 2023; and*
- 2. Authorises Mayor Cr Brett Ireland and Cr Debra Nelson to sign the End of Year Financial Report and Performance Statement in their final form.*

**CARRIED**

Attachment Numbers: 7 – 8

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### 9.3 ADVISORY COMMITTEE MEMBERSHIP

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

#### **Introduction:**

This report seeks Council's noting of an amended process for receiving Advisory Committee membership expressions of interest and seeks endorsement of 4 new members to the Nhill Town Advisory Committee.

#### **Discussion:**

Council's current process for receiving nominations for membership to Advisory Committees is either by application in the formal advertising period, or by endorsing the minutes of a committee meeting where a new member has been noted. The new process requires all prospective members to submit an expression of interest form to Council for approval via a Council Report in both the formal advertising period and outside of this period where there is a membership vacancy. As has been necessary with the Nhill Town Advisory Committee, it also provides for new members to be appointed outside the advertising period and where there is no formal Committee to minute new nominations. This process ensures that Council is able to register volunteers appropriately and that all community members are given equal access to membership outside of the formal nomination period. This form will be available on Council's website for public access, as well as in hardcopy form at Council's Customer Service Centres and Libraries.

The Nhill Town Advisory Committee did not maintain the minimum number of member nominations that were compliant with Council's volunteer requirements. A meeting was held on 19 September 2023 to discuss the future of the Committee with the existing members. This meeting was advertised on the Nhill Town Committee Facebook Page, and a number of residents attended the meeting and submitted expression of interest forms for membership. The nominations for Council consideration are:

- Alison Dahlenburg
- Tina Balter
- Helen Woodhouse-Herrick
- S'oleil Arboladura
- Ross Barker
- Michael Hyde

Nominees were required to express their willingness to attend at least 80% of scheduled meetings and to provide a short outline of what they would bring to the Committee.

#### **Options:**

1. Council can note the new membership Expression of Interest process and endorse some of all of the listed nominees for Nhill Town Advisory Committee membership.
2. Council can reject the new process and not endorse the new nominees.

**Link to Council Plan:**

A community well-informed and engaged

Provide arts and cultural activities that strengthen social connection

**Financial Implications:**

The Nhill Town Advisory 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 Risk Description	Risk Management Discussion
Community Needs	Ensuring the continuity of the Nhill Town Advisory Committee ensures that Council is able to further its engagement and activities with the Nhill community. Retaining this network of volunteers supports the amenity and livability of the Nhill township and wider community through improved consultation and communication with community representatives, facilities and townscape upgrades and events that promote social connection.

**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:**

Should they be endorsed, the new members will receive letters noting their approved membership and requesting any additional volunteer requirements.

**Next Steps:**

In addition to the letters, Council will arrange the time and date of an AGM to appoint a Chairperson and Secretary and set a meeting schedule.

The Advisory Committee Terms of Reference and the Advisory Committee Policy will be updated to reflect the new Expression of Interest form process.

**RECOMMENDATION:**

***That Council:***

- 1. notes the new membership Expression of Interest Form process for advisory committee; and***
- 2. endorses Alison Dahlenburg, Tina Balter, Helen Woodhouse-Herrick, Ross Barker, Michael Hyde and S'oleil Arboladura for membership to the Nhill Town Advisory Committee.***

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

***That Council:***

- 1. notes the new membership Expression of Interest Form process for advisory committee; and***
- 2. endorses Alison Dahlenburg, Tina Balter, Helen Woodhouse-Herrick, Ross Barker, Michael Hyde and S'oleil Arboladura for membership to the Nhill Town Advisory Committee.***

**CARRIED**

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## 10 COUNCIL COMMITTEES

### 10.1 ADVISORY COMMITTEES

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 9

**Introduction:**

The following Hindmarsh Shire Council Advisory Committee's held meetings on the following dates:

- **Rainbow Township Advisory Committee:**  
General meeting on 21 August 2023. See *attachment 9*.

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 general meeting held on 21 August 2023.***

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

***That Council notes the minutes of the Rainbow Township Advisory Committee general meeting held on 21 August 2023.***

**CARRIED**

*Attachment Number: 9*

### 10.2 COMMUNITY ASSET COMMITTEES

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 10 – 15

**Introduction:**

The following Hindmarsh Shire Council Community Asset Committee's held meetings on the following dates:

- **Yanac Hall and Recreation Reserve Community Asset Committee:**  
Annual General Meeting and general meetings on 15 August 2023. See *attachments 10 – 13*.
- **Wimmera Mallee Pioneer Museum Community Asset Committee:**

No meeting. Presenting President's Annual Report and Treasurer's Annual Report.  
See *attachments 14 and 15*.

The purpose of this report is to note the minutes and reporting documents from these meetings. A copy of all the minutes and reporting documents are included as attachments for the information of Council.

**RECOMMENDATION:**

**That Council:**

- 1. notes the minutes and reporting documents of the Yanac Hall and Recreation Reserve Community Asset Committee Annual General Meeting and General Meetings held on 15 August 2023; and**
- 2. notes the President's Annual Report and Treasurer's Annual Report of the Wimmera Mallee Pioneer Museum Community Asset Committee.**

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

**That Council:**

- 1. notes the minutes and reporting documents of the Yanac Hall and Recreation Reserve Community Asset Committee Annual General Meeting and General Meetings held on 15 August 2023; and**
- 2. notes the President's Annual Report and Treasurer's Annual Report of the Wimmera Mallee Pioneer Museum Community Asset Committee.**

**CARRIED**

*Attachment Numbers: 10 – 15*

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### 10.3 AUDIT AND RISK ADVISORY COMMITTEE

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 16

**Introduction:**

The Hindmarsh Shire Audit and Risk Advisory Committee held a meeting on 20 September 2023. The purpose of this report is to note the minutes of this meeting and to appoint a new Chairperson on the Committee. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

**That Council:**

- 1. notes the minutes of the Audit and Risk Advisory Committee meeting held on 20 September 2023; and**

2. ***appoints Ashley Roberts as the Chairperson of the Committee until September 2024.***

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

***That Council:***

1. ***notes the minutes of the Audit and Risk Advisory Committee meeting held on 20 September 2023; and***
2. ***appoints Ashley Roberts as the Chairperson of the Committee until September 2024.***

**CARRIED**

*Attachment Number: 16*

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<b>11 LATE REPORTS</b>
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## 12 NOTICES OF MOTION

Cr W Bywaters declared a material conflict of interest and left the room at 3:41pm.

### 12.1 MAV ANNUAL CONFERENCE AND GALA DINNER 2024

**Councillor Responsible:** Cr Wendy Bywaters

**Supported by:** Cr Brett Ireland

#### **Introduction and Discussion:**

The 2023 Annual Conference and Dinner hosted by the Municipal Association of Victoria (MAV) is on Thursday 12 October 2023 at the Sofitel in Melbourne.

The Conference will include presentations from keynote speakers and thought leaders on topics of significant importance to the Victorian local government sector including:

- How councils can partner and engage with Traditional Owners and local Aboriginal and Torres Strait Islander communities.
- Challenges and opportunities surrounding the financial sustainability of local government.
- How communities can rebuild following natural disasters.
- Sustainable planning to create better ways to live, work, and move around.
- How we can use evidence, co-design, and data in place to address child health and developmental inequities.
- Why in times of great uncertainty, the most crucial leadership quality is courageous, intelligent optimism.

The Gala Dinner is a highlight of the Annual Conference, it includes the Councillor Service Awards that acknowledge and celebrates the long-term commitments of the recipients to their communities. This year Cr Debra Nelson will receive a 10-year service award.

Cr Wendy Bywaters would like to attend the Annual Conference and Gala Dinner, seeking Council approval to cover the expenses associated with the conference, dinner, and accommodation. Registration fees for the conference and dinner are \$695 (excl GST). The Mayor Cr. Brett Ireland is Council's delegate for the MAV and will be attending both the conference and dinner and has offered to carpool for the travel to Melbourne. If carpooling or a council vehicle are not available, then approval is sought for travel expenses.

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

A skilled Council and workforce capable of meeting community needs.

#### **NOTICE OF MOTION:**

***That expenses for Cr Bywaters to attend the MAV Annual Conference and Dinner on Thursday 12 October 2023, including registration fees (\$695 excl GST),***

***accommodation, and use of a council vehicle, or travel expenses, be approved and paid by Council.***

**CEO Comments:**

Councillor training, conferences and seminars 2023/2024 budget is \$18,000 which includes \$3,000 for running information sessions in the lead up to the 2024 elections. To date \$3,145.60 has been expended, which is made up the following:

- Cr Brett Ireland \$2,122.92
- Cr Wendy Bywaters \$138.17
- Cr Rob Gersch \$51.33
- Cr Ron Ismay \$138.17
- Cr Debra Nelson \$695.00

The MAV conference can be a worthwhile event for councillors to attend and it would probably good for councillors to consider attendance at least once during their term of office, noting that standard practice is for the MAV delegate to attend as it usually precedes a MAV State Council meeting.

In addition to the \$695 (excl GST) conference and dinner fees accommodation is approximately \$240 for each of two nights. For travel, the mayor has offered to share his car. If that cannot occur for some reason travel expenses should only be paid if a council car cannot be made available.

**CEO RECOMMENDATION:**

***That expenses be approved and paid for by Council, for Cr Bywaters to attend the MAV Annual Conference and Dinner on Thursday 12 October 2023, including registration fees (\$695 excl GST), accommodation and shared travel or use of a council vehicle, or travel expenses if a council vehicle is not available.***

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

***That expenses be approved and paid for by Council, for Cr Bywaters to attend the MAV Annual Conference and Dinner on Thursday 12 October 2023, including registration fees (\$695 excl GST), accommodation and shared travel or use of a council vehicle, or travel expenses if a council vehicle is not available.***

**CARRIED**

Cr W Bywaters returned to the room at 3:45pm.

## 12.2 PETER TAYLOR MEMORIAL BAREFOOT TOURNAMENT 2024

**Councillor Responsible:** Cr Debra Nelson  
**Supported by:** Cr Wendy Bywaters

### **Discussion:**

Council received a letter from Peter Taylor Memorial Barefoot Tournament which was listed as correspondence inwards on the 30 August Council meeting agenda. ([Council Meeting Attachments](#), see page 59)

The Business Assistance Grants, and Community Assistance Grants are unfortunately rarely fully allocated, and we would like to see the balance of those funds rolled over each year. In the 2022/2023 year only \$18,754.70 of the \$30,000 available was allocated and we would expect a similar result this year.

The Peter Taylor Memorial Barefoot Tournament has a substantial benefit to many businesses within the Shire, this event is proven to have substantial benefits to the Hindmarsh Shire community, and the Wimmera, Mallee region.

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

Provide funding to support local community events that attract visitation to Hindmarsh Shire. Increase the range of community activities that support social connections

### **NOTICE OF MOTION:**

***That council provide additional funding of \$7500 to the 2024 Peter Taylor Memorial Barefoot Tournament from the Business Assistance Grants.***

### **CEO Comments:**

If carried, this Notice of Motion would have the effect of undermining two grant processes.

Under the first process the barefoot tournament was allocated \$7,500 at the last council meeting ([30 August 2023](#), Item 9.3) under a competitive grant process for Regional Community Events. All the relevant information was available at the time and no new information has come to light since. The relevant decision was carried without dissent. All the available budget for the Regional Community Events grant program was allocated at this meeting.

The second process is the Business Assistance Grant program which is currently underway and does not close until 29 September 2023. The barefoot tournament does not meet the grants criteria and so it would not be appropriate to use these funds for the tournament – potentially at the expense of businesses which do meet the criteria. Because only \$18,754.70 was allocated out of the \$30,000 budgeted for the Business Assistance Grant program in 2022/23, Council only allocated \$20,000 in its budget for 2023/24, and the other \$10,000 was re-allocated elsewhere in the budget where it was needed for other things.

Recurrent expenditure is not normally carried forward unless it arises from tied grants or has been allocated to something specific but not yet spent.

**CEO RECOMMENDATION:**

***That no further council funding be allocated to the 2024 Peter Taylor Memorial Barefoot Tournament.***

**MOVED: CRS D Nelson/W Bywaters**

***That council provide additional funding of \$7500 to the 2024 Peter Taylor Memorial Barefoot Tournament from the Business Assistance Grants.***

**CARRIED**

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### 13 OTHER BUSINESS

No 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*

No confidential reports.

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### 15 LATE CONFIDENTIAL REPORTS

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**16 RESUMING INTO PUBLIC SESSION**

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**17 MEETING CLOSE**

There being no further business, Cr B Ireland declared the meeting closed at 4:07pm.

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