



7 March 2024

## MINUTES

### Ordinary Council Meeting

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**Date:** Wednesday 6 March 2024

**Time:** 3:00pm

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

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

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

## **Live Streaming Statement**

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

Members of the public attending this meeting may be filmed.

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

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

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**In Attendance:**

**Councillors:**

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

**Officers:**

Ms Monica Revell (Acting Chief Executive Officer), Mr Ram Upadhyaya (Director Infrastructure Services), Ms Petra Croot (Acting Director Corporate and Community 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.

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**2 APOLOGIES**

No 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.

**No conflicts of interest declared.**

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**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 7 February 2024 at the Council Chamber, as circulated to Councillors be taken as read and confirmed.***

**MOVED: CRS R Gersch/M Albrecht**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 7 February 2024 at the Council Chamber, as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*Attachment Number: 1*

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## **5 PUBLIC QUESTION AND SUBMISSION TIME**

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

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

**No public questions or submissions received.**

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**6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: 30 January – 26 February 2024**

**6.1 Cr IRELAND, MAYOR**

Date	Meeting/Event	Location	Comments
31/01/2024	Rainbow Youth Council Interviews		
31/01/2024	Consultation with CEO re upcoming agenda		
01/02/2024	Youth council interviews	Jeparit	
05/02/2024	Media release prepared for CEO resignation		
07/02/2024	Council briefing	Nhill	
07/02/2024	Council meeting	Nhill	
08/02/2024	Addressed all council staff regarding resignation of CEO and actions going forward	Nhill	
08/02/2024	Dimboola Cuppa Connections	Dimboola	
08/02/2024	Mayoral matters article to media		
08/02/2024	Quarterly regional mayor and CEO lunch and meeting	Horsham	Meeting with various representatives from BGLC and the Justice dept from Melbourne to discuss the recognition and land settlement treaty.
08/02/2024	Radio interview with ABC regarding council meeting		
09/02/2024	Youth council presentation night		
12/02/2024	Jeparit town advisory meeting		
20/02/2024	Wimmera mallee pioneer museum meeting		
20/02/2024	Drop in session Dimboola Hub	Dimboola	Regarding future of the Senior citizens building
22/02/2024	Zoom meeting		Regarding recommendations to changes in

	regarding consultation paper		the governance laws. Heavily based around mayor and Councillor training and code of conduct consistency.
22/02/2024	Yurunga Homestead meeting		
24/02/2024	Guest speaker at the Peter Taylor barefoot waterskiing event		

## 6.2 Cr BYWATERS, DEPUTY MAYOR

No activity report received.

## 6.3 Cr GERSCH

Date	Meeting/Event	Location	Comments
29/01/2024	Citizenship Ceremony	Nhill	
05/02/2024	Youth council interviews	Nhill	
05/02/2024	Information Centre roster	Nhill	
07/02/2024	Council briefing	Nhill	
07/02/2024	Council meeting	Nhill	
08/02/2024	RCV interviews		
16/02/2024	RCV board meeting		

## 6.4 Cr NELSON

Date	Meeting/Event	Location	Comments
07/02/2024	Council Briefing	Nhill	
07/02/2024	Council Meeting	Nhill	
09/02/2024	Youth Council presentations / dinner	Dimboola	
20/02/2024	Meeting re Dimboola Senior Citizens Building	Dimboola	
23/02/2024	Western Highway Action Committee meeting	Horsham	
24/02/2024	Peter Taylor Barefoot Waterski Tournament	Dimboola	

## 6.5 Cr ISMAY

Date	Meeting/Event	Location	Comments
01/02/2024	Rainbow Rises amenities buildings discussion with		



	Simon Landrigan		
05/02/2024	Rainbow Rises Events AGM		
05/02/2024	Rainbow Rises General meeting		
07/02/2024	Council Briefing	Nhill	
07/02/2024	Council Meeting	Nhill	
09/02/2024	Youth Council presentation	Dimboola	
19/02/2024	Rainbow Town committee meeting		

**6.6 Cr ALBRECHT**

<b>Date</b>	<b>Meeting/Event</b>	<b>Location</b>	<b>Comments</b>
05/02/2024	Youth Council Interviews	Nhill	
07/02/2024	Hindmarsh Shire Council Briefing	Nhill	
07/02/2024	Hindmarsh Shire Council Meeting	Nhill	
09/02/2024	Youth Council Presentation	Dimboola	
11/02/2024	Nhill Town Committee Planning Day	Nhill	

**7 CORRESPONDENCE**

No correspondence.

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**8 PLANNING PERMITS**

No planning reports.

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## 9 REPORTS REQUIRING A DECISION

### 9.1 ASSET DISPOSAL SALE – 41 VICTORIA STREET, DIMBOOLA (KNOWN AS DIMBOOLA SENIOR CITIZENS BUILDING)

**Responsible Officer:** Director Infrastructure Services

#### **Introduction:**

This report seeks approval from Council to commence the process to dispose of the asset currently known as the Dimboola Senior Citizens Centre, located at 41 Victoria Street Dimboola through sale of the property. The recommendation is based on the feedback from the recent community consultation session in Dimboola.

#### **Discussion:**

Council has a number of buildings across the Shire that are approaching end of life or are already at end of life. This report discusses an option to reduce the number of buildings by selling assets that are surplus to Council's needs and becoming ongoing liabilities.

The last condition and valuation audit on Council's building assets showed many were in fair to poor condition – with operation and maintenance costs increasing to meet user demand. Dimboola Senior Citizens Centre has not been utilised post covid and has shown some significant deterioration pattern. This particular asset will need a significant amount of investment to make it suitable for use. The community, however, does not have a defined pattern of use for this building. This justifies the need for disposal of this building.

During March 2022, Council undertook discussions with members of the community seeking the re-establishment of the Senior Citizens. No support was achieved at the meeting.

At the August 2023 Council meeting, Council resolved to advertise its intention to dispose of the asset calling for submissions from the community. Six submissions were received with two submissions being heard at the October 2023 Council meeting. The predominant request from the submissions was for the community to have time to consider uses for the building. It was decided a specific community meeting should be held on the matter and this was held on Tuesday 20 February 2024. Those in attendance (approximately 14) discussed the current state of the building, works required, and suitable other locations within Dimboola for use by community groups.

The general opinion at the community meeting was to move to sell the building and invest the funds secured through proceeds of sale in Dimboola. In the situation where this building does not get sold due to buildings structural defects, those in attendance at the meeting wished to demolish the building for the purpose of a community garden.

There is also a significant Olive tree at the rear of the block which many community members would like to see retained. The general consensus was to put this tree into the heritage listing to protect it from being removed.

**Options:**

1. Council approves the disposal of the asset through a public sale process.
2. Council investigates the ability to demolish the building and establish a user or community group for a community garden.
3. Council undertakes the repairs at significant cost for the building and seeks to find a user.

**Link to Council Plan:**

Built and Natural Environment - Well maintained physical assets and infrastructure to meet community and organisational needs.

**Financial Implications:**

Council will incur selling and legal fees for the sale of the property. Upon the sale of the property rates and charges may be able to be levied. Council will no longer be responsible for the Fire Services Levy and insurance and maintenance on the property. Costs will be re-couped through any ultimate sale of the property.

There are significant financial implications from the current needs of the buildings that Council is responsible for. Many of these buildings are non-revenue generating and are approaching or are at the end of life. There are minimal grants available for many of these buildings and Council buildings all have condition audits and valuations undertaken on them every four years with the next audit to take place in the 24/25 financial year.

Demolition of the building would be approximately \$60,000 given the presence of asbestos.

**Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Asset Management	It is critical that Council and the community understand the principles around Asset Lifecycle and the financial implications of the cycle for Council. The appropriate planning for the buildings includes asking the community what they need for the future. This can sometimes be a difficult discussion if we are attempting to be aspirational but dealing with demographic change and needs.
Financial Sustainability	The costs involved in maintaining or repairing the building for no known use are prohibitive.

**Relevant legislation:**

Under Section 114 of the *Local Government Act 2020* (Act) Restriction on power to sell or exchange land (2) Before selling or exchanging the land, the Council must—

- (a) at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—
  - (i) on the Council's Internet site; and
  - (ii) in any other manner prescribed by the regulations for the purposes of this subsection; and
- (b) undertake a community engagement process in accordance with its community engagement policy; and
- (c) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

**Community engagement:**

Council advertised its intention to dispose of the asset in the locally circulating newspaper and on the internet for four weeks. As a result, six submissions were received, with two submitters speaking at the October 2023 Ordinary Council meeting requesting further time and specific engagement in the community over the proposal.

A community meeting was held on Tuesday 20 February 2024 and approximately 14 people attended with the consensus being to move to the disposal of the asset with consideration of the significant tree on the property.

**Gender equality implications:**

The building was not being used by any clubs or groups and as recently as March 2022 Council sought tenants for the building. Following the cessation of the Senior Citizens Group, there are several groups that use the refurbished library facility to meet. The impact is more significant on the older demographic and ensuring they have safe and accessible meeting spaces which the newly refurbished library facility provides.

**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 – Mick Henderson, Manager Assets & Facilities

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

Officer Responsible – Ram Upadhaya, Director Infrastructure Services

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

**Communications Strategy:**

Following the Council resolution – the potential disposal of the asset will be communicated to the Dimboola community through the locally circulating newspaper and the internet.

**Next Steps:**

Should Council resolves to dispose of 41 Victoria Street Dimboola a real estate agent will be appointed to undertake the sale of the property.

**RECOMMENDATION:**

***That Council:***

- 1. approves the disposal of 41 Victoria Street, Dimboola; and***
- 2. authorises the CEO to undertake the sale process and sign all necessary documents for sale of land and the building located at 41 Victoria Street, Dimboola.***

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

***That Council defer the disposal of 41 Victora Street, Dimboola and apply for Heritage listing of the significant olive tree.***

**CARRIED**

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**9.2 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM  
2023-2024 ROUND 2**

**Responsible Officer:** Acting Director of Corporate and Community Services  
**Attachment Numbers:** 2 – 3 (*Attachment 3 is confidential*)

**Introduction:**

This report seeks approval from Council to provide funding to eligible businesses through Round 2 of the Business Assistance Grants 2023/2024 program.

**Discussion:**

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

This program addresses the ongoing need to attract new business and support existing business in our towns, as more and more small businesses close their doors.

Council has allocated \$20,000 towards the 2023/24 Business Assistance Grants program in the 2023/2024 Annual Budget. This allocation is split into two categories.

- *Business Development (up to \$2,000)*
- *Streetscapes (up to \$3,000)*

Applications for this Round of the Business Assistance Grants Program closed at 5:00pm on Friday 09 February 2024 with four **(4)** applications received that requested funding totalling \$9,398.00.

Category	Number of Applicants	Funding Available	Total Amount Requested
Business Development	1	<b>\$8,100.00*</b>	<b>\$2,000.00</b>
Streetscapes	3		<b>\$7,398.00</b>
<b>TOTAL</b>	<b>4</b>		<b>\$9,398.00</b>

*\*Note: As per council meeting Wednesday 27 September 2023 council allocated \$7,500.00 to Dimboola Ski Club from Business Assistance grant funding. Round one funding allocated \$4,400.00 leaving a balance of \$8,100.00 available for Round 2.*

Applications must meet the following criteria 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 planned operation),
- Demonstrate an economic benefit and value for money,
- Demonstrate that the project will result in the creation and / or retention of employment,
- Demonstrate a financial viability of the business,
- 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.

Only one application can be submitted per business.

***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:

<p><b>Why?</b> <b>30%</b></p>	<ul style="list-style-type: none"> <li>• Explain the demonstrated need for the project</li> <li>• How will the project improve the business operations and economic situation?</li> </ul>
<p><b>What?</b> <b>30%</b></p>	<ul style="list-style-type: none"> <li>• Provide a brief summary of what you are going to do.</li> <li>• Complete and submit a Risk Assessment for the project</li> <li>• Provide detail on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.</li> </ul>
<p><b>How?</b> <b>40%</b></p>	<ul style="list-style-type: none"> <li>• Provide quotes/ information on specific item(s) that funds will be used to purchase.</li> <li>• Provide the organisations banking details and evidence that the organisation can complete the project on time and within budget.</li> <li>• Complete the budget and in-kind contribution templates</li> <li>• How will your projects success be measured? (including number of</li> </ul>



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.

**Business Development: up to \$2000 (business must match \$1:\$2 to grant)**

This grant stream 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:**

1. **Pink Lake Creative, Dimboola (Business Development)** seeks funding of \$2,000.00 to develop a formal marketing plan for their business that is focused on screen media and digital design services. This business has two strands, one of which is development and production of new screen content and the other the delivery of storytelling workshops, screen content and interactive augmented reality content for a range of government and institutional clients.

**Assessment Score – 21/22**

**Streetscapes: up to \$3000 (business must match \$1:\$2 to grant)**

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

**Applications:**

1. **Mallee Magic, Rainbow (Streetscapes)** seeks funding of \$1,398.00 to help towards the cost of repainting the shop front façade and get a sign in the window to revitalise the look of the shop and encourage locals and visitors to stop and have a look in the shop.

**Assessment Score – 19/22**

2. **Cambrelle’s, Nhill (Streetscapes)** seeks funding of \$3,000.00 to help towards the cost of repairs and downsizing the shop window to eliminate sun damage and to establish an area where they can do some creative showcase displays. The Façade will be glass and timber cladding.

**Assessment Score – 19/22**

3. **XDirect P/L-Trading as The Forbidden Forest, Dimboola (Streetscapes)** seeks funding of \$3,000.00 to help towards the cost of new signage and painting of front façade and posts for their newly opened business is Dimboola.

**Assessment Score – 20/22**

**All application assessments are contained in Attachment 2.**

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

**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, noting that the amount requested exceeds the budgeted amount by \$1,298.00 and Council would be required to reallocate budget in order to cover the excess amount. Based on the assessment scoring, Council could allocate the budgeted amount as follows (proportionate to the weighted score):

**Option 1:**

No additional budget allocation:

<b>Applicant</b>	<b>Amount Requested</b>	<b>Total Project Cost</b>	<b>Recommended Allocation</b>
Pink Lake Creative	\$2,000.00	\$4,500.00	\$1,825.75
Mallee Magic	\$1,398.00	\$2,097.01	\$1,123.75
Cambrelle's	\$3,000.00	\$13,090.00	\$2,506.75
Xdirect P/L trading as The Forbidden Forest	\$3,000.00	\$4,500.00	\$2,643.75
<b>Total</b>	<b>\$9,398.00</b>	<b>\$24,187.01</b>	<b>\$8,100.00</b>

These totals were determined by applying the weighted score (as a percentage) to the total requested amount, and then reducing the recommended allocation equally across all applicants to bring the total allocated to within budget.

**Option 2:**

Additional budget allocation:

<b>Applicant</b>	<b>Amount Requested</b>	<b>Total Project Cost</b>	<b>Recommended Allocation</b>
Pink Lake Creative	\$2,000.00	\$4,500.00	\$2,000.00
Mallee Magic	\$1,398.00	\$2,097.01	\$1,398.00
Cambrelle's	\$3,000.00	\$13,090.00	\$3,000.00
Xdirect P/L trading as The Forbidden Forest	\$3,000.00	\$4,500.00	\$3,000.00
<b>Total</b>	<b>\$9,398.00</b>	<b>\$24,187.01</b>	<b>\$9,398.00</b>

**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 \$8,100.00. This is made up of the 2023/2024 budget allocation of \$20,000.00 for both round one and round two.

As per the Council Meeting held on Wednesday 27 September 2023, Council allocated \$7,500.00 to Dimboola Ski Club from Business Assistance grant funding. Funding allocated for Round One was \$4,400.00, leaving a balance of \$8,100.00.

**Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Community Needs	Business Assistance Grants support Council’s economic landscape and community resources by encouraging innovation and supporting the success of local enterprise.

**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:**

This decision images specific businesses rather than the ‘general public,’ so it has been determined that due to the lack of direct and significant impact on the community, 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 – Jennie Hauselberger, Community Development and Project Officer.

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

Officer Responsible – Petra Croot, Acting Director of Corporate and Community Services

In providing this advice as the Officer Responsible, 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 based on the eligibility and assessment criteria, Council approves the following successful 2023 – 2024 Round 2 Business Assistance Grants:***

***a) Business Development***

- ***\$1,825.75 to Pink Lake Creative***

***b) Streetscapes***

- ***\$1,123.75 to Mallee Magic***
- ***\$2,506.75 to Cambrelle's***
- ***\$2,643.75 to XDirect T/A The Forbidden Forest***

**MOVED: CRS M Albrecht/W Bywaters**

***That based on the eligibility and assessment criteria, Council approves the following successful 2023 – 2024 Round 2 Business Assistance Grants:***

***a) Business Development***

- ***\$2,000 to Pink Lake Creative***

***b) Streetscapes***

- ***\$1,398 to Mallee Magic***
- ***\$3,000 to Cambrelle's***
- ***\$3,000 to XDirect T/A The Forbidden Forest***

**TOTAL FUNDING ALLOCATED: \$9,398.00**

**CARRIED**

*Attachment numbers: 2 – 3 (Attachment 3 is confidential)*

Cr W Bywaters declared a general conflict of interest as she is a member of the Nhill Silo Committee and left the room at 3:29pm.

**9.3 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS PROGRAM 2023-2024 ROUND 2**

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

**Attachment Numbers:** 4 – 5 (*Attachment 5 is confidential*)

**Introduction:**

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

**Discussion:**

The Community Action Grants Program was established to support communities to provide services and to assist with community development, social action, and connectedness. \$20,000.000 has been allocated to the program and is categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

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

At the time of closing on Friday 9 February 2024, eleven (11) applications were received requesting funds totalling **\$9,548.97**.

Following the allocation of funds from Round 1, available funds for Round 2 total \$8,788.09.

<b>Category</b>	<b>Number of Applications</b>	<b>Funding Available</b>	<b>Total Amount Requested</b>
Community Assistance	Three (3)	<b>Round 2</b> \$8,788.09	\$2,600.00
Event Sponsorship	Two (2)		\$1,000.00
Small Equipment	Six (6)		\$5,948.97
<b>TOTAL</b>	Eleven (11)		<b>\$9,548.97</b>

**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 (if applicable).

**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 Event Sponsorship 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.

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

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

There were three (3) applications in this category for this round, requesting a total of \$2,600.00.

**Applicants:**

1. **Snape Reserve Trust for Nature Committee of Management, Dimboola** seeks funding of \$600.00 to install 9 bush seats at various locations around the reserve. The seating will give locals and visitors a place to rest in some of the best birding watching areas.

**Assessment Score – 23/26**

2. **Nhill Lake Committee of Management** seeks funding of \$1,000.00 for installation and improvement of public safety signage. New signage will benefit the community and visitors by providing them with clear and accurate information.

**Assessment Score – 20/26**

3. **Friends of Lake Albacutya Regional Park Inc** seeks funding of \$1,000.00 to utilise an unused tank at the amenities block at Western Beach and convert into a CFA access tank for emergencies. This tank will increase access and availability of water in times of need and will improve social connections with the community by working with Parks Victoria, CFA, and other emergency services.

**Assessment Score – 23/26**

**Event Sponsorship: 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 were Two (2) applications with a total funding request of **\$1,000.00**.

**Applicants:**

1. **Winiam Hall Committee** seeks funding of \$500.00 towards hosting an educational and social function in the form of a hummus making workshop on Friday 5 March 2024. There will be 30 participants and they will be shown how to make traditional Greek hummus in three different flavors sourced from locally grown chickpeas.

**Assessment Score - 24/26**

2. **Nhill A & P Society** seeks funding of \$500.00 towards Messy Play and Face Painting activities for the Nhill Show in October 2024. The Messy Play Company helps encourage and bring the joy of experimentation and fun to kids and adults while face painting allows children to become creative with their imagination. Both activities would be free to patrons that visit the show.

**Assessment Score – 23/26**

**Small Equipment: up to \$1,000.00 towards the purchase of small equipment items.**

There were six (6) applications for this category with a total funding request of **\$5,948.97**.

**Applicants:**

1. **Dimboola Hockey Club** seeks funding of \$1,000.00 to purchase a junior goalkeeper kit and club equipment to allow new players able to borrow. Dimboola Hockey Club is working on building up their junior teams and under 16's following several years of decline during and following COVID.

**Assessment Score – 25/26**

2. **Nhill Silo Heritage Project** seek funding of \$977.00 towards a BGA 86 which is a battery blower for removing leaves, plant waste and dirt to maintain and preserve the Noske Silo complex and to make it more attractive for tours to show people the workings of the silo.

**Assessment Score: 20/26**

3. **Jeparit and District Historical Society** seeks funding of \$1,000.00 towards the purchasing of appropriate archival storage materials. An assessment was conducted, and it was determined that increased and improved storage facilities were "desperately needed" because there is a lot of material that tells the history of Jeparit that is not appropriately archived and stored. Items include photographic materials, newspapers, business and government journal, school records and materials from private collections.

**Assessment Score: 21/26**



**4. Rainbow Badminton Club** seeks funding of \$1,000.00 for the purchasing of equipment to set up the Badminton courts. The Club has had to relocate due to plans to demolish the Rainbow P12 Assembly Hall. The Mecca Committee has offered the Club the opportunity to relocate to the Mecca Hall, however the hall does not court markings and no options to install a net. The grant would assist the Club in its plans to relocate to the Mecca.

**Assessment Score: 25/26**

**5. Rainbow Bowling Club** seeks funding of \$1,000 for an ASC Mechanical Vacuum Sweeper. It would assist with the removal of items such as leaves and grass cuttings, twigs, feathers that wind has blown onto the synthetic playing surface. The equipment would help prolong the life of the synthetic green at the Rainbow Bowls Club.

**Assessment Score – 21/26**

**6. Wimmera Mallee Pioneer Museum** seeks funding of \$971.97 to assist in the purchase of a laptop computer, portable hard drive, and mouse to digitise and catalogue the Wimmera Mallee Pioneer Museum’s domestic artefacts, photographs, documents, and textiles collections.

**Assessment Score – Ineligible.** Wimmera Mallee Pioneer Museum Committee is a Community Asset Committee of Council and receives \$20,000.00 per year from Council to assist with the maintenance of the asset. Funding for the laptop can be allocated from this budget.

**All application assessments are contained in Attachment 4.**

**Options**

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

**Option 1:**

Based on the assessment scoring, Council could allocate the budgeted amount as follows:

<b>Applicant</b>	<b>Amount Requested</b>	<b>Total Project Cost</b>	<b>Recommended Allocation</b>
<b>Community Assistance - \$2,600.00</b>			
Snape Reserve Trust for Nature Committee of Management	\$600.00	\$814.32	\$600.00
Nhill Lake Reserve Committee of Management	\$1,000.00	\$1,000.00	\$1,000.00
Friends of Albacutya Regional Park Inc	\$1,000.00	\$1,591.29	\$1,000.00

<b>TOTAL</b>	<b>\$2,600.00</b>	<b>\$3,405.61</b>	<b>\$2,600.00</b>
<b><i>Event Sponsorship - \$1,000.00</i></b>			
Winiam Hall Committee Inc	\$500.00	\$1,400.00	\$500.00
Nhill A & P Society Inc	\$500.00	\$660.00	\$500.00
<b>TOTAL</b>	<b>\$1,000.00</b>	<b>\$2,060.00</b>	<b>\$1,000.00</b>
<b><i>Small Equipment - \$5,948.97</i></b>			
Dimboola Hockey Club	\$1,000.00	\$1,838.90	\$1,000.00
Nhill Silo Heritage Project	\$977.00	\$977.00	\$977.00
Jeparit and District Historical Society	\$1,000.00	\$3,181.67	\$1,000.00
Rainbow Badminton Club	\$1,000.00	\$1,849.70	\$1,000.00
Rainbow Bowls Club	\$1,000.00	\$1,985.50	\$1,000.00
Wimmera Mallee Pioneer Museum	\$971.97	\$971.97	\$0.00
<b>TOTAL</b>	<b>\$5,948.97</b>	<b>\$10,804.74</b>	<b>\$4,977.00</b>
<b>FULL TOTAL</b>	<b>\$9,548.97</b>	<b>\$16,270.35</b>	<b>\$8,577.00</b>

**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, and
- 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. Following allocations from Round 1 the balance of funding for the Community Action Grants, Round 2 is \$8,788.09.

**Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Community Needs	The delivery of Community Action Grants ensures that Council provides timely and targeted support to groups working within the community to strengthen services, connection and opportunities. The funding enables self-determination and groups an identify their own projects and needs when requesting support.

**Community Engagement:**

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

**Gender equality implications:**

This decision images specific community organisations rather than the ‘general public’, so it has been determined that due to lack of direct and significant impact on the community, 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 – Nan Da San Bleh Dah, Community Development and Youth Officer.

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

Officer Responsible – Petra Croot, Acting Director Corporate & Community Services.

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

**Communications Strategy:**

The Community Action Grants Program has been promoted through the following channels:

- Council’s Facebook Page
- Council’s website
- Media release distribution
- E-marketing to appropriate community organisations

Following Council’s endorsement of the allocation of funding, further media releases, promotion of outcomes and direct communication with applicants will be undertaken.

**RECOMMENDATION:**

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

**Community Assistance**

- 1. A grant of \$600.00 – Snape Reserve Trust for Nature**
- 2. A grant of \$1,000.00 – Nhill Lake Reserve Committee of Management**
- 3. A grant of \$1,000.00 – Friends of Lake Albacutya Regional Park Inc**

**Event Sponsorship**

- 1. A grant of \$500.00 – Winiam Hall Committee Inc.**
- 2. A grant of \$500.00 – Nhill A & P Society Inc**

**Small Equipment**

- 1. A grant of \$1,000.00 – Dimboola Hockey Club**
- 2. A grant of \$977.00 – Nhill Silo Heritage Project**
- 3. A grant of \$1,000.00 – Jeparit and District Historical Society**
- 4. A grant of \$1,000.00 – Rainbow Badminton Club**
- 5. A grant of \$1,000.00 – Rainbow Bowls Club**

**TOTAL RECOMMENDED FUNDING ALLOCATED: \$8,577.00**

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

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

**Community Assistance**

- 1. A grant of \$600.00 – Snape Reserve Trust for Nature**
- 2. A grant of \$1,000.00 – Nhill Lake Reserve Committee of Management**
- 3. A grant of \$1,000.00 – Friends of Lake Albacutya Regional Park Inc**

**Event Sponsorship**

- 1. A grant of \$500.00 – Winiam Hall Committee Inc.**
- 2. A grant of \$500.00 – Nhill A & P Society Inc**

**Small Equipment**

- 1. A grant of \$1,000.00 – Dimboola Hockey Club**
- 2. A grant of \$977.00 – Nhill Silo Heritage Project**
- 3. A grant of \$1,000.00 – Jeparit and District Historical Society**
- 4. A grant of \$1,000.00 – Rainbow Badminton Club**
- 5. A grant of \$1,000.00 – Rainbow Bowls Club**

**TOTAL RECOMMENDED FUNDING ALLOCATED: \$8,577.00**

**CARRIED**

*Attachment numbers: 4 – 5 (Attachment 5 is confidential)*

Cr W Bywaters returned to the room at 3:31pm.

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## 9.4 POLICY UPDATES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Numbers:** 6 – 12 (*Attachments 8, 9 and 10 are confidential*)

### **Introduction:**

This report presents four Policies for Council consideration:

1. The draft *Body-Worn Camera Policy* to be endorsed for consultation for the period of 7 March 2024 to 21 March 2024. Consultation is proposed to take place by online survey, with written and verbal submission options also available.
2. The draft *Community Engagement Policy* to be adopted following an endorsed period of consultation;
3. The draft *Gender Equality Policy and Guidelines* to be adopted with minor formatting updates.
4. The draft *Live Streaming and Publishing Records of Council Meetings Policy* with minor wording changes regarding streaming and publishing platforms.

### **Discussion:**

#### **Body-Worn Camera Policy**

The Body-Worn Camera Policy provides guidance to Authorised Officers, employees, elected representatives, and other stakeholders on the ethical, lawful, and efficient use of body-worn cameras (BWCs) and recorded data. The purpose of Body-Worn Cameras is to promote and maintain a safe work environment (e.g., by discouraging and documenting occupational violence) and will assist Authorised Officers in carrying out their operational tasks related to investigation of breaches of Acts, regulations, and the Hindmarsh Shire Council Municipal Local Laws. The Policy has been formally endorsed by Council's Health and Safety Committee.

Working in isolation and the occurrence of harassment and abuse are significant risks to the health and safety of Council staff. Given the scope of our operations and staff resource limitations, Council must think proactively and progressively about safety initiatives that reduce the risk of occupational violence to staff working alone in high-risk situations. Council has developed a draft operational procedure that provides for the implementation of the Body-Worn Camera Policy.

Body-worn cameras are not intended for monitoring residents. Their primary purpose is to record interactions between Authorised Officers and the public while upholding privacy rights. Council Officers will adhere to all relevant privacy legislation, including but not limited to the *Privacy and Data Protection Act 2014 (PDP Act)*, when using body-worn cameras and when managing recorded data. Any personal information contained in recorded data will be kept confidential by all Council employees, contracted Authorised Officers and other parties to whom it is disclosed and otherwise handled in accordance with the Council's privacy policy and legal obligations.

In recognition of the privacy implications of this program, Council Officers have also completed a Privacy Impact Assessment (PIA). A PIA is a process for analysing a program's impact on individuals' information privacy. The process of conducting a PIA helps identify potential privacy risks and develop risk mitigation strategies to address these privacy impacts before a project or initiative commences. Although conducting a PIA is not mandatory under Victorian privacy law, VPS organisations are required to comply with Part 3 of the PDP Act. The process of undertaking a PIA can assist organisations in assessing a program against the 10 Information Privacy Principles (IPPs), contained in Schedule 1 of the PDP Act.

It is recommended that Council present the policy to the Community and invite feedback prior to formal adoption.

### **Community Engagement Policy**

At the Council Meeting held on 7 February 2024, the Draft Community Engagement Policy was endorsed for a period of community consultation for the period 8 February 2024 to 22 February 2024. The consultation included seeking feedback on effective consultation methods that could be used to improve Council's engagement practices. At the close of the consultation period, 3 submissions were received.

None of the submissions noted that amendments were required to the Community Engagement Policy, however key points were made that can inform how Council improves our engagement processes into the future, namely:

- Increasing awareness of consultation opportunities; and
- Communicating outcomes with the community.

It is recommended that Council adopt the Community Engagement Policy and that feedback provided during the consultation process is absorbed into our engagement planning and delivery. Submissions contain confidential information regarding the submitters and have been provided to Council for noting as confidential attachments.

### **Gender Equality Policy and Guidelines**

The Gender Equality Policy and Guidelines are due for review in accordance with the review cycle. The document reiterates and affirms Council's commitment to the principles and actions contained within the *Gender Equality Act 2020*. Council Officers have undertaken a review of the Policy and determined that only minor formatting amendments be made. Council has several other operational documents that guide Council's actions in this area, including:

- The Gender Equality Action Plan
- The Executive Leadership Statement of Commitment to Gender Equality
- Participation in the People Matters Survey
- Completion of the Gender Equality Act progress reporting, including workforce audit.

It is recommended that Council adopt the revised Policy in recognition of the importance of high-level commitment to the principles and enactment of gender equality.

**Live Streaming and Publishing Records of Council Meetings Policy**

This policy has been reviewed with minor updates to refine the publishing options for Council throughout the policy to include all Council social media platforms and Council’s website. This ensures that should there be technical difficulties with the live-stream, the recording can still be published in an alternative location to Facebook.

**Options:**

1. Council can choose to adopt the Community Engagement Policy, Gender Equality Policy and Guidelines, and Live Streaming and Publishing Recordings of Council Meeting Policy, and endorse the Body-Worn Camera Policy for community consultation; or
2. Council can choose to amend the Policies prior to adoption and endorsement; or
3. Council can choose to not adopt the Community Engagement Policy, Gender Equality Policy and Guidelines, and Live Streaming and Publishing Recordings of Council Meeting Policy and not endorse the Body-Worn Camera Policy for community consultation.

**Link to Council Plan:**

A community well informed and engaged.  
 Strong governance practices.

**Financial Implications:**

Nil.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Community Needs	Ensuring that Council policies are up-to-date, clear, and accessible supports effective engagement between Council and the community on important issues and the delivery of key policies, programs and plans. The Community Engagement Policy ensures that Council and the community are building a strong and effective engagement relationship through clearly defined terms and methodologies that are underpinned by Council’s values. Strong engagement practices result in community projects, programs and services that are purpose-built, meeting identified needs and efficiently using Council resources.  The Body-worn Camera Policy ensures that community and officer safety is supported in the delivery of critical services, including the administration of local laws and environmental health services.



Governance	Establishing a policy that provides for Community Engagement activities ensures that Council is compliant with the <i>Local Government Act 2020</i> . Establishing a Body-worn Camera Policy ensures that Council is delivering a program that is underpinned by appropriate governance and legislative frameworks and that all key factors, namely privacy, are built into the Policy and any implementation plan.
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**Relevant legislation:**

*Local Government Act 2020*

*Gender Equality Act 2020*

*Privacy and Data Protection Act 2014*

**Community engagement:**

The draft Community Engagement Policy was made available for public consultation for the period of 8 February 2024 to 22 February 2024.

The draft Body-worn Camera Policy is proposed to be made available for public consultation for the period between 7 March 2024 and 21 March 2024.

**Gender equality implications:**

A Gender Impact Assessment has been completed for the Community Engagement Policy.

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

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

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:**

The draft Body-Worn Camera Policy will be made available on Council’s website and in hardcopy on request. The consultation period and process will be advertised via Council’s website, newsletters, Facebook page and via public advertisement in local newspapers and posters in public locations, including libraries and businesses.

If adopted, the Community Engagement Policy, Gender Equality Policy and Guidelines and Live Streaming and Publishing Records of Council Meetings Policy will be distributed to Councillors and staff, published on Council’s website and advertised via Council’s Social Media pages.

**Next Steps:**

Council officers will undertake the consultation and communication processes detailed in this report.

**RECOMMENDATION:**

***That Council:***

- 1. Endorses the draft Body Worn Camera Policy for community consultation for the period 7 March 2024 to 21 March 2024;***
- 2. Adopts the Community Engagement Policy;***
- 3. Adopts the Gender Equality Policy and Guidelines; and***
- 4. Adopts the Live Streaming and Publishing Recordings of Council Meetings Policy.***

**MOVED: CRS R Gersch/M Albrecht**

***That Council:***

- 1. Endorses the draft Body Worn Camera Policy for community consultation for the period 7 March 2024 to 21 March 2024;***
- 2. Adopts the Community Engagement Policy;***
- 3. Adopts the Gender Equality Policy and Guidelines; and***
- 4. Adopts the Live Streaming and Publishing Recordings of Council Meetings Policy.***

**CARRIED**

*Attachment numbers: 6 – 12 (Attachments 8, 9 and 10 are confidential)*

## 9.5 DELEGATIONS UPDATE

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Numbers:** 13 – 15

### Introduction:

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

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

### Discussion:

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

The S6 Instrument of Delegation from Council to members of Council staff (**Attachment 13**) 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 October 2023.

Changes made to the S6 Instrument of Delegation include updated delegations to staff to reflect current roles (including role titles) and responsibilities and to ensure that there is a secondary delegate for all applicable functions and responsibilities.

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

Council is required under the *Planning and Environment Act 1987* to have an authorised officer to attend to the enforcement of planning permits and to investigate and/or prosecute breaches of Council's Planning Scheme. Appointments are reviewed and updated regularly due to changes in staff, amendments to legislation and changes in positions/roles within Council.

Council Officers have prepared the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 14**) which seeks to appoint the following officers as authorised officers under the *Planning and Environment Act 1987* –

- Michelle Stewart (Environmental Health Officer)
- Ram Upadhyaya (Director Infrastructure Services)

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

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

The *Environment Protection Act 2017* and Environment Protection Regulations 2021 came into effect on 1 July 2021. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed, however, there have been changes to the laws and powers

of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to Councils.

Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council. Following this, Council can sub-delegate these powers, as conferred by section 437(2) of the Act, to Council officers. The Instrument of Sub-Delegation from Council to Members of Council Staff (**Attachment 15**) reflects this advice and is presented to Council for adoption.

Council’s current S18 Instrument was endorsed at the Council meeting held on 31 May 2023 – a review has been undertaken to ensure that it reflects the positions and responsibilities of the current organisational structure.

**Options:**

Council can:

1. approve the delegations and authorisations outlined in the attached Instruments;
2. modify the delegations and authorisations outlined in the attached Instruments;
3. choose to not adopt the Instruments 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 Governance	Failure to update the Instruments of Delegation on a regular basis to accommodate required changes to legislation, organisational structure and position title changes may result in operational inefficiency and lead to decisions becoming invalid. The delegations have been reviewed by the Manager People and Performance in consultation with implicated staff to ensure that all parties are cognisant of the responsibilities and obligations prescribed within the Instruments.  The use of these documents ensures Council has compliant appointments, authorisations, and delegations to relevant Council staff in place that meet the requirements of the Acts and regulations contained therein.

**Relevant legislation:**

*Local Government Act 2020*

*Local Government Act 1989*

*Planning and Environment Act 1987*

*Environmental Protection Act 2017*

*Cemeteries and Crematoria Act 2003*

*Domestic Animals Act 1994*

*Food Act 1984*

*Heritage Act 2017*

*Local Government Act 1989*

*Planning and Environment Act 1987*

*Residential Tenancies Act 1997*

*Road Management Act 2004*

*Cemeteries and Crematoria Regulations 2015*

*Planning and Environment Regulations 2015*

*Planning and Environment (Fees) Regulations 2016*

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

*Road Management (General) Regulations 2016*

*Road Management (Works and Infrastructure) Regulations 2015*

**Gender equality implications:**

No gender impact assessment was required as the amendments to 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.

Author – Petra Croot, Acting Director Corporate and Community Services

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

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:**

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

**RECOMMENDATION:**

***In the exercise of the powers conferred by the legislation referred to in the attached S18 Instrument of Sub-Delegation under the Environmental Protection Act 2017, S11A Instrument of Delegation under the Planning and Environment Act 1987 and S6 Instrument of Delegation from Council to Council Staff, Council resolves that –***

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

**MOVED: CRS M Albrecht/R Ismay**

***In the exercise of the powers conferred by the legislation referred to in the attached S18 Instrument of Sub-Delegation under the Environmental Protection Act 2017, S11A Instrument of Delegation under the Planning and Environment Act 1987 and S6 Instrument of Delegation from Council to Council Staff, Council resolves that –***

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

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

**CARRIED**

Attachment numbers: 13 – 15

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## 10 COUNCIL COMMITTEES

### 10.1 ADVISORY COMMITTEES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Number:** 16

#### **Introduction:**

The following Hindmarsh Shire Council Advisory Committees held meetings on the following dates:

- **Rainbow Township Advisory Committee**  
General meeting on 19 February 2024

A copy of the minutes for each meeting are included as an attachment for the information of Council.

#### **RECOMMENDATION:**

***That Council notes the minutes of the Rainbow Town Advisory Committee held on 19 February 2024.***

***MOVED: CRS R Ismay/M Albrecht***

***That Council notes the minutes of the Rainbow Town Advisory Committee held on 19 February 2024.***

#### **CARRIED**

*Attachment Number: 16*



## 10.2 COMMUNITY ASSET COMMITTEES

**Responsible Officer:** Acting Chief Executive Officer

**Attachment Numbers:** 17 – 18

### **Introduction:**

The following Hindmarsh Shire Council Community Asset Committees held meetings on the following dates:

- **Wimmera Mallee Pioneer Museum Community Asset Committee**  
General meeting on 18 December 2023 (*see attachment 17*)
- **Yurunga Homestead Community Asset Committee**  
General meeting on 18 January 2024 (*see attachment 18*)

The purpose of this report is to note the minutes from these meetings. A copy of the minutes for each meeting are included as an attachment for the information of Council.

### **RECOMMENDATION:**

***That Council notes the minutes of the following Community Asset Committees;***

- ***Wimmera Mallee Pioneer Museum meeting on 18 December 2023; and***
- ***Yurunga Homestead meeting on 18 January 2024.***

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

***That Council notes the minutes of the following Community Asset Committees;***

- ***Wimmera Mallee Pioneer Museum meeting on 18 December 2023; and***
- ***Yurunga Homestead meeting on 18 January 2024.***

### **CARRIED**

***Attachment Numbers: 17 – 18***

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## 11 LATE REPORTS

### 11.1 AQUATIC FACILITIES GRANT OPPORTUNITY – DIMBOOLA SWIMMING POOL

**Responsible Officer:** Director Infrastructure Services

#### **Introduction:**

This report seeks a resolution from the Council for a funding application under Regional Community Sports Infrastructure Fund for upgrade of Dimboola Swimming Pool with the total project cost of approximately \$800,000 and the Council contribution of up to \$200,000.

#### **Discussion:**

In 2023 Council commissioned aquatic engineering reports on the condition of all four pools. The combined reports show that a significant amount of work and funding is required to keep the pools operational as they are predominantly at end-of-life stage in the asset cycle.

In recent years, funding has only been available for change room upgrades and the pools themselves have been considered council maintenance budget responsibility. However, after effective lobbying from many councils and other bodies – this year in the community infrastructure funding guidelines, outdoor aquatic facilities including pool shells have been included as an option for funding.

Each Council is permitted one application in the outdoor aquatic stream and there are approximately 16 requirements to apply for funding.

Dimboola Swimming Pool meets the criteria for funding the most closely of all four pools as it has nearly 50% more attendance than the next pool (Nhill) and has an engineering report that best supports a pool shell replacement. Applying for a grant to undertake:

1. Wet deck conversion to the pool including a balance tank and in pool hydraulics.
2. Expansion joint repair
3. Pool Painting
4. Filtration upgrade to meet DHHS requirements.
5. Solar to replace the existing solar which is not functional and 67% too small for the pool.

Obtaining grant funding to undertake the above works would address all of the major concerns raised in the Dimboola report at a quarter of the cost should Council be successful.

#### **Options:**

1. Council applies for a grant through the Aquatic Stream of the Sport and Recreation Infrastructure Funding with contribution amount of approximately \$800,000.
2. Council does not apply for a grant through the Aquatic Stream of the Sport and Recreation Infrastructure Funding.

**Link to Council Plan:**

A Built Environment that has suitable and sustainable infrastructure to meet community needs.

**Financial Implications:**

There are several components to the proposed grant which include:

1. Wet deck conversion to the pool including a balance tank and in pool hydraulics
2. Expansion joint repair
3. Pool Painting
4. Filtration upgrade to meet DHHS requirements
5. Solar to replace the existing solar which is non operation and 67% to small for the pool

The budget for these works is \$800,000, meaning Council would need to contribute \$200,000. \$70,000 of the contribution is already allocated to Dimboola Pool through LRCI phase 4, of the \$300,000 in the 2024/25 draft budget \$50,000 could be utilised towards the grant, requiring a further \$80,000 in the 2024/25 budget.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Asset Management	Council has the four pool engineering reports that prioritise funding required to keep the pools operational and safe. This is the first time that Sport and Recreation Funding has allowed for pool shell applications, and it is a 3:1 ratio meaning a substantial amount of the Dimboola report priorities could be met.
Community Needs	All four pools require substantive structural work and are of importance to the their communities, however Dimboola is the most used pool by a significant margin and the funding requires usage as a criteria.
Financial Sustainability	The combined pool reports require significant investment in the structural integrity of the pool shells and this is a grant with a strong funding ratio that could address a costly investment.

**Relevant legislation:**

Under Section 116 of the *Local Government Act 2020* Council has objectives to consider the economic, environmental and community needs in their decision making.

**Community engagement:**

Pools and their conditions as well as operations have continued to be raised throughout community consultation and the Dimboola Pool was ranked as medium to high priority in the community plans adopted by Council in February.

**Gender equality implications:**

The pools are used by a range of demographics and the proposed Sport and Recreation Strategy will look at the gender equality implications across all sporting and aquatic facilities.

A Gender Impact Assessment is required as part of the grant application 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 – Ram Upadhyaya, Director Infrastructure Services

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

**Communications Strategy:**

Council will advise the community through the locally circulating newspapers, newsletters and online that a grant application has been made in relation to the Dimboola Pool shell and solar.

**Next Steps:**

Applications for the aquatic stream grant are due by the 28<sup>th</sup> March. Consultation with Sport and Rec Victoria as well as site specific engineering plans will be completed by 20 March.

A Council resolution or letter from the CEO is required to be included with the application.

**RECOMMENDATION:**

***That Council:***

- ***submits a funding application through the Regional Community Sports Infrastructure Fund for upgrades to Dimboola Swimming Pool with total project cost of approximately \$800,000 with a Council contribution of up to \$200,000; and***
- ***authorises the CEO to provide the letter of support required to support the funding application.***

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

***That Council:***

- ***submits a funding application through the Regional Community Sports Infrastructure Fund for upgrades to Dimboola Swimming Pool with total project cost of approximately \$800,000 with a Council contribution of up to \$200,000; and***
- ***authorises the CEO to provide the letter of support required to support the funding application.***

**CARRIED**

**12 NOTICES OF MOTION**

**13 OTHER BUSINESS**

**14 CONFIDENTIAL REPORTS**

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

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

**RECOMMENDATION:**

*That the meeting be closed in accordance with section 66 (2) (a) and section 66 (2) (f) 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 REQUEST FOR QUOTATION – CONTRACT NO. 2023-2024-20 – PURCHASE OF TWO LIGHT DUTY 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 RFQ Award for Purchase of two Light Duty Trucks;**
- 14.2 HINDMARSH SHIRE COUNCIL PROPOSAL TO DELIVER LANDCARE FACILITATOR FUNCTION – 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 State Government grant funding that has not yet been executed; and**
- 14.3 NHILL CARAVAN PARK MANAGEMENT - 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 the lease of the Nhill Caravan Park.**

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

*That the meeting be closed in accordance with section 66 (2) (a) and section 66 (2) (f) 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 REQUEST FOR QUOTATION – CONTRACT NO. 2023-2024-20 – PURCHASE OF TWO LIGHT DUTY 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 RFQ Award for Purchase of two Light Duty Trucks;**
- 14.2 HINDMARSH SHIRE COUNCIL PROPOSAL TO DELIVER LANDCARE FACILITATOR FUNCTION – 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 State Government grant funding that has not yet been executed; and**
- 14.3 NHILL CARAVAN PARK MANAGEMENT - 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 the lease of the Nhill Caravan Park.**

**CARRIED**

**15 LATE CONFIDENTIAL REPORTS**

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**16 RESUMING INTO PUBLIC SESSION**

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**17 MEETING CLOSE**

There being no further business, Cr B Ireland declared the meeting closed at 4:35pm.

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