



25 September 2025

MINUTES

Ordinary Council Meeting

Date: Wednesday 24 September 2025

Time: 3:00pm

Venue: Nhill Council Chamber,
92 Nelson Street, Nhill

Council: Cr Ron Ismay – Mayor
Cr Chan Uoy – Deputy Mayor
Cr Roger Aitken
Cr Rosie Barker
Cr James Barry
Cr Tony Clark

Officers: Monica Revell – Chief Executive Officer
Petra Croot – Director Corporate & Community Services
Ram Upadhyaya – Director Infrastructure Services

Public Access: This meeting is open to the public and can be attended in-person or viewed online via Live Stream at <https://www.youtube.com/@hindmarshshirecouncil>.



Cr Ron Ismay - Mayor
West Ward



Cr Chan Uoy – Deputy Mayor
East Ward



Cr Roger Aitken
North Ward



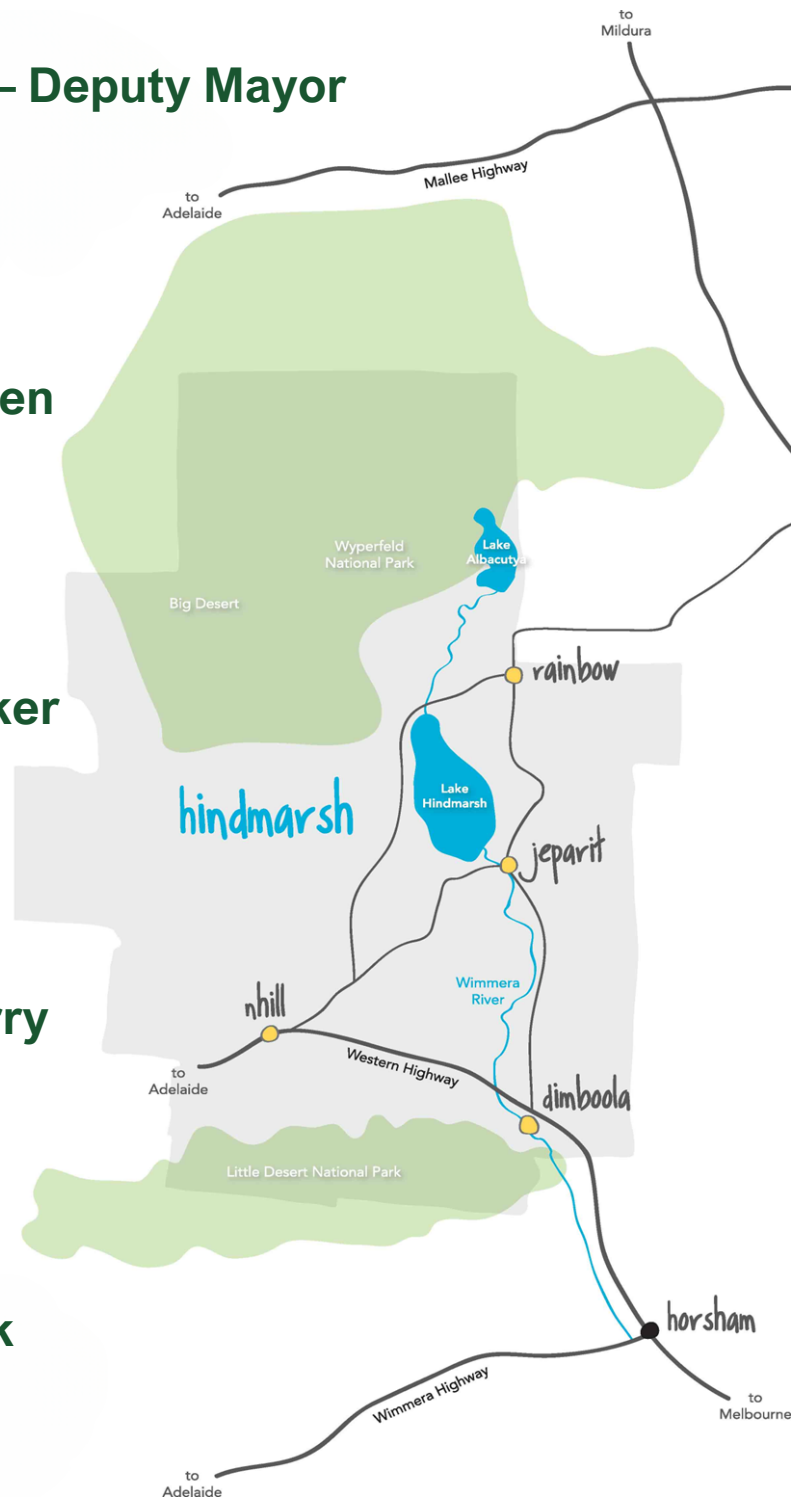
Cr Rosie Barker
West Ward



Cr James Barry
East Ward



Cr Tony Clark
North Ward



Councillor Statement of Values

Our commitment is to come prepared to every meeting, fostering a respectful and inclusive environment where accountability and approachability are at the core of our actions. We value and encourage innovation, collaboration, and open communication, always keeping in mind the well-being and needs of our community. Together, we stand united as one, working towards shared goals with mutual respect and consideration.

Our Vision

Working together to welcome new possibilities and create vibrant towns, connected communities and opportunities for all.

Our Values

We value:

- Engaging, listening and meeting people where they are at
- Doing the best we can with the people and funding that we have
- Showing respect and embracing diversity
- Taking pride in our community and achievements
- Being bold, creative and ambitious

Our Mission

Our mission is to be leaders in creating:

- Positive change
- A safe environment where everyone feels heard and appreciated
- Inclusive consultation

Purpose of Council Meetings

Council conducts its formal decision-making process through Ordinary Meetings of Council and Special Meetings of Council.

Ordinary meetings are held regularly to conduct the ongoing business of the Council and Special meetings are held from time to time for specific purposes.

Council adopts a schedule for its Ordinary Council Meetings annually. This schedule can be found on Council's website www.hindmarsh.vic.gov.au/Council-meetings.

From time to time the Mayor and Councillors may call a Special Meeting of Council to deal with urgent items. These meetings are generally held at the Council Chambers at the specified time and date advertised in the public notices in local newspapers and on Council's website.

Meetings, or parts of meetings, are only closed to the public when topics of a confidential nature are discussed, such as an individual's personal or financial circumstances, contractual or legal matters. Grounds for closing the meeting are defined in more detail within Section 3(1) and Section 66 of the *Local Government Act 2020* (the Act).

Before each Ordinary or Special Council Meeting an Agenda is prepared by the Chief Executive Officer detailing the items that are to be presented to the meeting for Council's consideration and decision.

Copies of agendas are available at Council offices and on Council's website. The decisions of Council become resolutions of Council and are recorded in the official Council Minutes. Except for matters classified as confidential, all Agenda reports, Minutes and recordings of meetings are available on Council's website.

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In Attendance:**Councillors:**

Cr Ron Ismay (Mayor), Cr Chan Uoy (Deputy Mayor), Cr Roger Aitken, Cr James Barry and Cr Tony Clark.

Officers:

Ms Monica Revell (Chief Executive Officer) items 1 to 10.7 and items 11 to 15.2, Ms Petra Croot (Director Corporate and Community Services), Mr Ram Upadhyaya (Director Infrastructure Services) and Ms Mary-Ann Speakman (Customer Service and Councillor Support Officer).

1 INTRODUCTION

1.1 ACKNOWLEDGEMENT OF COUNTRY

Cr Ron Ismay, Mayor, opened the meeting at 3:00pm and read the Acknowledgement of Country.

1.2 LIVE STREAMING STATEMENT

Cr Ron Ismay read the Live Streaming Statement.

1.3 STATEMENT OF VALUES

Cr Chan Uoy read the Councillor Statement of Values.

2 APOLOGIES

Cr Rosie Barker

3 DECLARATION OF INTERESTS

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

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

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

Cr Roger Aitken declared a material conflict of interest in item 10.5 as he has worked on the project.

Cr Ron Ismay declared a material conflict of interest in item 10.5 as he has worked on the project.

Ms Monica Revell declared a material conflict of interest in item 10.8 and confidential item 15.3 as these items relate to her employment.

4 CONFIRMATION OF MINUTES AND BUSINESS ARISING

4.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 27 August 2025 at the Nhill Council Chamber, 92 Nelson Street, Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: Cr J Barry/Cr C Uoy

That the Minutes of the Ordinary Council Meeting held on Wednesday 27 August 2025 at the Nhill Council Chamber, 92 Nelson Street, Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachments:

1. CONFIDENTIAL - 2025 08 27 MINUTES Council Meeting [4.1.1]
2. 2025 08 27 MINUTES Council Meeting - MEDIA [4.1.2]

4.2 BUSINESS ARISING FROM PREVIOUS MINUTES

Council Meeting	Recommendation Action	Action Taken	Complete / In Progress / Delayed
27 August 2025 Item 10.1	CEO to notify Wimmera Southern Mallee Development of intention to resign and sign the deed.	CEO has notified WSMD of resignation and signed the deed.	Complete
27 August 2025 Item 10.2	Hindmarsh's position statement on Renewable Energy to be published on Council's website.	Published on Council's website.	Complete
27 August 2025 Item 10.3	Publish the following policies on Council's Have Your Say page for community consultation: <ul style="list-style-type: none"> - Fee Waiver and Reduction Policy - Contributions, Donations and Sponsorships Policy - Councillor Candidature at State and Federal Elections Policy 	Published for community consultation on Council's Have Your Say page.	Complete
27 August 2025 Item 10.4	That Council adopts the revised Council Plan 2025-2029 and Council Plan Actions 2025/2026, publishes on Council's website and prints copies for the Customer Service Centres.	Council Plan 2025-2029 and Council Plan Actions 2025/2026 published on Council's website and copies printed for the Customer Service Centres.	Complete
27 August 2025 Item 10.6	Publish the draft Asset Plan 2025-2035 on Council's Have Your Say page for community consultation.	Draft Asset Plan 2025-2035 published on Council's Have Your Say page for community consultation.	Complete
27 August 2025 Item 10.9	Submit application for a speed limit reduction for the following roads: <ul style="list-style-type: none"> - Kiata South Road - Lloyd Street, Dimboola Mayor to write to Minister of Roads and Road Safety, Hon. Melissa Horne seeking support.	Letter sent to Minister of Roads and Road Safety, Hon. Melissa Horne, seeking support.	Complete
27 August 2025 Item 10.10	Submit application for Safer Local Road and Infrastructure Program to upgrade roads.	This application is still being prepared.	In Progress

5 PUBLIC QUESTION AND SUBMISSION TIME

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

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

No public questions or submissions received.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 19 August 2025 to 15 September 2025

6.1 CR RON ISMAY, MAYOR

Date	Meeting/Event	Location	Comments
18/08/2025	Rainbow Town Committee Meeting	Rainbow	
19/08/2025	CEO Council Plan Drop In Session	Dimboola	
20/08/2025	Councillor Professional Development	Warracknabeal	
21/08/2025	CEO Council Plan Drop In Session	Nhill	
22/08/2025	WSM Regional Transport Group Meeting	Horsham	
26/08/2025	Surplus Buildings Discussion	Jeparit	
27/08/2025	Council Briefing and Council Meeting	Nhill	
29/08/2025	Bush Summit	Ballarat	
30/08/2025	Rainbow Rises 240	Rainbow	
31/08/2025	Rainbow Rises 240	Rainbow	
02/09/2025	Nhill Town Committee Meeting	Nhill	
03/09/2025	Pyrenees Shire Housing Development Project	Beaufort	
03/09/2025	Tour of Industrial Estate and Kooka's Country Biscuits	Donald	
06/09/2025	Tiny Homes Expo	Geelong	
10/09/2025	WHAC Advocacy Inception Meeting	Teams	
10/09/2025	Partial Walk of Wimmera River Discovery Trail	Dimboola	
10/09/2025	Council Briefing	Dimboola	
11/09/2025	Wimmera Alliance Workshop Meeting	Horsham	
14/09/2025	Official Opening of the Wimmera River Discovery Trail	Antwerp	

6.2 CR CHAN UOY, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
19/08/2025	CEO Drop In Session	Dimboola Library	Discussion around the 2025-2029 Council Plan.
19/08/2025	New Season Launch	Dimboola Croquet Club	
20/08/2025	Councillor Professional Development Training	Warracknabeal	
21/08/2025	VLGG Commission	Online via Teams	Understanding how grants are allocated from the Federal Government.
26/08/2025	Wimmera Southern Mallee Development Special General Meeting	Horsham	Resigned as Director representing Hindmarsh Shire.
27/08/2025	Council Briefing and Council Meeting	Nhill, Council Chambers	
03/09/2025	Housing Development Project	Pyrenees Shire Council, Beaufort	Great to see a Council initiative to boost housing.
10/09/2025	Wimmera River Discovery Trail Walk	Dimboola	Anne Webster joined the walk and the trail is scenic.
10/09/2025	Council Briefing	Dimboola Library	
11/09/2025	Wimmera Alliance Workshop	HRCC Chambers, Horsham	Six Councils coming together as one voice and sharing costs in areas that unify them and aligning with government policy.
14/09/2025	Tourism & Business Forum Official Opening of the Wimmera River Discovery Trail	Antwerp Hall	Hindmarsh Shire is showcasing its offering to the rest of Australia.

6.3 CR ROGER AITKEN

Date	Meeting/Event	Location	Comments
20/08/2025	Councillor Professional Development Training	Warracknabeal	
27/08/2025	Briefing and Council Meeting	Council Chambers, Nhill	
28/08/2025	Yurunga Homestead Meeting	Rainbow	

19/08/2025	Wimmmera Mallee Pioneer Museum Meeting	Jeparit	
03/09/2025	Excursion to Beaufort to meet with Pyrenees Shire	Beaufort	
05/09/2025	Tiny Homes Expo	Geelong	
09/09/2025	Rainbow Scouts Presentation Night and Dinner	Rainbow	
10/09/2025	Wimmera River Discovery Trail Walk and Council Briefing	Dimboola	
14/09/2025	Opening of the Wimmera River Discovery Trail at Antwerp and Lunch	Antwerp	

6.4 CR ROSIE BARKER

Date	Meeting/Event	Location	Comments
20/08/2025	Councillor Professional Development and Training	Warracknabeal with Yarriambiack Shire Council	Presentation by Kate from Maddocks on Conflict of Interests and other Council governance.
21/08/2025	Nhill CEO Drop In Session	Nhill Library	Interesting meeting with various community members to hear their concerns and ideas. Great to have CEO, Monica Revell there who understands constraints and solutions.
26/08/2025	MAV Health and Wellbeing Advisory Panel	Online	Comprehensive draft document reviewed and discussion to present to State Government
27/08/2025	Council Briefing and Council Meeting	Nhill, Council Chambers	Council Meeting
28/08/2025 to 30/08/2025	ALGWA State Conference	Melbourne	Full day of workshops at the State Conference which had a theme of "Make Your Mark". Presentations by Fabian Dattner, Leadership Expert who reflected about building a culture

			<p>of trust, accountability and sustainable leadership within Council. The amazing Simon Waller, Futurist and Business Advisor who discussed future thinking techniques which can help us to find better answers to our biggest and most pressing challenges with a firm eye on the future. Dr Morgan Saletta, who discussed disinformation and align influence, supporting resilience-building efforts within Council and community. LGWA Mentoring showcase included myself and Cr Karen Foster from Moyne Shire, speaking about our experiences together on Council and how we can support each other. Minister for Local Government, the Hon. Nick Staikos MP presented at the conference with a commitment of another \$20,000 towards the mentoring of women into and within Council. Many interesting topics and presenters.</p>
03/09/2025	Council/Councillors Trip to Beaufort	Pyrenees Shire Council Chambers	Met with this Council to review their successful past and present housing plans.
03/09/2025	Council/Councillors Trip to Donald	Kooka Donald Park Kookies, Industrial	Manufacturing business set up in 1991 due to closure of major businesses in Donald. New manufacturing facility about to be opened. The

			businessmen involved went on to advocate and create the Donald Industrial Park.
09/09/2025	Nhill Town Committee	Nhill, Senior Citizens Club	Nhill Community Groups came together at this meeting to brainstorm potential community projects. Great attendance and ideas by delegates from various groups.
10/09/2025	Walk on Wimmera River Discovery Trail with Dr Anne Webster MP	Dimboola	Met with Dr Anne Webster and her team for a short walk through the first part of the great initiative WRDT. Anne answered questions about community concerns raised by Councillors. My questions were regarding appropriate funding for Early Childhood/Childcare querying if as a community we could be better served by Department of Education taking over this responsibility. Also queried the ability to support our Rural community with appropriate Aged Care facilities/supports.
10/09/2025	Council Briefing	Dimboola Library	Discussion about Council Assets and other operational changes.
11/09/2025	ALGWA Seminar with Sally Capp, Former Lord Mayor of Melbourne "Leading with Purpose"	Online	Discussion was regarding the challenges she experienced as Mayor of Melbourne and how she attempted to resolve them. She quoted Edward Hale and I found it quite poignant "I am only one, but I am one. I cannot do

			everything, but I can do something. And because I cannot do everything, I will not refuse to the something that I can do.”
14/09/2025	Opening Wimmera River Discovery Trail and Tourism/Business Update	Antwerp Hall	Informative meeting at Antwerp by the Tourism support team along with our own Economic Development Team presenting how they can support current and new businesses in Hindmarsh. Great attendance by the public who enjoyed finishing the afternoon walking the trail. Great initiative for our whole Shire.

6.5 CR JAMES BARRY

Date	Meeting/Event	Location	Comments
19/08/2025	CEO Drop In Session	Dimboola	A few drop ins, good feedback.
20/08/2025	Councillor Professional Training Session	Yarriambiack Shire Council	We can never stop learning.
27/08/2025	Council Briefing and Council Meeting	Nhill, Council Chambers	
03/09/2025	Excursion to Beaufort	Pyrenees Shire Council	Good to see what other Councils are doing about housing shortages.
03/09/2025	Donald Business Projects	Donald Business Centre	Similar to Pyrenees Council only with business getting a start in regional areas.
10/09/2025	Wimmera River Discovery Trail Walk	Dimboola	Good to have a morning walk with Anne Webster, Councillors got to ask her a few questions about Taxes, Levies, Renewable Projects and why we are not getting enough royalties from all our exports to put back to our country. The

			answers were all political, well-done Anne.
10/09/2025	Council Briefing	Dimboola Library	
14/09/2025	Hindmarsh Business & Tourism Forum	Antwerp	Lots of information on where we are at with helping Businesses and Tourism in our region.
14/09/2025	Wimmera Discovery Opening	River Trail Dimboola	Great turn up from locals and afar to see this trail officially open after 9 years in the making.

6.6 CR TONY CLARK

Cr Tony Clark is currently on an approved leave of absence, but attended the Council Meeting online via Zoom.

7 CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

No inwards correspondence.

Outwards:

- 2025/08/26 - Council to Jaimy Mashoub re Wimmera Mallee Pioneer Museum Volunteer Membership – (Attachment Number: 7.1.1)
- 2025/08/28 - Council to Christa Robnik re Wimmera Mallee Pioneer Museum Committee Membership – (Attachment Number: 7.1.2)
- 2025/08/28 - Council to Jim Richardson (Vic Police) re Condolences and Appreciation – (Attachment Number: 7.1.3)
- 2025/09/01 - Council to Rainbow Town Committee re Request to Allocate Funds – (Attachment Number: 7.1.4)
- 2025/09/02 - Council to Jeparit Township Advisory Committee re Staff Representatives – (Attachment Number: 7.1.5)
- 2025/09/02 - Council to Nhill Township Advisory Committee re Staff Representatives – (Attachment Number: 7.1.6)
- 2025/09/02 - Council to Rainbow Township Advisory Committee re Staff Representatives – (Attachment Number: 7.1.7)
- 2025/09/02 - Council to Wimmera Mallee Pioneer Museum Community Asset Committee re Staff Representatives – (Attachment Number: 7.1.8)
- 2025/09/02 - Council to Yurunga Homestead Community Asset Committee re Staff Representatives – (Attachment Number: 7.1.9)
- 2025/09/04 - Council to Graeme Allen re Blaze Aid Camp at Nhill – (Attachment Number: 7.1.10)
- 2025/09/04 - Council to Alan and Edna Watson re Congratulations – 70th Wedding Anniversary – (Attachment Number: 7.1.11)
- 2025/09/15 - Council to Seven-0-Seven Operations re Potential Rail Experience – (Attachment Number: 7.1.12)
- 2025/09/15 - Council to Seymour Railway Heritage Centre re Potential Rail Experience – (Attachment Number: 7.1.13)
- 2025/09/15 - Council to Steamrail Operations re Potential Rail Experience – (Attachment Number: 7.1.14)
- 2025/09/16 - Council to Minister Roads and Road Safety re Request for Support – Proposal to Reduce Speed Limits – (Attachment Number: 7.1.15)
- 2025/09/18 - Council to Minister for Agriculture Hon. Ros Spence re Wild Dog Protection in North West Victoria – (Attachment Number: 7.1.16)

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Cr R Aitken/Cr J Barry

That Council notes the attached correspondence.

CARRIED

8 ASSEMBLY OF COUNCILLOR RECORDS

Responsible Officer: Chief Executive Officer

Attachments:

1. 2025 08 27 Assembly of Councillors Record [8.1.1]
2. 2025 09 10 Assembly of Councillors Record [8.1.2]

Introduction:

As required under Section 33(9) of Hindmarsh Shire Council's Governance Rules, the attached Assembly of Councillors Records are presented as attachments to the Council Agenda for the information of Councillors.

RECOMMENDATION:

That Council notes the Assembly of Councillor Records as presented.

MOVED: Cr J Barry/Cr T Clark

That Council notes the Assembly of Councillor Records as presented.

CARRIED

9 PLANNING PERMITS

No planning permits.

10 REPORTS REQUIRING A DECISION

10.1 RATE CAP CALCULATION

Responsible Officer: Director Corporate and Community Services

Attachments:

Nil

Executive Summary:

The purpose of this report is to inform Council of a minor non-compliance in the rate cap for 2025/2026 that was reported to the Essential Service Commission as part of Council's End of Financial Year Reporting Processes.

While the Essential Services Commission is yet to make a determination on the materiality of the non-compliance, Council Officers wanted to ensure that the community is proactively informed of this error and given clear information as to how it will be rectified in the 2026/2027 financial year. Council understands that the community is under pressure due to cost-of-living challenges and changes to State Government levies, so are endeavouring to provide assurance around remediation in the next financial year as early as possible.

The Rate Cap for 2025/2026 was set at 3% - this is the maximum amount a council can increase general rates and municipal charges without applying for a variation. Due to an error in property valuation inputs, Hindmarsh is slightly above the limit at 3.05%. Initial calculations suggest this amounts to around \$3,949 in excess across the entire rate base. The impact, averaged across all rateable properties, is less than \$1 per assessment.

The error was not identified until after the budget was set and notices were distributed to property owners. As a result, it is proposed to proportionately reduce the rate increase applied in 2026/2027 to correct this error.

Discussion:

As part of End of Financial Year processes, officers identified a minor error in the calculations for the total rates increase in accordance with the Rate Cap, resulting in Hindmarsh being slightly above the 3% limit for 2025/2026 (3.05%). The dollar value difference is minor – initial calculations suggesting around \$3,949 in excess, with a total rates, fees and charges income of \$10.336m (\$8.132m from general rates). The impact, averaged across rateable properties, is less than \$1 per assessment.

The rate cap limits the maximum amount a council can increase general rates and municipal charges. To apply this increase, Council utilises the valuations provided by the Valuer General. The final valuations (inclusive of revaluations based on objections or other significant changes to the property value) were provided in May while the draft budget was

out for consultation – the error made was using an earlier valuation rather than the updated version that ultimately resulted in a decrease in the total value of ratable properties.

Council will continue to work with the Essential Services Commission as part of this reporting process and ensure that all information is provided to account for the error.

Officers have proactively provided information regarding the non-compliance to the Essential Services Commission and have commenced a review of our internal systems and ensured additional safeguards are in place to prevent this from happening again

Officers are proposing to Council that the rate applied in 2026/2027 reflect this error, and as a result, the total value to be raised from rates and municipal charges be reduced proportionately.

Link to Council Plan:**Theme Four: Good Governance and Financial Sustainability**

4.1 We are a transparent and responsive organisation.

Financial Implications:

There is a minor financial impact on rates raised in 2025/2026 that is proposed for remediation in 2026/2027.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Council's responsibility to comply with the rate cap is applicable under legislation. While there are processes in place that ensure that minor non-compliances are managed proportionately to their materiality, it is critical that Council responds to this error with a clear path forward to prevent it happening again. Future non-compliances may impact Council's ability to raise general rates and impact perception and reputation within the community. This report endeavours to report this issue to Council and the community as early as possible.

Relevant Legislation:

Local Government Act 2020

Community Engagement:

Not applicable.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Petra Croot, Director Corporate and Community Services

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

Council Officers will prepare a media release and social media communications to inform the community about this error and resultant remedial action to be taken.

Next Steps:

Council Officers will work with the Essential Services Commission as they consider the non-compliance, ensure that the Council decision is reflected in 2026/2027 budget development and that a thorough review is undertaken to ensure that this error is prevented in the future.

RECOMMENDATION:

That Council acknowledges the non-compliance with the 2025/2026 Rate Cap and endorses the proposed corrective action to proportionately decrease the total rates levied in 2026/2027 by the excess amount (\$3949 approximately) that is to be confirmed by the Essential Services Commission.

MOVED: Cr C Uoy/Cr R Aitken

That Council acknowledges the non-compliance with the 2025/2026 Rate Cap and endorses the proposed corrective action to proportionately decrease the total rates levied in 2026/2027 by the excess amount (\$3,949 approximately) that is to be confirmed by the Essential Services Commission.

CARRIED

10.2 RAINBOW OASIS - WATER CHARGES

Responsible Officer: Director Infrastructure Services

Attachments:

Nil

Executive Summary:

This report recommends that Council approve a payment plan between Hindmarsh Shire Council and Rainbow Progress Association to recover unpaid water usage charges accumulated over the past two (2) years.

The 'Oasis', or former Rainbow Primary School site at 30 Bow Street, Rainbow, is leased from Hindmarsh Shire Council to the Rainbow Progress Association (Lessee). Under the lease, the Lessee is responsible for paying utilities such as water costs. Over the past two (2) years, these charges have not been recovered. Due to the compounding value, a payment plan is recommended that enables the Lessee to pay off the charge (\$8,403.04 excluding GST) over the next eight (8) years.

Discussion:

Background

In 2016, Council purchased the old Rainbow Primary School site located at 30 Bow Street, Rainbow on behalf of the community through the State Government's surplus land process. The intention was for Council to then sell the property to the Rainbow Progress Association for the purchase price. Council is required to adhere to the *Local Government Act* when selling properties - this includes an independent valuation that informs the minimum sale price. The independent valuation valued the property significantly higher than the purchase price, so it was decided to enter into a lease agreement with the Rainbow Progress Association that ensured both that Council did not incur any further costs relating to the property and enabled it to be available for community use through the Rainbow Progress Association.

The lease commenced on 1 October 2018, with the initial term set for 15 years, expiring 30 September 2033. The lease agreement required the Lessee to pay an upfront fee of \$15,000 (plus GST) and annual rent of \$1,000 (plus GST) for the first 10 years and then \$100 (plus GST) for the further five (5) years. The intention was for the lease payments over the first 15 years to cover the cost incurred by Council in purchasing the property from the State Government.

Under this agreement, the Lessee is also responsible for all ongoing costs incurred. This includes power, water, rubbish disposal, gas and other utilities.

Discussion

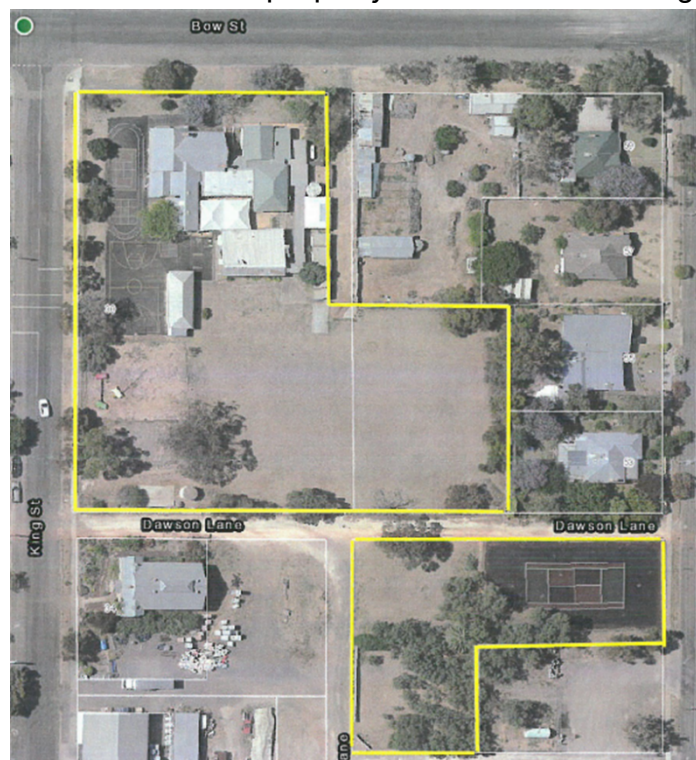
A recent audit of Council's lease agreements identified that water charges and usage invoicing was not completed for the past two (2) years. Accumulated water charges for this period total \$8,403.04 excluding GST.

The Lessee has expressed that the site is managed by a small number of volunteers and hosts multiple events during the year to attract visitors to the town. The Lessee has also indicated that they keep room rent as low as possible to encourage community use of the facility.

The Lessee has requested Council pay the first \$500 of the quarterly water account. For Council's current leased properties, lessees are responsible for 100% costs of all utilities on that property. Sporting clubs may have slightly different arrangements in place as they are watering sporting ovals that are available for public benefit and use. In these instances, Council covers 85% of the water cost up to 15,000KL, the club is responsible for any use over this amount.

It is the Officer's recommendation that the cost for water charges and usage be recouped from the Lessee via payment plan to allow Rainbow Progress Association to pay it in eight (8) equal instalments (\$1,050.38) over the next eight (8) years. The Lessee will also be invoiced for ongoing water charges and usage as per the requirements set out in the lease agreement. In making this recommendation, Council Officers have proposed a fair outcome that considers all party's legal responsibilities, the efforts of volunteers and resource limitations for both Council and the Lessee.

The map below shows the extent of the property on which the lease agreement is applicable.



Link to Council Plan:

Theme One: Our Community

1.2 Our towns are inclusive, welcoming and growing.

Theme Two: Built and Natural Environment

2.2 Our infrastructure supports liveability and resilience.

Financial Implications:

If Council approves the payment plan, the implications are simply that Council will recoup expenditure from the past two (2) years over the next eight (8) years.

If Council determines to waive the fees in part or in whole, this will have a considerable impact on the budgeted allocation for utilities across Council assets and potentially result in a lower service level for other public parks and facilities.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	The property in question provides huge benefit to the Rainbow community, within the property there is regular users being the Innovation centre, community gym and Lions club. The property also houses Councils' skate park and garden areas.
Financial Sustainability	<p>Council currently receives \$1,000 a year rent from the Rainbow Progress Association as per the lease agreement. But does not have allowances for the ongoing water costs and usage within the operational budget. Recouping the cost for the past two years and ongoing payment of water charges and usage will provide consistency across all other lease agreements currently in place.</p> <p>If Council waives the fees, a precedent may be set with existing and future user agreements and leases that would divert budget allocations for public facilities that benefit the whole community to facilities that have limited to no public access.</p>

Relevant Legislation:

Local Government Act 2020.

Community Engagement:

Engagement for this report was done directly with the Rainbow Progress Association as it directly relates to their lease.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Ram Upadhyaya, Director Infrastructure Services

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

Author – Ram Upadhyaya, Director Infrastructure Services

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

Communications Strategy:

Council Officers will notify the Rainbow Progress Association of Council's decision.

Next Steps:

As per Communications Strategy.

RECOMMENDATION:***That Council:***

- 1. approves recouping water charges of \$8,403.04 from the Rainbow Progress Association (Lessee) in accordance with the Lease Agreement;***
- 2. approves recouping the total amount of \$8,403.04 via a payment plan, whereby the Lessee would pay \$1,050.38 per year over the next 8 financial years commencing 2025/2026; and***
- 3. notes that the Lessee will be responsible for ongoing water charges and usage for this site (invoiced quarterly), as per the requirements of the signed Lease Agreement.***

MOVED: Cr R Aitken/Cr C Uoy***That Council:***

- 1. does not pursue recouping historic unpaid water charges;***
- 2. meets with the Rainbow Progress Association to discuss water usage; and***
- 3. notes that the Lessee will be responsible for ongoing water charges and usage for this site (invoiced quarterly), as per the requirements of the signed lease agreement.***

CARRIED

10.3 INFRASTRUCTURE BOND AGREEMENT PA1822-2023 - 173 NELSON STREET, NHILL - FOR APPROVAL UNDER COMMON SEAL

Responsible Officer: Director Infrastructure Services

Attachments:

1. CONFIDENTIAL - Hindmarsh Shire-Bond-Agreement-2025 PA1822-2023 -Partially Signed [10.3.1]

Executive Summary:

This report seeks Council authorisation for the use of the Common Seal of Hindmarsh Shire Council to execute the attached Infrastructure Bond Agreement (The Agreement). The Agreement is proposed to secure the construction of three vehicular crossovers at 173 Nelson Street, Nhill, in accordance with conditions 17-20 on planning permit PA1822-2023. Planning permit PA1822-2023 allowed a three-lot subdivision and construction of two additional dwellings. The construction of vehicle crossovers was conditioned on the planning permit to ensure that future residents have functional and reliable access to their homes.

The bond is valued at \$14,000, reflecting Council's estimated cost to complete the works should the applicant fail to do so. If the applicant fulfills their development obligations (builds and maintains the crossovers) in the agreed timeframe, then Council will refund the bond.

Discussion:

A bond agreement is a formal arrangement between a developer and Council, where the developer provides a sum of money (or bank guarantee) to Council as a way of ensuring that required works will be completed. If the works are carried out as agreed, the bond is returned. If not, Council may use the bond to complete the works.

For infrastructure works such as new crossovers, it is common for Council to require that the works be completed prior to a statement of compliance being issued for a subdivision. This ensures that the developer cannot independently sell the new lots until the works have been completed. This was the case with this planning permit application, as reflected in the conditions:

- 17. Before the issue of a Statement of Compliance, the existing crossover that provides access to Lot 1 and the existing dwelling on Lot 1 must be upgraded to the current standard, to the satisfaction of the Responsible Authority.*
- 18. Before the issue of a Statement of Compliance, independent access from Langford Street to each of Lot 2 and Lot 3 must be constructed by way of a crossover, all to be constructed to the satisfaction of the Responsible Authority.*
- 19. The crossover must be constructed as per IDM SD-240 standard and at a location and of a size deemed satisfactory, to the satisfaction of the Responsible Authority.*

20. The vehicle crossovers must be constructed at the expense of the permit holder or owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

In this instance, the developer intends to sell the lots first, allowing the purchasers to build the houses before constructing the crossovers. There are several practical and financial reasons for this, as well as reasons relating to site management. For example, constructing crossovers later can mean they avoid damaging them while the house is being built, they can accommodate final site levels and driveway alignment more accurately or they can coordinate the crossovers with final landscaping works.



This Agreement has been prepared by Council, reviewed and signed by the developer and is now requiring authorisation from the Common Seal of Hindmarsh Shire Council.

Key information included in The Agreement:

- The Developer acknowledges that:
 - The Infrastructure Bond is a reasonable requirement of the Council to secure the Developer's proper completion of the Works.
 - The Bond will consist of 100% of the Estimated Value of Works (\$14,000).
 - The Bond will be retained by the Council until the Developer is eligible to have the Infrastructure Bond released in accordance with this Agreement.
- The Developer must pay the Infrastructure Bond to Council in the form of a Bank Guarantee within 14 days of the Commencement Date (and, in any case, before the issue of the Statement of Compliance).
- The Developer must complete the Works to the satisfaction of Council by the Completion Date (12 months from the date of this Agreement, unless otherwise agreed in writing by Council).

- Upon completion, the Developer must request in writing that Council inspect the Works.
- Council will inspect the Works and determine whether they are satisfactory.
- If the Works are satisfactory, Council will give written notice to that effect (a *Preliminary Acceptance Notice*). The date this notice is issued marks the beginning of the maintenance period. After six months, Council will conduct a second inspection. If the Works remain satisfactory, Council will issue a *Final Acceptance Notice* and arrange for the release of the Infrastructure Bond to the Developer.
- If Council considers the Works unsatisfactory at either the preliminary or final inspection, it will issue a written direction identifying the outstanding items. The Developer must then address the issues and submit a further request for inspection.
- If the Developer fails to complete the Works or carry out required maintenance within the specified time, Council may undertake the Works or maintenance itself, using the Infrastructure Bond to cover the costs.

Link to Council Plan:**Theme Two: Built and Natural Environment**

2.2 Our infrastructure supports liveability and resilience.

2.3 We support development that enhances needs-based growth.

Financial Implications:

There are unlikely to be financial implications for Council, as the bond reflects the estimated cost of the works, ensuring coverage should Council need to undertake them.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs Governance	Choosing not to sign the Agreement would prevent the Owner from proceeding with their use and development. Choosing not to sign the Agreement may be considered an ineffective and inefficient use of Council resources, as Council proposed The Agreement as an alternative to satisfying the conditions before the Statement of Compliance.

Relevant Legislation:

Planning and Environment Act 1987, Common law, Contract law.

Community Engagement:

The community was engaged as part of the planning permit application process. Further consultation was not necessary.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Ram Upadhyaya, Director Infrastructure Services

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

Author – Mikayla Farmers, Planning Officer

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

Communications Strategy:

Not applicable.

Next Steps:

Chief Executive Officer, and one Councillor to sign the Infrastructure Bond Agreement in accordance with the Governance Local Law that governs use of the Common Seal.

RECOMMENDATION:

That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Infrastructure Bond Agreement for the development of infrastructure in accordance with conditions 17-20 on approved Planning Permit PA1822-2023, for 173 Nelson Street, Nhill.

MOVED: Cr R Aitken/Cr J Barry

That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Infrastructure Bond Agreement for the development of infrastructure in accordance with conditions 17-20 on approved Planning Permit PA1822-2023, for 173 Nelson Street, Nhill.

CARRIED

10.4 S175 INFRASTRUCTURE BOND AGREEMENT - 105 NELSON STREET, NHILL - FOR APPROVAL UNDER COMMON SEAL

Responsible Officer: Director Infrastructure Services

Attachments:

1. CONFIDENTIAL - Infrastructure Bond Agreement - 105 Nelson St, Nhill VIC 3418 - Partially Signed [10.4.1]
2. RFID-615 Rev C [10.4.2]

Executive Summary:

This report seeks Council authorisation for the use of the Common Seal of Hindmarsh Shire Council to execute the attached Infrastructure Bond Agreement (The Agreement). The Agreement is necessary to ensure footpath repairs are undertaken following works required under a Report and Consent Application necessary for a Public Protection Permit in accordance with Public Protection Regulation 116.

The bond is valued at \$4,000, reflecting Council's estimated cost to complete the works should the applicant fail to do so. If the applicant fulfills their development obligations (repairs the footpath to Council satisfaction) as agreed, then Council will refund the bond.

Discussion:

A bond agreement is a formal arrangement between a developer and Council, where the developer provides a sum of money (or bank guarantee) to Council as a way of ensuring that required works will be completed. If the works are carried out as agreed, the bond is returned. If not, Council may use the bond to complete the works.

Council may enter into a bond Agreement with a developer where works are required to achieve or advance the objectives of planning in Victoria, the Hindmarsh Shire Planning Scheme states *"Infrastructure services are important in providing transport and protecting environmental and community health and should be provided in a cost-effective manner. There is increasing pressure on the existing infrastructure services and on Council for the provision and maintenance of these infrastructure services, particularly the increased road maintenance cost."*

A bond for the works in this instance ensures that the burden on Council to repair the footpath will be minimised if the developer does not complete the works to a satisfactory standard.

The Applicant as above has applied to Council for a Report & Consent application; the application was requested by Councils Building Department forming part of the Public Protection works necessary for the applicant to carry out Building Works in accordance with a Building Order. The Building Order required the applicant to obtain a valid building permit and improve the balcony and veranda area(s) at the north and west sides of the hotel building, so they are able to withstand the combination of loads and other actions to which

the balcony / veranda structure may be reasonably subjected, in accordance with Part B1 of the Building Code of Australia 2022 Volume 1.

This Agreement has been prepared by Council, reviewed and signed by the developer and is now requiring authorisation from the Common Seal of Hindmarsh Shire Council.

Key information included in The Agreement:

The Developer acknowledges that:

- The Infrastructure Bond is a reasonable requirement of the Council to secure the Developer's proper completion of the Works.
- The Bond will consist of 100% of the Estimated Value of Works (\$4,000).
- The Bond will be retained by the Council until the Developer is eligible to have the Infrastructure Bond released in accordance with this Agreement.
- The Developer must pay the Infrastructure Bond to Council in the form of a Bank Guarantee within 14 days of the Commencement Date (and, in any case, before the issue of the Statement of Compliance).
- The Developer must complete the Works to the satisfaction of Council by the Completion Date (12 months from the date of this Agreement, unless otherwise agreed in writing by Council).
- Upon completion, the Developer must request in writing that Council inspect the Works.
- Council will inspect the Works and determine whether they are satisfactory.
- If the Works are satisfactory, Council will give written notice to that effect (a Preliminary Acceptance Notice). The date this notice is issued marks the beginning of the maintenance period. After six months, Council will conduct a second inspection. If the Works remain satisfactory, Council will issue a Final Acceptance Notice and arrange for the release of the Infrastructure Bond to the Developer.
- If Council considers the Works unsatisfactory at either the preliminary or final inspection, it will issue a written direction identifying the outstanding items. The Developer must then address the issues and submit a further request for inspection.
- If the Developer fails to complete the Works or carry out required maintenance within the specified time, Council may undertake the Works or maintenance itself, using the Infrastructure Bond to cover the costs.

Link to Council Plan:

Theme Two: Built and Natural Environment

2.2 Our infrastructure supports liveability and resilience.

2.3 We support development that enhances needs-based growth.

Financial Implications:

There are unlikely to be financial implications for Council, as the bond reflects the estimated cost of the works, ensuring coverage should Council need to undertake them.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Choosing not to sign the Agreement would prevent the Owner from proceeding with the works required under the Building Order.
Governance	Choosing not to sign the Agreement may be considered an ineffective and inefficient use of Council resources, as Council proposed The Agreement to satisfy the satisfactory completion of works.

Relevant Legislation:

Planning and Environment Act 1987, Common Law, Contract Law, Building Code of Australia

Community Engagement:

The community has been active with notifying Council about their concerns regarding the building condition and public safety. Council has engaged with the developer regarding these concerns and hence forth proceeded with Building enforcement actions.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Ram Upadhyaya, Director Infrastructure Services

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

Author – Cherylee Shandley, Manager Planning and Environment

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

Communications Strategy:

Not applicable.

Next Steps:

Chief Executive Officer and one Councillor to sign the Infrastructure Bond Agreement in accordance with the Governance Local Law that governs use of the Common Seal.

RECOMMENDATION:

That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Infrastructure Bond Agreement for the satisfactory completion of footpath repair and maintenance resulting from Building works to be carried out at 105 Nelson Street, Nhill.

MOVED: Cr J Barry/Cr C Uoy

That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Infrastructure Bond Agreement for the satisfactory completion of footpath repair and maintenance resulting from Building works to be carried out at 105 Nelson Street, Nhill.

CARRIED

10.5 REQUEST FOR ADDITIONAL FUNDING FOR RAINBOW SILO TOURISM DEVELOPMENT

Cr Ron Ismay and Cr Roger Aitken declared a material conflict of interest.

As the declaration of two conflicts of interest would result in the inability to maintain quorum, a motion was put forward to enable the matter to be dealt with in an alternative matter as provided for in S67(2) of the Local Government Act 2020. Regulation 7(1)(i) of the Local Government Act (Governance and Integrity) Regulations 2020 provides an exemption from conflict of interest requirements for “a decision by Council to deal with a matter in an alternative manner under Section 67 of the Act”.

MOVED: Cr C Uoy/Cr J Barry

In the exercise of the power conferred by S11(1)(b) of the Local Government Act 2020 (the Act), Hindmarsh Shire Council (Council) resolves that the determination of the allocation of an additional \$65,000.00 (excl GST) in funding to the Llew Schilling Silo Project in Rainbow be delegated to the Chief Executive Officer.

CARRIED

Responsible Officer: Director Infrastructure Services

Attachments:

Nil

Executive Summary:

This report recommends that Council allocate an additional \$65,000 (excluding GST) towards the Rainbow Silo Art Project to facilitate its completion. The additional funding will be used for the installation of additional essential items such as security cameras, fencing around the structure and other ancillary items. Together, these additions will enable the sustainable and efficient ongoing operation of the facility through minimising staffing and volunteer responsibilities.

Discussion:

The Llew Schilling Silo project in Rainbow has been designed as a ‘one of kind’ Silo Art Trail destination with both internal and external art, as well as a lift, staircase and viewing platform. The complex project has been managed over several years and is now nearing completion. As we move from project delivery to managing the Silo as a tourism asset, the ongoing operational requirements are being formalised.

Through this process, it was identified that a significant amount of funding and resources would be required to have a staff presence at the facility during peak periods. To design a sustainable operating model, it is proposed that Council invest in additional infrastructure that supports safety, site security and remote site management.

Council Officers propose to use this additional allocation to fund the installation of steel security fencing and a gate, along with an electronic access system (including card reader, electronic strike, IT hardware/software) and cameras at the base of the Silo tower to manage access to the elevator and stairway. The gate will be programmed to allow visitors to enter the Silo Tower during designated visiting hours and means that in adverse weather conditions (e.g. lightning or strong winds) the silo can be remotely locked.

Discussions are also progressing with a local community group to assess their capacity to assist with the visitor access management.

Approximately \$65,000 is required to fund the proposed ancillary and access improvement works as well as some works associated with roof repairs of the silo. The additional amount will be funded through the carried forward funding that was allocated as Council contribution for grant funded projects and will be recouped through reduced requirements for paid staff to lock and unlock the Silo each day.

Link to Council Plan:**Theme Two: Built and Natural Environment**

2.2 Our infrastructure supports liveability and resilience.

Financial Implications:

The additional funding of \$65,000 (excl GST) will be allocated from the 2024/2025 carried forward allocation (\$91,320 ledger 30104) for Council Contribution to Grant Funded Projects.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Asset Management Project Management and Strategic Execution	The ability to secure the Silo Tower remotely will support Council's goal of restricting after hours access.

Relevant Legislation:

Local Government Act 2020

Community Engagement:

Council's Economic Development and Tourism team, responsible for the operational activities at the Silo site, are currently discussing volunteering opportunities to support management of the site with the Rainbow Town Advisory Committee.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Ram Upadhyaya, Director Infrastructure Services

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

Author – Simon Landrigan, Manager Project Management Office

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

Communications Strategy:

Not applicable.

Next Steps:

If approved, Council Officers will proceed ahead with proposed ancillary and access improvement works.

RECOMMENDATION:

That Council approves the allocation of an additional \$65,000 (excl GST) towards the Rainbow Silo Art Project.

10.6 AUSTRALIA DAY AWARDS GUIDELINES

Responsible Officer: Director Corporate and Community Services

Attachments:

1. DRAFT Australia Day Awards Guidelines [10.6.1]

Executive Summary:

This report presents the draft Australia Day Awards Guidelines for Council adoption. The guidelines were previously informally included in application processes but have now been compiled into a formal document that can be permanently published online and made readily available to community members, Council officers, and Councillors. This will support consistency throughout the application, assessment, and decision-making process and ensure that individuals and groups have a clear understanding of how, when, and why they might nominate for one of these awards.

Provided by the Australia Day Committee, Hindmarsh Shire Council awards Australia Day Awards annually under four categories:

- Citizen of the Year
- Young Citizen of the Year
- Lifetime Achievement
- Community Event of the Year

The purpose of Australia Day Awards is to recognise individuals and community groups who have made outstanding contributions to Hindmarsh Shire. These awards aim to celebrate civic pride, volunteerism, leadership, and community service.

Discussion:

Each year on Australia Day, Hindmarsh Shire Council presents awards at the Australia Day events held throughout the Shire. The Australia Day Awards recognise outstanding community service to the Hindmarsh Shire community during the current year and/or outstanding service to the community over several years. The Awards are provided by the Australia Day Committee (Victoria) and are administered by Local Government Authorities throughout Australia.

These awards include:

- **Hindmarsh Shire Citizen of the Year and Young Citizen of the Year** - awarded to a person who has made an individual outstanding contribution to the community.
- **Hindmarsh Shire Community Event of the Year** - awarded to the person/group who has staged the most outstanding community event in Hindmarsh Shire during the calendar year preceding the year the awards are given.
- **Hindmarsh Shire Lifetime Achievement Award** - awarded to a person who has continuously contributed and/or given outstanding service to the Hindmarsh Shire community over several years, whether it be through volunteering, running a local

business, offering a helping hand when needed and/or being a positive advocate for the community.

The guidelines were previously informally included in application processes but have been compiled into a formal set of guidelines to be endorsed. The guidelines include a description of each award, the eligibility and assessment criteria and the process for application, assessment and decisions. This will support consistency throughout the process and ensure that individuals and groups have a clear understanding of how, when and why they might nominate for one of these awards.

Link to Council Plan:**Theme One: Our Community**

1.1 Our Community is active, healthy and connected.

Financial Implications:

There are no financial implications relating to this decision.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	These guidelines help mitigate the risk of Council not meeting community needs by providing a transparent, inclusive, and merit-based framework for recognising local contributions. By clearly outlining eligibility, selection criteria, and decision-making processes, the policy ensures that awards reflect the diversity and values of the community. It encourages broad participation, supports fairness and accountability, and strengthens public trust in Council's commitment to celebrating genuine community achievements.

Relevant Legislation:

Local Government Act 2020

Community Engagement:

Not applicable.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Petra Croot, Director Corporate and Community Services

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

Australia Day Awards will be advertised in September/October 2025 and will be awarded at the 2026 ceremonies.

Next Steps:

As per communications strategy.

RECOMMENDATION:

That Council adopts the Australia Day Awards Guidelines.

MOVED: Cr R Aitken/Cr J Barry

That Council adopts the Australia Day Awards Guidelines.

CARRIED

10.7 REGIONAL COMMUNITY EVENTS GRANTS 2025/2026 - ROUND ONE

Responsible Officer: Director Corporate and Community Services

Attachments:

1. CONFIDENTIAL - 2025 09 15 Big Sky festival Regional Community Events Grant application [10.7.1]
2. CONFIDENTIAL - 2025 09 15 Nhill Heritage Weekend Regional Community Events grant Application [10.7.2]

Executive Summary:

This report seeks Council approval to provide funding through round one of the 2025/2026 Regional Community Events (**Events**) grants program to eligible organisations and groups.

The aim of this funding is to support community events which celebrate culture, heritage, and community wellbeing, boost the economy and increase visitation to Hindmarsh Shire. Total annual funding of \$30,000 has been allocated by Council, with grant recipients able to apply for funding of up to \$7,500 (made up of cash and in-kind determined by Council) for their event if they meet the eligibility and selection criteria.

The 2025/2026 Events grants implemented a tiered funding system to reflect the expected visitation to the event and subsequent value to the visitor economy:

- Tier 1: \$2,000 for events expecting up to 500 attendees.
- Tier 2: \$4,000 for events expecting up to 1,500 attendees.
- Tier 3: \$7,500 for events expecting over 1,500 attendees.

The Events grants program was promoted through Council's website, Facebook page, and through local media.

Grants are recommended to be awarded to the following applicants:

1. A grant of \$4,000.00 to Oasis Rainbow for the Big Sky Festival 2026; and
2. A Grant of \$4,000.00 to the Nhill Silo Heritage Project for the Nhill Heritage Weekend 2025.

Discussion:

Council has allocated \$30,000 towards the 2025/2026 Regional Community Events Grant program in the 2025/2026 Annual Budget. Applications for this round of the Regional Community Events program closed at 5:00pm on Thursday 4 September 2025.

Council received two (2) applications requesting total funding of \$10,223.00. The recommendation is to award funds of \$8,000 in this round and open a second round in December 2025.

Based on the officer's review of the applications and assessment against the criteria (both attached), the following amounts are recommended to be awarded:

Community Group / Organisation	Event	Funding Sought	Funding Recommended	Total Event Budget
Oasis Rainbow	Big Sky Festival '26	\$4,000.00	\$4,000	\$14,200.00
Nhill Silo Heritage Project	Nhill Heritage Weekend	\$6,223.00	\$4,000	\$12,568.30*
Total:		\$10,223.00	\$8,000.00	

**Officers note that \$6,000.00 of the expenditure listed in the application correlates to the value of volunteer hours and is not evidenced as a financial cost, but rather the in-kind labour associated with running the event.*

The Nhill Silo Heritage Project applied for \$6,223.00 to hold the Nhill Heritage Weekend in October 2025. Due to the methodology shown in the application not demonstrating a consistent quantitative approach to collecting visitation data, the officer recommendation is to fund \$4,000 (tier 2 event).

Quotes have not been provided for some listed expenditure for the Big Sky '26 event due to challenges obtaining accurate quotes from confirmed suppliers at this stage of the planning process. It is recommended that the funding be allocated subject to the applicant providing quotes that validate the information in the supplied budge.

Link to Council Plan:

Theme One: Our Community

1.1 Our Community is active, healthy and connected.

Theme Three: Competitive and Innovative Economy

3.1 Our local businesses are supported to grow.

Financial Implications:

Council has allocated \$30,000 to the Regional Community Events grants for the 2025/2026 financial year. The recommended funding for this round will enable a second round of \$22,000.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Financial Sustainability	Event guidelines were prepared to ensure the funding is awarded based on evaluation criteria that is consistent for all applications. Event management, risk management and occupational health and safety requirements will need to be demonstrated by all successful applicants.

Relevant Legislation:

Local Government Act 2020

Community Engagement:

The funding program was communicated through Council's Facebook page, newsletters and in local newspapers. Officers have been liaising with community groups/organisations who have contacted Council in relation to the funding.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Petra Croot, Director Corporate and Community Services

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

Author – Jeff Woodward, Economic Development and Tourism Officer

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

Communications Strategy:

The funding program was communicated through Council's Facebook page, newsletters and in local newspapers. Officers have been liaising with community groups/organisations who have contacted Council in relation to the funding.

Once approved, the successful applications and outcomes will be promoted through Council's Facebook page, newsletters and in local newspapers.

Next Steps:

Applicants will be notified of Council's decision by phone and via letter correspondence. Council will continue to work with applicants as they plan, deliver and evaluate their events.

RECOMMENDATION:***That Council:***

- 1. awards the following funding allocations through round 1 of the Regional Community Events grants program:***

- a. ***Oasis Rainbow – \$4,000 (\$3,000 cash and \$1,000 in-kind) to support the Rainbow Big Sky Festival '26, subject to additional quotations be provided and approved by officers; and***
 - b. ***Nhill Silo Heritage Project – \$4,000 (\$3,000 cash and \$1,000 in-kind) to support the Nhill Heritage Weekend;***
2. ***authorises Council officers to allocate any unused in-kind contributions as a further cash component on confirmation of final budget and awarding of all relevant Council permits relating to the event.***

MOVED: Cr J Barry/Cr R Aitken

That Council:

1. ***awards the following funding allocations through round 1 of the Regional Community Events grants program:***
 - a. ***Oasis Rainbow – \$4,000 (\$3,000 cash and \$1,000 in-kind) to support the Rainbow Big Sky Festival '26, subject to additional quotations being provided and approved by officers; and***
 - b. ***Nhill Silo Heritage Project – \$4,000 (\$3,000 cash and \$1,000 in-kind) to support the Nhill Heritage Weekend;***
2. ***authorises Council officers to allocate any unused in-kind contributions as a further cash component on confirmation of final budget and awarding of all relevant Council permits relating to the event.***

CARRIED

10.8 GOVERNANCE UPDATES

Ms Monica Revell declared a material conflict of interest and left the meeting at 3:50pm.

Responsible Officer: Director Corporate and Community Services

Attachments:

1. DRAFT Contributions, Donations and Sponsorships Policy v 1.2 [**10.8.1**]
2. DRAFT Fee Waiver and Reduction Policy v 1.2 [**10.8.2**]
3. DRAFT Councillor Candidature in State and Federal Elections Policy v 1.0 [**10.8.3**]
4. DRAFT Procurement Policy v 1.5 [**10.8.4**]
5. DRAFT CEO Employment and Remuneration Committee Terms of Reference v 1.0 [**10.8.5**]
6. DRAFT CEO Employment and Remuneration Policy v 1.2 [**10.8.6**]

Executive Summary:

Council is responsible for reviewing and adopting strategic policies that support legislative compliance, transparency, and accountability. This report presents several policies for Council adoption and community engagement.

This report presents three policies recommended for adoption after the completion of a period of community engagement:

- The **Fee Waiver and Reduction Policy**;
- The **Contributions, Donations and Sponsorships Policy**; and
- The **Councillor Candidature at State and Federal Elections Policy**.

Feedback provided through the Have Your Say Hindmarsh Platform during the consultation period has been summarised and included in the discussion section of this report with officer responses.

The report also presents the draft **Procurement Policy**, recommended to be made available for a period of community engagement and the draft **CEO Employment and Remuneration Committee Terms of Reference** and **CEO Employment and Remuneration Policy**, recommended for adoption.

Discussion:

The Fee Waiver and Reduction Policy

The Fee Waiver and Reduction Policy was updated in March 2024 and has been reviewed due to an identified lack of formal process when requests relate to fees being waived for Hindmarsh Holiday Parks. The **Fee Waiver and Reduction Policy** has been amended to include a clause that enables Hindmarsh Holiday Park fees to be waived or reduced at the discretion of the CEO under specific circumstances:

- As incentives of internal and external promotional campaigns where there is an identified community benefit;

- As a 'donation' to a fundraiser, community auction, or charitable activity where there is an identified community benefit;
- Where the accommodation is for a consultant or service provider engaged by Council; or
- In emergency situations or where emergency accommodation is required, up to 7 nights, where no other stakeholder has initial responsibility.

Five (5) respondents provided feedback on the proposed changes, three (3) of which thought the Policy required changes and two (2) thought the policy was satisfactory in its current form.

Feedback	Officer Response	Policy Change
Policy is sensible.	N/A	N/A
Are caravan parks profits used to subsidise missed fees under this policy? If not, this change to the policy is not supported as ratepayers should not have to foot the bill.	Holiday Parks currently operate at a profit that is used to reinvest in park operations, or as general revenue to support projects in the community. Reported income for 2024/2025 was around \$1.40m and expenditure (staff, maintenance, utilities, upgrades) was \$1.17m.	Any waived fees would be subsidised by surplus Holiday Park revenue, the question is satisfied, and no changes are required.
The delegations around decisions in the policy are unclear and fee waiver decisions should not necessarily need to be made by the CEO.	Efficiency in decision-making is important, but there is a high threshold on financial oversight for fee waiving to ensure Council is transparent and consistent. In most instances, Managers can make decisions to waive fees as most fees are below \$500. Because the circumstances where Holiday Park fees would be waived are uncommon based on a judgement of broader community benefit rather than individual or group circumstances, the authority to make this decision is retained by the CEO. If after a period of policy operation this is inappropriate or inefficient, officers will consider this feedback and propose changes for Council consideration.	No change recommended at this stage, but future consideration should be given after a period of operation.

Contributions, Donations and Sponsorships Policy

The current **Community Contributions Policy** was adopted by Council in June 2024 and has been expanded from solely focusing on community contributions to Council funded or auspiced projects, to include requests for Council to both give and receive sponsorships and donations. This addition ensures that there are consistent, transparent and clear

governance arrangements around these types of requests that can resource and enhance community projects.

Two (2) respondents provided feedback on the proposed changes, one (1) of which thought the Policy required changes and the other response thought the policy was satisfactory in its current form.

Feedback	Officer Response	Policy Change
Issue regarding balancing how Council enables businesses to contribute to community projects with the clause regarding Council not endorsing any products or services associated with the sponsor, recipient or third party.	<p>Council officers have reviewed the Policy in consideration of this feedback. The critical aspect is distinguishing between acknowledgement and endorsement.</p> <p>Officers have updated the Policy definitions section to define both terms to clarify how sponsors can be acknowledged without Council inappropriately endorsing products of services.</p>	Definitions section updated.

Councillor Candidature at State and Federal Elections Policy

The Model Councillor Code of Conduct (effective 26 October 2024) has replaced previous statutory requirements for Councils to develop their own Codes of Conduct and previous standards of conduct. Councils must now follow the statewide Model Code, though they can still create separate local rules on specific matters if needed. Previously, Council's Councillor Code of Conduct included locally tailored procedures for Councillors seeking to nominate for State or Federal office. These procedures addressed key issues such as leave of absence, conflicts of interest, and the use of Council resources, aligning with MAV guidelines released in 2021.

This policy has been developed to reinstate the previous policy/procedure contained within the former Councillor Code of Conduct, to assist with the continuation of clear processes for managing Councillors' nominations as candidates for State or Federal elections.

Three (3) respondents provided feedback on the proposed changes, one (1) of which thought the Policy required changes and two (2) thought the policy was satisfactory in its current form.

Feedback	Officer Response	Policy Change
The Policy should include requirements of employees who are intending to run or nominate at a state level.	<p>Council has operational policies that consider employee conduct relating to secondary employment or 'interests'.</p> <p>Employees have a right to stand for election under the Charter of <i>Human Rights and</i></p>	Managing employee candidature in state elections is an operational matter. No changes recommended based on this feedback.

	<p><i>Responsibilities Act 2006</i> (Vic). They must balance this right with their obligations under the employee Code of Conduct and the <i>Local Government Act 2020</i> and associated regulations.</p> <p>There are sections in operational policies around conflict of interest (i.e. ensuring that they would not use their employment at Council for any personal gain related to their candidature) and disclosing business or other employment that may intersect with their work as a Council employee.</p>	
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Procurement Policy

With the adoption of the *Local Government Act 2020* (the Act), Councils are required to have their own procurement policy in place that determines their approach to procuring goods and services and procurement thresholds. Expectations for these policies are set out in the Act. The review was conducted in line with the recently released shared template produced by the Municipal Association of Victoria in collaboration with legal and sector representatives. Whilst maintaining all critical information as required by the Act, Council wanted to ensure that the content, processes and thresholds are applicable and implementable within our systems and context.

Changes to the **Procurement Policy** recommended through this review include:

- *Minimum Market Competition Thresholds* – these have been reviewed in line with sector best practice, increasing costs and consideration of purchase types within thresholds. It has also considered the CEO delegation as adopted by Council in March 2025 that set the CEO purchasing delegation limit of \$250,000.
- *Cumulative Spend* – Council had previously reviewed this section (2024 review) as current systems do not allow for real-time cross-organisation reporting on cumulative spend. The wording considered as part of this policy ensures that cumulative/aggregate spend is considered to achieve value-for-money but is not committing Council to a specific process that cannot be reasonably implemented. The approach to cumulative spend should be proactive and strategic rather than reactive and based on complex system reporting.
- *Conflict of Interest* – this draft Policy has a dedicated section detailing Conflict of Interest expectations and management as this is a critical risk exposure in rural communities where businesses and providers are interconnected with staff and Councillors.
- *Purchase Order Requirements* – there are certain purchases where it is either unreasonable or unpractical for a purchase order to be produced, this was not enabled under the previous policy.

- *Stipulating clear 'follow up' processes* – the new draft policy includes clear sections on unsuccessful tenders, variations and negotiations that were either not comprehensively detailed or were unclear in their interpretation.
- *Quadruple Bottom Line* is an aspirational approach but operationally caused some concern regarding the resourcing and efficiency of applying these to procurements at Council's scale. This has been included as it is best practice, but the wording has been adjusted slightly to allow Council to consider whether it is reasonable and proportional to apply to specified procurement activities.

The draft Procurement Policy was endorsed by the Audit and Risk Committee on 17 September 2025 and is recommended to be made available for a period of community engagement from 25 September 2025 to 17 October 2025.

CEO Employment and Remuneration Policy and Committee Terms of Reference

Council must establish a Committee to oversee matters relating to CEO employment and remuneration in accordance with Section 45(2) of the *Local Government Act 2020*. Hindmarsh Shire Council previously had a Policy that dealt with matters relating to CEO employment and remuneration and has reviewed this to ensure compliance with the Act, and to create standalone Terms of Reference to guide the Committee in undertaking their role as an advisory committee of Council.

The Terms of Reference have been designed to complement the meeting procedures contained in the governance rules, contents of the Policy and established functions and processes regarding the independent member, performance management and reporting to Council. The key change to the Policy is within the 'contract expiry' clause regarding the timeline for a recommendation to Council to reappoint or cease the employment of the CEO (previously this was 3-6 months). While simply being a more sensible approach to ensure adequate time to recruit and for the outgoing CEO to prepare, it also aligns with the current employment term and ensures that decisions are made prior to Caretaker period in the lead up to the next local council elections.

The CEO Employment and Remuneration Policy and CEO Employment and Remuneration Committee Terms of Reference were endorsed by the Audit and Risk Committee on 17 September 2025 and are recommended for adoption by Council.

Link to Council Plan:

Theme Four: Good Governance and Financial Sustainability

Strong governance practices

Financial Implications:

Fee Waiver and Reduction Policy

The Fee Waiver and Reduction Policy accounts for minor impacts to the budget based on anticipated fees being waived.

Contributions, Donations and Sponsorships Policy

The amendments to the Contributions, Donations and Sponsorships Policy ensures effective governance of monetary and other goods and services that are either donated to or by Council for community projects. The intended impact on Council's adopted budget or expenditure commitments is immaterial.

Procurement Policy

There are significant implications to financial and procurement processes based on the review, but no direct costs related to the decision by Council to adopt the Policy. There are indirect cost savings relating to clarity and efficiencies within the Policy.

CEO Employment and Remuneration Policy and Committee Terms of Reference

This decision to endorse these documents does not have a direct financial impact, but both documents consider the remuneration of both the CEO and Committee Independent Chair in a principles-based sense.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Reviewing policies to ensure that they are compliant and applicable ensures good governance, effective decision-making and consistent processes and procedures. These changes update gaps identified in the existing policy framework.

Relevant Legislation:

Local Government Act 2020

Community Engagement:

Fee Waiver and Reduction Policy, Contributions, Donations and Sponsorships Policy and Councillor Candidature in State and Federal Elections Policy

These policies were made available for a period of community engagement via Have Your Say Hindmarsh from 28 August 2025 to 11 September 2025. Feedback has been attached to this report as a confidential attachment as it contains personal information, with pertinent information summarised in the body of the report with officer feedback.

Procurement Policy

The Procurement Policy is recommended to be made available for a period of community engagement in line with Council's Community Engagement Policy from 25 September 2025 to 17 October 2025.

CEO Employment and Remuneration Committee Terms of Reference and CEO Employment and Remuneration Policy

These documents are required and governed by legislation. As they relate to the terms of employment and employment relationship between Council and the CEO, the scope for significant variation, and the direct impact on the community is minimal. As a result, and in

consideration of Council's Community Engagement Policy, engagement is not recommended.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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 – Petra Croot, Director Corporate and Community Services

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

The draft policies that have not already undergone a consultation process will be made available for feedback on the Have Your Say Hindmarsh, with this engagement opportunity to be advertised in newsletters, via social media and via advertisement in local newspapers.

Next Steps:

Undertake communications strategy, review documents based on feedback and provide a report to Council at the October meeting recommending the additional policies for adoption.

RECOMMENDATION:***That Council:***

- 1. adopts the Fee Waiver and Reduction Policy;***
- 2. adopts the Contributions, Donations and Sponsorships Policy;***
- 3. adopts the Councillor Candidature in State and Federal Elections Policy;***
- 4. adopts the CEO Employment and Remuneration Committee Terms of Reference;***
- 5. adopts the CEO Employment and Remuneration Policy; and***
- 6. endorses the draft Procurement Policy for a period of community engagement in accordance with Council's Community Engagement Policy from 25 September 2025 to 17 October 2025.***

MOVED: Cr T Clark/Cr J Barry

That Council:

- 1. adopts the Fee Waiver and Reduction Policy;***
- 2. adopts the Contributions, Donations and Sponsorships Policy;***
- 3. adopts the Councillor Candidature in State and Federal Elections Policy;***
- 4. adopts the CEO Employment and Remuneration Committee Terms of Reference;***
- 5. adopts the CEO Employment and Remuneration Policy; and***
- 6. endorses the draft Procurement Policy for a period of community engagement in accordance with Council's Community Engagement Policy from 25 September 2025 to 17 October 2025.***

CARRIED

Ms Monica Revell returned to the meeting at 3:55pm.

11 COUNCIL COMMITTEES

11.1 ADVISORY COMMITTEES

Responsible Officer: Chief Executive Officer

Attachments:

1. Jeparit Town Committee Meeting Minutes 8 September 2025 [11.1.1]
2. Rainbow Town Committee Minutes 18 August 2025 [11.1.2]
3. Nhill Town Advisory Committee Minutes - 2 September 2025 [11.1.3]
4. CONFIDENTIAL - Audit and Risk Committee Minutes 17 September 2025 [11.1.4]
5. ARC Chair's Report 2025 [11.1.5]
6. CONFIDENTIAL - Audit and Risk Committee Special Meeting Minutes 23 September 2025 - Late Attachment [11.1.6]

Introduction:

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

- **Rainbow Township Advisory Committee**

General Meeting on 18 August 2025

- **Nhill Township Advisory Committee**

General Meeting on 2 September 2025

- **Jeparit Township Advisory Committee**

General Meeting on 8 September 2025

- **Audit and Risk Committee**

General Meeting on 17 September 2025

In accordance with the Audit and Risk Committee Work Plan and Terms of Reference, the Audit and Risk Committee considered the draft Annual Accounts and Financial Statement, external and internal audit reports, governance and compliance updates, risk reports, policy updates and the health and safety update.

Committee Chair's Report August 2025

Special Meeting on 23 September 2025

Next Steps:

Advisory Committee minutes (excluding Audit and Risk Committee) will be published on Council's website.

RECOMMENDATION:

That Council notes the minutes of the following Advisory Committees:

- 1. Rainbow Township meeting held on 18 August 2025;***
- 2. Nhill Township meeting held on 2 September 2025;***
- 3. Jeparit Township meeting held on 8 September 2025; and***

- 4. *Audit and Risk Committee meeting held on 17 September 2025 and 23 September 2025, including the Chair's Report as tabled.***

MOVED: Cr J Barry/Cr R Aitken

That Council notes the minutes of the following Advisory Committees:

- 1. Rainbow Township meeting held on 18 August 2025;***
- 2. Nhill Township meeting held on 2 September 2025;***
- 3. Jeparit Township meeting held on 8 September 2025; and***
- 4. Audit and Risk Committee meeting held on 17 September 2025 and 23 September 2025, including the Chair's Report as tabled.***

CARRIED

11.2 COMMUNITY ASSET COMMITTEES

No Community Asset Committee business presented.

12 LATE REPORTS

12.1 SPECIAL MEETING TO CONSIDER THE ANNUAL FINANCIAL REPORT AND PERFORMANCE STATEMENT

Responsible Officer: Mayor

Attachments:

Nil

Executive Summary:

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

Council Officers are currently preparing the final version of the Financial Statements and Performance Statement in accordance with the Act. Due to the timelines and requirements regarding the publishing of the Annual Report 2024/2025, this report requests that the CEO call a Special Meeting of Council, by electronic means of communication in accordance with S16, S20 and S22 of the Hindmarsh Shire Council Governance Rules to consider the Financial Statements and Performance Statement at a later date.

Discussion:

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

The Financial and Performance Statements were prepared in accordance with the requirements of the Act and the applicable accounting standards. Copies of the Statements were provided to Crowe (external auditor acting for the Victorian Auditor-General's Office), with Council officers working through several matters within the reports relating to asset valuation.

As the Financial and Performance Statements were not prepared in time for this Council meeting on 24 September 2025, this report requests that the CEO call a Special Meeting of Council, by electronic means of communication in accordance with S16, S20 and S22 of the Hindmarsh Shire Council Governance Rules to consider the Financial Statements and Performance Statement at a later date. This will ensure that the documents are completed to the required standard and that Council meets the requirements of the Act by ensuring in principle approval via a resolution of Council and the authorising of two (2) Councillors to sign these documents in their final form.

Link to Council Plan:**Theme Four: Good Governance and Financial Sustainability**

4.3 We manage our resources responsibly and strategically.

Financial Implications:

There are no direct financial implications in relation to the decision to call a Special Meeting.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Completion of end of year financial auditing and reporting processes ensures Council is both compliant with legislation and appropriately managing its budget.

Relevant Legislation:

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Community Engagement:

Not applicable.

Gender Equality Implications:

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment is not required as this decision does not have a direct and significant impact on the community.

Confidential Declaration:

Not applicable.

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, Chief Executive Officer

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

CEO to determine reasonable date on which to hold meeting and provide notification to Councillors and the community.

Next Steps:

Council Officers to complete preparation of the Annual Financial Statements and Performance Statement.

RECOMMENDATION:

That Council requests that the CEO call a Special Meeting of Council in accordance with S16 of the Hindmarsh Shire Council Governance Rules, and that:

- 1. the meeting date be set at a date and time whereby reasonable notice can be provided in accordance with S16(1) of the Hindmarsh Shire Council Governance Rules; and***
- 2. the meeting be held via electronic means of communication in accordance with S20 of the Hindmarsh Shire Council Governance Rules.***

MOVED: Cr C Uoy/Cr J Barry

That Council requests that the CEO call a Special Meeting of Council in accordance with S16 of the Hindmarsh Shire Council Governance Rules, and that:

- 1. the meeting date be set at a date and time whereby reasonable notice can be provided in accordance with S16(1) of the Hindmarsh Shire Council Governance Rules; and***
- 2. the meeting be held via electronic means of communication in accordance with S20 of the Hindmarsh Shire Council Governance Rules.***

CARRIED

13 NOTICES OF MOTION

No notices of motion.

14 OTHER BUSINESS

No other business.

15 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. 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, and following consideration of items 15.1 to 15.3 close the Council meeting:

- 15.1 AWARD OF RFQ 2025-2026-08 – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released”**
- 15.2 AWARD OF CONTRACT 2025-2026-09 DESIGN, CONSTRUCTION, FIT OUT AND INSTALLATION OF ONE (1) CARAVAN Park MULTI-UNIT ACCOMMODATION BUILDING – this report contains “private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets”**
- 15.3 CEO EMPLOYMENT AND REMUNERATION COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs”**

MOVED: Cr J Barry/Cr T Clark

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, and following consideration of items 15.1 to 15.3 close the Council meeting:

- 15.1 AWARD OF RFQ 2025-2026-08 – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released”**
- 15.2 AWARD OF CONTRACT 2025-2026-09 DESIGN, CONSTRUCTION, FIT OUT AND INSTALLATION OF ONE (1) CARAVAN Park MULTI-UNIT ACCOMMODATION BUILDING – this report contains “private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets”**
- 15.3 CEO EMPLOYMENT AND REMUNERATION COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs”**

CARRIED

16 LATE CONFIDENTIAL REPORTS

No late confidential reports.

17 MEETING CLOSE

There being no further business, Cr Ron Ismay declared the meeting closed at 4:19pm.
