



26 October 2023

MINUTES

Ordinary Council Meeting

Date: Wednesday 25 October 2023

Time: 3:00pm

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

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

Officers: Monica Revell – Acting Chief Executive Officer
Petra Croot – Acting Director Corporate & Community Services
Michael Henderson – Acting 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

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 Melanie Albrecht (Deputy Mayor), Cr Wendy Bywaters, Cr Robert Gersch OAM, Cr Ron Ismay and Cr Debra Nelson.

Officers:

Ms Monica Revell (Acting Chief Executive Officer), Ms Petra Croot (Acting Director Corporate and Community Services), Mr Michael Henderson (Acting 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 3:00pm by acknowledging the Indigenous Community and by reading out the live streaming statement.

2 APOLOGIES

No 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.

Ms M Revell declared a material conflict of interest in confidential item 14.3.

Ms P Croot declared a material conflict of interest in confidential item 14.3.

Cr B Ireland declared a general conflict of interest in items 9.3 as he assisted with the grant application and 9.4 as his employer is an applicant.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 27 September 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Ismay/M Albrecht

That the Minutes of the Ordinary Council Meeting held on Wednesday 27 September 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email info@hindmarsh.vic.gov.au 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.

Ms Evelyn King from the Dimboola & District Historical Society spoke to her submission on the Proposed Sale of 41 Victoria Street Dimboola Senior Citizens Centre.

Ms Jo Donnelly from the Dimboola Progress Association spoke to her submission on the Proposed Sale of 41 Victoria Street Dimboola Senior Citizens Centre.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 19 September – 16 October 2023

6.1 CR IRELAND, MAYOR

Date	Meeting/Event	Location	Comments
03/09/2023	Interview with Wimmera Times		Regarding our Shires Housing Strategy
09/09/2023	Jeparit Town Advisory Committee Meeting		
11/09/2023	Seniors Concert	Nhill	A well-attended function by around 300 people who enjoyed a tribute show of olden days Johnny Cash and Elvis Presley songs, appeared very well received.
12/09/2023	MAV State Conference	Sofitel Melbourne	
12/09/2023	MAV Gala Awards Dinner	Sofitel Melbourne	Awards night for councillors with outstanding service to their communities. Our own Councillor Debra Nelson receiving her award for 10 years' service to Hindmarsh Shire, a great achievement.
13/09/2023	MAV State Council	Melbourne	As approved delegate, I attended same to vote on various motions that local government intend to lobby the state and federal government with.
15/09/2023	New Residents Barbecue and Welcome	Jeparit Bowling Club	
19/09/2023	WWHS Video Shoot in Nhill for Mental Health Profiles in our Shire		West Wimmera Health were making a presentation in Melbourne to emphasise the need for an increase in a whole range of services needed in regional areas.
19/09/2023	Wimmera Mallee Pioneer Museum Meeting	Jeparit	
20/09/2023	Audit and Risk Committee Meeting	Zoom	
21/09/2023	Yurunga Homestead Meeting	Rainbow	
27/09/2023	Council Briefing	Nhill	
27/09/2023	Council Meeting	Nhill	
27/09/2023	Staff Break Up Function for Chief Executive Officer	Nhill	

28/09/2023	Mayoral Matters Column to Media		
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6.2 CR ALBRECHT, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
Unable to attend other Council commitments during the period due to illness.			
11/10/2023	Nhill Town Committee Christmas Carols Working Group	Nhill	Looking forward to the wonderful Christmas Carols event in Nhill.

6.3 CR GERSCH

Date	Meeting/Event	Location	Comments
19/09/2023	Retirement Dinner for GWM Water Chairman Peter Vogels		
22/09/2023	Wimmera Regional Roads Meeting		
22/09/2023	RCV Board Meeting		
24/09/2023	Nhill Aviation Information Day		
27/09/2023	Council Meeting		
27/09/2023	CEO Greg Wood Farewell		
02/10/2023	Tourist Information Centre Roster		
06/10/2023	RCV Annual Meeting		
11/10/2023	Seniors Concert Johnny Cash		
13/10/2023	Meeting with CEO Greg Wood Last Day		

6.4 CR NELSON

Date	Meeting/Event	Location	Comments
20/09/2023	Audit and Risk Committee		
20/09/2023	Councils Coming Out Meeting	Online	
27/09/2023	Council Briefing Meeting	Nhill	
27/09/2023	Council Meeting	Nhill	
02/10/2023	Dimboola Progress Association Meeting		

04/10/2023	Dimboola and District Historical Society Meeting		
04/10/2023	Mates Mentoring	DMSC Dimboola	
06/10/2023	RCV AGM	Online	
08/10/2023	Dimboola Urban Fire Brigade Building Open Day		
11/10/2023	Travel to Melbourne		
12/10/2023	MAV Conference		
12/10/2023	MAV Gala Dinner Awards Presentation		

6.5 CR BYWATERS

Date	Meeting/Event	Location	Comments
27/09/2023	Meeting with Wayne Street to present the Draft Economic Development Strategy Council briefing and Council meeting	Nhill	
11/10/2023	The Seniors' Concert, the Johnny Cash Show	Nhill Memorial Community Centre	
11/10/2023 – 13/10/2023	MAV Conference and Awards Dinner		I had the privilege to attend for the first time and I found it informative. Cr Nelson received the Municipal Association of Victoria (MAV) Councillor Service Award for 10 years of service. Thank you to Cr Debra Nelson for 10 years' service with Hindmarsh Shire Council, including two years as Mayor. Cr Debra Nelson was the first female Mayor and is the longest serving female councillor at Hindmarsh Shire Council.
14/10/2023	Dimboola Polling Place	Dimboola	I attended the Dimboola Polling Place (all day) for the referendum on behalf of Wimmera for yes campaign 2023. A quick visit to the Tower Park market and the shops
16/10/2023	Attended the studio of Glenda King Artist	Dimboola	Called in to welcome the new owners of the Harris Mensland shop, Alethea and John to Dimboola.

6.6 CR ISMAY

No activity report provided.

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 2 – 4

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 2023/09/20 – Letter from Nhill & District Sporting Club RE WFNL Preliminary Final

Outwards:

- 2023/09/28 – Letter to Graham Nuske RE Public Transparency Policy Submission
- 2023/09/28 – Letter to Tom Pintarich RE Public Transparency Policy Submission

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS R Gersch/D Nelson

That Council notes the attached correspondence.

CARRIED

Attachment Numbers: 2 – 4

8 PLANNING PERMITS

8.1 VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION

Responsible Officer: Acting Director Infrastructure Services

Introduction:

This report provides Council with an update on VicSmart permits processed by Council for the period 01 July 2023 to 30 September 2023.

The report also lists the Planning Applications approved under delegation by either the CEO or delegate for the same period.

Discussion:

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

Key features of VicSmart include:

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

There have been no VicSmart permits approved within this period.

The following Planning Permit Applications were approved by either the CEO or delegate, during this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Stat Days
PA1816-2023	Rupps Rd Nhill	Waste Water Lagoon	16/02/2023	Clause 35.07-4 Farming Zone	12/7/2023	39
PA1811-2022	60 Upper Regions Street, Dimboola	Two lot subdivision (re-subdivision of two lots)	29/11/2022	Clause 32.08-3 Subdivision	24/07/2023	123
PA1761-2021-A1	51 Rainbow Rises Road, Rainbow VIC 3424	Change date VORRA Event	23/05/2023	Clause 35.07.1 Farming Zone	18/07/2023	29
PA1815-2023	133 Nhill-Jeparit Road, Nhill	Two lot subdivision (re-subdivision of two lots)	15/02/2023	Clause 35.07.3 Farming Zone	10/8/2023	86

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Stat Days
PA1821-2023	16 High Street, Dimboola	Two lot subdivision	06/04/2023	Clause 32.08-3 Subdivision	10/8/2023	88
PA1825-2023	1A Wimmera Street, Dimboola	Dwelling to replace fire damaged dwelling	01/06/2023	Clause 42.01-2 (ES03) Clause 44.03-2 (FO)	2/8/2023	44
PA0039-1999-A1	142 Drapers Road, Nhill	Increase duck numbers to 24,000	17/03/2023	VCAT – NOD (not issued)	12/07/2023	
PA1804-2022	80 McDonalds Road, Nhill	Two Lot Subdivision	14/10/2022	Clause 35.07-3 Farming Zone Clause 42.01-2 Environmental Significance Overlay	22/08/2023	73

Options:

N/A

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

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

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Risk is managed appropriately by adhering to the VicSmart process

Conflict of Interest:

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

Author – Robert Huxley, Manager Regulatory Services

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

Officer Responsible – Michael Henderson, Acting Director Infrastructure Services

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

Communications Strategy:

Nil

Next Steps:

Next Report to be provided in February 2024.

RECOMMENDATION:

That Council notes the Planning Applications approved by the Chief Executive Officer or delegate, for the period 1 July 2023 to 30 September 2023.

MOVED: CRS M Albrecht/R Ismay

That Council notes the Planning Applications approved by the Chief Executive Officer or delegate, for the period 1 July 2023 to 30 September 2023.

CARRIED

8.2 APPLICATION FOR PLANNING PERMIT 1820-2023 – DEVELOPMENT OF TWO DWELLINGS TO THE REAR OF THE EXISTING DWELLING AND A CARPORT FOR THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE (3) LOT SUBDIVISION - 13 LEAHY STREET NHILL VIC 3418

Responsible Officer:	Acting Director Infrastructure Services
File:	Planning – Applications
Assessment:	142940
Application Number:	PA1820-2023
Application Received:	29 March 2023 (1 May 2023 fee paid)
Applicant:	Hargreaves Design Group
Owner:	Christopher Dickinson
Subject Land:	13 Leahy St Nhill VIC 3418 (Lot 1 Block L on PS001152)
Proposal:	Development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Number:	5

Summary:

This report recommends that Council issues a Notice of Decision to Grant a Planning Permit PA1820-2023 for the Development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 13 Leahy St Nhill Vic 3418 (Lot 1 Block L on PS001152).

Background:

On 29 March 2023, Hargreaves Design Group on behalf of Christopher Dickinson lodged a planning application to the Responsible Authority for the development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision at 13 Leahy St Nhill.

Proposal Details:

The permit applicant, Hargreaves Design Group seeks approval for the development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision.

The subject land contains an existing dwelling in the north portion of the site which will remain on the land. The subdivision will create three lots, one of which will contain the existing dwelling (479.503m²) and the remaining two will each contain a new dwelling proposed as part of this application (265.320m² and 265.261m²). The proposed dwellings have a mirrored floor plan with a total floor area of 115.94m² each, containing:

- Three (3) bedrooms (master with walk in robe and ensuite);
- Open plan kitchen, dining and living area;
- Bathroom;
- Built in cupboard laundry; and
- Single garage.

The dwellings are single storey with a pitched roof and a gable front porch. External wall cladding consists of a mix of weatherboard and rendered cement sheet and the roof will consist of Colorbond sheeting.

To accommodate the development, approximately 12 small trees and shrubs will be removed as well as several sheds and a garage associated with the existing dwelling. Boundary fencing is proposed between the existing and proposed dwellings.

A site plan and elevations of the proposed dwellings are contained in Figure 1 and 2 below and the plan of subdivision is contained within Figure 3 below.

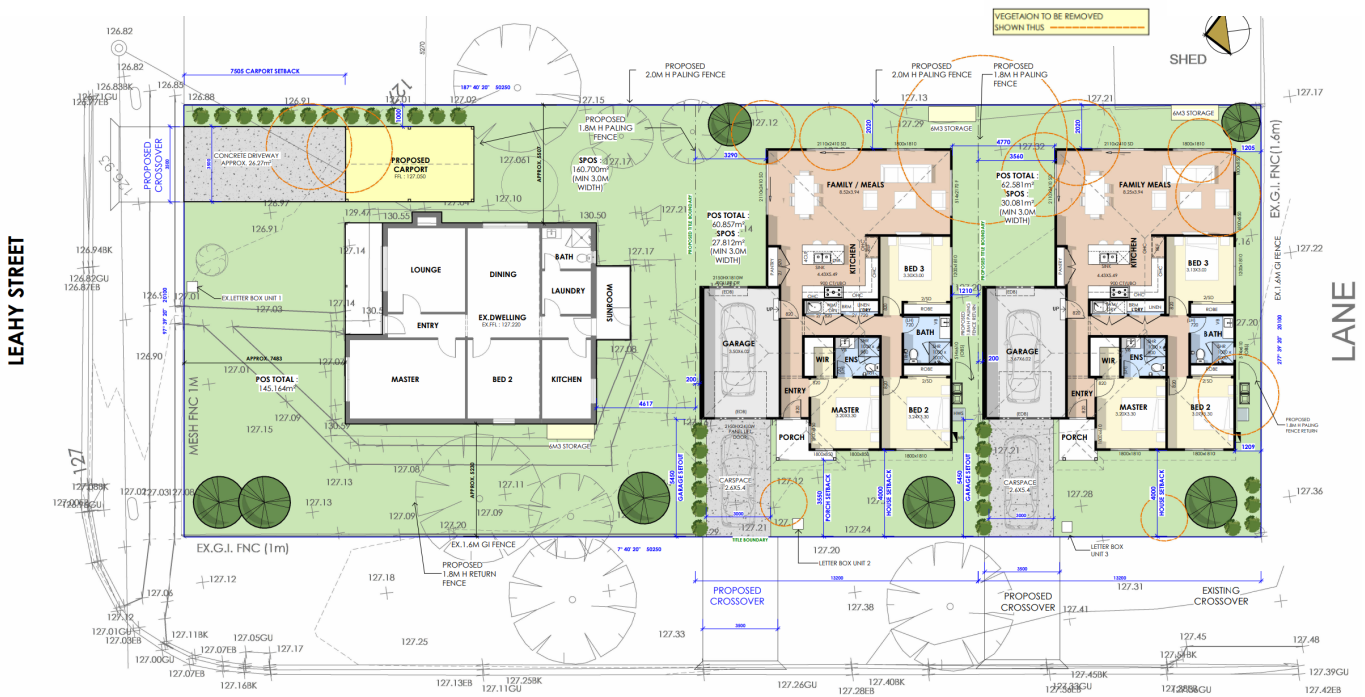
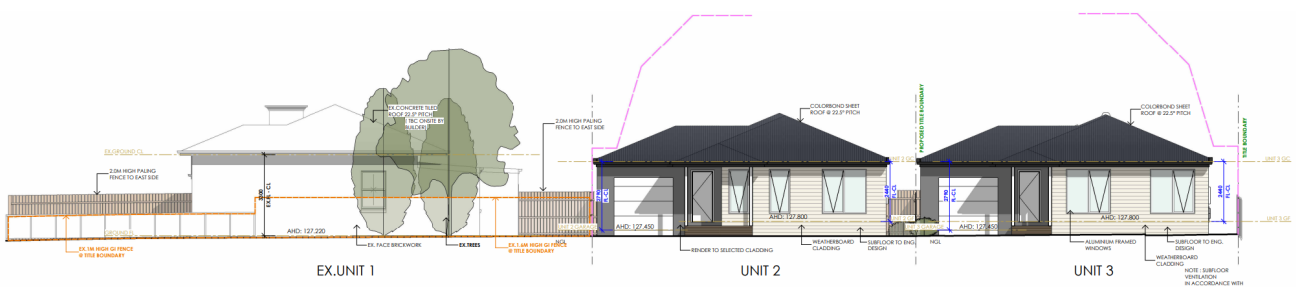


Figure 1 – Site Plan



ELEVATION D - (WEST)

Figure 2 – Elevations

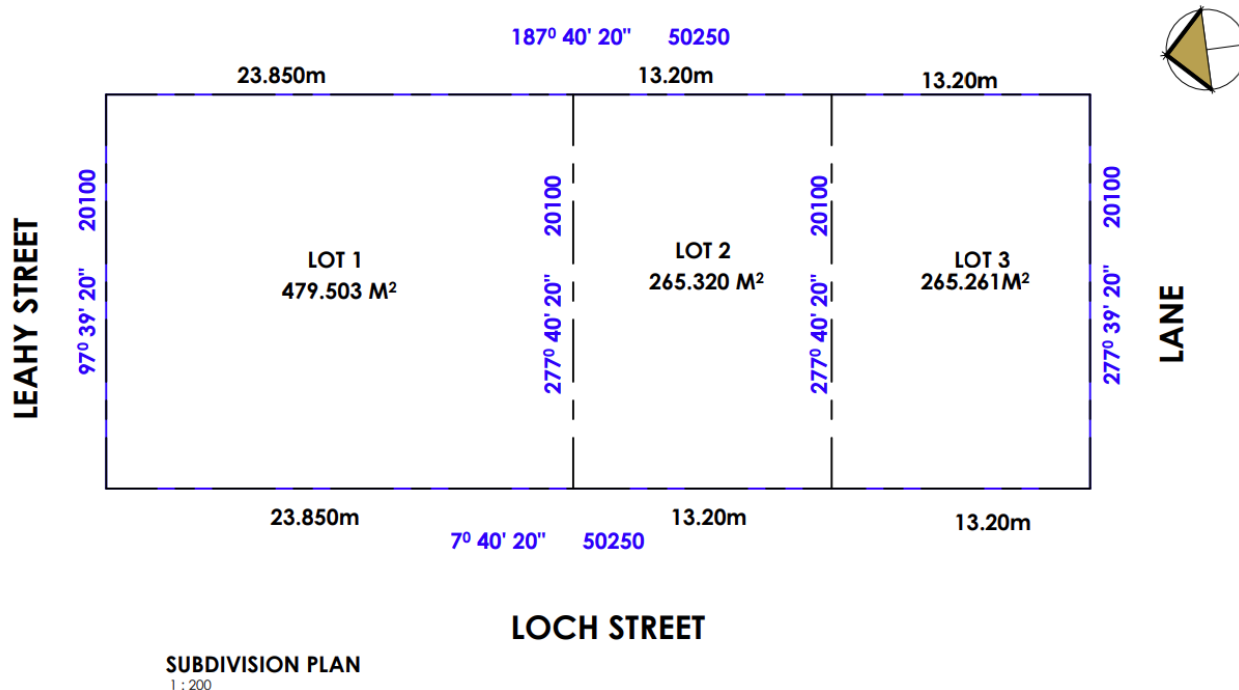


Figure 3 – Plan of proposed subdivision

Requirement for Permit:

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

- Clause 32.08-3 (General Residential Zone) – A permit is required to subdivide land.
- Clause 32.08-6 (General Residential Zone) – A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to construct a fence that may obstruct the flow of water.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required for vegetation removal.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to subdivide land.

Definitions:

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

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a toilet and wash basin.

It includes outbuildings and works normal to a dwelling.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity and is an exempt activity under Regulation 9 of the Regulations.

Subject site & locality:

The subject site is known as 13 Leahy Street Nhill VIC 3418 (Lot 1 Block L on PS001152), which comprises a single title of approximately 1012.036m². The land is generally flat, with minimal fall across the site. The land currently contains an existing dwelling and several associated outbuildings with access from Rintoule Street.

The subject site is a corner lot, with road frontage to the North and East, a laneway to the south and a dwelling to the East. Land surrounding the site is in the General Residential Zone, and generally comprises lots of between 600-1600m² and is also affected by the Environmental Significance Overlay Schedule 6. The site appears to have access to reticulated power, telecommunications, water and sewer and services will need to be connected to the two new dwellings on Lots 2 and 3.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners;
- Erection of a sign on site; and

One objection was received in relation to the application. The objection raised concerns relating matters summarised as follows:

- Increased traffic and related safety impacts.
- Minimal parking on Rintoule Street and impacts on availability of on-street parking during construction and by occupants of the dwellings.
- Increased noise during construction and from additional dwellings.
- Loss of privacy due to overlooking into adjoining backyards and proximity to dwellings.
- Drainage in laneway and location of stormwater pipes may cause flooding and impact to adjacent buildings.
- Removal of vegetation will affect the environment.

The applicant has provided a written response to the objections.

The applicant's response was sent to the objector, however no further response was received from the objector. The objection has not been withdrawn.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	<p>No objection and no conditions.</p> <p>Please Note:</p> <ul style="list-style-type: none"> • The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future. • Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland. • Earthworks for footings associated with this development will not impact conservation values identified in the Environmental Significance Overlay - Schedule 6 in the Hindmarsh Shire Council planning scheme.
Grampians Wimmera Mallee Water	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The owner/applicant must enter into a Developer Agreement with GMMWater for the supply of water and sewerage to each lot of the subdivision. 2. The owner/applicant must install sewerage mains and associated works to individually serve each lot/dwelling of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements. 3. The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use. 4. The owner/applicant must provide individually metered water services to each lot/dwelling in accordance with GMMWater's requirements. 5. The owner/applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GMMWater's approval. 6. The owner/applicant must provide three metre wide easements in favour of GMMWater over all existing and proposed sewers located within private land. 7. The owner/applicant must pay to GMMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GMMWater's requirements and does not relieve

	<p>the developer from ensuring proper design and appropriate supervision.</p> <ol style="list-style-type: none"> 8. The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff. 9. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GMMWater standards. This includes compaction and air pressure testing as directed by GMMWater. 10. The owner/applicant must provide “as constructed” plans and a schedule of final asset costs at the level identified in GMMWater’s asset register for all sewerage works upon completion. 11. The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act. 12. The owner/applicant must provide GMMWater with an updated drainage plan for each lot/dwelling submitted by a qualified plumber. 13. The owner/applicant must ensure any existing water or sewer services and GMMWater assets made redundant by this development are abandoned, at the owner’s cost, in accordance with GMMWater’s standards.
<p>Powercor</p>	<p>Subject to the following conditions, Powercor Australia Ltd (the Distributor) does not object to the issue of a planning permit for the abovementioned application.</p> <p>Conditions Required by the Distributor:</p> <ol style="list-style-type: none"> 1. This letter shall be supplied to the applicant in its entirety. 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act. 3. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor’s requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor’s electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant. 4. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

	<p>*** END OF CONDITIONS ***</p> <p>It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor’s web portal, “mySupply” which can be accessed via the following link:</p> <p>https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator</p>
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Section 52 and Internal Notices	
Engineering	<p>No objection to the development subject to conditions:</p> <p>Access/Vehicle crossovers:</p> <ol style="list-style-type: none"> 1. Before the issue of a statement of compliance, a new crossover is to be constructed from Leahy Street to the existing dwelling to have independent access to the satisfaction of the Responsible Authority. 2. Before the issue of a statement of compliance, a new crossover is to be constructed from Rintoule Street to each unit to have independent access to the satisfaction of the Responsible Authority. 3. The crossovers must be constructed as per IDM- 240 standard and at a location and of a size to the satisfaction of the Responsible Authority. 4. The vehicle crossing(s) must be constructed at the cost of the permit holder/owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority. <p>Note: A consent to works within road reserve permission is required prior to construction of the crossovers.</p>

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 11.01-1L Settlement – Hindmarsh
- Clause 13.02-1S Bushfire planning
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character

Clause 16.01-1S Housing supply

Zoning Provisions:

Clause 32.08 – General Residential Zone (GRZ)

32.08-3 Subdivision

A permit is required to subdivide land.

32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

Planning Response:

The key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ and Clause 55 ResCode and Clause 56 Residential Subdivision compliance, with the overwhelming policy direction being to intensify residential development in such areas in close proximity to jobs, transport and services.

When assessing the application against the state policies in the PPF, there is clear support for the proposed increase in density on the site as the site is well serviced by infrastructure and community services. This ensures efficient use of infrastructure and supports the usual preference that established residential areas experience residual increase in population and density. State policy also encourages new medium density housing to respect neighbourhood character, to which the proposal responds satisfactorily encouraging housing diversity in established areas with access to services.

The built form of the development will achieve architectural and urban design outcomes that contribute positively to the local urban character as required by Clause 15.01-1S of the Scheme given the similar scale, bulk and mass in relation to the adjoining development. The built form of the dwellings and the area of secluded private open space for each dwelling is appropriate, there are ample landscaping opportunities within the site. The intensity of the development is consistent with relevant planning policies.

The development achieves a garden area of 51.58%, well above the 35% required by Clause 32.08-4. The proposal will not affect rooftop solar systems. The proposal will comply with the relevant objectives of Clause 55 as applicable to this proposal.

Overlay Provisions:

The subject land is encumbered by Clause 42.01 - Environmental Significance Overlay - Schedule 6 (ESO6). A permit is required for vegetation removal, including planted vegetation and to construct fencing that may obstruct the flow of water and to subdivide land.

Planning Response:

The proposed works and subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands.

The *Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines* provides Matrix and Criteria to establish if the proposed removal of vegetation is appropriate.

The below criteria have been identified as relevant to the proposal to remove vegetation:

Criteria for Matrix 2 ESO6:

Vegetation removal should not degrade the ecological condition of areas covered by ESO 5.

Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high value wetland.

(Refer to Appendix 5, Table 3 of buffer distances applicable to vegetation removal).

The material used in the construction of a fence should not act as a barrier that would redirect surface water flow. Any mounding of soil associated with the construction of a fence should not result in the redirection of surface water flow.

The proposed development is situated approximately 180 metres from Nhill Lake (the closest point of the PPRZ boundary). Appendix 5, Table 3 of the Decision Guidelines outlines that the role of the vegetation to be removed contributes to protection from rising salinity (being greater than 250m but less than 2000m from the Nhill Lake). Based on these criteria, an assessment has been undertaken to ascertain the level of risk likely to occur from the proposed development, including vegetation removal and boundary fencing.

Given the location of the subject land in the Nhill Urban Area, stormwater discharge from the site will be diverted to the existing table drain and into the Council drainage system. Similarly, wastewater will be directed to existing public sewerage infrastructure and will not be retained and treated on-site. The removal of approximately 12 small trees and solid boundary fencing may marginally alter stormwater flows off the site, however, any such increase is unlikely to result in adverse impacts to the water quality of the Nhill Lake. The subdivision has no effect on water flows or quality. The Wimmera CMA has reviewed the application and did not object to the granting of a permit.

On this basis, the proposal is considered to be acceptable.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06-5 – Number of Car Parking Spaces

Table 1 of this clause provides that two (2) car parking spaces are required for each dwelling having 3 or more bedrooms, one of which must be covered.

Planning Response:

The existing dwelling is proposed to contain a carport and driveway which accommodates one covered car parking space and two uncovered car parking spaces. The proposed dwellings each contain a single garage and a tandem car parking space in front of the garage, achieving one covered car parking space and one uncovered car parking space for each dwelling. As such, the proposal meets the requirements of the Scheme in relation to car parking numbers and design standards for car parking.

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Section 18(1) of the Subdivision Act 1988 states:

A Council acting as a responsible authority or a referral authority under the Planning and Environment Act 1987 may require the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision to—

- (a) set aside on the plan, for public open space, in a location satisfactory to the Council, a percentage of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*
- (b) pay or agree to pay to the Council a percentage of the site value of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*
- (c) do a combination of (a) and (b) so that the total of the percentages required under (a) and (b) does not exceed 5 per cent of the site value of all the land in the subdivision.*

Further, Section (1A), of the Subdivision Act 1988 states:

The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to—

- (a) the existing and proposed use or development of the land;*
- (b) any likelihood that existing open space will be more intensively used after than before the subdivision;*
- (c) any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*

- (d) *whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
- (e) *how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*
- (f) *any policies of the Council concerning the provision of places of public resort and recreation*

Planning Response:

The proposed subdivision does not provide any land for the purposes of public open space. As such, a public open space contribution is required to be paid in accordance with 18(1)(b) of the *Subdivision Act 1988*. The proposed subdivision creates an additional two lots within Nhill which places increased demand on existing public open spaces within the township. As such, the full 5% contribution will be required as a condition in accordance with this Clause.

Clause 55 – Two or more Dwellings on a lot and Residential Buildings

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot, in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Planning Response:

The development comprises the construction of two dwellings with at least one dwelling existing on the lot, and therefore the provisions of Clause 55 apply. An assessment against the relevant objectives and standards of Clause 55 is provided in Attachment 2.

Clause 56 – Residential Subdivision

Provisions in this clause apply to an application to subdivide land in a General Residential Zone. These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Planning Response:

The proposed subdivision is sought in conjunction with an application for development where one lot will contain an existing dwelling and two lots are proposed to contain a dwelling. Given the two proposed dwellings do not currently exist, an assessment against Clause 56 has been undertaken and is in Attachment 3.

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.

Clause 65.02– Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate (relevant to the application):

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Planning Response:

As previously discussed, the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The development provides for a diversity of housing types and housing options in an area well connected to private and public services. The development is unlikely to adversely impact the adjacent environment of Nhill Lake and will not adversely impact the surrounding residential area. Services are required to be connected and will be managed by conditions. There is no staging of the subdivision proposed. The proposal will enable the orderly planning of the area.

Discussion:

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

The proposal complies with the objectives of the relevant provisions of the PPF and MPS for the reasons discussed in the relevant policy section above.

Clause 32.08 General Residential Zone

The proposal complies with the purpose and decision guidelines of Clause 32.08 for the reasons outlined in the planning response to the zone as discussed above.

Clause 42.01 Environmental Significance Overlay – Schedule 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 for the reasons outlined in the planning response to the overlay as discussed above.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposal complies with the relevant objectives and decision guidelines of Clause 55 for the reasons outlined in the planning response to this clause as discussed above.

Clause 56 Residential Subdivision

The proposal complies with the relevant objectives and decision guidelines of Clause 56 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 General Residential Zone, Environmental Significance Overlay Schedule 6 and Clause 55, Clause 56 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

The Acting Chief Executive Officer advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

- 29/03/2023 The application was received.
- 25/04/2023 Further information was requested.
- 01/05/2023 The fee was paid.
- 07/07/2023 Further information was received.
- 14/07/2023 Application referred to Wimmera CMA, GWM Water and Engineering.
- 18/07/2023 Advertising commenced and external and internal referrals sent.
- 25/07/2023 Objection received.
- 04/08/2023 Advertising completed.
- 16/08/2023 Objection sent to applicant.
- 23/08/2023 External referral responses received.
- 28/08/2023 Response to objection received from applicant.
- 29/08/2023 Response to objection from applicant sent to the objector.
- 25/10/2023 The report is being presented to Council at the meeting on 25 October 2023 (93 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have not been satisfied in this instance.

Link to Council Plan:

Support healthy living and provide services and activities for people of all ages and abilities.

Financial Implications:

Nil

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Environmental Sustainability	Buildings will be required to be built to current standards and meet environmental requirements.
Community Needs	There is a need in the community for additional housing,

	approval of the permit will provide Nhill with an additional two dwellings.
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Relevant legislation:

This planning permit application has been considered under the requirements of the *Planning and Environment Act 1987*.

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

Author: Bernadine Pringle, Consultant Town Planner, on behalf of Bob Huxley, Manager Regulatory Services.

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

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Notice of Decision to Grant a Planning Permit.

RECOMMENDATION:

That Council issues a Notice of Decision to Grant a Planning Permit PA1820-2023 for the Development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 13 Leahy Street Nhill Vic 3418 (Lot 1 Block L on PS001152), subject to the following conditions:

Endorsed Plans

- 1. The development as shown on the endorsed plans must not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***
- 2. The subdivision as shown on the endorsed plans, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Section 173 Agreement or Construction of Dwellings to Occupancy Permit

3. ***Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:***

Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:

- a) ***The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1820-2023.***

The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

OR

- b) ***Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1820-2023 and an occupancy permit has been issued.***

Development Conditions

4. ***Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
5. ***Upon completion of the development, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.***
6. ***All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.***
7. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
8. ***The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

Landscaping

9. ***Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be planted and established to the satisfaction of the Responsible Authority.***
10. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.***

Waste management

11. ***Provision must be made on the land for the storage of waste bins and recycling***

bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.

Subdivision Conditions

12. *Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner or permit holder must pay a public open space contribution of 5 per cent of the site value of all of the land in the subdivision intended to be used for residential purposes, in accordance with Clause 53.01 of the Planning Scheme and Section 18 of the Subdivision Act 1988.*
13. *The owner of the land must enter into an agreement with:*
 - *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
 - *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
14. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*
 - *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
 - *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Engineering Conditions

15. *Before the issue of a statement of compliance, a new crossover must be constructed from Leahy Street to the existing dwelling on Lot 1 to have independent access to the satisfaction of the Responsible Authority.*
16. *Before the issue of a statement of compliance, a new crossover must be constructed from Rintoule Street to Lot 2 and Lot 3 to have independent access to the satisfaction of the Responsible Authority.*
17. *The crossovers must be constructed as per IDM- 240 standard and at a location and of a size to the satisfaction of the Responsible Authority.*
18. *The vehicle crossing(s) must be constructed at the cost of the permit*

holder/owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

GMMWater

- 19. The owner/applicant must enter into a Developer Agreement with GMMWater for the supply of water and sewerage to each lot of the subdivision.***
- 20. The owner/applicant must install sewerage mains and associated works to individually serve each lot/dwelling of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements.***
- 21. The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.***
- 22. The owner/applicant must provide individually metered water services to each lot/dwelling in accordance with GMMWater's requirements.***
- 23. The owner/applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GMMWater's approval.***
- 24. The owner/applicant must provide three metre wide easements in favour of GMMWater over all existing and proposed sewers located within private land.***
- 25. The owner/applicant must pay to GMMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GMMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.***
- 26. The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff.***
- 27. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GMMWater standards. This includes compaction and air pressure testing as directed by GMMWater.***
- 28. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GMMWater's asset register for all sewerage works upon completion.***
- 29. The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act.***
- 30. The owner/applicant must provide GMMWater with an updated drainage plan for each lot/dwelling submitted by a qualified plumber.***
- 31. The owner/applicant must ensure any existing water or sewer services and GMMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GMMWater's standards.***

Powercor

- 32. This letter (dated 13 October 2023) shall be supplied to the applicant in its entirety.***
- 33. The plan of subdivision submitted for certification under the Subdivision Act 1988***

shall be referred to the Distributor in accordance with Section 8 of that Act.

34. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

35. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Time Limit – Development and Subdivision

36. *The development will expire if either of the following circumstances arise:*

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

37. *The subdivision will expire if either of the following circumstances arise:*

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

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

Notes:

Planning

- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval applies.*

Engineering

- A consent to works within road reserve permission is required prior to construction if working in road reserve.*

<https://www.hindmarsh.vic.gov.au/register-for-permits>

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.*
- Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland.*

- **Earthworks for footings associated with this development will not impact conservation values identified in the Environmental Significance Overlay - Schedule 6 in the Hindmarsh Shire Council planning scheme.**

Powercor

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

MOVED: CRS R Ismay/D Nelson

That Council issues a Notice of Decision to Grant a Planning Permit PA1820-2023 for the Development of two dwellings to the rear of the existing dwelling and a carport for the existing dwelling, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 13 Leahy Street Nhill Vic 3418 (Lot 1 Block L on PS001152), subject to the following conditions:

Endorsed Plans

- 1. The development as shown on the endorsed plans must not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.**
- 2. The subdivision as shown on the endorsed plans, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.**

Section 173 Agreement or Construction of Dwellings to Occupancy Permit

- 3. Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:
Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:
a) The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1820-2023.
The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.**

OR

- b) Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1820-2023 and an occupancy permit has been issued.**

Development Conditions

- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
- 5. Upon completion of the development, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
- 6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 8. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.**

Landscaping

- 9. Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be planted and established to the satisfaction of the Responsible Authority.**
- 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.**

Waste management

- 11. Provision must be made on the land for the storage of waste bins and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.**

Subdivision Conditions

- 12. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner or permit holder must pay a public open space contribution of 5 per cent of the site value of all of the land in the subdivision intended to be used for residential purposes, in accordance with Clause 53.01 of the Planning Scheme and Section 18 of the Subdivision Act 1988.**
- 13. The owner of the land must enter into an agreement with:**
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in**

accordance with the provider's requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

14. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Engineering Conditions

15. Before the issue of a statement of compliance, a new crossover must be constructed from Leahy Street to the existing dwelling on Lot 1 to have independent access to the satisfaction of the Responsible Authority.

16. Before the issue of a statement of compliance, a new crossover must be constructed from Loch Street to Lot 2 and Lot 3 to have independent access to the satisfaction of the Responsible Authority.

17. The crossovers must be constructed as per IDM- 240 standard and at a location and of a size to the satisfaction of the Responsible Authority.

18. The vehicle crossing(s) must be constructed at the cost of the permit holder/owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

GMMWater

19. The owner/applicant must enter into a Developer Agreement with GMMWater for the supply of water and sewerage to each lot of the subdivision.

20. The owner/applicant must install sewerage mains and associated works to individually serve each lot/dwelling of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements.

21. The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.

22. The owner/applicant must provide individually metered water services to each

lot/dwelling in accordance with GWMWater's requirements.

23. *The owner/applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.*
24. *The owner/applicant must provide three metre wide easements in favour of GWMWater over all existing and proposed sewers located within private land.*
25. *The owner/applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.*
26. *The owner/applicant must provide written notification of commencement of the works to enable GWMWater to organise inspections and coordinate with its staff.*
27. *The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWMWater standards. This includes compaction and air pressure testing as directed by GWMWater.*
28. *The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all sewerage works upon completion.*
29. *The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.*
30. *The owner/applicant must provide GWMWater with an updated drainage plan for each lot/dwelling submitted by a qualified plumber.*
31. *The owner/applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GWMWater's standards.*

Powercor

32. *This letter (dated 13 October 2023) shall be supplied to the applicant in its entirety.*
33. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*
34. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
35. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Time Limit – Development and Subdivision

36. The development will expire if either of the following circumstances arise:

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

37. The subdivision will expire if either of the following circumstances arise:

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

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

Notes:

Planning

- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval applies.**

Engineering

- A consent to works within road reserve permission is required prior to construction if working in road reserve.**

<https://www.hindmarsh.vic.gov.au/register-for-permits>

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.**
- Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland.**
- Earthworks for footings associated with this development will not impact conservation values identified in the Environmental Significance Overlay - Schedule 6 in the Hindmarsh Shire Council planning scheme.**

Powercor

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

CARRIED

Attachment Number: 5

9 REPORTS REQUIRING A DECISION

9.1 HINDMARSH SHIRE COUNCIL ANNUAL REPORT 2022/2023

Responsible Officer: Acting Chief Executive Officer

Attachment Number: 6

Introduction:

The purpose of this report is to present the Annual Report 2022/2023 for consideration by Council.

Discussion:

Council has a statutory responsibility under the *Local Government Act 2020* (the Act) to prepare an Annual Report in respect of each financial year, containing a report on its operations, audited performance statement, audited financial statements and any other matter required by the Local Government Planning and Reporting Regulations.

Under section 100 of the *Local Government Act 2020*, Council must consider the annual report within 4 months of the end of the financial year.

The Annual Report for the year ended 30 June 2023 has been prepared, providing a comprehensive overview of Council's activities for the period 1 July 2022 to 30 June 2023. The report includes achievements in respect of a range of projects, services, and assets managed and financial performance for the year ended 30 June 2023, for which the Auditor-General has provided unqualified audit opinions on the financial and performance statements.

The report is intended as a point of reference for Council, staff, residents, shire businesses, community organisations, and government departments.

Options:

It is recommended that Council considers and notes the Annual Report 2022/2023.

Link to Council Plan:

Strong governance practices: Ensure compliance with the *Local Government Act 2020*.

Financial Implications:

No financial implications

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Management of Council's legislative responsibilities in a timely manner will minimise Council's exposure to adverse

	impacts, improve effectiveness and generate efficiencies.
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Relevant legislation:

Local Government Act 2020

Community engagement:

Public notice of the preparation of the Annual report will be advertised in local newspapers, and in Council's newsletters and social media.

Gender equality implications:

No gender impact assessment is required.

Conflict of Interest:

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

Author & Officer Responsible – Monica Revell, Acting Chief Executive Officer

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

Communications Strategy:

Preparation of the Annual report will be published in local newspapers, and in Council's newsletters and social media.

Next Steps:

Copies of the Annual Report 2022/2023 will be available at Council's Customer Service Centres and on Council's website.

RECOMMENDATION:

That Council, having considered the Annual Report for the year ending 30 June 2023, receives the report.

MOVED: CRS W Bywaters/R Gersch

That Council, having considered the Annual Report for the year ending 30 June 2023, receives the report.

CARRIED

Attachment Number: 6

9.2 COUNCIL PLAN 2023/2024 ACTIONS PROGRESS REPORT

Responsible Officer: Acting Chief Executive Officer

Introduction:

This report provides Council with a progress update on the actions for 2023/2024 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 2023/2024 actions against the Council Plan are included below:

Theme One – Our Community

Action Item	Update on Action	Status
Promotion and marketing of Council information including the monthly hardcopy newsletters available at customer service centres and libraries, and fortnightly e-newsletters distributed through emails and available on Council's website	Q1. Council staff continue to prepare and distribute monthly newsletter and fortnightly e-newsletters. Monthly newsletters are printed for free collection from Council Customer Service Centres and Libraries, and fortnightly e-newsletters are sent to our subscribers. All newsletters are available for viewing on Council's website at www.hindmarsh.vic.gov.au/newsletters	Ongoing
Support our ageing community through hosting inclusive seniors concert and social connection activities including movie matinees and morning teas, with a focus on diversity (refugee background, migrants, aboriginal and Torres Straight Islanders, all	Q1. Planning is underway for the 2023 Seniors Concert on Wednesday 11 October.	Underway

abilities and LGBTIQ+)		
Continue to support early years services including the roll out of up to 30 hours of four-year old kindergarten in Hindmarsh	<p>Q1. A new kinder in school facility was announced for Dimboola which will help to meet the greater need due to the implementation of up to 30 hours of four-year-old kinder in 2025 and increased enrolments.</p> <p>An application was submitted (with support from Dept. of Education) for new standalone four-year-old Kindergarten at Nhill. The proposal is for both new centres to be built on School sites, assisting with the transition from Kindergarten to School.</p>	Ongoing
Continue to advocate for after school care and an increase in childcare in Hindmarsh Shire	<p>Q1. Council supported West Wimmera Health Services application for after school care in Nhill. The announcement of a new kinder in school facility in Dimboola will allow for additional childcare spaces to open up from 2025.</p>	Ongoing
Continue to implement the Hindmarsh Shire Youth Strategy	<p>Q1. Hindmarsh Shire Youth Council with support from Hindmarsh Shire Council's Youth Officer are working closely to address and implement the Hindmarsh Shire Youth Strategy; including but not limited to hosting events and initiatives that empower, welcome, and involve other young people; and facilitating spaces that create opportunities for connection, expression, and community.</p>	Ongoing
Support and host youth events that are accessible to all Hindmarsh Shire youth.	<p>Q1. Youth Councillors have organised and hosted several events, and have an 'Aussie Disco' currently in the middle of the planning stage – this event was decided on after multiple young people in all major towns expressing to the Youth Councillors that they love the 'disco' type events and find these a great way to unwind and socialise with their friends near and far.</p>	Ongoing
Work with various agencies to host and promote school holiday activities throughout the Shire	<p>Q1. Hindmarsh Shire Council recently completed their September School Holiday Program, with over 130 people registered for several events and total event attendance total of over 300, these school holidays were once again another success for Hindmarsh Shire and the various partners utilised throughout the program including; Level Up Gaming, Jeparit Angling Club, local Dimboola fisherman, Rainbow Lake</p>	Ongoing

	Association and Hindmarsh Shire Libraries.	
Host outdoor music sessions in Dimboola, Jeparit, Nhill and Rainbow	Q1. There is an outdoor music concert scheduled for November in Nhill at Jaypex Park. This is currently in the planning stages, but is set to be a great event.	Ongoing
Work with various agencies to facilitate and host information sessions to inform multicultural community members on Council services and services of public and private agencies and organisations	Q1. Council has recently employed a Karen Liaison / Customer Service Officer who will work with agencies and community.	Ongoing
Key documents translated into Karen	Q1. Karen Liaison Officer employed to assist Council with interpreting services and to advise on key documents to be translated.	Ongoing
Consider community garden opportunities in Dimboola	Q1. A Community Garden is being investigated by the Dimboola Urban Landcare Group.	Ongoing
Support and coordinate the volunteer taxi service in Nhill	Q1. Council continues to support and coordinate the volunteer taxi service in Nhill	Ongoing
Commence implementation of the recommendations from the Cultural Audit	Q1. Council has amended recruitment processes to encourage multicultural community members to apply for positions.	Ongoing
Celebrate volunteers week, International Day of People with Disability and Harmony day	Q1. Planning will commence shortly for an activity to support IDPwD which will be held in December 2023.	Ongoing
Support culturally significant days including for first peoples	Q1. Hindmarsh Shire Libraries hosted the First NAIDOC Week Exhibition showcasing both local and statewide indigenous artists. This inaugural event will continue to be on our library calendar moving forward. Hindmarsh Shire Libraries continue to extend upon their cultural knowledge, including indigenous Australians with representation on the State Library Victoria steering committee Libraries for Aboriginal Peoples.	Ongoing
Provide community	Q1. Community Action Grants are currently	Ongoing

action grants to support Hindmarsh community groups and organisations	being advertised and round one application will be presented to Council in October 2023.	
Advocate for and host a range of learning and skill development opportunities for all ages throughout Hindmarsh	Q1. Hindmarsh Shire Libraries host a range of activities including literacy development, digital literacy and creative endeavors, across a range of ages and demographics throughout the Shire.	Ongoing

Theme Two – Built & Natural Environment

Action Item	Update on Action	Status
Continue to advocate for funding for Davis Park upgrades including undercover seating	Q1. Funding for stage one has been allocated through Council and LRCI phase 4, with a grant application submitted through the Country Football Netball Program 2023/2024 pending. If successful, this additional funding will secure completion of stage one upgrades which include the construction of AFL compliant change rooms and undercover seating.	Underway
Facilitate Hindmarsh Heavy Transport and Freight Working Group	Q1. Council continues to facilitate the Heavy Transport and Freight working group.	Ongoing
Seek funding for shade structure over Jeparit recreation reserve playground	Q1. Awaiting suitable grant programs.	Not yet commenced
Install recycling and glass collection bins in main street in Dimboola, Jeparit, Nhill and Rainbow	Q1. Council has purchased bin surrounds that will be installed in the central business district in each town that include recycling and glass collection bins.	Underway
Sealed road construction works on Dimboola Minyip Road (subject to funding)	Q1. Assessment and cost estimate completed, we are currently awaiting the outcome from NDFA regarding flood recovery funding.	Completed
Hold free green waste month in September and encourage residents to tidy their properties prior to the fire season	Q1. Free green waste month is being held from 16 September to 15 October 2023.	Underway
Continue implementation of the	Q1. Stage 1 (Nhill Lake Pathway) is underway and currently awaiting on required approvals	Underway

Nhill Streetscape Plan	from various authorities before works can commence. Planning for stage 2 (pathway from Goldsworthy to Jaypex Park) will soon commence.	
Refurbishment and repairs of Dimboola toddler swimming pool	Q1. No update	Not yet commenced
Commence implementation of the Hindmarsh playground strategy	Q1. Council is currently implementing community engagement software as part of the Rural Council Transformation Project. Community engagement on the playground strategy will commence once the software is set up.	Underway
Advocate for funding for a new weir at Jeparit	Q1. Council continues to advocate for funding for a new weir at Jeparit.	Ongoing
Facilitate designs for the Rainbow Football Changerooms	Q1. Preliminary construction plans have been prepared and reviewed and endorsed by Sport and Recreation Victoria and AFL Victoria. Full plans will be prepared as funding is allocated to establish a shovel ready project	Underway
Seek funding to undertake a solar assessment on Council buildings and halls	Q1. No update – awaiting suitable funding	Delayed
Construction of shade structure at Rainbow Skatepark	Q1. A meeting with The Oasis committee has been organised to determine a suitable location which will also determine an appropriate size for the shelter. Once this consultation has occurred quotations for the supply and installation will be obtained.	Underway
Consider opportunities and seek funding for lighting in public areas	Q1. No update – Council continues to monitor funding opportunities to enable increased / improved lighting in public areas.	Delayed
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Hindmarsh Landcare Network	Q1. Council continues to be represented on the WHAC, WRTG, and HLN.	Ongoing
Work closely with conservation partners including the Wimmera	Q1. No update	Not yet commenced

CMA to educate the community on land management and conservation strategies.		
Work with Hindmarsh Landcare Network in addressing pest and weed problems throughout Hindmarsh including Gazania and Fleabane which is spreading along roadside verges	Q1. No update	Not yet commenced
Seek funding for BMX dirt tracks, pocket parks, dog parks	Q1. No update – Council continues to monitor for funding opportunities	Not yet commenced
Seek funding for permanent Caneball and Volleyball courts in Nhill	Q1. A contract for the construction of the permanent Caneball court at the Nhill tennis Club has been awarded. Works are expected to commence in late 2023 / early 2024.	Underway
Commence construction of new Mechanics workshop at Jeparit Depot and upgrades to Dimboola Depot	Q1. The contract for the construction of the new mechanics workshop at Jeparit has been awarded. The Dimboola Depot has been placed on hold following unsuccessful tender.	Underway

Theme Three – Competitive and Innovative Economy

Action Item	Update on Action	Status
Installation of cabins at Dimboola, Jeparit and Rainbow caravan parks	Q1. Footings will be installed in early October, with cabins anticipated to be delivered mid-late October 2023.	Underway
Provide the Business Assistance Grants program	Q1. Round one Business Assistance Grant applications will be presented to Council in October 2023.	Ongoing
Promote Hindmarsh as a tourism destination to stop, play and stay	Q1. Council continues to promote Hindmarsh through print and social media channels. Utilising drone and video footage has resulted in higher engagement. Specific Stop, Play and Stay campaign currently being developed.	Ongoing
Host quarterly business networking sessions in Hindmarsh for businesses to come	Q1. A Business Networking session will be planned for the second quarter of 2023/2024.	Ongoing

together, network and learn		
Undertake a review of the Hindmarsh Planning Scheme	Q1. No update.	Not yet commenced
Seek funding for continued development of Hindmarsh Shire Caravan Parks including master plan for Nhill Caravan Park	Q1. Development of the Nhill Caravan Park masterplan is currently underway and monitoring for appropriate funding for continued development of the shires caravan parks is ongoing.	Underway
Adopt and Commence implementation of Council's Economic Development Strategy 2023-2028	Q1. Council has worked with Wayne Street to develop the draft Economic Development Strategy for 2024-2028. The draft plan will be presented to Council in October 2023, inviting public submissions.	Underway
Support and seek funding and implement components of the Wimmera Mallee Pioneer Museum Masterplan	Q1. Interpretive signage developed and installed at the WMPM. Council's Tourism & Economic Development Officer continues to work closely with committee to continue to develop additional interpretive signage.	Ongoing
Support Wimmera Development Association housing strategy through identification of suitable land and advocacy for funding additional housing in Hindmarsh	Q1. Council continues to support the WSMDA housing strategy.	Ongoing
Continue construction of Silo Art project at Llew Schilling Silo in Rainbow	Q1. Development continues of a revised design of the Silo Tourist Attraction to deliver a project with available budget. It is expected that the revised designs will be advertised for tender late October / early November 2023.	Underway
Installation of new amenities at Rainbow Caravan Park that include access for all abilities	Q1. Construction of the new Rainbow Caravan Park Amenities is underway with delivery anticipated in Mid-late November 2023.	Underway
Provide funding to support local community	Q1. Council allocated funding for four community events at the August Council	Completed

events that attract visitation to Hindmarsh Shire	meeting, this included the Dimboola Barefoot Ski Event, Rainbow Enduro, Rainbow Oasis Big Sky Event, and Nhill Aviation Heritage 2024 Airshow.	
Actively seek funding to upgrade key freight routes for our agricultural economy	Q1. Council continues to seek funding for infrastructure upgrades.	Ongoing

Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action	Status
Continue implementation of strategies identified in the Workforce Plan	Q1. Implementation of the Workforce Plan continues, with the recruitment procedure recently reviewed. Most year two projects are underway or completed.	Ongoing
Host information sessions on a Councillor role in the lead up to the 2024 Council elections	Q1. No update	Not yet commenced
Online streaming of Council meetings through Council’s Facebook page that include closed captions with meetings available to view through a link on Council’s website	Q1. Council continues to live stream all Council meetings through Facebook’s page, which are linked to the Council website with the Minutes from each meeting.	Ongoing
Consideration for employing a trainee, or apprentice when vacancies arise throughout the year	Q1. Ongoing assessment of opportunities that may be suitable for a trainee or apprentice undertaken. Council is currently advertising a Local Laws trainee position.	Ongoing
Community conversation sessions held annually in our four main towns	Q1. No update	Ongoing
Drop-in sessions held allowing for community input on key documents or projects	Q1. Increased opportunities for community consultation and engagement will be available through Council’s new engagement program through Granicus as part of the Rural Council Transformation Process.	Ongoing
Update Long Term	Q1. No update	Ongoing

Financial Plan		
Implement recommendations from LGPro Inclusive Employment Pathways forum	Q1. Ongoing implementation of recommendations, including provision of questions ahead of time. Council has employed three employees with a Karen background in the first quarter of 2023/2024.	Ongoing
Continue implementation of gender equality action plan	Q1. Implementation continues, with reporting on progress due in February 2024. Council has applied through the Free from Violence Local Government grant scheme for a position to assist in the implementation of the GEAP.	Ongoing
Continue to collaborate with Horsham Rural City Council and Loddon Shire Council to implement the Rural Council Transformation Project	Q1. Hindmarsh are in the final stages of testing of this project and the anticipated go live date for Civica Altitude is 9-10 November 2023. Additional modules will be implemented as they become available.	Ongoing

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:

Strategic Risk Description	Risk Management Discussion
Governance	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, Acting Chief Executive Officer

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 2023/2024 first quarter update.

MOVED: CRS D Nelson/R Ismay

That Council receives the Council Plan actions 2023/2024 first quarter update.

CARRIED

Cr B Ireland declared a conflict of interest and left the room at 3:56pm.

**9.3 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS PROGRAM
 2023/2024 ROUND ONE**

Responsible Officer: Acting Chief Executive Officer

Attachment Number: 7

Introduction:

This report seeks Council approval to provide funding through Round One of the 2023/2024 Community Action Grants Program to eligible community organisations/groups.

Discussion:

The Community Action Grants Program was established to support communities with funds to provide services, self-help and assist with community development, social action, and connectedness.

Total annual funding of \$20,000.00 has been allocated to the program and categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

Round One of the 2023/2024 Community Action Grants Program was promoted through direct emailing to community groups; media releases on Council’s website and local media; advertisements in local media; promotion on Council’s website as well as Facebook promotions on Council’s Facebook page.

At the time of closing on Friday 29 September 2023, thirteen (13) applications were received requesting funds totalling **\$11,211.91**. The recommendation is to award funds of **\$11,151.00**. Total projects costs for all applications is **\$69,621.00**.

Category	Number of Applications	Funding Available	Total Amount Requested
Community Assistance	Three (3)	Round 1 \$20,000.00	\$2,920.00
Event Sponsorship	One (1)		\$500.00
Small Equipment	Nine (9)		\$7,791.91
TOTAL	Thirteen (13)		\$11,211.91

Funding applications have been assessed against the following eligibility criteria:

All applications must:

- Demonstrate direct economic and social benefit to the community;
- Not already receive substantial support from Hindmarsh Shire Council;
- Be made by an incorporated community group or not-for-profit organisation or auspiced by such a group;
- Apply for one category per funding round; and
- Obtain any / all relevant permits required to host an event within Hindmarsh Shire Council.

Ineligible Applications:

Applications by, or for, the following purposes will not be eligible for funding:

- Community organisations who do not provide direct benefit to the Hindmarsh Shire community;
- Individuals;
- Applicants who have successfully obtained funding of \$500.00 or more for Community Assistance, Small Equipment and Minor Facility grant through the Community Action Grants Program in the current or previous financial year (organisations can only apply for funding every *two* years) are ineligible to apply. The exception is for community groups and organisations seeking Event Sponsorship for annual events (given they have acquitted any previous funding);
- Capital works on major facility maintenance;
- Funding to groups for purposes already significantly supported by Hindmarsh Shire Council (e.g. groups that use a Council facility free of charge and pay no utility or operating costs);
- Programs considered the major responsibility of the State or Federal Government;
- Schools and parents and friends organisations;
- Projects that are clearly a duplication of an existing service;
- Retrospective funding (projects that have commenced or have been completed will not be funded); and
- Clubs / organisations that have received funds from a successful application through a sub-committee of the club / organisation.

Assessment Criteria

Applications will be assessed against a set of Assessment Criteria.

Applications scoring highly against the criteria detailed below are more likely to receive funding.

Why? 40%	<ul style="list-style-type: none"> - Explain the demonstrated community need. - How will the project improve social connections and build community wellbeing? - How will the project achieve economic benefit for the community? - Has the project been identified in a Community Plan?
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What? 40%	<ul style="list-style-type: none"> - Provide a brief summary of what you are going to do. - How will your project increase community participation? - Complete and submit a Risk Assessment for any Event. - Provide details on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.
How? 20%	<ul style="list-style-type: none"> - Provide quotes/ information on specific item(s) funds will be used to purchase. - Provide a copy of the applying organisation's most recent bank statement and banking details. - Complete the budget and in-kind contribution templates. - Provide details on how your event's success will be measured? - Provide a copy of public liability insurance (events only). - Applicants must have obtained any/all relevant permits required to host an event within the shire.

Community Assistance

The **Community Assistance** Program offers grants of up to a **\$1,000.00** to assist with valuable projects that do not fit under the two other categories of the Community Action Grants Program.

There were four (4) applications in this category for this round, requesting a total of \$4,000.00.

Applicants:

1. **Jeparit Heritage Walk** seeks funding of \$1,000.00 to assist with the continuation of the heritage Walk in Jeparit to its final stage. To complete the project, they require more materials to install individual place of interest signage and a combined signboard with maps identifying the routes for locals and visitors to undertake the walk. The entire project cost is \$2,000 and will include In-Kind/Volunteer labour. Based on the application and the association's eligibility, the recommendation is to grant \$1,000.00 towards this project.

2. **Nhill & District Historical Society Inc.** seeks funding of \$920.00 for a glass tabletop for old Lowan Shire Council meeting table. This glass top will protect the table from wear and tear and will also allow for photos, maps, and other historical information to be placed and protected under the glass for display purposes. The entire project cost is \$920.00 and the recommendation based on the application and eligibility is to grant \$920.00 towards this project.

3. **St. John's Lutheran Church, Jeparit** seeks funding of \$1,000.00 to go towards the restoration of the front wall of the church hall. The front wall has succumbed to major cracking and needs to be replaced for the hall to be able to be used safely. This church is one of only two operational churches in the Jeparit community and are used

not only by the local congregation but by the broader Jeparit and district community and beyond. The total project cost is \$57,000.00. Based on the application and assessment of eligibility the recommendation is to grant \$1,000.00 with conditions if the works do not happen.

Event Sponsorship

Event sponsorships offer grants of up to **\$500.00** to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit. For events with a regional impact, Council may allocate an increased sponsorship amount.

There was one **(1)** application with a total funding request of **\$500.00**

Applicants:

1. **Dimboola Art Inc.** seeks funding of \$500.00 towards a New Years Eve event at Tower Park, Dimboola. Dimboola Art Inc. have identified a need for a New Year's Eve event in Dimboola and plan to run an event at Tower Park that hosts a 1970's disco party theme to unite people through dancing and music. This event will bring people of different ages and backgrounds together for an evening of fun. The total cost for this project will be \$1,160.00. Based on the application and assessment of eligibility the recommendation is to grant \$500.00 towards this event.

Small Equipment

Small Equipment grants provide funding assistance of up to **\$1,000.00** towards the purchase of small equipment items.

There were nine **(9)** applications for this category with a total funding request of **\$7,791.91**.

Applicants:

1. **Country Fire Authority Nhill Brigade** seeks funding of \$1,060.91 to purchase a Milwaukee Light Tower, Battery Charger and additional batteries. These items would be used to provide better lighting at incidents Nhill Brigade attend and the additional batteries will help with extended use of other Milwaukee tools the brigade has and ensuring the longevity of the light tower. The total project cost is \$1,167. Based on the application and assessment of eligibility the recommendation is to grant \$1,000.00 to adhere to current Community Action Grant guidelines stating that eligible parties can apply for up to \$1,000.00 for small equipment.
2. **Nhill Senior Citizens** seek funding of \$300.00 towards the purchasing of new tables for senior citizens Nhill. The tables will be used as meal tables and for bingo games. They will replace the current tables that are both small and extremely heavy for Senior Citizen members to be lifting and moving. The entire cost for this project is \$300.00. Based on the application assessment of eligibility the recommendation is to grant \$300.00 towards this project.

3. **Dimboola Basketball Association** seeks funding of \$1,000.00 towards the purchase of a chest freezer and pie warmer for the canteen. These items will allow Dimboola Basketball Association to continue to strengthen their association in a post-COVID environment and to give families who often spend several hours at the stadium over summer evenings a chance to purchase fresh snacks during these times. The profit made from these purchases is used to supplement fees for children experiencing hardship to ensure equitable access to the game. The total cost for this project is \$1,400.00. Based on the application and meeting of eligibility criteria the recommendation is to grant \$1,000.00.
4. **Nhill Golf Club** seeks funding of \$984.00 for the purchase of 18 new golf hole flags with Nhill Golf Club logo embroidered on them. The Club's current hole flags are old and worn and do not present this aspect of the club in its best light. By purchasing new, brighter flags with the Club's logo on them it will send a message of freshness and semi-professionalism to further enhance the appeal of the course. The total cost for this project is \$984.00. Based on the application and assessment of eligibility the recommendation is to grant \$984.00.
5. **Nhill RSL Sub Branch** seeks funding of \$1,000.00 for flags and flag poles to honor servicemen and women at the Nhill Cemetery. The Australian flags would be displayed on ANZAC Day and Remembrance Day each year behind the graves of these veterans. These will be displayed in consultation of family members and the Nhill Cemetery trust. This display has been successful in other parts of the Wimmera and is believed it will benefit the Nhill Community with another reason to stop in Nhill. The total cost for this project is \$1,000.00 and based on the application and assessment of eligibility the recommendation is to grant \$1,000.00.
6. **Nhill Bowling Club Inc.** seeks funding of \$1,000.00 to assist in the purchase of a 3-piece Milwaukee combination kit consisting of a hammer drill, impact driver and angle grinder together with batteries and chargers. Currently the club does not own any of these items and relies on members to provide their own equipment to attend to maintenance tasks around the club and/or at working bees. The total cost for this equipment is \$1,078.00 and based on the application and assessment of eligibility the recommendation is to grant \$1,000.00.
7. **Dimboola Bowling Club** seeks funding of \$1,000.00 to support their purchase of a Super Bird XPellar Pro2. This is an electronic bird scaring device that takes full advantage of a bird's natural developed instinct to fly away from its natural predators. The Super Bird XPellar Pro emits a high definition, naturally recorded bird distress calls and predator cries – meaning birds are repelled and deterred in the most natural way. The club is seeking this equipment in order to ensure local birds do not continue to attack and destroy the synthetic greens at the club. The clubs green has suffered

significant damage and the advice from other bowling clubs is that this is a device which will deter said birds. The total cost for this equipment is \$1,700.00 and based on the application and assessment of eligibility the recommendation is to grant \$1,000.00.

8. Jeparit & District Bowling Club seeks funding of \$1,000.00 to purchase a laptop and printer. These items would improve and ease administrative duties of the Club Secretary, improve the collection and preservation of archival information, and ease communications between club members and the wider community. A laptop and printer would ensure the Bowling Club’s documents and financial information are held in one central location that can be accessed by any of the executive/board members. This will aide in ensuring appropriate information is stored, and can be provided to successive board members, and in the archival storage of documentation, digital copies of photos, etc. This will improve the resilience of the Club in ensuring ongoing success. The total cost for this equipment is \$1,125.00. Based on the application and eligibility the recommendation is to grant \$1,000.00.

9. Nhill & District Sporting Club seeks funding of \$447.00 for an additional iPad for their Square (EFTPOS) purchase system. Currently they are borrowing iPads from their members to use with the purchasing system. The Square application has been very successful this year for NDSC and has made life so much easier for their volunteers and treasurer as the system has helped keep track of sale amounts, reduce wastage, and most importantly reduce volunteer burnout. Another iPad will allow them to run Square in more locations successfully. The total cost for this equipment is \$447.00. Based on the application and eligibility the recommendation is to grant \$447.00.

Application summary:

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<i>Community Assistance - \$1000</i>			
Jeparit Heritage Walk	\$1,000.00	\$2,000.00	\$1,000.00
Nhill & District Historical Society Inc.	\$920.00	\$920.00	\$920.00
St. John’s Lutheran Church Jeparit	\$1,000.00	\$57,000.00	\$1,000.00
TOTAL	\$2,920.00	\$59,920.00	\$2,920.00
<i>Event Sponsorship - \$500</i>			
Dimboola Art Inc.	\$500.00	\$1,660.00	\$500.00
TOTAL	\$500.00	\$1,660.00	\$500.00
<i>Small Equipment - \$1,000</i>			
Country Fire Authority Nhill Brigade	\$1,060.91	\$1,167.00	\$1,000.00

Nhill Senior Citizens	\$300.00	\$300.00	\$300.00
Dimboola Basketball Association	\$1,000.00	\$1,400.00	\$1,000.00
Nhill Golf Club	\$984.00	\$984.00	\$984.00
Nhill RSL Sub Branch	\$1,000.00	\$1,000.00	\$1,000.00
Nhill Bowling Club Inc.	\$1,000.00	\$1,078.00	\$1,000.00
Dimboola Bowling Club	\$1,000.00	\$1,700.00	\$1,000.00
Jeparit & District Bowling Club	\$1,000.00	\$1,125.00	\$1,000.00
Nhill & District Sporting Club	\$447	\$447	\$447
TOTAL	\$7,791.91	\$9,201.00	\$7,731.00
FULL TOTAL	\$11,211.91	\$70,781.00	\$11,151.00

Options

Council can choose to support some or all, partly or in full, or none of the applications to Round One of the Hindmarsh Shire Council Community Action Grants 2023/2024.

Link to Council & Community Plans:

The Community Action Grants relate to Council’s Vision of “a caring, active community enhanced by its livability, environment and economy”.

Strategic Objectives:

Theme One - Our Community

- A community well informed and engaged
- Communities that feel safe and are resilient
- Provide arts and cultural activities that strengthen social connection
- A range of effective and accessible services to support the health and wellbeing of our community
- Support healthy living and provide services and activities for people of all ages and abilities.
- Assist our Community to recover from COVID-19
- Digital connectivity to support learning and work

Theme Two – Built and Natural Environment

- Well-maintained physical assets and infrastructure to meet community and organisational needs

Theme Three – Competitive and Innovative Economy

- Develop and promote local tourism opportunities that attract visitation

Financial Implications:

Council has allocated **\$20,000.00** to the Community Action Grants Program for the 2023/2024 financial year.

Conflict of Interest:

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

Officer Responsible – Monica Revell, Acting Chief Executive Officer

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

Author – Georgia Gelligen, Community Development and Youth Officer

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

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Risks are to be managed by the successful applicants.

Communications Strategy

Successful and unsuccessful applicants will be notified of Council’s decision by phone and via letter correspondence regarding application outcomes.

RECOMMENDATION:

That based on the eligibility and assessment criteria, Council approves the following funding allocations:

Community Assistance

1. ***A grant of \$1,000.00 – Jeparit Heritage Walk***
2. ***A grant of \$920.00 – Nhill & District Historical Society Inc.***
3. ***A grant of \$1,000.00 – St. John’s Lutheran Church Jeparit***

Event Sponsorship

1. ***A grant of \$500.00 – Dimboola Art Inc.***

Small Equipment

1. ***A grant of \$1,000.00 – Country Fire Authority Nhill Brigade***
2. ***A grant of \$300.00 – Nhill Senior Citizens***
3. ***A grant of \$1,000.00 – Dimboola Basketball Association***
4. ***A grant of \$984.00 – Nhill Golf Club***
5. ***A grant of \$1,000.00 – Nhill RSL Sub Branch***
6. ***A grant of \$1,000.00 – Nhill Bowling Club Inc.***
7. ***A grant of \$1,000.00 – Dimboola Bowling Club***

8. ***A grant of \$1,000.00 – Jeparit & District Bowling Club***
9. ***A grant of \$447.00 – Nhill & District Sporting Club***

TOTAL RECOMMENDED FUNDING ALLOCATED: \$11,151.00

MOVED: CRS R Ismay/D Nelson

That Council awards \$1,000.00 to the Jeparit Heritage Walk.

CARRIED

Cr B Ireland returned to the room at 4:00pm.

Cr W Bywaters declared a general conflict of interest and left the room at 4:00pm.

MOVED: CRS M Albrecht/R Ismay

That Council awards \$1,000.00 to the Country Fire Authority Nhill Brigade.

CARRIED

Cr W Bywaters returned to the room at 4:01pm.

Cr M Albrecht and R Gersch declared a general conflict of interest and left the room at 4:01pm.

MOVED: CRS R Ismay/W Bywaters

That Council awards \$447.00 to the Nhill and District Sporting Club.

CARRIED

Cr M Albrecht and R Gersch returned to the room at 4:03pm.

MOVED: CRS D Nelson/W Bywaters

That based on the eligibility and assessment criteria, Council approves the following funding allocations:

Community Assistance

- ***A grant of \$920.00 – Nhill & District Historical Society Inc.***
- ***A grant of \$1,000.00 – St. John's Lutheran Church Jeparit***

Event Sponsorship

- ***A grant of \$500.00 – Dimboola Art Inc.***

Small Equipment

- ***A grant of \$300.00 – Nhill Senior Citizens***
- ***A grant of \$1,000.00 – Dimboola Basketball Association***
- ***A grant of \$984.00 – Nhill Golf Club***
- ***A grant of \$1,000.00 – Nhill RSL Sub Branch***
- ***A grant of \$1,000.00 – Nhill Bowling Club Inc.***
- ***A grant of \$1,000.00 – Dimboola Bowling Club***
- ***A grant of \$1,000.00 – Jeparit & District Bowling Club***

CARRIED

Attachment Number: 7

Cr B Ireland declared a conflict of interest and left the room at 4:08pm.

**9.4 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM
2023/2024 ROUND ONE**

Responsible Officer: Acting Chief Executive Officer

Attachment Number: 8

Introduction:

This report seeks approval from Council to provide funding through Round 1 of the Business Assistance Grants 2023/2024 program to eligible businesses as outlined in the following report.

Discussion:

The Business Assistance Grants program (BAGs) was established in July 2016 to support local business to expand their operations or for new businesses, large and small, to establish themselves in the shire. It helps offset costs associated with expanding or establishing a business in Hindmarsh Shire.

This program addresses the ongoing need to attract new business and support existing business in towns across the shire and assists them in becoming more sustainable and viable.

Council has allocated \$20,000.00 towards the 2023/24 Business Assistance Grants program in the 2023/2024 Annual Budget.

Total funding of \$20,000.00 has been allocated to the program from the 2023/24 annual budget and is split into 2 categories:

- *Business Development (grants up to \$2,000.00)*
- *Streetscapes (grants up to \$3,000.00)*

Category	Number of Applicants	Funding Available	Total Amount Requested
Business Development	3	\$12,500.00*	\$4,400.00
Streetscapes	0		\$0.00
TOTAL	3		\$4,400.00

****Note: Funding has been reduced to \$12,500.00 as per the resolution passed at the Council meeting held Wednesday 27 September 2023 where Council allocated \$7,500.00 to Dimboola Ski Club from Business Assistance Grant funding allocation.***

Applications for this Round of the Business Assistance Grants Program closed at 5:00pm on Friday 29 September 2023. Three **(3)** applications were received for funding totalling **\$4,400.00**.

Applications must meet the following criteria in order to be eligible for a Business Assistance Grant:

All applications must:

- Have a registered ABN,
- Provide evidence that the business is currently operating in the Hindmarsh Shire (for businesses relocating to Hindmarsh provide evidence of premises relocating too),
- Demonstrate an economic benefit and value for money,
- The project will result in the creation and / or retention of employment,
- Demonstrate a financial viability of the business,
- Submit only one application per business/property owner,
- Obtain written consent from property/building owner for any structural alterations,
- Only be applying for one category per funding round, and
- Obtain all relevant permits from Council / other authorities as required.

Ineligible Applications

Applications by, or for, the following purposes will not be eligible for funding:

- General business operating expenses including salaries, wages, overheads, general business material expenses, rental costs, utility usage costs etc.,
- Legal and financial advice or market research,
- Applications made by small businesses that have outstanding amounts owing to Council (rates, permit payments etc.),
- Schools and their Parents and Friends organisations,
- Businesses owned/operated by Council staff or Councillors or relatives that prompt a perceived or actual conflict of interest,
- Projects that are clearly a duplication of an existing service,
- Retrospective funding (projects that have commenced or have been completed will not be funded),
- Businesses who have successfully obtained funding in the current or previous financial year

Assessment Criteria

Applications have been assessed against a set of Assessment Criteria:

Why? 30%	<ul style="list-style-type: none"> - Explain the demonstrated need for the project - How will the project improve the business operations and economic situation?
What? 30%	<ul style="list-style-type: none"> - Provide a brief summary of what you are going to do. - Complete and submit a Risk Assessment for the project - Provide detail on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.

How? 40%	<ul style="list-style-type: none">- Provide quotes/ information on specific item(s) that funds will be used to purchase.- Provide the organisations banking details and evidence that the organisation can complete the project on time and within budget.- Complete the budget and in-kind contribution templates- How will your projects success be measured? (including number of employment opportunities gained)- Provide a copy of a bank statement to demonstrate financial viability- If the property is leased or rented provide written consent from property owners for streetscape applications.
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Business Development: up to \$2,000.00 (business must match \$1: \$2 to grant)

This grant supports the establishment of new and innovative businesses that increase diversity of the Shire’s business community and provide the potential for local residents to start new businesses.

Applications:

There were three applications for Business Development in this round of Business Assistance Grants.

Applications:

1. **Tiny Goats and Co (Business Development)** seeks funding of \$1,800.00 to help towards the purchase of a portable disabled toilet for wheelchair access and for elderly people with mobility issues. The business attracts a lot of elderly and disabilities groups and would like to have all-ability facilities available. Some people with accessibility issues are not able to attend this new business because of a lack of facilities. Based on the application, the recommendation is to grant funding of \$1,800.00.

2. **Armand Von Benecke Engineering (Business Development)** seeks funding of \$600.00 to help towards the cost of undertaking a 5-day HSR OHS training course to improve knowledge of safety with regards to labour work. Based on the application, the recommendation is to grant funds of \$600.00.

3. **Deckert Group (Business Development)** seeks funding of \$2,000.00 towards the purchase of a new laptop to upgrade from a desktop computer allowing flexibility and allowing tasks to be completed offsite. Based on the application, the recommendation is to grant funds of \$2,000.00.

Streetscapes: up to \$3,000.00 (business must match \$1: \$2 to grant)

This grant is open to existing businesses to improve the exterior façade of their building (must have property owners’ approval)

Applications:

There were no applications for Streetscapes in this round of Business Assistance Grants.

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
Tiny Goats and Co	\$1,800.00	\$2,800.00	\$1,800.00
Armand Von Benecke Engineering	\$600.00	\$1,101.12	\$600.00
Deckert Group	\$2,000.00	\$2,679.00	\$2,000.00

Options:

Council can choose to support some or all, partly or in full, or none of the applications to the Hindmarsh Shire Council Business Assistance Grants 2023/2024

Successful applicants would be required to complete their projects and acquit the funds received by 30 June 2024.

Link to Council Plan: Facilitating and supporting economic development: Provide support to Hindmarsh businesses through buy local campaigns Council purchasing locally and promote business assistance grants.

Financial Implications:

Total funding available for 2023/24 Business Assistance Grants Round 2 is \$15,600.00. This is made up of the 2023/2024 budget allocation of \$20,000.00 for both round one and round two.

***Note: As per council meeting Wednesday 27 September 2023 Council allocated \$7,500.00 to Dimboola Ski Club from Business Assistance grant funding.**

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Each applicant has been requested to complete a project risk assessment as part of the application process.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Business Assistance Grants 2023/2024 program has been widely publicised through media releases, social media and Council’s website.

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.

Officer Responsible – Monica Revell, Acting Chief Executive Officer

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

Author – Jennie Hauselberger, Community Development and Project Officer.

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

Communications Strategy:

The Business Assistance Grants Program has been promoted through the following channels:

- Council's Facebook Page
- Council's website
- Media release distribution
- E-marketing to local businesses

Following Council's endorsement of the allocation of funding, further media releases and promotion of outcomes will be undertaken.

RECOMMENDATION:

That Council, based on the eligibility and assessment criteria, approves the following successful Round 1 Business Assistance Grants:

Business Development

- 1. \$1,800.00 to Tiny Goats and Co**
- 2. \$600.00 to Armand Von Benecke Engineering**
- 3. \$2,000.00 to Deckert Group**

TOTAL RECOMMENDED FUNDING ALLOCATED ROUND ONE: \$4,400.00

MOVED: CRS W Bywaters/D Nelson

That Council, based on the eligibility and assessment criteria, approves the following successful Round 1 Business Assistance Grants:

Business Development

- 1. \$1,800.00 to Tiny Goats and Co**
- 2. \$600.00 to Armand Von Benecke Engineering**
- 3. \$2,000.00 to Deckert Group**

TOTAL RECOMMENDED FUNDING ALLOCATED ROUND ONE: \$4,400.00

CARRIED

Attachment Number: 8

Cr B Ireland returned to the room at 4:12pm.

9.5 GOOD GOVERNANCE FRAMEWORK

Responsible Officer: Acting Director Corporate and Community Services

Attachment Number: 9

Introduction:

The purpose of this report is to present the draft Good Governance Framework, addressing some of the key governance requirements, standards, and best practices relevant to Local Government.

Discussion:

The draft Hindmarsh Shire Council Good Governance Framework has been developed in consultation with the Good Governance Framework developed by Wodonga City Council, the VLGA Good Governance Guide, and the findings and recommendations of the Commission of Inquiry report (the report) that was released by Victorian Local Government Minister Melissa Horne in Parliament in March 2023, regarding Moira Shire Council.

The report and its findings provide the framework by which other local governments can self-assess the systematic weaknesses, risks, controls, and actions that currently exist at all levels of an organisation. There are opportunities to assess and identify the actions required to strengthen risk management, ensure accountabilities are clear and set at the right levels, and that all levels of the organisation are united around common values and goals.

The Good Governance Framework is intended to be used as a resource to build a practical understanding and promote the value of good governance practices. The document covers the key policies, procedures, regulations, and legislation that guides Council's governance practices, but also provides a framework around Council culture, relationships, and the *purpose* of key governance practices in ensuring the effective functioning of the elected Council, maintaining community trust, and ethically managing public resources.

Options:

1. Council can choose to adopt the Good Governance Framework
2. Council can choose to not adopt the Good Governance Framework

Link to Council Plan:

Strong governance practices

Financial Implications:

NIL

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
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Governance	<p>The Good Governance Framework formalises Council’s commitment to functioning in compliance with the law, best practice governance principles and to acting at all times in the interests of the community. Setting expectations both around mandated governance responsibilities as well as culture and Councillor relationships enhances Council’s capacity to make decisions, work effectively as a group as well as with Executive Management and to undertake their responsibilities as elected officials.</p> <p>Managing the risks associated with non-compliance, Councillor conflict, and poor oversight of governance principles ensures that Council enables the fulfilment of its key objectives, maintains its reputation and continues to be able to deliver effective community projects and services.</p>
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Relevant legislation:

Local Government Act 2020

Local Government Act 1989

Community engagement:

As per Council’s Community Engagement Policy, consultation was not required for the Good Governance Framework.

Gender equality implications:

Gender impact assessments are required when the program, policy or service have a direct and significant impact on the community. The Good Governance Framework has impacts on Councillors but does not directly or significantly impact on the community.

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, Acting Director Corporate and Community Services

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

Communications Strategy:

The Good Governance Framework will be made available to Councillors via the Councillor SharePoint.

Next Steps:

As above.

RECOMMENDATION:

That Council adopts the Good Governance Framework.

MOVED: CRS R Ismay/M Albrecht

That Council adopts the Good Governance Framework.

CARRIED

Attachment Number: 9

**9.6 HINDMARSH SHIRE COUNCIL DRAFT ECONOMIC DEVELOPMENT STRATEGY
2024-2028**

Responsible Officer: Acting Chief Executive Officer
Attachment Number: 10

Introduction:






This report seeks endorsement for the Hindmarsh Shire Council draft Economic Development Strategy 2024-2028 to be made available to the public for consultation for the period between Thursday 26 October and Thursday 23 November 2023.

Discussion:

The draft Hindmarsh Shire Council Economic Development Strategy 2024-2028 (Strategy) has been prepared following consultation processes with the community in late March / early April 2023.

The draft Strategy has taken the current economic foundation of the shire into consideration using the themes of our people, employment and socio-economic wellbeing, housing, and economic output. The status of each of these themes is included in the draft Strategy.

The Strategy considers current estimates and sets targets to guide the communities through a period when the Shire is expected to have many emerging economic development opportunities; attract investment in industry sectors; participate in innovative housing development initiatives; deliver infrastructure to support and drive potential population growth; attract new investment and reinvestment in innovative and sustainable businesses; collaborate with regional activities; assist key towns to increase visitation and the economic impact of visitors; and cost-effectively resource Council’s involvement in local economic development and tourism with a small team and selective outsourcing.

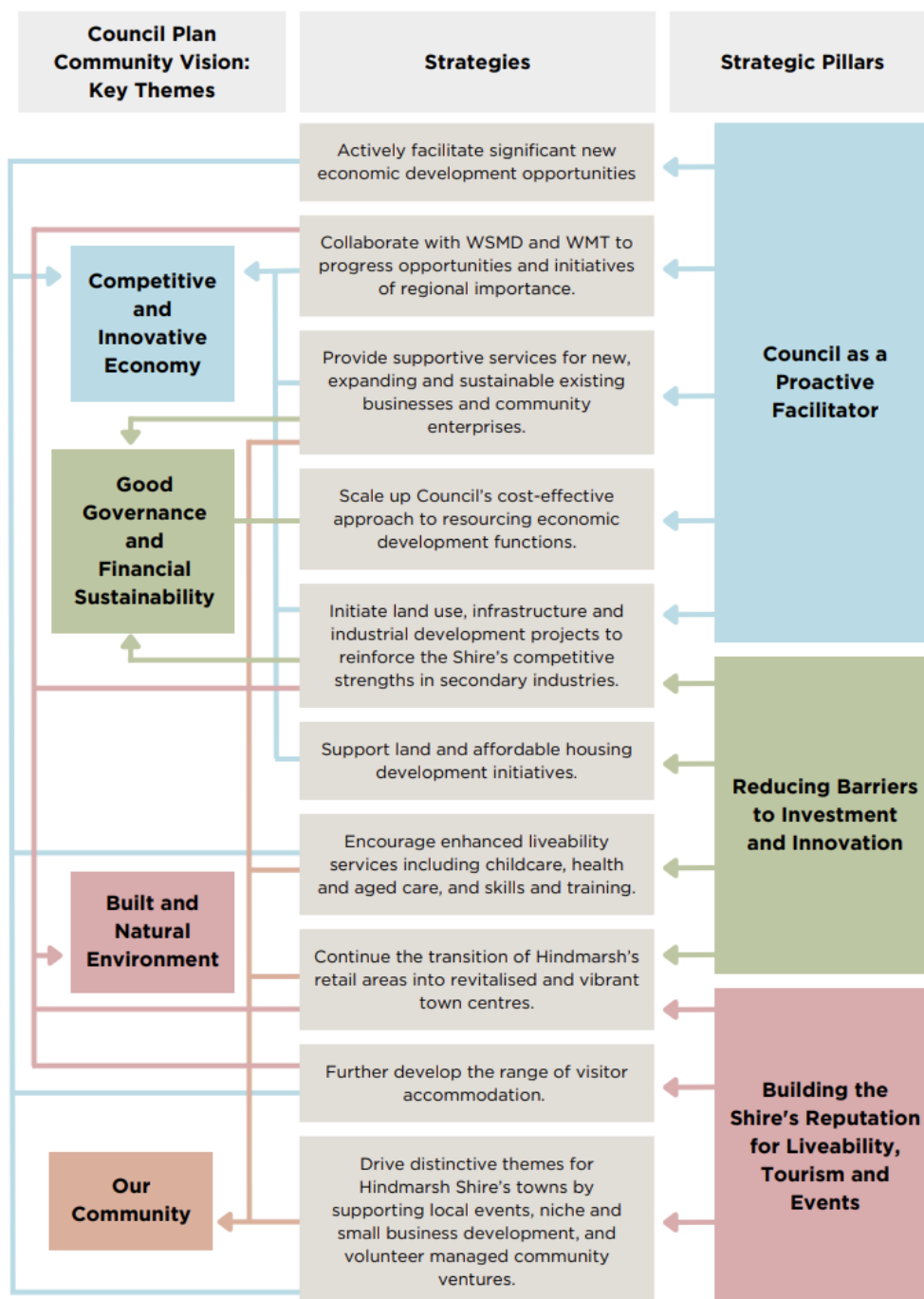
Current Estimates			Strategy Targets
Shire population	5,698		5,650 by 2036
Shire local jobs	2,233		2,300 by 2036
Dwelling stock	2,954		3,280 by 2036
Visitor economy	\$17.8 million		\$25.5 million by 2028
Total output	\$721.5 million		\$800 million by 2028

Three strategic pillars (as listed below) have been developed for the Strategy with each strategic pillar having multiple strategies and actions.

1. Council as a proactive facilitator;
2. Reducing Barriers to Investment in the local economy; and
3. Building the Shire’s Reputation for Lifestyle, Tourism and Events.

The Strategy contains 10 strategic directions and 40 actions with some actions crossing over into multiple strategic pillars.

Each strategic pillar and strategic direction have a direct correlation to the Key Themes detailed in the Council Plan Community Vision.



A key direction from the Strategy is that Council should act as a facilitator of economic development rather than the driver. This will require support in future annual budgets for appropriate funding of resources to carry out facilitation processes.

It is proposed to make the draft Strategy available for public consultation between Thursday 26 October and Thursday 23 November. Submissions received and the final version of the Strategy will be presented to the December 2023 Council meeting.

Options:

1. Council can choose to endorse the draft Economic Development Strategy 2024-2028 and make available for public consultation for the period Thursday 26 October to Thursday 23 November 2023; or
2. Council can choose to make amendments to the draft Economic Development Strategy 2024-2028 prior to making available for public consultation.

Link to Council Plan:

Facilitating and supporting economic development: Review and implement Council's Economic Development Strategy

Financial Implications:

Initiatives contained within the draft Economic Development Strategy 2024-2028 will be referred to Council's annual budget.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	The draft Economic Development Strategy provides initiatives for Council to implement to facilitate and promote economic development within Hindmarsh Shire, setting clear pillars for Council to focus on.

Relevant legislation:

Local Government Act 2020

Community engagement:

Community engagement was undertaken as part of the development of the draft Strategy. The report recommends a consultation period for the draft Economic Development Strategy 2024-2028, whereby the community will be able to provide feedback to Council regarding the draft Strategy.

Gender equality implications:

Gender impact assessments will be completed as part of the implementation of initiatives contained within the Strategy.

Conflict of Interest:

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

Author & Officer Responsible – Monica Revell, Acting Chief Executive Officer

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

Communications Strategy:

A copy of the draft Economic Development Strategy 2024-2028 will be placed on Council's website and advertised in local newspapers inviting public submissions.

Next Steps:

Submissions and the final version of the Strategy will be presented to Council in December 2023.

RECOMMENDATION:

That Council endorse the draft Economic Development Strategy 2024-2028 and make it available for public consultation between Thursday 26 October and Thursday 23 November 2023.

MOVED: CRS R Ismay/W Bywaters

That Council endorse the draft Economic Development Strategy 2024-2028 and make it available for public consultation between Thursday 26 October and Thursday 23 November 2023.

CARRIED

Attachment Number: 10

9.7 HINDMARSH SHIRE SWIMMING POOLS 2023/2024 SEASON

Responsible Officer: Acting Director Infrastructure Services

Introduction:

This report provides Council with an update on the Dimboola, Jeparit, Nhill and Rainbow Swimming Pools and recommends Council provides funding of \$20,000 to the YMCA for additional chemicals. The report also recommends Council refer to the 2024/2024 annual budget \$330,000 to purchase required chemical dosing machines and chemical controllers, and re-seal and re-paint the pools.

Discussion:

Council awarded the tender for the management of Hindmarsh Shire Swimming Pools to YMCA for a period of three years with the option of two x one-year extensions. The 2023/2024 swimming season is year three of the contract.

Officers have been working closely with YMCA in the lead up to the swimming season, and to work through issues with the ageing infrastructure at each of the swimming pools in the aim of ensuring a smooth season with little to no disruptions to opening days.

Recent upgrades to our facilities include disability lifters at Rainbow and Dimboola, Procal units at Dimboola and Nhill, and new filters at Nhill. These upgrades were part of the 2022/2023 swimming pool upgrades allocated from Phase 3 of the Local Roads & Community Infrastructure Program (LRCIP). Still outstanding from this package is the Nhill Solar heating. Officers have been in regular contact with the Department of Education to obtain the necessary agreement to allow installation of the solar heating. Council is currently waiting on a joint user agreement between Council and Nhill College to be drawn up by the education department. Officers are contacting the Department of Education on a regular basis to try and move this along.

In March 2023 council officers engaged Lacus Consulting, Aquatic Engineers specialising in swimming pools, to provide council with a report on each pool outlining structural, operational plant, equipment, and OH&S issues.

Each swimming pool has different issues, but all relate to ageing infrastructure, and changes to the Work Health and Safety (WHS) Act for swimming pools across all four pools.

The four reports recommend changing the chemical control systems which currently does not comply with current Department of Health requirements for commercial swimming pools. Rainbow & Jeparit pools are recommended to have Procal Units installed (dry/powdered chlorine), which we had installed in Nhill & Dimboola already as part of the 2022/2023 pool upgrades package. Installing these units will also eliminate the use of liquid chlorine being

delivered to the pools and eliminate the need for bunding for delivery trucks & also bunding for the storage of the liquid.

Dimboola, Jeparit, & Rainbow need further investigation works undertaken on the filter system to ensure they are meeting current standards. Nhill filters were replaced as part of the 2022/2023 swimming pool upgrade package.

Dimboola, Jeparit, & Rainbow pools are all due for re-sealing of the main seals & re-painting before the 2024/2025 pool season which will cost approximately \$200,000. Re-sealing the pools will help reduce water leaks from the pools.

During the 2023/2024 season all four pools will require additional chemicals and additional testing due to the changes in WHS regulations and the issue council has with the chemical controlling system not complying with the DHHS requirements. The additional costs for purchasing chemicals will be approximately \$20,000.

Options:

1. Provide the contractor additional funding of \$20,000 on top of the original tender price to allow them to add the required chemicals and to do further testing to make the swimming pools are safe to swim in for the 2023/2024 season, and refer to the 2024/2025 annual budget capital expenditure of \$130,000 for the Procal units at Rainbow & Jeparit and also the new automatic chemical control systems for each of the four pools, and \$200,000 for re-sealing and re-painting Dimboola, Jeparit & Rainbow swimming pools.
2. Do not provide additional funding of \$20,000 to the contractor for required chemicals, or refer funding to the 2024/2025 annual budget for capital expenditure, re-sealing and re-painting of the swimming pools noting that this may result in increased swimming pool closures during the season.

Link to Council Plan:

Promote Hindmarsh as a tourism destination to stop, play and stay.

Support and host youth events that are accessible to all Hindmarsh Shire youth.

Financial Implications:

2023/24 financial year- extra \$20,000 to be used to provide assistance in keeping our four pools open and in a safe condition for swimmers.

2024/25 financial year- \$330,000 in capital upgrades to provide required chemical dosing machines, chemical controllers, re sealing & re painting pools.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Our four communities have always had and continue to have needs to provide a safe swimming area for children to learn

	to swim. Community groups and schools use these facilities throughout the summer period.
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Relevant legislation:

Local Government Act 2020

Community engagement:

The community provide regular feedback to Council regarding pool closures and poor management of the swimming pools.

Gender equality implications:

No gender impact assessment is required on this decision.

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate & Community Services

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

Author – Michael Henderson, Acting Director Infrastructure Services

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

Communications Strategy:

Council will communicate the opening of the swimming pools through Council’s newsletter and social media platforms.

Next Steps:

The decision will be communicated to the swimming pool contractor.

RECOMMENDATION:

That Council:

- 1. Provide the contractor additional funding of \$20,000 on top of the original tender price to allow them to add the required chemicals and to do further testing to make the swimming pools are safe to swim in for the 2023/2024 season; and***
- 2. refer to the 2024/2025 annual budget capital expenditure of \$130,000 for the Procal units at Rainbow & Jeparit and also the new automatic chemical control systems for each of the four pools, and \$200,000 for re-sealing and re-painting Dimboola, Jeparit & Rainbow swimming pools.***

MOVED: CRS R Ismay/D Nelson

That Council:

- 1. Provide the contractor additional funding of \$20,000 on top of the original tender price to allow them to add the required chemicals and to do further testing to make the swimming pools are safe to swim in for the 2023/2024 season; and**
- 2. refer to the 2024/2025 annual budget capital expenditure of \$130,000 for the Procal units at Rainbow & Jeparit and also the new automatic chemical control systems for each of the four pools, and \$200,000 for re-sealing and re-painting of Dimboola, Jeparit & Rainbow swimming pools.**

CARRIED

10 COUNCIL COMMITTEES

10.1 AUDIT AND RISK ADVISORY COMMITTEE CHAIR'S REPORT

Responsible Officer: Acting Chief Executive Officer

Introduction:

This report provides Council and the Chief Executive Officer an update of the activities of the Hindmarsh Shire Council Audit & Risk Committee since March 2023 to meet legislative requirements under the *Local Government Act 2020 (Act)*.

Discussion:

The Hindmarsh Shire Council Audit and Risk Committee Charter provides that the Chair will prepare a biannual audit and risk report. The Charter also provides that this report will be tabled at the next Council meeting by the Chief Executive Officer and that the Chair may present the report to Councillors at that meeting if desired. The activities and recommendations of the committee are described in the minutes of each meeting, and these are tabled at council meetings.

The Audit and Risk Committee is established in accordance with s53 and 54 of the Act. The committee is an independent advisory committee and assists to strengthen Council to ensure Council's commitment to good governance, public transparency, and accountability.

Audit And Risk Committee Charter

The Charter outlines the Scope of Authority, Composition and Responsibilities of the Committee. The Charter was last reviewed in 2020.

Committee Membership

There are six members – two councillors and four external, independent members. The committee was established by Council resolution on 15 July 2020 for the term up until 1 November 2024.

The four independent members are:

Ashley Roberts (Chair), Darren Welsh, Simon Coutts, and Aaron Cordy. The Committee thanks Darren Welsh who served as interim Chair for two meetings.

Cr Debra Nelson and Cr Brett Ireland are the councillors who have served on the Committee during this reporting period.

The Committee has met three times during this period on 8 March, 14 June (which included the draft budget papers), and on 21 September (which included the annual accounts review and certification).

Audit Functions

The Committee continues to assist the Council in addressing financial, strategic, and operational risks and ensuring that the Council maintains a reliable system of internal controls.

Governance

To ensure accountability, compliance, and transparency, in addition to this biannual report, the minutes of each Committee meeting are presented to the next available Ordinary Council meeting.

External Auditors

In accordance with the Local Government Act 2020, the Victorian Auditor General (VAGO) appoints Council's Auditor. Crowe Australasia have been appointed by VAGO to audit Council, with Mr Martin Thompson as the designated partner leading the audit for 2022/2023.

Budget Meeting

The Audit and Risk Committee met on 14 June 2023 to consider the 2023/2024 Budget and associated Asset and Financial Plans, and Action Plans. The Committee endorsed the draft budget and commended the work of staff in preparing the budget.

Hindmarsh Shire Annual Accounts

At its meeting held 20 September 2023, the Committee received the Victorian Auditor General's agent's Closing Report on the 2022/2023 Financial Report and Performance Statements of the Hindmarsh Shire Council.

The Closing Report indicated that no adjustments or unadjusted differences were identified, concluding that the financial and performance reports were presented fairly. Council staff are to be commended for the producing such a quality outcome.

Internal Auditors

Hindmarsh Shire Council continues to engage RSD Audit Bendigo as its Internal Auditors. The Committee receives a regular Internal Audit Committee Update Report which provides not only a progress report on the Hindmarsh internal audit program but also a very useful summary of recent reports from public bodies.

The Audit Program is regularly reviewed to ensure that it remains current to the needs of the Council.

During the 2023 to date internal audits around Scoping of Capital Works Projects and Records Management (PROV Compliance) have been delivered, with Environmental Health internal audit scoped and anticipated to be completed before the end of the year. The Committee continues to monitor progress regarding recommendations from these audits.

Management Reports

In addition to the External and Internal audit functions of the Committee, to meet its advisory functions, the Committee also receives regular management reports at each meeting which included the following at the September meeting:

- A Strategic Risk report, including:
 - o Strategic Risk Register and treatments
 - o Strategic Risk Management Work Plan
 - o Draft Business Continuity Plan
 - o Technology Risk
- Governance Compliance – outlining progress against legislative compliance required under the Local Government Act 2020.
- Incident and Hazard Report – outlining incidents, Hazards and near misses
- Rural Councils Transformation Program – an update on the implementation of the Rural Councils Transformation Program

Audit And Risk Committee Self-Assessment

At its September 2023 meeting the Committee received the outcomes of its Annual Self-Assessment. The Committee identified that a report outlining the skills matrix of the Committee would be beneficial for identifying and mapping further development opportunities.

Conclusion

The work of the Audit and Risk Committee in this reporting period has been greatly assisted by the diligence, professionalism and contribution of Councillors and Officers.

Options:

This report is for noting.

Link to Council Plan:

Strong governance practices.

Long-term financial sustainability.

Ensure responsible risk management principles.

Financial Implications:

As part of the annual budget Council allocates funding for sitting fees for independent members.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Council's Audit & Risk Committee oversees Council's adherence to the Local Government Act 2020 and associated regulations and risk management practices.

Relevant legislation:

Local Government Act 2020

Community engagement:

N/A

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.

Officer Responsible – Monica Revell, Director Corporate & Community Services

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

Author – Ashley Roberts, Chair Hindmarsh Shire Council Audit & Risk Committee

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

Communications Strategy:

N/A

Next Steps:

N/A

RECOMMENDATION:

That Council receives the Hindmarsh Shire Council Audit & Risk Committee chair's report.

MOVED: CRS R Gersch/D Nelson

That Council receives the Hindmarsh Shire Council Audit & Risk Committee chair's report.

CARRIED

10.2 ADVISORY COMMITTEES

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 11 – 14

Introduction:

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

- **Jeparit Township Advisory Committee:**
General meetings on 11 September 2023 and 9 October 2023. *See attachments 11 – 12.*
- **Rainbow Township Advisory Committee:**
Annual general meeting on 18 September 2023 and general meeting on 18 September 2023. *See attachments 13 – 14.*

The purpose of this report is to note the minutes from these meetings and endorse the Rainbow Township Advisory Committees elected Office Bearers. A copy of the minutes are included as attachments for the information of Council.

RECOMMENDATION:

That Council:

1. ***notes the minutes of the Jeparit Township Advisory Committee general meetings held on 11 September 2023 and 9 October 2023;***
2. ***notes the minutes of the Rainbow Township Advisory Committee Annual General Meeting and General Meeting held on 18 September 2023;***
3. ***endorses the following office bearers for the Rainbow Township Advisory Committee:***
 - ***Chairperson – Greg Roberts***
 - ***Secretary – Colleen Petschel***
 - ***Deputy Chairperson – Graham Nuske; and***
4. ***notes the following committee members for the Rainbow Township Advisory Committee:***
 - ***Allira Roberts***
 - ***Norelle Eckermann***
 - ***Belinda Eckermann***
 - ***Roger Aitken***

MOVED: CRS R Ismay/M Albrecht

That Council:

1. ***notes the minutes of the Jeparit Township Advisory Committee general meetings***

held on 11 September 2023 and 9 October 2023;

2. *notes the minutes of the Rainbow Township Advisory Committee Annual General Meeting and General Meeting held on 18 September 2023;*
3. *endorses the following office bearers for the Rainbow Township Advisory Committee:*
 - *Chairperson – Greg Roberts*
 - *Secretary – Colleen Petschel*
 - *Deputy Chairperson – Graham Nuske; and*
4. *notes the following committee members for the Rainbow Township Advisory Committee:*
 - *Allira Roberts*
 - *Norelle Eckermann*
 - *Belinda Eckermann*
 - *Roger Aitken*

CARRIED

Attachment Numbers: 11 – 14

10.3 COMMUNITY ASSET COMMITTEES

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 15 – 16

Introduction:

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

- **Wimmera Mallee Pioneer Museum Community Asset Committee:**
General meeting on 15 August 2023. *See attachment 15.*
- **Yurunga Homestead Community Asset Committee:**
General meeting on 24 August 2023. *See attachment 16.*

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 of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 15 August 2023; and***
2. ***notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 24 August 2023.***

MOVED: CRS M Albrecht/R Ismay

That Council:

1. ***notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 15 August 2023; and***
2. ***notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 24 August 2023.***

CARRIED

Attachment Numbers: 15 – 16

11 LATE REPORTS

11.1 S6 INSTRUMENT OF DELEGATION

Responsible Officer: Acting Director Corporate and Community Services

Attachment Number: 19

Introduction:

This report seeks adoption of an updated S6 Delegation from Council to Council Staff.

Discussion:

S6 Instrument of Delegation

The S6 Instrument of Delegation from Council to members of Council staff (**Attachment 19**) relates to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), that contain a specific power of delegation. This Instrument was last reviewed in May 2023, and due to vacancies in key employee positions, Council staff have conducted a review.

Changes made to the S6 Instrument of Delegation include:

- updated delegations to particular staff to reflect current roles and responsibilities and to ensure that there is a secondary delegate for all functions and responsibilities.

The current Instrument was adopted by resolution of Council on 31 May 2023.

Options:

Council can:

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

Link to Council Plan:

Strong governance practices

Financial Implications:

NIL

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Organisational Culture and Capability	Failure to update the Instruments of Delegation on a regular basis to accommodate required changes to legislation, organisational structure and position title changes may
Governance	

	<p>result in operational inefficiency and lead to decisions becoming invalid. The delegations have been reviewed by the Manager Governance and Human Services in consultation with implicated staff to ensure that all parties are cognisant of the responsibilities and obligations prescribed within the Instruments.</p> <p>The use of these documents ensures Council has compliant appointments, authorisations and delegations to relevant Council staff in place that meet the requirements of the Acts and regulations contained therein.</p>
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Relevant legislation:

Local Government Act 2020

Local Government Act 1989

Planning and Environment Act 1987

Environmental Protection Act 2017

Cemeteries and Crematoria Act 2003

Domestic Animals Act 1994

Food Act 1984

Heritage Act 2017

Local Government Act 1989

Planning and Environment Act 1987

Residential Tenancies Act 1997

Road Management Act 2004

Cemeteries and Crematoria Regulations 2015

Planning and Environment Regulations 2015

Planning and Environment (Fees) Regulations 2016

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

Road Management (General) Regulations 2016

Road Management (Works and Infrastructure) Regulations 2015

Gender equality implications:

No gender impact assessment was required as the amendments to this Instrument of Delegation has no direct and significant impact on the public.

Conflict of Interest:

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

Officer Responsible – Monica Revell, Acting Chief Executive Officer

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

Author – Petra Croot, Manager Governance and Human Services

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

Communications Strategy:

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

RECOMMENDATION:

In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation from Council to Council Staff, Council resolves that –

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

MOVED: CRS R Gersch/M Albrecht

In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation from Council to Council Staff, Council resolves that –

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument.***

- 2. *The S6 Instrument of Delegation from Council to Council Staff come into force immediately upon the resolution being passed and being signed by the Chief Executive Officer;***
- 3. *On the coming into force of the Instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) pertaining to the same legislated powers, duties and functions are revoked.***
- 4. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

CARRIED

Attachment Number: 19

12 NOTICES OF MOTION

No notices of motions.

13 OTHER BUSINESS

No other business.

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the

Local Government Act 1989

RECOMMENDATION:

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

- 14.1 QUOTATION AWARD FOR PURCHASE OF ONE (1) ROAD PATCHING TRUCK – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 14.2 QUOTATION AWARD FOR PURCHASE OF TWO (2) WATER TRUCKS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and**
- 14.3 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to CEO employment matters.**

MOVED: CRS M Albrecht/W Bywaters

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

- 14.1 QUOTATION AWARD FOR PURCHASE OF ONE (1) ROAD PATCHING TRUCK – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 14.2 QUOTATION AWARD FOR PURCHASE OF TWO (2) WATER TRUCKS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and**
- 14.3 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to CEO employment matters.**

CARRIED

15 LATE CONFIDENTIAL REPORTS

16 RESUMING INTO PUBLIC SESSION

17 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 5:27pm.
