



15 November 2023

## AGENDA

### Notice of Ordinary Council Meeting

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**Date:** Wednesday 22 November 2023

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

**Venue:** Council Chamber  
92 Nelson Street, Nhill

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

**Officers:** Monica Revell – Acting Chief Executive Officer  
Petra Croot – Acting Director Corporate & Community Services  
Daniel Griffiths – 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](https://www.facebook.com/hindmarshshirecouncil)

## **Live Streaming Statement**

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

Members of the public attending this meeting may be filmed.

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

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

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

### ***Acknowledgement of the Indigenous Community***

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

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

### ***Live Streaming Statement***

*This meeting is being broadcast on the internet and the recording of the meeting will be published on Council's Facebook Page.*

*As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.*

*A copy of the Council's Live Streaming and Recording of Council Meetings Policy is available at the back of this room and on the Council's website. Please speak with one of our staff members if you have any questions.*

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## 2 APOLOGIES

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## 3 DECLARATION OF INTERESTS

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict is **general** or **material**; and
- the circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 25 October 2023 at the Nhill Memorial Community Centre, and the Minutes of the Annual Statutory Meeting held on Wednesday 8 November 2023 at the Nhill Council Chambers as circulated to Councillors be taken as read and confirmed.***

*Attachment Numbers: 1 – 2*

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**5 PUBLIC QUESTION AND SUBMISSION TIME**

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au) or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-amble. Offensive, trivial and repetitive questions, questions which have been recently answered, or questions that may contain defamatory comments, may be excluded at the discretion of the Mayor.

The question must be accompanied by a name and the locality where the questioner resides or works, which will be read out at the meeting. By submitting a question, the questioner gives consent to this information being read out in public. Anonymous questions will not be answered.

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**6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: 17 October – 13 November 2023**

**6.1 CR IRELAND, MAYOR**

<b>Date</b>	<b>Meeting/Event</b>	<b>Location</b>	<b>Comments</b>
17/10/2023	Wimmera Mallee Pioneer Museum AGM		Disappointing that we could not find anybody to fill the office bearing positions. We will try again next month.
18/10/2023	Meeting with the CEO	Nhill	Regarding the upcoming agenda.
21/10/2023	Jeparit Reconnect Weekend		BBQ in Menzies Square for breakfast.
21/10/2023	Attended the Dimboola Show		
22/10/2023	Guest judge and presenter at the Jeparit Car Show and followed up by attending A&P Society Show		Congratulations to everybody who put the show together and all the entrants in the various categories of food, craft, art etc.
23/10/2023	Rainbow Town meeting with Rainbow Progress Association to explore joint incorporation.		
25/10/2023	Council Briefing		
25/10/2023	Council Meeting		
26/10/2023	Yurunga Homestead Meeting		
27/10/2023	Mayor Matters Column to media		
31/10/2023	Australian Citizenship Ceremony	Council Chambers, Nhill	Always very enjoyable to welcome formally new citizens, to see the joy on their faces to what is an important step for them is very rewarding.
31/10/2023	Submit Mayors Annual Report to Council		
01/11/2023	Invited to Rotary Nhill dinner at the Union hotel along with other rotary dignities		



04/11/2023	Spoke and awarded certificate at Joyce Borgelt's 100th birthday in Nhill		A huge turnout for afternoon tea and was a great day.
08/11/2023	Statutory Meeting	Nhill	
09/11/2023	Submit draft editorial for council indigenous Reconciliation Plan		
12/11/2023	Submit written councillors report to JTAC due to clash with their meeting on the same night		To be presented by council staff delegate.
13/11/2023	Guest chair at the Nhill sporting club AGM		

## 6.2 CR BYWATERS, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
19/10/2023	Nhill Show		
21/10/2023	Dimboola Show		
25/10/2023	Council briefing meeting and Council Meeting		
28/10/2023	Rainbow Twilight market	Oasis, Rainbow	
28/10/2023	Piggery Lane players; Sherlock Holmes and the mystery of the pantomime	Nhill Memorial Community Centre	
30/10/2023	Nhill Town Committee AGM and general meeting	Senior Citizens Building, Nhill	
01/11/2023	Wimmera Multicultural Youth paddleboard event	Wimmera River, Horsham	I drove the youth in Council's community bus to Horsham.
07/11/2023	Homework Club	The Patch, Nhill	
07/11/2023	Hindmarsh Landcare general meeting and dinner	Dimboola Hotel	
08/11/2023	Hindmarsh statutory	Hindmarsh	

	briefing, and statutory meeting	Council Chambers, Nhill	
09/11/2023	Oaks Day	Jeparit	
13/11/2023	Dimboola Progress Association meeting	Dimboola Library	

### 6.3 CR GERSCH

Date	Meeting/Event	Location	Comments
17/10/2023	Meeting with acting CEO		
19/10/2023	Nhill A&P agricultural show		
22/10/2023	OAM dinner at Horsham		
25/10/2023	Council meeting		
26/10/2023	West ward councillors meeting with public		
31/10/2023	Citizenship at Nhill		
01/11/2023	Guest at Nhill Rotary club meeting		
08/11/2023	Statutory meeting briefing		
08/11/2023	Statutory meeting		
09/11/2023	Inspect Nhill swimming pool		
09/11/2023	Inspect works at Nhill community centre		
11/11/2023	Attend Remembrance Day service at Nhill		
13/11/2023	Nhill sporting club AGM		

### 6.4 CR ALBRECHT

Date	Meeting/Event	Location	Comments
19/11/2023	Nhill A&P Inc 137 <sup>th</sup> Nhill Annual Show	Nhill	Congratulations to the amazing Nhill Show committee that organised another spectacular event.
25/11/2023	Hindmarsh Shire Council briefing meeting	Nhill	
25/11/2023	Hindmarsh Shire	Nhill	

	Council Meeting		
26/11/2023	West Ward Councillor Meet and Greet	Nhill	
30/11/2023	Wimmera Southern Mallee Development Board Meeting	Online	
30/11/2023	Nhill Township Advisory Committee Annual General Meeting	Nhill	Congratulations to the new executive of the Nhill Town Committee and thank you for accepting the roles. I look forward to an exciting year ahead for the Committee.
30/11/2023	Nhill Township Advisory Committee Meeting	Nhill	
08/11/2023	Hindmarsh Council Briefing Meeting	Nhill	
08/11/2023	Hindmarsh Council Statutory Meeting	Nhill	
11/11/2023	Remembrance Day Ceremony	Dimboola	

#### 6.5 CR NELSON

Date	Meeting/Event	Location	Comments
17/10/2023	Mates mentoring	DMSC	
25/10/2023	Council briefing	Nhill	
25/10/2023	Council meeting	Nhill	
31/10/2023	Mates mentoring	DMSC	
01/11/2023	Dimboola and District Historical Society AGM		
02/11/2023	Lion's Club re container deposit scheme		
04/11/2023	Meeting with new part owner Kiata Hotel		
08/11/2023	Stat meeting		
11/11/2023	Remembrance Day service		
11/11/2023	Dimboola Rowing Regatta		
12/11/2023	Town garage sales		

**6.6 CR ISMAY**

Date	Meeting/Event	Location	Comments
17/10/2023	Open the Rainbow Show		
18/10/2023	Chair election of office bearers Rainbow Landcare Committee		
25/10/2023	Council Briefing Meeting	Nhill	
25/10/2023	Council Meeting	Nhill	
27/10/2023	RREC working group meeting		Re Catering and Toilet Block.
08/11/2023	Pre statutory meeting	Nhill	
08/11/2023	Statutory meeting	Nhill	
13/11/2023	Meeting with Wayne Street Re Brewery		

## 7 CORRESPONDENCE

### 7.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Numbers:** 3 – 8

**Introduction:**

The following correspondence is attached for noting by Council.

**Outwards:**

- 2023/10/27 – Letter to Dimboola & District Historical Society RE Dimboola Senior Citizens Centre Submission
- 2023/10/27 – Letter to Dimboola Progress Association RE Dimboola Senior Citizens Centre Submission
- 2023/10/27 – Letter to Ilse Aschenbrenner RE Dimboola Senior Citizens Centre Submission
- 2023/10/27 – Letter to Jan John RE Dimboola Senior Citizens Centre Submission
- 2023/10/27 – Letter to Leigh Corbett RE Dimboola Senior Citizens Centre Submission
- 2023/10/27 – Letter to Tony Schneider RE Dimboola Senior Citizens Centre Submission

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

*Attachment Numbers: 3 – 8*

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**8 PLANNING PERMITS**

No planning permit reports.

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## 9 REPORTS REQUIRING A DECISION

### 9.1 GOVERNANCE UPDATES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Number:** 9

**Introduction:**

This report seeks adoption of the **Councillor Interaction with Staff Policy**.

**Discussion:**

This policy sets out and provides clarity around the arrangements for interaction with Councillors and employees of Hindmarsh Shire Council in accordance with the *Local Government Act 2020* (the Act). A cooperative and supportive relationship between Councillors and Council staff ensures effective governance and decision-making.

The Councillor Interaction with Staff Policy has been updated in line with best practice policies endorsed by the Local Government Inspectorate and to better enable efficient and appropriate communication between relevant Council staff and Councillors. Changes include:

- Expanding the contact matrix to include IT Administrator and Manager Governance and Human Services; and
- Addition of provisions relating to mail received by Council staff that is directed at or addressed to Councillors but is operational in nature.

**Options:**

1. Council can choose to adopt the policy.
2. Council can choose to amend the policy prior to adoption; or
3. Council can choose to not adopt the policy.

**Link to Council Plan:**

Strong governance practices

A community well informed and engaged

**Financial Implications:**

NIL

**Risk Management Implications:**

Strategic Description	Risk	Risk Management Discussion
Governance		This policy is a requirement under the <i>Local Government Act 2020</i> and provides the framework through which Councillors can fulfil their conduct obligations (in terms of improper

	influence or direction), whilst maintaining the communication pathways that enable them to gain timely, accurate and appropriate information.
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**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

N/A

**Gender equality implications:**

Gender impact assessments are required when the program, policy or service have a direct and significant impact on the community. This policy does not have a direct and significant impact on the Community as it relates to Councillor conduct in their interactions with staff.

**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, Acting Director Corporate and Community Services

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

**Communications Strategy:**

All Council policies are made available on Council’s website, in hardcopy on request and will be circulated to staff and Councillors via email and the Councillor SharePoint.

**Next Steps:**

The policy will be circulated as per the communications strategy. New staff included in the contact matrix will be advised of this change in process and given appropriate training relating to Councillor/Staff interaction.

**RECOMMENDATION:**

***That Council adopts the updated Councillor Interaction with Staff Policy.***

*Attachment Number: 9*



## 9.2 DOMESTIC ANIMAL MANAGEMENT PLAN REVIEW

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

**Attachment Numbers:** 10 – 11

### Introduction:

Council is required to review the Domestic Animal Management Plan on an annual basis and report on the performance measures against the identified actions in the current plan.

### Discussion:

Under Section 68A of the *Domestic Animals Act 1994*, every Council in Victoria must prepare a Domestic Animal Management Plan every four years.

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

Council is required to review the plan annually and publish a review on the performance measures against the actions under Section 68A(3) of the *Domestic Animal Act 1994*. The list of activities in the current Plan and achievement to date has been updated and provided as an attachment. Minor editorial changes have been made to the plan to update the number the statistics that are generated annually.

### Link to Council Plan:

Strong governance practices

### Financial Implications:

N/A

### Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Updating the DAMP ensures that animals within Hindmarsh Shire Council are managed appropriately for the safety and amenity of our towns. Domestic animals add value to community life, and Council plays an important role, through the DAMP in protecting the welfare of animals and balancing the right to own pets with the safety, peace and good order of the community.
Governance	Reviewing the DAMP ensures that Council meets its legislative compliance requirement under the <i>Domestic Animals Act 1994</i> .

**Relevant legislation:**

*Domestic Animals Act 1994*

**Gender equality implications:**

A Gender Impact Assessment was completed on this review as per the *Gender Equality Act 2020*, with actions recommending the investigation of collecting data on gender as it relates to domestic animal management (registration/ownership, prosecutions, nuisance animals and dog attacks).

**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 – Petra Croot, Acting Director Corporate and Community Services

In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report at the time of writing.

**Communications Strategy:**

The reviewed plan will be provided to relevant staff, as well as submitted to Agriculture Victoria (Animal Welfare Victoria) for review. The amended Domestic Animal Management Plan 2021-2025 will be published on Council's website, available for public access at Council offices and notice of its review and amendment will be published in Council's newsletter, e-news and on the Hindmarsh Shire Council Facebook page.

**Next Steps:**

The DAMP will continue to be implemented.

**RECOMMENDATION:**

***That having reviewed the Domestic Animal Management Plan 2021-2025, receives the detailed outcomes achieved during 2022/23 and note the minor editorial changes.***

*Attachment Numbers: 10 – 11*

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### 9.3 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2023

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Number:** 12

**Introduction:**

The Financial Report for the first quarter of the 2023/2024 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

**RECOMMENDATION:**

***That Council notes the Financial Report for the period ending 30 September 2023 as presented.***

*Attachment Number: 12*

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## 10 COUNCIL COMMITTEES

### 10.1 ADVISORY COMMITTEES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Number:** 13

#### **Introduction:**

The following Hindmarsh Shire Council Advisory Committee held a meeting on the following date:

- **Nhill Township Advisory Committee:**  
Annual general meeting on 30 October 2023. *See attachment 13.*

The purpose of this report is to note the minutes from this meeting and endorse the Nhill Township Advisory Committees elected Office Bearers. A copy of the minutes is included as an attachment for the information of Council.

#### **RECOMMENDATION:**

##### ***That Council:***

1. ***notes the minutes of the Nhill Township Advisory Committee Annual General Meeting held on 30 October 2023;***
2. ***endorses the following office bearers for the Nhill Township Advisory Committee:***
  - ***Chairperson – Pauline McCracken***
  - ***Secretary – Ross Barker***
  - ***Vice Chairperson – Heather Dufty; and***
3. ***notes the following committee members for the Nhill Township Advisory Committee:***
  - ***Helen Woodhouse-Herrick***
  - ***Rhys Webb***
  - ***Soleil Arbola Dura***
  - ***Tina Balter***
  - ***Alison Dahlenburg***
  - ***Michael Hyde***

*Attachment Number: 13*

## 10.2 COMMUNITY ASSET COMMITTEES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Numbers:** 14 – 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 19 September 2023 and Annual General Meeting on 17 October 2023. *See attachments 14 – 15.*
- **Yurunga Homestead Community Asset Committee:**  
General meeting on 21 September 2023. *See attachment 16.*

The purpose of this report is to note the minutes from these meetings and endorse the temporary officer bearers for the Wimmera Mallee Pioneer Museum. A copy of all the minutes 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 19 September 2023 and Annual General Meeting held on 17 October 2023;***
2. ***endorses the following temporary office bearers for the Wimmera Mallee Pioneer Museum Community Asser Committee:***
  - ***Chairperson – Wendy Werner***
  - ***Secretary – Craige Proctor***
  - ***Treasurer – Maryanne Paech;***
3. ***notes the following as committee members for the Wimmera Mallee Pioneer Museum Community Asset Committee:***
  - ***Peter Pumpa***
  - ***Clem Paech***
  - ***Tige Mannington***
  - ***Peter Robson***
  - ***Rhys Wilkosz***
  - ***Brett Gebert***
  - ***Wendy Zanker***
  - ***Terry Wundersitz***
  - ***Don Pedder; and***
4. ***notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 21 September 2023.***

*Attachment Numbers: 14 – 16*

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**11 LATE REPORTS**

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**12 NOTICES OF MOTION**

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**13 OTHER BUSINESS**

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**14 CONFIDENTIAL REPORTS**

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

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
  - i. relates to trade secrets; or
  - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

**RECOMMENDATION:**

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

**14.1 CONTRACT AWARD 2023-2024-09 PLANT HIRE PANEL – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

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**15 LATE CONFIDENTIAL REPORTS**

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**16 RESUMING INTO PUBLIC SESSION**

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**17 MEETING CLOSE**

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