



MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 24 JUNE 2020 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET, NHILL COMMENCING AT 3:00PM.

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Public Submissions

7. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for Planning Permit PA1652-2019 – Development of six dwellings, associated six lot subdivision and a waiver of the visitor car parking required by the planning scheme, Lot 33 PD20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill

9.2 Application for Planning Permit PA1668-2020 – Construction of a shed (store) on CA5A, PSH Balrootan, 68 Nhill-Harrow Road, Nhill

10. Reports Requiring a Decision

10.1 Adoption of Annual Budget 2020/2021

10.2 Council Plan 2017-2021 Annual Review & Strategic Resource Plan 2021-2024

11. Special Committees

12. Late Reports

13. Confidential Matters

No report

14. Meeting Close

Present:

Crs. R Gersch (Mayor), D Colbert (Deputy Mayor), R Ismay, R Lowe, D Nelson, T Schneider.

In Attendance:

Mr. Greg Wood (Chief Executive Officer), Mrs. Monica Revell (Director Corporate and Community Services), Ms. Angela Hoy (Director Infrastructure Services), Miss. Shauna Johnson (Executive Assistant), Mrs. Janette Fritsch (Manager Strategic Assets and Planning) items 1 to 9.2, Mr. Jeff Woodward (Tourism and Economic Officer).

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr R Gersch opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

No apologies.

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 13 May 2020 and Special Council Meeting held on Wednesday 17 June 2020 at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R. Lowe/D. Colbert

That the Minutes of the Ordinary Council Meeting held on Wednesday 13 May 2020 and Special Council Meeting held on Wednesday 17 June 2020 at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachments: 1 & 2

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

Direct; or

Indirect interest

- a) by close association;
- b) that is an indirect financial interest;
- c) because of conflicting duties;
- d) because of receipt of an applicable gift;
- e) as a consequence of becoming an interested party; or
- f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

Ms. M. Revell declared at the time of writing the budget report that she had an indirect conflict of interest by close association, but she no longer has this conflict.

Cr. D. Nelson declared two direct conflicts of interest, in item 10.1.

5. PUBLIC QUESTION 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 100 words including any pre-amble. Offensive, trivial and repetitive questions or questions which have been recently answered may be excluded at the discretion of the Mayor.

The deadline for the submission of questions for the Council meeting of 24 June 2020 is 3:00pm Tuesday 22 June 2020.

1. Referring to the late report at Council's May 13th Council meeting; Hindmarsh Shire Council Instrument of Appointment and Authorisation;

Would Council please explain using plain English this motion to ensure public understanding?

And what instrument is there for staff to report against their increased delegations?

- *Due to the COVID-19 pandemic and state of emergency declaration it was necessary to increase the financial delegation to the CEO to allow Council to continue to function while there were fewer Council meetings. Financial decisions taken under delegation that are normally taken by Council have been reported to Councillors via a Council report, briefing sessions or via email.*
- *There is no change to the delegation for other Council officers.*

2. The 2014 Karen Community Plan formed part of the Hindmarsh Shire Council Plan 2013-2017. (Source Karen community plans).

Does the Karen Community Plan 2017-2021 form part of the Hindmarsh Shire Council Plan 2017-2021?

- *The 2017-2021 Karen Community Plan forms part of the Hindmarsh Shire Council plan 2017-2021 under strategic objective 1.1.3 “support integration of migrants into the community”. Measurements for this objective include hosting cultural events each year and reviewing the Karen Community Plan which was completed in 2017. Council supports the Karen New Year celebrations by providing the Karen Community with access to the Nhill Memorial Community Centre.*

3. Referring to the budget report, Kiata South Road is getting money spent on it from the Federal Government for Local Roads and Infrastructure Program, could you please tell us:

What section of the Kiata South Road will the money be spent on?

- *The curved section near the Kiata Reserve Mallee Fowl Walking Loop, approximately 1.5km east of the Hall Road intersection.*

What type of roadwork will be completed on this section of road?

- *Widening from single bitumen lane to dual bitumen lanes to improve safety.*

How many kilometres or metres of the Kiata South Road will benefit from the funding?

- *Approximately 500m.*

6. PUBLIC SUBMISSIONS

Any person making a submission on the draft Budget or draft Council Plan 2017 – 2021, submission is entitled to request in the submission that the person wishes to appear in person, or be represented by a person specified in the submission, at the Council meeting to be held at 3:00pm on 24 June 2020 at the Nhill Memorial Community Centre. Submissions will be considered in accordance with Section 223 of the Local Government Act 1989.

No requests were made in any submission to appear in person, or to be represented by a person specified in the submission, at the Council meeting.

No public submissions.

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachments: 3, 4 & 5

Introduction:

The following correspondence is tabled for noting by Council

Inwards:

- 04/06/2020 – Letter from Member for Lowan Emma Kealy

Outwards:

- 22/05/2020 – Letter to Member for Lowan Emma Kealy
- 22/05/2020 – Letter to Minister for Police and Emergency Services

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS D. Colbert/R. Ismay

That Council notes the attached correspondence.

CARRIED

Attachments: 3, 4 & 5

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer
Attachments: 6, 7 & 8

Introduction:

The attached Assembly of Councillors Records are presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

Options:

1. That Council accepts the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: CRS D. Colbert/R. Lowe

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachments: 6, 7 & 8

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT PA1652-2019 – DEVELOPMENT OF SIX DWELLINGS, ASSOCIATED SIX LOT SUBDIVISION AND A WAIVER OF THE VISITOR CAR PARKING REQUIRED BY THE PLANNING SCHEME, LOT 33 PS20183 AND LOT 1 TP198477, 5-7 LUBERTA STREET, NHILL

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 106020 and 106060
Applicant: Donald Sharples c/- Dons Design Drafting
Owner: Eumaraleek Pty Ltd
Subject Land: Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill
Proposal: Development of Six Dwellings and associated Six Lot Subdivision

Zoning & Overlays:

Parcel 1 - Lot 33 PS20183
General Residential Zone
Environmental Significance Overlay (Schedule 6)

Parcel 2 - Lot 1 TP198477
General Residential Zone

Attachment: 9

- 1 – Location & Nhill CBD Map
- 2 – Site Map
- 3 – Existing conditions & streetscape
- 4 – Proposed floor plan
- 5 – Proposed subdivision plan & ResCode design response
- 6 – Garden area requirements plan
- 7 – Elevations & floor plans
- 8 – Proposed subdivision plan
- 9 – Proposed Parking & Turning Circulation Plan
- 10 – Proposed Vehicle Exit plan for Units 3 & 4

Summary:

This report recommends that Planning Permit PA1652-2019 be issued, to allow the construction of six single storey units on the subject land with the associated six lot subdivision and to waive the car parking requirements of Clause 52.06-3 at 5-7 Luberta Street, Nhill, subject to a number of conditions.

Background:

Planning permit application PA1652-2019 was lodged with Council on the 28 January 2020 for the subdivision and development of six single storey dwellings.

Proposal Details:

It is proposed to develop six dwellings on the subject site and subdivide the site into six lots. Further details of the proposal can be described as follows:

- Each one of the dwellings has the same floor plan and is pre-fabricated. They each contain two bedrooms, a bathroom, a laundry and an open plan kitchen / living area.

The living areas of each dwelling all face north and have a small deck opening out onto the private open space area.

- Unit 1 has its own crossover to Luberta Street on the eastern boundary of the site, with the remaining Units 2 – 6 gaining access from a common property driveway.
- Dwellings 1-2 and 5-6 have a single garage adjoining the dwellings, and Dwellings 3 and 4 at the rear of the site have a double garage.
- Dwellings and garages are to be constructed of Colourbond material in full and have a modern appearance with skillion roof forms.
- Each dwelling is provided with water tanks in the private open space area for water storage.

The following lot sizes are proposed as part of the subdivision

- Lot 1 – 300m²
- Lot 2 – 300m²
- Lot 3 – 301m²
- Lot 4 – 302m²
- Lot 5 – 300m²
- Lot 6 – 300m²

No **visitor** car parking spaces are proposed as part of this development.

Requirement for Permit:

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

- Clause 32.08-3 – Subdivision of land in the General Residential Zone
- Clause 32.08-6 – Construction of two or more dwellings on a lot in the General Residential Zone
- Clause 42.01-2 – Buildings and works in the Environmental Significance Overlay
- Clause 52.06-3 – A planning permit is required to reduce (including reduce to zero) the number of visitor car parking spaces required under Clause 52.06-5.

Definitions:

Section 3 of the *Planning and Environment Act 1987* defines 'subdivision' as "*the division of the land into two or more parts which can be disposed of separately.*"

'Subdivision' is not defined within the Hindmarsh Planning Scheme.

Restrictive Covenant or Section 173 Agreement:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the proposal is not within land affected by Aboriginal Cultural Heritage sensitivity.

Subject site & locality:

The site is made up of two land parcels and has an area of 2044.6m² and is located on the southern side of Luberta Street approximately 200 metres north of the Western Highway in Nhill.

The site is generally uniform in shape with a 35 metre frontage to Luberta Street and an average depth of 54 metres. The site is flat and generally void of any other notable features and currently sits vacant.

Land surrounding the subject site is developed for single dwellings on the lots, most with small outbuildings. None of the lots in the immediate vicinity have been further subdivided at this time. The subject site is close to the Nhill Train Station and Active Open space areas.

s52 Notice of application

- (1) *Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—*
- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the *Planning and Environment Act 1987* the following forms of advertising were undertaken:

- a. Notices were sent to owners and occupiers of adjoining land;
- b. A sign was placed on the site for (14 days);
- c. Public Notification in the Nhill Free Press on 19 March 2020 and;
- d. The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: GWM Water – Supported subject to conditions
Wimmera CMA – Supported with no conditions
Powercor Australia – Supported subject to conditions

Section 52 Notices: Not required

Internal Referrals:

- Engineering: See conditions applied.
- Environmental Health: Supported with no conditions required.
- Building: Not required.
- Economic Development and Tourism: Not required.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01- Victoria
Clause 11.01-1S – Settlement

Clause 13.02 - Bushfire
Clause 13.02-1S - Bushfire planning
Clause 15.01 – Built Environment

Clause 16 – Housing
Clause 16.01-4S – Housing affordability
Clause 16.01-5S – Rural residential development

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 32.08 – General Residential Zone

Overlay Provisions

Clause 42.01 – Environmental Significance Overlay (Schedule 6)

Particular Provisions

Clause 52.06 – Car Parking
Clause 55 – Two or more Dwellings on a lot and Residential Buildings
Clause 56 – Residential Subdivision

General Provisions

Clause 65 - Decision Guidelines, states that: -

“Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy.*
- *Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

This clause does not apply to a VicSmart application and this application does not qualify as a VicSmart submission.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for residential purposes. The dwellings will contribute to the diversity of housing stock in Nhill and provide cheaper affordable housing options for people looking to live in the area.

General Residential Zone

The objectives of the General Residential Zone are contained in Clause 32.08:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

As described above in this report, the application is generally consistent with relevant state and local planning policies.

The local architecture is made up of single and double fronted single storey period and modern styles. Building materials consist of a mixture of weatherboards, brick and pitched metal roofs with a mixture of facades and period details. The proposed new dwellings and garages shall be built with material types that are in keeping with the existing neighbourhood character. The buildings are very low scale in nature and despite being a higher density than surrounding dwellings still appear to be well separated on the site.

Environmental Significance Overlay Schedule 6

Relevant environmental objectives to be achieved in this schedule include:

- *To ensure that the increase or decrease of surface runoff or concentration of surface water runoff from primary catchment areas (ESO6) does not lead to erosion and siltation of conversation value wetlands (ESO5).*
- *To ensure that any land use and development within a primary catchment area (ESO6) is consistent with maintaining the existing ecological condition of the wetlands of conversation value (ESO5)*
- *To ensure that the natural alignment of waterways are not altered.*

Only a small portion of the site is affected by the ESO6 in the south eastern corner of the site. Councils Engineering Department have reviewed the application and have required a comprehensive Drainage Plan to be submitted prior to the commencement of works to ensure that there is no increase or decrease in surface runoff and the development has the capacity to handle its own stormwater without affecting runoff beyond the site. This has been included as a condition of the permit

No vegetation exists on the site at present, and further vegetation can be planted by way of condition on the permit to contribute to the environmental and landscape values of the area.

Clause 52.06 – Car Parking

A planning permit is required to waive the car parking requirements for visitor car parking for the proposed development. One visitor car parking space is required to be provided for every 5 dwellings on the site.

As there is a large street frontage to the development, it is considered appropriate to waive this requirement. Visitors for the dwellings can park at the front of the site.

Clause 55 – Development of two or more dwellings on a lot

It is considered that the proposal achieves a high degree of compliance with ResCode, subject to conditions being included on the planning permit to be issued.

Clause 55.02 – Neighbourhood Character and Infrastructure

Neighbourhood character has been discussed above in this report pursuant to the objectives of the General Residential Zone and the proposed development is considered to be in keeping with the established neighbourhood character. The dwellings are low scale and well separated on the site with no future walls on the boundary. The height of the dwellings is single storey and the homes will be modest. A written statement has been provided by the applicant in support of the application pursuant to Standard B2 (Residential policy objective).

Standard B5 relates to integration to the street, and in this case is not optimal due to the front fence around the majority of the front setback. It is considered acceptable to support the proposal given that the fence is there to ensure that private open space can be provided to the north of the dwellings. The proposed new units and garage heights respect the character of the streetscape in other ways, by having a similar front setback, low building profile and garages set back on the lots.

The setbacks of the dwellings to the street are generous and considered to be consistent with the adjoining setbacks and those within the street. The dwellings are sited further forward of the garages which is also considered a positive design outcome as the dwellings will be more dominant than the car parking areas. Building heights, site coverage and permeability are well within the minimum requirements with a relatively low site coverage. Energy efficiency has been maximized on the site with all of the living areas being north facing and having large openings to the north, opening up onto north facing private open space areas.

Good landscaping can be achieved on the site by way of permit condition for a comprehensive landscape plan that will require the planting of canopy trees on the site and within the front setback. This will improve the current landscaping on the site, which is currently void of any vegetation.

Access objectives have been met with two vehicle crossovers proposed to facilitate access to the six dwellings, and the parking locations are sufficient adjoining the dwellings. Councils Engineers have required amended plans to be submitted as part of permit conditions to ensure that turning circles are sufficient and that vehicles can move freely through the site. as all of the structures on the site are freestanding and not attached, it would be possible to manipulate the location of garages if needed to ensure vehicle manoeuvrability.

Side and rear setback requirements of B17 are met and there are no walls on the boundaries proposed as part of this development. The development does not impact on any adjoining north facing windows or habitable room windows on surrounding properties. Due to the height and low scale nature of the proposal, there is no overshadowing caused by the proposal to any of the adjoining lots. None of the proposed windows are subject to overlooking concerns due to the low floor level and the fencing that surrounds the site. No noise impacts would be expected that is not typical of usual residential development of this scale.

All of the dwellings have good access to daylight due to the separation that has been able to be achieved throughout the site. Large areas of private open space have been provided for each dwelling with usable proportions. These private open space areas are all located on the north sides of the dwellings which is optimum in terms of location. Storage has also been shown on the plans besides each of the garages, complying with Standard B30.

Design detail is considered to be acceptable. These dwellings will certainly be different to the existing stock of dwellings in Luberta Street and the surrounding area, being modern in appearance. They are still considered to be respectful of character and have some good design details including roof forms and materials utilized. Front fences are proposed as part of this development, having a height of 1.5 metres. Whilst this isn't ideal in terms of integration with the street as discussed above, due to the design and layout of the proposal and the private open space being located to the north of dwellings, a fence is required along the front boundary. Given that the height is 1.5 metres maximum, this can be considered acceptable in this case.

Common area has been defined in the Clause 56 response as 'the driveway and turning areas and garden strips'. This will be clearly defined on the Plan of Subdivision when submitted to Council for Certification. Certification ensures the plan meets *The Subdivision Act (1988)*, the planning permit requirements and those of the referral authorities. All other site services are shown on the plans including washing lines, water tanks, mailboxes and bin storage areas.

Given the above commentary, it is considered that the proposal is generally compliant with Clause 55 of the planning scheme and can be supported.

Clause 56 – Subdivision

The application has been assessed against the requirements of Clause 56 of the Hindmarsh Planning Scheme and is considered to be in compliance with these requirements. The subdivision must comply with all clauses except clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

The subdivision is considered to respect the existing neighbourhood character and is consistent with the state and local planning policies applicable to the application. The subdivision achieves a good lot diversity for the overall area in compliance with Standard C7 (Lot diversity and distribution). The solar orientation of the lots is good and results in dwellings having north facing living areas and private open space areas (Standard C8). Further, the lots are oriented towards the street (Standard C10).

With regards to Clause 56.04-5 – Common area objectives - the permit will be conditioned that the applicant provides a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.

- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

Public open space has not been paid on the lots prior to the application being made and so will be required to be paid prior to the issue of a statement of compliance for the subdivision. It is appropriate to take a cash contribution in this instance as opposed to land given the size and scale of the development. This achieves the objectives of Standard C13 – provision of public open space.

Lot access is considered to be satisfactory with crossovers to be provided prior to the issue of a statement of compliance or before the use commences to the satisfaction of the Responsible Authority. Conditions will ensure that the crossover is at a 90-degree angle to the road and proper sight lines are provided.

The site has access to existing infrastructure in the area including drinking water, electricity and sewer connections. Comments have been received from all referral authorities and conditions placed on the permit with regard to proper infrastructure provision on the site. Through the submission of a stormwater drainage plan, Stormwater Management objectives of Standard C25 can be satisfactorily addressed on the site.

Conditions in relation to site management have also been included on the permit to ensure that the site and surrounding area is protected from degradation and nuisance prior to and during the construction of subdivision works pursuant to Standard C26.

All required standard conditions from Clause 66.01 have been included on the permit recommended to be issued. The subdivision of the land is supported and is considered appropriate.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Manager Contracts and Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

12/12/2019 - Lodged

28/01/2020 – Fee received

28/05/2020 – Received request to amend PPA under Section 57A of the *Planning and Environment Act 1987* for Council to waive requirement for visitor car park.

11/06/2020 – Final response to RFI.

24/06/2020 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 June 2020 (13 days.) The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

Conflict of Interest:

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible: Angela Hoy, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Co-Author: Stephen O'Brien, Town Planning Consultant
In providing this advice as the Co-Author, I have no interests to disclose.

Co-Author: Janette Fritsch, Manager Contracts & Development
In providing this advice as the Co-Author, I have no interests to disclose.

RECOMMENDATION:

That Planning Permit PA1652-2019 be approved, to allow the development of six single storey dwellings, associated six lot submission and a waiver of the car parking requirements of Clause 52.06-03 at Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill, subject to the following conditions:

Endorsed Plans

1. Prior to the commencement of development, amended plans generally in accordance with this application must be submitted to the Responsible Authority for approval. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be amended to show:

- (a) All new crossovers must be a minimum of 3.0 metres wide and driveways must have an internal radius of at least 4.0 metres at the change of direction to the satisfaction of the Responsible Authority.***
- (b) Vehicular crossings must be shown to be constructed at right angles to the road to suit the proposed driveways***
- (c) Forward entry and exit to all properties, except for Unit 1.***
- (d) Turning circles for Units 2 – 5 to demonstrate that vehicles will be able to exit the site in a forward direction to the satisfaction of the Responsible Authority***
- (e) Fencing, landscaping and tree planting near access ways updated to allow for adequate sight distance in accordance with AS 2890.1, Clause 3.2.4.***
- (f) Letterboxes at the front of the site having a maximum height of 900mm in accordance with AS 2890.1, Clause 3.2.4 to ensure adequate sight distance.***
- (g) Prior to the Certification of the Plan of Subdivision, the applicant shall prepare and submit the following reports and plan to the satisfaction of the Responsible Authority that specifically addresses the following:***

- The common area to be owned by the body corporate, including any streets and open space.***
- The reasons why the area should be commonly held.***
- Lots participating in the body corporate.***
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.***

2. Prior to the commencement of development, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- (b) Details of surface finishes of pathways and driveways**
- (c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant**
- (d) Landscaping and planting within all open areas of the site**
- (e) Canopy trees in the following locations:**
 - **A minimum of one medium to large canopy tree to the private open space area of Units 2 – 5**
 - **A minimum of two medium to large canopy trees to the private space area of Units 1 and 6.**

All species selected must be to the satisfaction of the Responsible Authority. No tree planting is to be undertaken within any easement.

3. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Amenity

5. The construction of the dwellings must be managed so that the amenity of the area is not detrimentally affected through the:

- (a) Transport of materials, goods or commodities to or from the land;**
- (b) Appearance of any buildings, works or materials;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- (d) Presence of vermin; or**
- (e) In any other way.**

6. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

7. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

8. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.

Engineering conditions

Vehicle Crossings

11. Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense.

12. All redundant crossovers must be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority.

Drainage

13. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge (LPD) by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.

14. Before the development starts, a Drainage Discharge Plan with computations must be prepared by a suitably qualified Engineer and submitted to the Responsible Authority. Once approved, the plan will form part of this permit. The plan must include:

- (a) How the land will be drained;**
- (b) Underground pipe drains conveying stormwater to the legal point of discharge (LPD);**
- (c) Capacity of water tanks;**
- (d) A maximum discharge rate from the site;**
- (e) Each unit including open space areas shall be independently drained to the satisfaction of the responsible authority;**
- (f) The underground drains for each unit including open areas shall be wholly contained within the fenced area pertaining to the unit. The outfall shall be located in or under the common vehicle driveway or immediately adjacent to the driveway and shall not cross under or be located within any of the units fenced areas, all to the satisfaction of the Responsible Authority.**

Landscaping

15. Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

General

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

Subdivision

18. The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.

19. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

20. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

22. The owner of the land must enter into an agreement with:

- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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

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

24. Prior to the issue of a Statement of Compliance the subdivider must pay a Public Open Space Contribution to the Responsible Authority of 3% of the site value. Such payment will satisfy in full any Public Open Space requirement under the planning

scheme. The payment must be made no less than 7 days prior to the issue of a statement of compliance for the subdivision.

25. Prior to the issue of a Statement of Compliance, the subdivider must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of this subdivision.

This agreement must ensure that any building constructed on a lot resulting from this subdivision is in accordance with the development plan endorsed as part of permit PA 1652-2019 (as amended from time to time) or authorised by a further Planning Permit.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

The above condition will be deemed to be satisfied, and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if all of the approved buildings have been substantially completed in accordance with the development plans endorsed as part of planning permit PA 1652-2019.

Grampians Wimmera Mallee Water conditions

26. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.

27. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.

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

29. The owner / applicant must install sewerage mains and associated works where deemed necessary by GWMWater to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's requirements.

30. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.

31. The owner / applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.

32. The owner / applicant must provide three-metre-wide easements in favour of GWMWater over all existing and proposed sewers located within private land.

33. The owner / applicant must provide written notification of commencement of the works to enable GWMWater to organize inspections and coordinate with its staff.

34. The owner / applicant must provide “as constructed” plans and a schedule of final asset costs at the level identified in GWMWater’s asset register for all sewerage works upon completion.

35. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.

36. The owner / applicant must provide an owners corporation to manage all common water and sewer property services

37. The owner / applicant must provide GWMWater with a sewer drainage plan for all lots in this subdivision submitted by a qualified plumber.

38. The owner / applicant must ensure any existing water or sewer services made redundant by this development are abandoned in accordance with GWMWater’s standards.

Powercor Australia conditions

39. Powercor’s letter dated 09/04/2020 shall be supplied to the applicant in its entirety.

40. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act

41. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards. (Notes: Extension, augmentation or rearrangement of the Distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant).

42. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). (Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works).

Permit Expiry

43. This permit will expire if

- (a) The plan of subdivision is not certified within 2 years of the date of this permit or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.

44. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit**

(b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

(c) Within six months afterwards for commencement; or

(d) Within twelve months afterwards for completion.

Notes:

(1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.

(2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

(3) A Consent to Works Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

(4) Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.

(5) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.

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

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

(7) The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.

MOVED: CRS R. Lowe/R. Ismay

That Planning Permit PA1652-2019 be approved, to allow the development of six single storey dwellings, associated six lot subdivision and a waiver of the car parking requirements of Clause 52.06-03 at Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill, subject to the following conditions:

Endorsed Plans

1. Prior to the commencement of development, amended plans generally in accordance with this application must be submitted to the Responsible Authority for approval. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be amended to show:

- (a) All new crossovers must be a minimum of 3.0 metres wide and driveways must have an internal radius of at least 4.0 metres at the change of direction to the satisfaction of the Responsible Authority.**
- (b) Vehicular crossings must be shown to be constructed at right angles to the road to suit the proposed driveways**
- (c) Forward entry and exit to all properties, except for Unit 1.**
- (d) Turning circles for Units 2 – 5 to demonstrate that vehicles will be able to exit the site in a forward direction to the satisfaction of the Responsible Authority**
- (e) Fencing, landscaping and tree planting near access ways updated to allow for adequate sight distance in accordance with AS 2890.1, Clause 3.2.4.**
- (f) Letterboxes at the front of the site having a maximum height of 900mm in accordance with AS 2890.1, Clause 3.2.4 to ensure adequate sight distance.**
- (g) Prior to the Certification of the Plan of Subdivision, the applicant shall prepare and submit the following reports and plan to the satisfaction of the Responsible Authority that specifically addresses the following:**
 - The common area to be owned by the body corporate, including any streets and open space.
 - The reasons why the area should be commonly held.
 - Lots participating in the body corporate.
 - The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

2. Prior to the commencement of development, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- (b) Details of surface finishes of pathways and driveways**
- (c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant**
- (d) Landscaping and planting within all open areas of the site**
- (e) Canopy trees in the following locations:**
 - A minimum of one medium to large canopy tree to the private open space area of Units 2 – 5
 - A minimum of two medium to large canopy trees to the private space area of Units 1 and 6.

All species selected must be to the satisfaction of the Responsible Authority. No tree planting is to be undertaken within any easement.

3. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Amenity

5. The construction of the dwellings must be managed so that the amenity of the area is not detrimentally affected through the:

- (a) Transport of materials, goods or commodities to or from the land;**
- (b) Appearance of any buildings, works or materials;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- (d) Presence of vermin; or**
- (e) In any other way.**

6. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

7. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

8. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.

Engineering conditions

Vehicle Crossings

11. Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense.

12. All redundant crossovers must be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority.

Drainage

13. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge (LPD) by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.

14. Before the development starts, a Drainage Discharge Plan with computations must be prepared by a suitably qualified Engineer and submitted to the Responsible Authority. Once approved, the plan will form part of this permit. The plan must include:

- (a) How the land will be drained;**
- (b) Underground pipe drains conveying stormwater to the legal point of discharge (LPD);**
- (c) Capacity of water tanks;**
- (d) A maximum discharge rate from the site;**
- (e) Each unit including open space areas shall be independently drained to the satisfaction of the responsible authority;**
- (f) The underground drains for each unit including open areas shall be wholly contained within the fenced area pertaining to the unit. The outfall shall be located in or under the common vehicle driveway or immediately adjacent to the driveway and shall not cross under or be located within any of the units fenced areas, all to the satisfaction of the Responsible Authority.**

Landscaping

15. Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

General

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

Subdivision

18. The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.

19. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

20. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

22. The owner of the land must enter into an agreement with:

- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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

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

24. Prior to the issue of a Statement of Compliance the subdivider must pay a Public Open Space Contribution to the Responsible Authority of 3% of the site value. Such payment will satisfy in full any Public Open Space requirement under the planning scheme. The payment must be made no less than 7 days prior to the issue of a statement of compliance for the subdivision.

25. Prior to the issue of a Statement of Compliance, the subdivider must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of this subdivision.

This agreement must ensure that any building constructed on a lot resulting from this subdivision is in accordance with the development plan endorsed as part of permit PA 1652-2019 (as amended from time to time) or authorised by a further Planning Permit.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

The above condition will be deemed to be satisfied, and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if all of the approved buildings have been substantially completed in accordance with the development plans endorsed as part of planning permit PA 1652-2019.

Grampians Wimmera Mallee Water conditions

26. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.

27. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.

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

29. The owner / applicant must install sewerage mains and associated works where deemed necessary by GWMWater to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's requirements.

30. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.

31. The owner / applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.

32. The owner / applicant must provide three-metre-wide easements in favour of GWMWater over all existing and proposed sewers located within private land.

33. The owner / applicant must provide written notification of commencement of the works to enable GWMWater to organize inspections and coordinate with its staff.

34. The owner / applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all sewerage works upon completion.

35. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.

36. The owner / applicant must provide an owners corporation to manage all common water and sewer property services

37. The owner / applicant must provide GWMWater with a sewer drainage plan for all lots in this subdivision submitted by a qualified plumber.

38. The owner / applicant must ensure any existing water or sewer services made redundant by this development are abandoned in accordance with GWMWater's standards.

Powercor Australia conditions

39. Powercor's letter dated 09/04/2020 shall be supplied to the applicant in its entirety.

40. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act

41. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards. (Notes: Extension, augmentation or rearrangement of the Distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant).

42. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). (Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works).

Permit Expiry

43. This permit will expire if

- (a) The plan of subdivision is not certified within 2 years of the date of this permit or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.

44. This permit will expire if one of the following circumstances applies:

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (c) Within six months afterwards for commencement; or**
- (d) Within twelve months afterwards for completion.**

Notes:

(8) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.

(9) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

(10) A Consent to Works Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

(11) Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.

(12)The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.

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

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

(14)The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.

CARRIED

Attachment: 9

9.2 APPLICATION FOR PLANNING PERMIT PA1668-2020 – CONSTRUCTION OF A SHED (STORE) ON CA5A, PSH BALROOTAN, 68 NHILL-HARROW ROAD, NHILL

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 121720
Applicant: Nhill Cemetery Trust (c/o Rod Henry)
Owner: Nhill & District Racing Club
Subject Land: 68 Nhill Harrow Road, Nhill CA5A, Parish Balrootan
Proposal: Use and Development of a Shed (Store)
Zoning & Overlays: Public Park and Recreation Zone
Environmental Significance Overlay – Schedule 6

Attachment: 10

Page 1 - Site Plan 1
Page 2 – Site Plan 2 – Aerial
Page 3 – Shed elevations

Summary:

This report recommends that Council issue a planning permit to allow the construction of a shed (store) on CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill.

Background:

The subject land is owned by the Nhill & District Racing Club, however, is subject to a lease agreement with the Nhill Cemetery Trust. Land Owner Consent has been received for the Proposal.

Proposal Details:

It is proposed to construct a shed on the subject site to be used as a store associated with the ongoing management of the Nhill Cemetery. Further details of the proposal are as follows:

- The shed measures 6 metres by 9 metres giving it a total area of 54 square metres.
- The shed will be setback 2 metres from the southern access road and then 3 metres to the cemetery boundary to the west.
- The walls of the shed will have a height of 3.6 metres and a maximum height at the apex of 4.13 metres. The roof pitch will be 10 degrees.
- The front (north) elevation of the shed will have a pedestrian access door and two vehicular roller doors.
- The shed will be constructed of colorbond in a 'pale eucalypt' colour (light green).
- The area immediately surrounding the shed will be a soil yard measuring approximately 20 metres by 30 metres.

Requirement for Permit:

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

- Clause 36.02-1 – Use of the land for a Store
- Clause 36.02-2 – Buildings and works associated with the store

It is noted that although the shed is located within the Environmental Significance Overlay, no permit is triggered pursuant to this control.

Restrictive Covenant or Section 173 Agreement:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the proposal is not within land affected by the Aboriginal Cultural Heritage Overlay.

Subject site & locality:

The subject site is located directly to the west of the existing Nhill cemetery which is located to the south of the main township area.

The site is owned by the Nhill & District Racing Club and is located to the south of the racing track. The site is vacant, flat and void of any other significant features. There is no vegetation located in the area where the works are proposed.

The Cemetery Trust has entered into a lease agreement with the Nhill & District Racing Club in order to use the land in question. There is no room on the adjoining cemetery site for this building to be constructed. What is proposed is considered an acceptable outcome.

s52 Notice of application

- (1) *Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—*

- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.*

Council Officers have reviewed the application and due to its location, consider it unlikely to cause any material detriment to any persons, and therefore formal notification of the application is deemed not to be required.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

No external referrals were required by the Hindmarsh Planning Scheme.

Internal Referrals:

- Engineering:

Councils Engineering Department recommended standard conditions which are included as part of the conditions to be applied to the permit.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01- Victoria

Clause 11.01-1S – Settlement

Clause 13.02 - Bushfire

Clause 13.02-1S - Bushfire planning

Clause 15.01 – Built Environment

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 36.02 – Public Park and Recreation Zone

Overlay Provisions

The Environmental Significance Overlay does not trigger a planning permit in this instance. Therefore, no overlay provisions are relevant to the assessment of this application.

Particular Provisions

There are no particular provisions relevant to the assessment of this application.

General Provisions

Clause 65 - Decision Guidelines, states that: -

“Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- The matters set out in Section 60 of *The Planning & Environment Act (1987)*.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land.

State and Local Planning Policies

The application supports the ongoing use of the adjoining land for the purposes of a cemetery which is an important community facility for the town and municipality. The approval of this application will ensure that the cemetery can operate efficiently for years to come.

The area of land where the shed is to be located has already been leased to the Nhill Cemetery Trust from the Nhill & District Racing Club, however it is noted that the operation of the racing track will not be impacted by this approval.

The application will support the ongoing operations of both community facilities which is an outcome sought by local policies in Nhill.

Public Park and Recreation Zone

Before deciding on an application in the Public Park and Recreation Zone, the Responsible Authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework*
- *The comments of any public land manager or relevant land manager having responsibility for the care or management of the land or adjacent land*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

As stated above, the application is considered appropriate when assessed against the state and local planning policies of the Hindmarsh Planning Scheme.

In providing a lease for the land, the public land manager (being Nhill & District Racing Club) provided their consent for the application for the construction of the shed. A copy of the lease was provided to the Responsible Authority as part of the application documents as evidence of this consent.

It is considered that the development is appropriately located, being close to the boundary of the existing cemetery. The shed will be setback 2 metres from the access track and 3 metres from the western boundary of the cemetery. This will ensure that vehicles being stored in the shed are able to access the cemetery site quickly and conveniently to ensure the efficient ongoing operation of the cemetery. The height and size of the shed is not excessive and will not stand out in the open environment surrounding the cemetery. The colour and material chosen for the shed is appropriate, being a natural and muted tone.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Manager Contracts & Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on 22 May 2020 and the fee paid 03 June 2020. This report is being presented to Council at its meeting on the 24 June 2020 (21 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

Conflict of Interest:

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Co-Author: Stephen Michael O'Brien, Planning Consultant

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

Co-Author: Janette Fritsch, Manager Contracts & Development

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

RECOMMENDATION:

That Planning Permit PA1668-2020 be approved for Use and Development of a Shed (Store) at CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill, subject to the following conditions:

General Conditions

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***

Colours and Materials

- 3. The exterior colour and cladding of the building must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

Amenity during construction

- 4. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - (a) Transport of materials, goods or commodities to or from the land***
 - (b) Inappropriate storage of any works or construction materials***
 - (c) Hours of construction activity***
 - (d) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.***
 - (e) Presence of vermin***

Engineering conditions

- 5. The crossover on Sewerage Farm Road must be built in accordance with the Infrastructure Design Manual (IDM SD 255). If any gate exists at the entrance, the applicant should follow 'Gate Offset Dimensions' from IDM SD 255.***

Permit Expiry

- 6. This permit will expire if one of the following circumstances applies:**
- (a) The development is not started within two years of the date of this permit;**
 - (b) The development is not completed within four years of the date of this permit; or**
 - (c) The use is not started within one year of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; within six months afterwards for the commencement of use and / or development; or within 12 months afterwards for the completion of development.

NOTES:

- 1. A Consent to Works within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction of the vehicle crossing.**

MOVED: CRS D. Nelson/R. Lowe

That Planning Permit PA1668-2020 be approved for Use and Development of a Shed (Store) at CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill, subject to the following conditions:

General Conditions

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**

Colours and Materials

- 3. The exterior colour and cladding of the building must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.**

Amenity during construction

- 4. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:**
- (f) Transport of materials, goods or commodities to or from the land**
 - (g) Inappropriate storage of any works or construction materials**
 - (h) Hours of construction activity**
 - (i) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.**
 - (j) Presence of vermin**

Engineering conditions

5. The crossover on Sewerage Farm Road must be built in accordance with the Infrastructure Design Manual (IDM SD 255). If any gate exists at the entrance, the applicant should follow 'Gate Offset Dimensions' from IDM SD 255.

Permit Expiry

6. This permit will expire if one of the following circumstances applies:

- (d) The development is not started within two years of the date of this permit;**
- (e) The development is not completed within four years of the date of this permit; or**
- (f) The use is not started within one year of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; within six months afterwards for the commencement of use and / or development; or within 12 months afterwards for the completion of development.

NOTES:

2. A Consent to Works within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction of the vehicle crossing.

CARRIED

Attachment: 10

10. REPORTS REQUIRING A DECISION

10.1 ADOPTION OF ANNUAL BUDGET 2020/2021

Responsible Officer: Director Corporate Services
Attachment: 11

Introduction:

This report presents the proposed 2020/21 Annual Budget for further consideration, consider submissions received and recommendation to adopt the Budget.

Discussion:

Council is required under section 127 of the Local Government Act 1989 to prepare and release a draft budget for public comment. Council must ensure that the budget contains:

- (a) financial statements in the form and containing the information required by the regulations;
- (b) a description of the services and initiatives to be funded in the budget;
- (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
- (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;
 - (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
 - (db) the prescribed measures relating to those indicators;

(e) any other information required by the regulations.

The Council must ensure that the budget also contains—

- (a) the information the Council is required to declare under section 158(1);
- (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
- (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

The 2020/21 budget document reflects the requirements of the Local Government Performance Reporting Framework and revised Local Government Planning and Reporting Regulations (LGPRF). The 2020/21 Budget has been developed in consideration of the Institute of Chartered Accountants' Victorian City Council Model Budget 2020/21. It replicated the format of the four Key Result Areas used in the Council Plan, namely:

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

At its meeting on 13 May 2020 Council resolved to formally prepare and advertise the draft Budget for 2020/21 pursuant to Section 127 of the Local Government Act 1989 (the Act) and called for written submissions pursuant to sections 129 and 223 of the Local Government Act 1989. An advertisement was placed in the Weekly Advertiser, Dimboola Banner, and Nhill Free Press on Wednesday 20 May 2020, and Rainbow Jeparit Argus on Thursday 21 May 2020. The preparation of the budget was promoted on Councils Facebook page and website from 14 May 2020.

The 2020/21 Budget provides for a broad range of services, programs and infrastructure projects and is a reflection of the strategic direction that Council has adopted through the Council Plan. It has been developed through a rigorous process of consultation and review with officers, senior management and Council.

Submissions

Council received 5 submissions in relation to the draft budget.

The first submission was received from Wimmera Southern Mallee LLEN seeking support from Council for the Let's Read Hindmarsh partnership. The Let's Read Hindmarsh partnership provides support, encouragement and resources to all families in the shire to enable them to read daily to their children from birth.

The 2020/21 budget includes an allocation of \$2,000 from Council Contributions towards the Wimmera Southern Mallee LLEN Let's Read Program.

The second submission was received from residents of Dimboola requesting Council consider the construction of a pedestrian track or path along Horsham Road to link the motel to the town.

The submission refers to unsafe walkway from the motel into town along part of the old Western Highway. The submission is not seeking a concrete footpath, but a simple gravel path similar to the walking track along the Wimmera River in Dimboola.

Council officers undertook a site visit, and will investigate the requested pathway. Due to Horsham Road being a VicRoads road, this will require VicRoads approval for adjustments

to the road shoulder and table drains. A planning permit for the removal of native vegetation from the VicRoads road reserve and possibly neighbouring land is required and the vegetation removal will incur offsets.

The third submission was received from a Jeparit resident regarding the maintenance budget allocation for the Wimmera Mallee Pioneer Museum. The resident requests the budget allocation for Wimmera Mallee Pioneer Museum be at least \$24,000 per annum.

The 2020/21 budget includes a combined maintenance budget for Wimmera Mallee Pioneer Museum and Yurunga Homestead of \$39,000. Expenditure is based on urgent maintenance items and maintenance requirements identified by both committees. The budget allocation is consistent with 2019/2020.

The fourth submission was received from a Dimboola resident expressing disappointment that Anderson Street (west of Lloyd Street) was not included in the draft 2020/2021 budget. The submission asked council to amend its draft 2020/21 budget to accommodate the Anderson Street project, in accordance with its previous resolutions and commitments on this project.

Changes to the draft 2020/21 budget following the Federal Government's announcement of Local Roads and Infrastructure funding has allowed Council to bring forward the Anderson Street project and allocate funds in the 2020/21.

The fifth submission was received from Dimboola CFA requesting a contribution towards the shortfall for the new station in Dimboola. The brigade contribution towards the new station is expected to be at least \$60,000.

Council has recently written to the Minister for Police and Emergency Services expressing disappointment that the brigade has been asked to raise a significant amount of funds themselves in order to see the construction of the CFA station and supply of equipment come to fruition.

Council will continue to advocate to the State Government for the Dimboola CFA station to be fully funded.

Rates and Charges

The rates and charges calculated for 2020/21 are based on revaluation figures as at 1 January 2020. The Rating Strategy includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

This is the fifth year of rate capping. For 2020/21 the rates cap has been set at 2.0%. For the 2020/21 year it is proposed that general rates and municipal charge increase by 2.0% in line with the Essential Services Commission (ESC) calculation method, which applies the increase to the average rates payable per assessment.

Due to significant rising costs in recycling and waste management the Kerbside waste / Recycling collection charge is proposed to increase to \$386. The general waste charge introduced in 2018/19 will increase to \$13, payable using the same criteria as the municipal charge.

Council does not make a profit on waste management, and these charges are necessary to cover costs.

For 2020/21 the proposed total rates and charges are \$9.086 million. These rates and charges will go toward maintaining service levels and delivering on capital works programs. General rates and charges for 2020/21 represent 46% of Hindmarsh Shire's income.

The following table summarises the rates to be determined for the 2020/21 year. A more detailed analysis of the rates to be raised is contained in the budget document, Appendix B 'Statutory Disclosures'.

Type or class of land		Budget 2019/20 \$	Budget 2020/21 \$	Change
Residential	Cents/\$ CIV	0.52420	0.46641	-11.02%
Farm Land	Cents/\$ CIV	0.47178	0.41977	-11.02%
Business, Industrial & Commercial Land	Cents/\$ CIV	0.47148	0.41977	-10.97%
Recreational and Cultural Land	Cents/\$ CIV	0.26210	0.23321	-11.02%
Urban Vacant Land	Cents/\$ CIV	1.04840	0.93283	-11.02%
Municipal charge	\$/ property	\$200	\$200	0.00%
Kerbside waste / recycling collection charge	\$/ property	\$351	\$386	9.97%
General waste charge	\$/ property	\$9	\$13	44%

Under section 11(a) of the Valuation of Land Act 1960 Council is required to make a general valuation of rateable land within an area as at 1 January each calendar year. The previous valuation for the Shire was 1 January 2019.

Council's property valuations are undertaken by the Valuer General who has subcontracted the services to Preston Rowe Patterson (PRP). PRP has officially returned the final revaluation data for use in Council's 2020/21 rating period. The valuation report was sent to the Valuer General. At the time of writing this report Council had not yet received declaration from the Minister.

Council must adopt the 2020 General Revaluation of all rateable properties within the Shire. The general revaluation has been completed in accordance with section 13DC(1) of the Valuation of Land Act 1960.

Valuations for rateable properties within Hindmarsh Shire Council have increased / decreased as follows:

- Residential 5.48% increase
- Commercial / Industrial 1.27% increase
- Rural 18.13% increase
- Urban Vacant Land 7.30% increase

While Council proposes a rate increase that is in line with the 2.0% cap, as Council rates are based on property valuations, revaluation will mean the actual rate increases experienced by individual ratepayers will differ.

A revaluation means rates increases are impacted by the average rate increase (2.0%) and the property valuation increases of individual properties relative to the average across the municipality. If properties increase by more in value than the Hindmarsh average, rates will increase by more than 2.0%, while properties with values increasing by less than the average will experience a rates increase of less than 2.0% or even a reduction from the previous year.

Rates notices will be issued in August 2020 reflecting the change in property values. Rate payers who feel their property has been incorrectly valued are able to lodge objections within two months after the issues of the rates notice. Objections are considered by PRP.

Key Initiatives

The key initiatives for the 2020/21 financial year are outlined below. Further details are included in the relevant sections of the budget document.

Community Infrastructure

- A sum of \$300,000 has been allocated towards upgrading the Davis Park Precinct in Nhill. Council has submitted an application through the Community Sports Infrastructure Stimulus Program for facility upgrades.
- \$10,000 in recurrent and \$100,000 in capital as seed funding for grant opportunities arising during the year.
- \$10,000 in recurrent and \$100,000 in capital as seed funding for grant opportunities arising during the year.
- \$30,000 contribution towards the installation of a new synthetic green at Dimboola Bowling Club. A grant application has been submitted with the club also providing significant funding towards the project.
- \$30,000 contribution to towards a new club rooms for Nhill Tennis Club. The funding will assist the club to meet the required contribution towards a grant application.
- \$60,000 contribution towards the grant application for new Female Friendly change rooms at Rainbow Recreation Reserve.
- \$3,232 contribution towards the repainting of deteriorating Rainbow Town Murals. Rainbow Town Committee will provide the balance of funding for this project.
- \$8,000 contribution towards the installation of shade at the Dimboola Health and Fitness Centre.

Tourism Development

- \$10,000 to support the community recovery events post the COVID-19 pandemic.
- \$5,000 to support the Great Victorian Bike Ride in November 2020. The ride commences in Rainbow and will attract up to 3,000 participants.
- \$7,500 to provide a contribution towards Wimmera Mallee Tourisms 'Trading off Tourism Trails' project delivering strategic/master plans for Caravan Parks and Townscapes, and providing business forums and events.
- \$20,000 towards the Albacutya Silo Art project which will see silo art on the Albacutya Silo.

Economic Development:

- Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$20,000 has been included in the 2020/21 budget for this project.
- Business Assistance Initiatives. Council will provide \$30,000 towards initiatives the assist local businesses recover from the Covid-19 pandemic.

Empowered Communities

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fourth year, this funding has enabled some fantastic projects in our towns since its inception.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.
- \$20,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.

Infrastructure

- Local Roads: Albacutya Road curve widening, Rainbow \$276,475; Lorquon East & Rainbow Nhill Road intersection \$69,911; Salisbury Road, Nhill \$139,954; Lorquon East Road Jeparit \$245,971; Kiata North Road, Nhill \$212,735; Anderson Street disabled parking, Dimboola \$30,000; P Warners Road, Nhill \$28,000 will be reconstructed in 2020/21.
- Council will be undertaking 7 reseal and final seal projects in 2020/21. Totalling \$394,547 these include Horsham Road & Lowan Street, Dimboola; Rainbow Nhill Road, Rainbow; Livingston Street, Jeparit; Depta Road, Jeparit; Swinbourne Avenue, Rainbow; and Pigick Bus Route, Rainbow.
- Road resheet projects: Tarrayurk West Road, Charles Street, Boundary Road (in collaboration with West Wimmera Shire), Rhode Road, Croots Road, Wheatlands Road, Miatke Road, Village Settlement Road, totalling more than \$504,000.
- Footpaths: Footpath renewal projects will be completed in Lake Street, Rainbow; Lloyd Street, Dimboola Outstands; Pine Street, Nhill; and Crossovers in Nhill totalling \$125,052.

Council's budget balances the need to maintain our existing infrastructure, particularly our extensive road network, whilst funding new projects that improve the liveability of our Shire and build a strong future.

Changes

Following the draft budget being adopted the following changes have been made:

- Council received notification from the Victorian Grants Commission (VGC) that 50% of the 2020/21 grant will be paid in 2019/20. Council received \$2,579,174 on 25 May 2020.
- It is budgeted to receive a cash payment of \$50,000 for the return on equity in the Wimmera Regional Library Corporation. It is proposed to invest this return into modernising the book collection and purchasing additional equipment for use within the Hindmarsh libraries.
- Council received notification of \$1,080,798 from the Federal Government for Local Roads and Infrastructure Programs. It is proposed to use the funding as follows:
 - Perenna Road Intersection \$69,911
 - Salisbury Woorak Road \$139,954
 - Kiata South \$149,812 (Brought forward from 2021/22)
 - Woorak Ni Ni Lorquon Road \$469,911 (Brought forward from 2021/22)
 - Lake Street Rainbow footpath \$51,210 (Brought forward from 2021/22)
 - Davis Park Sporting Precinct \$200,000.

With the announcement of this funding Council has been able to bring forward works on Anderson Street, Dimboola (\$412,006) from 2021/22 to 2020/21.

An additional \$50,000 has been allocated for works on Council Depots.

- The budget has also been updated to reflect the Working for Victoria Program grant. 13 positions are funded for six months throughout Hindmarsh Shire to assist with Town Maintenance, Cleaning, Outreach support and HR administration.
- \$2,000 will be allocated from the council contributions component of memberships and subscriptions to the Wimmera Southern Mallee LLEN Let's Read Program. The allocated budget is adequate to cover this contribution without an increase.

The budget, including financial statements has been updated to reflect the changes above. A summary is included below.

Forecast 2019/20					
Income					
VGC 2020/21 Early Payment				\$2,579,174	
Contribution Yarriambiack Geodetic Road				\$50,000	
Working for Victoria Program				\$96,415	
				\$2,725,589	
Expenditure					
Working for Victoria Program		\$96,415			
		\$96,415			
		Forecast variation		\$2,629,174	
Budget 2020/21					
Income					
Reduction in VGC 2020/21				-\$2,579,174	
Working for Victoria Program				\$450,000	
Return on equity in associates				\$50,000	
Local Roads & Infrastructure Grant Program				\$1,080,798	
				-\$998,376	
Expenditure					
Working for Victoria Program		\$450,000			
Library Capital purchases		\$50,000			
Anderson Street Dimboola		\$412,006			
Kiata South Road		\$149,812			
Lake Street Rainbow Footpath (increased works)		\$46,361			
Woorak Ni Ni Lorquon Road		\$469,911			
Davis Park Sporting Precinct		\$200,000			
P Warners Road (increased works)		\$30,043			
Depots (increased works)		\$50,000			
Reduction in Construction Salaries		-\$163,470			
Lorquon East & Rainbow Road intersection (completed in 2019/20)		-\$69,911			
		\$1,624,752			
		Budget variation		\$2,623,128	
				Variance	\$6,046

Options:

Having prepared the proposed budget and received written submissions from the community Council must now adopt the Budget for 2020/21.

Link to Council Plan:

The Annual Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2017-2021.

Financial Implications:

The 2020/21 Budget is consistent with the parameters set out in Council's ten-year financial plan.

Risk Management Implications:

The preparation of the Budget is a statutory requirement.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services
In providing this advice as the Author and Officer Responsible, I have a disclosable indirect interest by close association section 78(2)(a). A family member has an indirect interest in the Dimboola CFA.

Communications Strategy:

Council must give notice of the adoption of the Budget 2020/21 under section 125 LGA. A public notice will be inserted in the Dimboola Banner, Dimboola Courier, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Budget 2020/21.

Copies of the adopted Budget will be placed on Council's website and hard copies will be made available from Hindmarsh Shire Council Customer Service Centres.

A copy of the Budget 2020/21 will be sent to the Minister for Local Government.

RECOMMENDATION:

1. ADOPTION OF THE 2020/21 BUDGET

1.1 That Council pursuant to Sections 127, 129, 130 and 223 of the Local Government Act 1989 ('the Act') and noting written submissions received relating to the 2020/21 Municipal Budget ('the Budget'), now adopt the Budget for the financial year, being for the period 1 July 2020 to 30 June 2021 ('the Financial Year');

1.2 That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget, in accordance with Section 130(2) of the Act;

1.3 That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2020, in accordance with Section 130(4) of the Act;

1.4 That a copy of the adopted Budget be kept available at the Hindmarsh Shire Council offices and customer service centres for public inspection in accordance with Section 130(9) of the Act.

2. AMOUNT INTENDED TO BE RAISED

That an amount of \$9,086,183 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

General rates	\$7,152,158
Municipal charge	\$746,200
Kerbside waste / recycling collection charge	\$1,033,322
General waste charge	\$48,503
Windfarms in lieu of rates	\$106,000
Total	\$9,086,183

3. GENERAL RATES

3.1 That a general rate be declared in respect of the Financial Year, being for the period 1 July 2020 to 30 June 2021;

3.2 That it be further declared pursuant to Sections 158, 158A and 161 of the Act that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2020/21;

3.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying "Capital Improved Value" of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):

Type of Rate	Rate in Dollar on Capital Improved Value Cents/\$CIV
Residential Land	0.46641
Farm Land	0.41977
Business, Industrial & Commercial Land	0.41977
Recreational and Cultural Land	0.23321
Urban Vacant Land	0.93283

3.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2020 from the Valuer General.

4. MUNICIPAL CHARGE

4.1 That pursuant to Section 189 of the Act, a Municipal Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;

4.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;

4.3 The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.

5. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)

5.1 That, pursuant to Section 162(1)(b) and Section 221(1)(b) of the Act, an Annual Service Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;

5.2 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”.

5.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$386.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available.

5.4 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”.

5.5 That the Annual Service Charge for “General waste charge” be in the sum of \$13.00 for each rateable land within the municipal district of which a general waste charge may be levied.

6. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed by Section 172(2)(a) of the Act be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to Section 167(2) of the Act by the date specified for their payment.

7. AUTHORISATION TO LEVY AND RECOVER

That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.

8. SUBMISSIONS

That having considered all submissions received, Council notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by Section 3C of the Act and the role of Council as determined by Section 3D of the Act.

Cr. D. Nelson declared two direct conflicts of interest with respect to the Wimmera Southern Mallee LLEN and the Hindmarsh Landcare Network, in item 10.1 and left the room at 3:15pm.

MOVED: CRS T. Schneider/R. Ismay

That \$2,000 from Council Contributions be allocated to the Wimmera Southern Mallee LLEN Let's Read Program.

CARRIED

MOVED: CRS R. Ismay/R. Lowe

That Council's 2020/2021 Budget includes \$10,000 allocation towards the Hindmarsh Landcare Network.

CARRIED

Cr. D. Nelson returned to the room at 3:17pm.

MOVED: D. Nelson/T. Schneider

1. ADOPTION OF THE 2020/21 BUDGET

- 1.1 That Council pursuant to Sections 127, 129, 130 and 223 of the Local Government Act 1989 ('the Act') and noting written submissions received relating to the 2020/21 Municipal Budget ('the Budget'), now adopt the Budget for the financial year, being for the period 1 July 2020 to 30 June 2021 ('the Financial Year');**
- 1.2 That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget, in accordance with Section 130(2) of the Act;**
- 1.3 That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2020, in accordance with Section 130(4) of the Act;**
- 1.4 That a copy of the adopted Budget be kept available at the Hindmarsh Shire Council offices and customer service centres for public inspection in accordance with Section 130(9) of the Act.**

2. AMOUNT INTENDED TO BE RAISED

That an amount of \$9,086,183 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

General rates	\$7,152,158
Municipal charge	\$746,200
Kerbside waste / recycling collection charge	\$1,033,322
General waste charge	\$48,503
Windfarms in lieu of rates	\$106,000
Total	\$9,086,183

3. GENERAL RATES

- 3.1 That a general rate be declared in respect of the Financial Year, being for the period 1 July 2020 to 30 June 2021;**
- 3.2 That it be further declared pursuant to Sections 158, 158A and 161 of the Act that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2020/21;**
- 3.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying "Capital Improved Value" of each rateable land by a percentage specified as the percentage**

of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):

Type of Rate	Rate in Dollar on Capital Improved Value Cents/\$CIV
Residential Land	0.46641
Farm Land	0.41977
Business, Industrial & Commercial Land	0.41977
Recreational and Cultural Land	0.23321
Urban Vacant Land	0.93283

3.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2020 from the Valuer General.

4. MUNICIPAL CHARGE

- 4.1 That pursuant to Section 189 of the Act, a Municipal Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;**
- 4.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;**
- 4.3 The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.**

5. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)

- 5.1 That, pursuant to Section 162(1)(b) and Section 221(1)(b) of the Act, an Annual Service Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;**
- 5.2 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”.**
- 5.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$386.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available.**
- 5.4 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”.**
- 5.5 That the Annual Service Charge for “General waste charge” be in the sum of \$13.00 for each rateable land within the municipal district of which a general waste charge may be levied.**

6. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed by Section 172(2)(a) of the Act be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to Section 167(2) of the Act by the date specified for their payment.

7. AUTHORISATION TO LEVY AND RECOVER

That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.

8. SUBMISSIONS

That having considered all submissions received, Council notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by Section 3C of the Act and the role of Council as determined by Section 3D of the Act.

CARRIED

Attachment: 11

MATTERS ARISING

MOVED: T. Schneider/D. Nelson

In the support of the Dimboola CFA which anticipates needing to raise at least \$60,000 as a local contribution towards additional accommodation needs of the new Dimboola Fire Station, that Council:

- *commits to supporting its fundraising needs to the amount of \$20,000 from the Budget item that we have in the current Budget for grant projects*

LOST

10.2 COUNCIL PLAN 2017-2021 ANNUAL REVIEW & STRATEGIC RESOURCE PLAN 2021-2024

Responsible Officer: Director Corporate & Community Services

Attachment: 12

Introduction:

This report presents the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024 for adoption following the period for public comment.

Discussion:

Section 125 of the Local Government Act 1989 (LGA) provides that a Council must prepare and approve a Council Plan within six months after a general election or by the next 30 June, whichever is the later. Council adopted its 2017-2021 Council Plan at its meeting held on 23 August 2017.

Section 125 of the LGA provides that at least once each financial year Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Plan.

The Council Plan is the key document that drives the direction of the Council and is a requirement of the LGA. It must include, s125 (2)

- a. The strategic objectives of Council;
- b. The strategies for achieving the objectives for at least the next four years;
- c. Strategic indicators for monitoring the achievements of the objectives;
- d. A Strategic Resource Plan; and
- e. Any other matters prescribed by the regulations.

The Strategic Resource Plan details the resources required to achieve the strategic objectives. It must include in respect of at least the next four financial years

- a. Financial statements;
- b. Statements describing the required non-financial resources, including human resources;

A Council must review the Strategic Resource Plan during the preparation of the Council Plan; and adopt the Strategic Resource Plan no later than 30 June each year. A copy of the current Strategic Resources Plan must be available for inspection by the public at the Council office and any district offices and any other place required by the regulations. In addition, a Council must ensure that the current Strategic Resource Plan is published on the Council's internet website.

Since the adoption of the Council Plan in August 2017, 26 of the 78 objectives have been completed. Of the 53 objectives remaining 36 will be ongoing. There has been delays due to funding, staff absences and the COVID-19 pandemic on 12 objectives.

Council released the Council Plan 2017-2021 incorporating the strategic resources plan 2021-2024 for the statutory 28-day public review period between 15 May 2020 and 18 June 2020.

Minor changes have been made to the Strategic Resources Plan 2021-2024 to reflect the changes in the 2020/21 budget.

At the time of writing this report no submissions were received. Any submissions received will be provided to Councillors and discussion will be held during the Council meeting.

Options:

Council can:

1. Adopt revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024, as per the draft advertised.
2. Further amend the Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024, and adopt the amended.

Link to Council Plan:

Compliance with the requirements to prepare and review the Council Plan is an important aspect of Good Governance and Leadership.

Financial Implications:

A Strategic Resource Plan is prepared as part of the Council Plan preparation process. It outlines the financial and other resources required to complement the objectives, and strategies for achieving them, within the Council Plan.

Risk Management Implications:

The preparation of the Council Plan is a statutory requirement.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author and Officer Responsible: Monica Revell, Director Corporate and Community Services
In providing this advice as the Author and Officer Responsible, I have no interests to disclose.

Communications Strategy:

Council must give notice of the adoption of the Council Plan 2017-2021, including the Strategic Resource Plan 2020-2023 under section 125 of the Local Government Act. A public notice will be inserted in the Dimboola Banner, Dimboola Courier, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.

Copies of the adopted Plan will be available at each Hindmarsh Shire Customer Service Centre and on Council's website.

A copy of the Plan will be sent to the Minister for Local Government.

RECOMMENDATION:

That Council:

- 1. Notes that no submissions were received, in accordance with section 223 of the Local Government Act 1989 ('the Act') on the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.**
- 2. Adopts the revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2021-2024.**
- 3. That a copy of the adopted Plan be forwarded to the Minister for Local Government before 30 June 2020.**

MOVED: CRS R. Ismay/D. Colbert

That Council:

- 1. Notes that no submissions were received, in accordance with section 223 of the Local Government Act 1989 ('the Act') on the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.**
- 2. Adopts the revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2021-2024.**

3. That a copy of the adopted Plan be forwarded to the Minister for Local Government before 30 June 2020.

CARRIED

Attachment: 12

11. SPECIAL COMMITTEES

No reports.

12. LATE REPORTS

No reports.

13. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act* 1989, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

No report.

14. MEETING CLOSE

There being no further business Cr R Gersch declared the meeting closed at 3:47pm.



03 July 2020

**Administration
Centre**

PO Box 250
92 Nelson Street
Nhill VIC 3418
Ph: (03) 5391 4444
Fax: (03) 5391 1376

email:
info@hindmarsh.vic.gov.au

website:
www.hindmarsh.vic.gov.au

ABN 26 550 541 746

**Customer Service
Centres**

Jeparit
10 Roy Street
JEPARIT VIC 3423
Ph: (03) 5391 4450
Fax: (03) 5397 2263

Dimboola
101 Lloyd Street
DIMBOOLA VIC 3414
Ph: (03) 5391 4452
Fax: (03) 5389 1734

Rainbow
15 Federal Street
RAINBOW VIC 3424
Ph: (03) 5391 4451
Fax: (03) 5395 1436

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600
Email: scott.morrison.mp@aph.gov.au

Dear Prime Minister

Re: Federal Government Stimulus Packages

Hindmarsh Shire Council would like to thank you and your Government for providing various stimulus packages during the current COVID-19 pandemic.

Hindmarsh Shire Council is located halfway between Melbourne and Adelaide and comprises 7,500 square kilometres and has a population of approximately 5,500. The Shire's economy is largely dependent on agriculture (primary and secondary), health services, manufacturing and retail.

Through the Federal Governments Local Roads and Community Infrastructure Program, Council has been able to increase capital expenditure on our local roads by \$880,798 and allocate \$200,000 towards upgrades to facilities at Davis Park in Nhill.

Renewal of council roads is of the utmost importance to our community, having one of the smallest budgets across Victorian councils. The additional funds allowed for a 34% increase on capital works expenditure on local roads.

We would be pleased if you would accept an invitation to visit our beautiful part of the state and see first-hand the benefits the federal government stimulus packages are providing for our community.

Yours sincerely

Greg Wood
Chief Executive Officer



03 July 2020

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Fax: (03) 5395 1436

The Hon Daniel Andrews MP
Premier of Victoria
Level 1
1 Treasury Place
EAST MELBOURNE VIC 3002
Email: daniel.andrews@parliament.vic.gov.au

Dear Premier

Re: State Government Stimulus Packages

Hindmarsh Shire Council would like to thank you and your Government for providing various stimulus packages during the current COVID-19 pandemic.

Council has been able to access the *Working for Victoria* program, which has enabled us to employ 13 full time staff for a period of 6 months throughout the Shire. Staff have been employed across a variety of Council functions including town maintenance, cleaning, outreach support, and human resources administration.

Through the Department of Health and Human Services Community Connector Initiative, Council will be the lead organisation locally to provide assistance to our vulnerable community members. This program has allowed Council to expand on current initiatives implemented during the current COVID-19 pandemic.

Council has also recently applied through Sport and Recreation Victoria's, Community Sports Infrastructure Stimulus Program to undertake necessary infrastructure upgrades to Davis Park in Nhill.

We would be pleased if you would accept an invitation to visit our beautiful part of the state and see first-hand the benefits the state government stimulus packages are providing our community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'greg wood', with a stylized flourish at the end.

Greg Wood
Chief Executive Officer



03 July 2020

**Administration
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The Hon Shaun Leane MP
Minister for Local Government
Level 16, 121 Exhibition Street
MELBOURNE VIC 3000
Email: shaun.lean@parliament.vic.gov.au

Dear Minister

Re: Local Government Portfolio

On behalf of Hindmarsh Shire Council, please accept our congratulations on your recent appointment as Minister for Local Government.

Hindmarsh Shire Council is located half way between Melbourne and Adelaide and comprises 7,500 square kilometres with a population of approximately 5,500. The Shire's economy is largely dependent on agriculture (primary and secondary), health services, manufacturing and retail.

Hindmarsh Shire Council provides over 100 services to our local community and we pride ourselves in natural attractions.

We would be pleased if you would accept an invitation to visit our beautiful part of the state and hear first-hand the challenges we face as a small rural council.

Yours sincerely

Greg Wood
Chief Executive Officer



ASSEMBLY OF COUNCILLORS RECORD

Assembly of Councillors means a planned or scheduled meeting of at least 3 councillors and one member of council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council; or*
- b) subject to the exercise of a function, duty of power of the council that has been delegated to a person or committee; but does not include a meeting of the Council, a special committee of the Council, a club, association, peak body, political party or other organisation.*

Requirements to be observed by an assembly of Councillors (Section 80A Local Government Act, 1989)

Title of Meeting: Council Briefing Session

Date: Wednesday 24 June 2020

Time: 1:30pm – 3:00pm

Assembly Location: Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill VIC 3418

Present:

CRS. Robert Gersch (Mayor), David Colbert (Deputy Mayor), Debra Nelson, Ronald Ismay, Ronald Lowe, Tony Schneider.

Apologies:

In Attendance:

Mr. Greg Wood (Chief Executive Officer) items 2 to 7, Mrs. Monica Revell (Director Corporate Community Services) items 1 to 7, Ms. Angela Hoy (Director Infrastructure Services) items 2 to 7, Miss. Shauna Johnson (Executive Assistant) items 2 to 7.

Conflict of Interest Disclosures

1. Direct; or
2. Indirect interest
 - (a) by close association;
 - (b) that is an indirect financial interest;
 - (c) because of conflicting duties;
 - (d) because of receipt of an applicable gift;
 - (e) as a consequence of becoming an interested party; or
 - (f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

Councillors:

Nil

Officers:

Nil

Matters Discussed:

No.	Detail
1.	CEO Review
2.	CEO Update
3.	COVID-19 Update (Community Activation and Social Isolation Initiative)
4.	Working for Victoria Position Update
5.	Budget Submissions
6.	CFA Dimboola request for funding
7.	Councillor Question Time

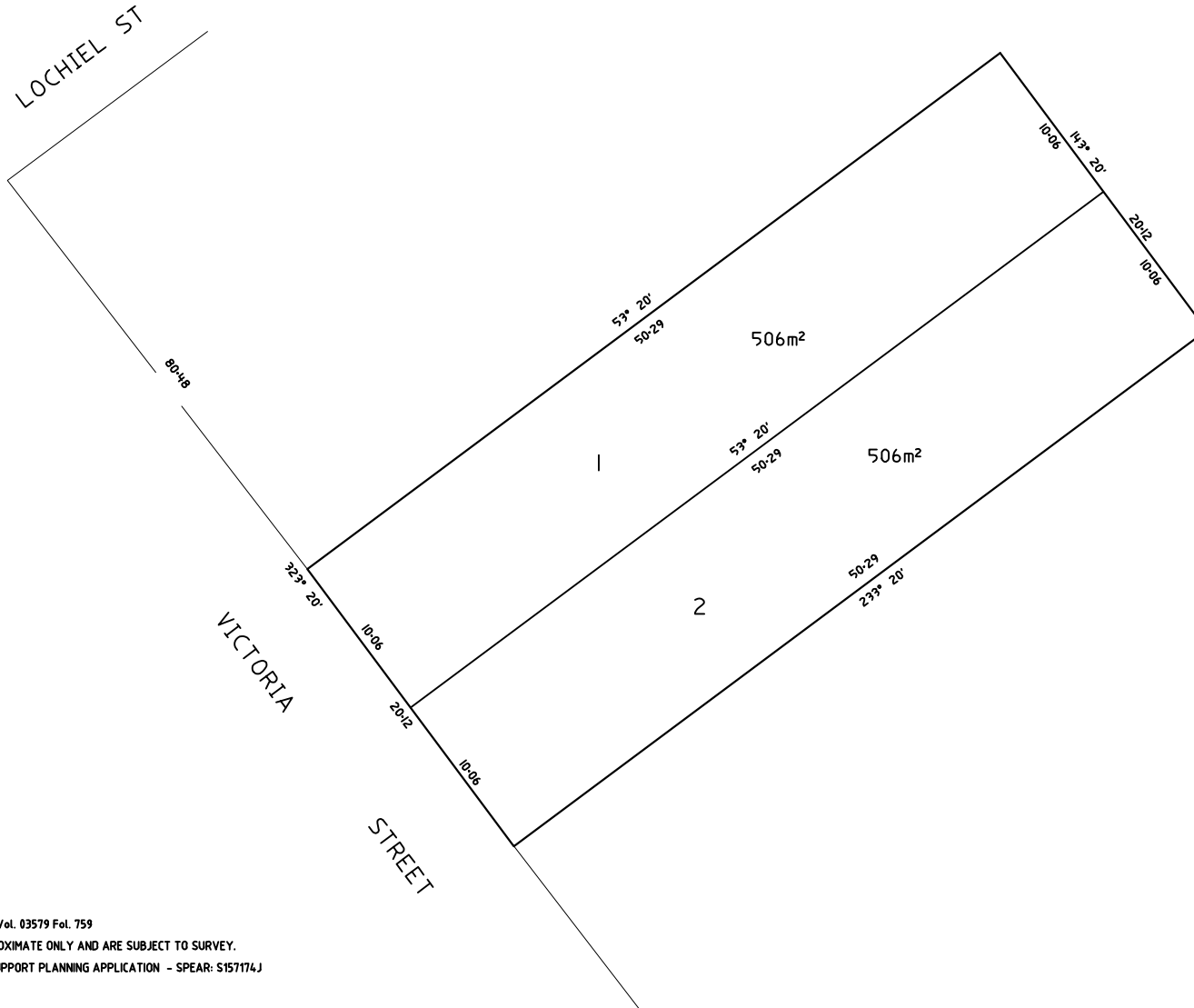
Completed by: Greg Wood

Signed:



Date: 24/06/2020

Must be kept for four years from date of the assembly. Available for public inspection at Council Offices for 12 months after date of assembly.

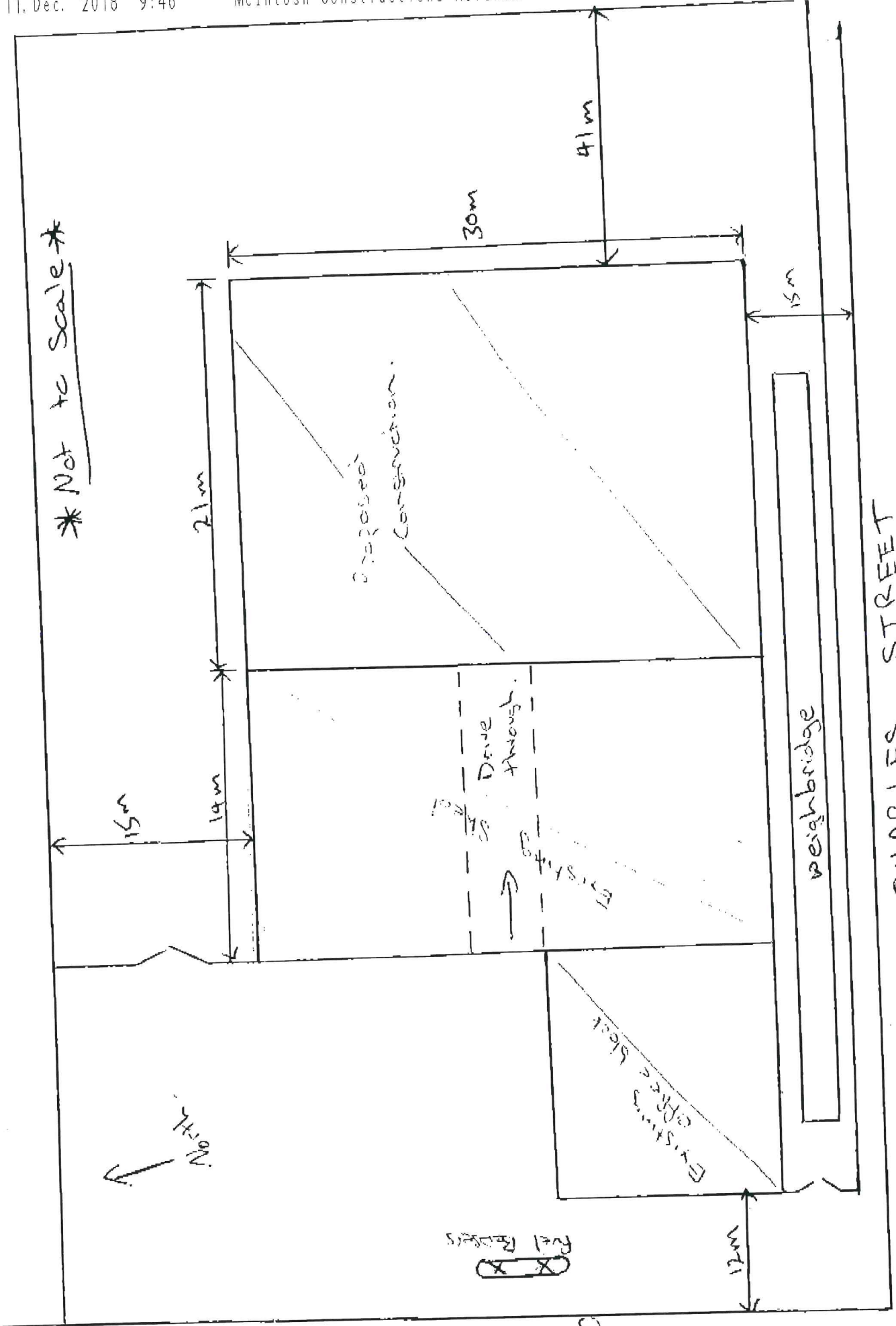


NOTES

1. TITLE PARTICULARS: Vol. 03579 Fol. 759
2. DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
3. PLAN PREPARED TO SUPPORT PLANNING APPLICATION - SPEAR: S157174J

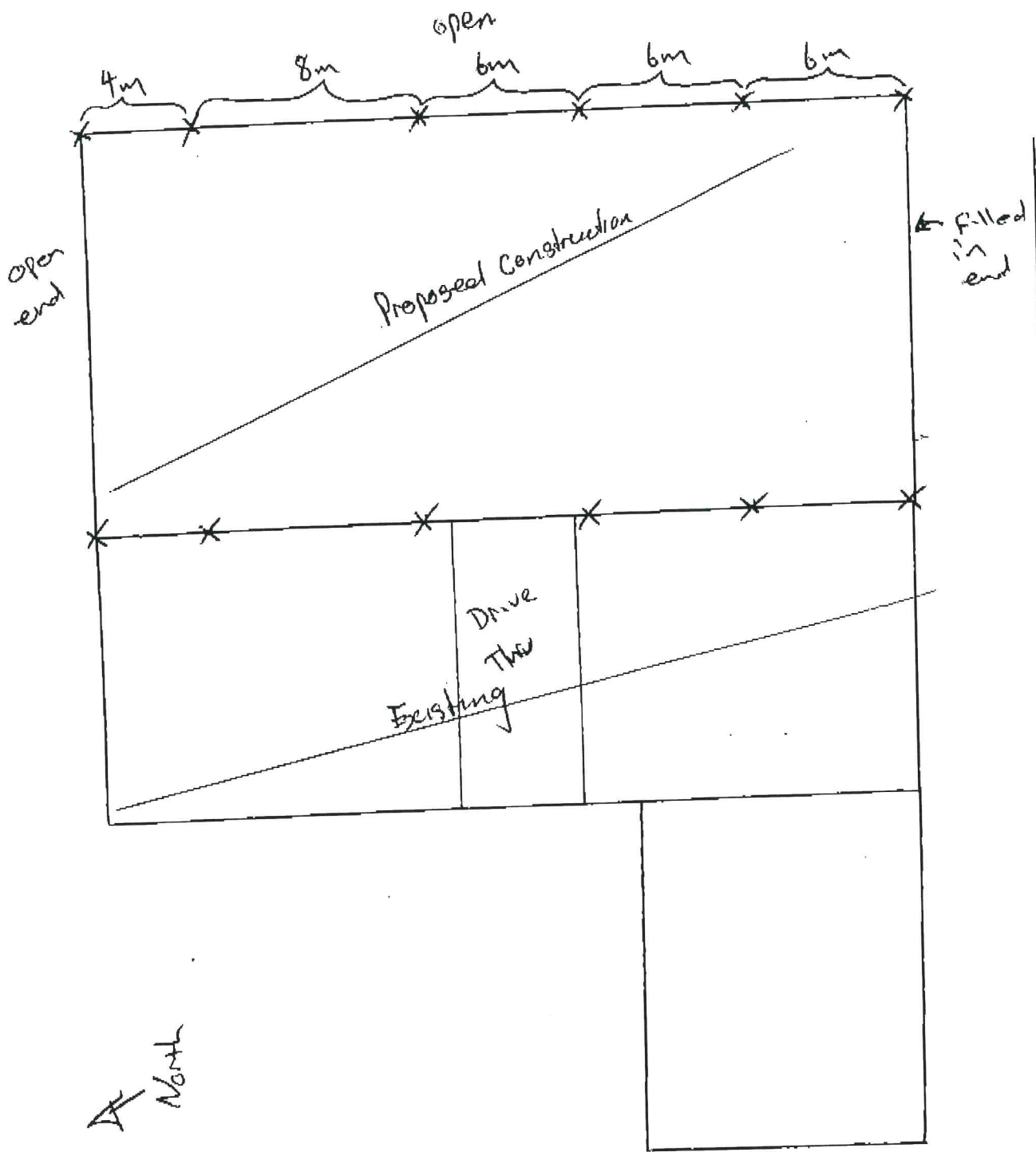
REV.	REVISION	DATE
A	CLIENT + PERMIT APPLICATION	4/2020

DRAWING APPROVED BY			Principal T. SCHNEIDER	Municipality HINDMARSH SHIRE	Scale 1:400	R e v i s i o n A
Date: _____			<p align="center">PROPOSED SUBDIVISION</p> <p align="center">40 VICTORIA STREET DIMBOOLA TP376682G (Lot 1)</p>		Size A4	
Designed	Drawn	Checked			Sheet 1 of 1	
	GJS 4/2020	GJS 4/2020			Drawing No. 3001	



Tullyvae Street

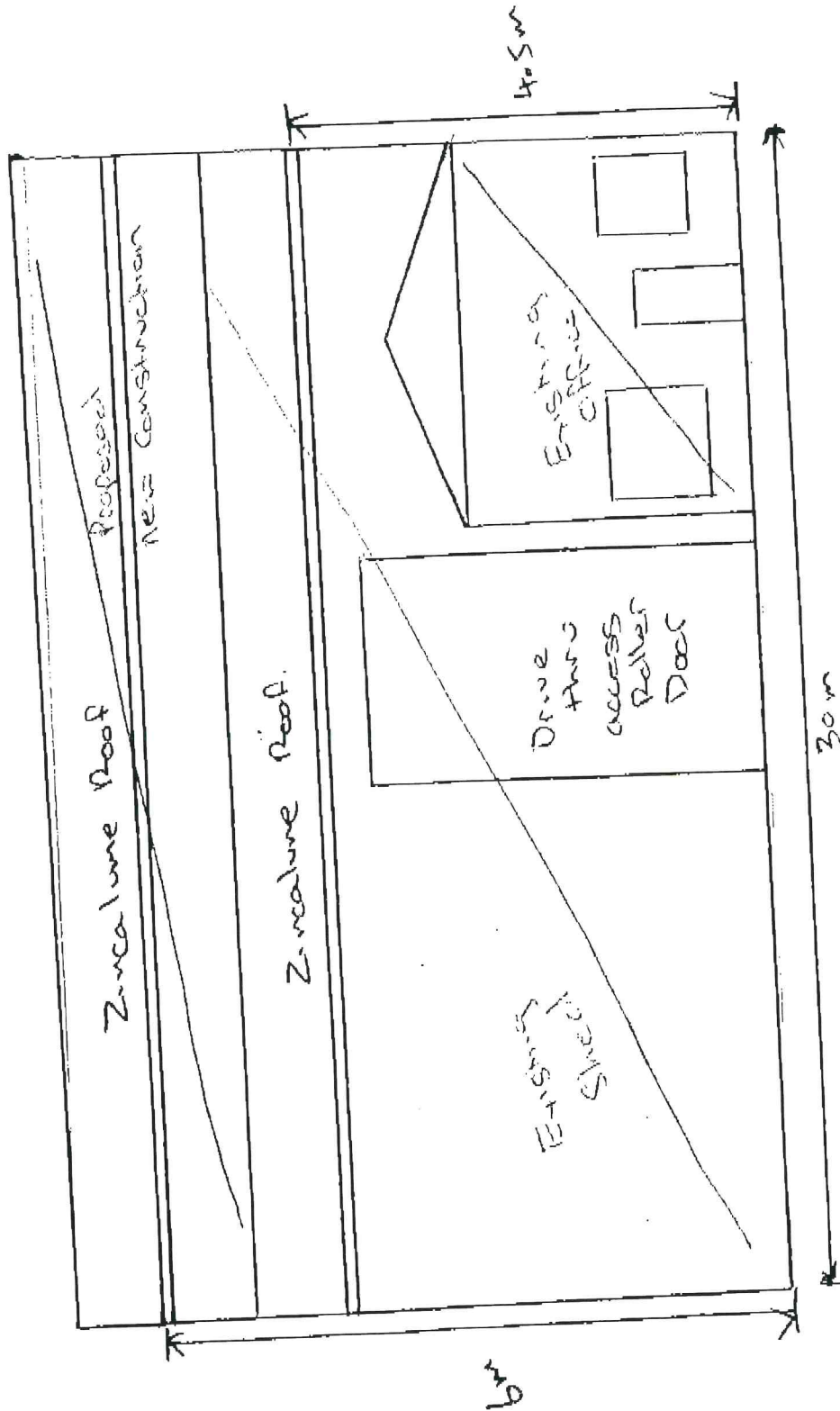
CHARLES STREET



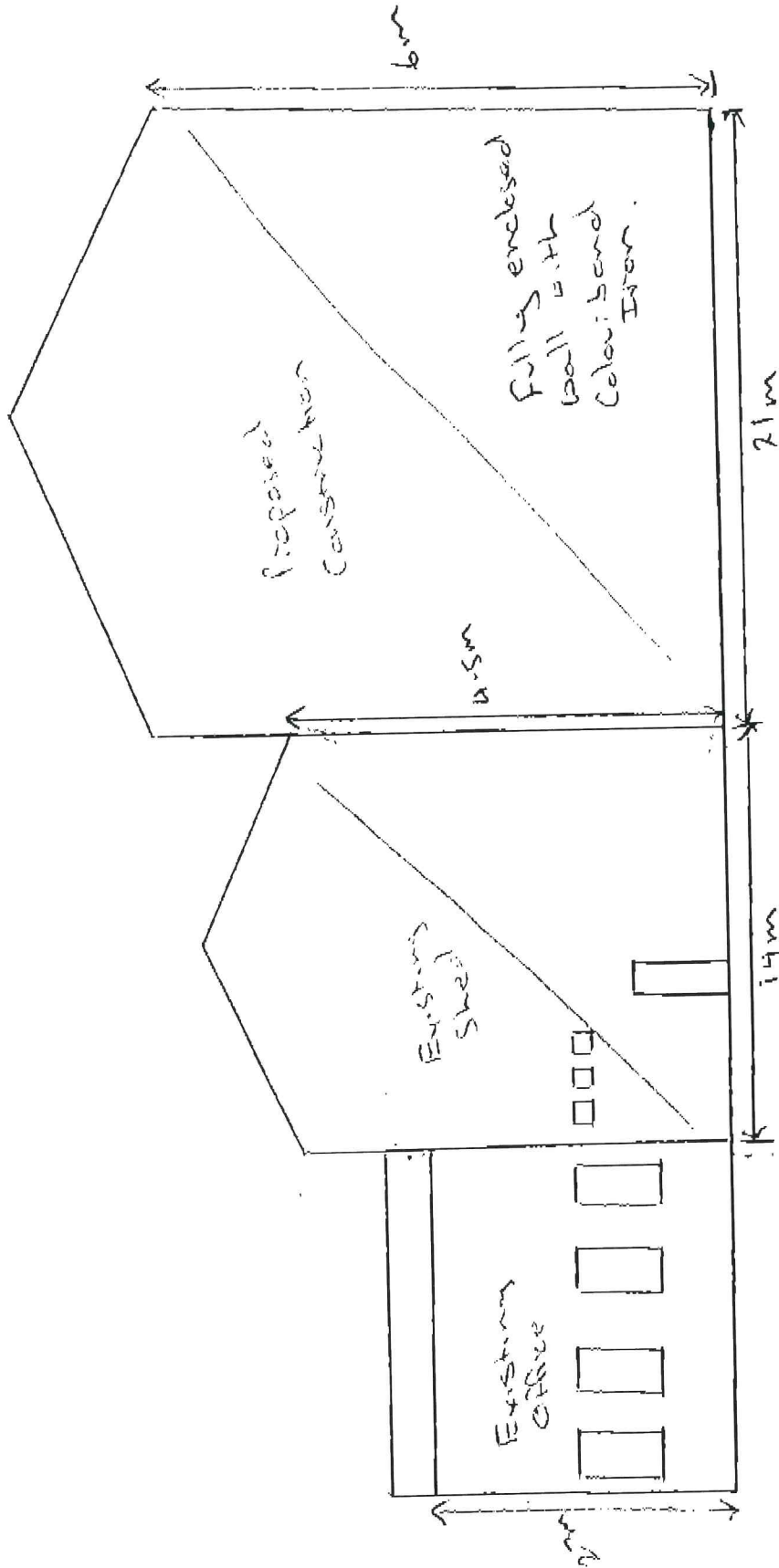
Charles St

Tullyvae St

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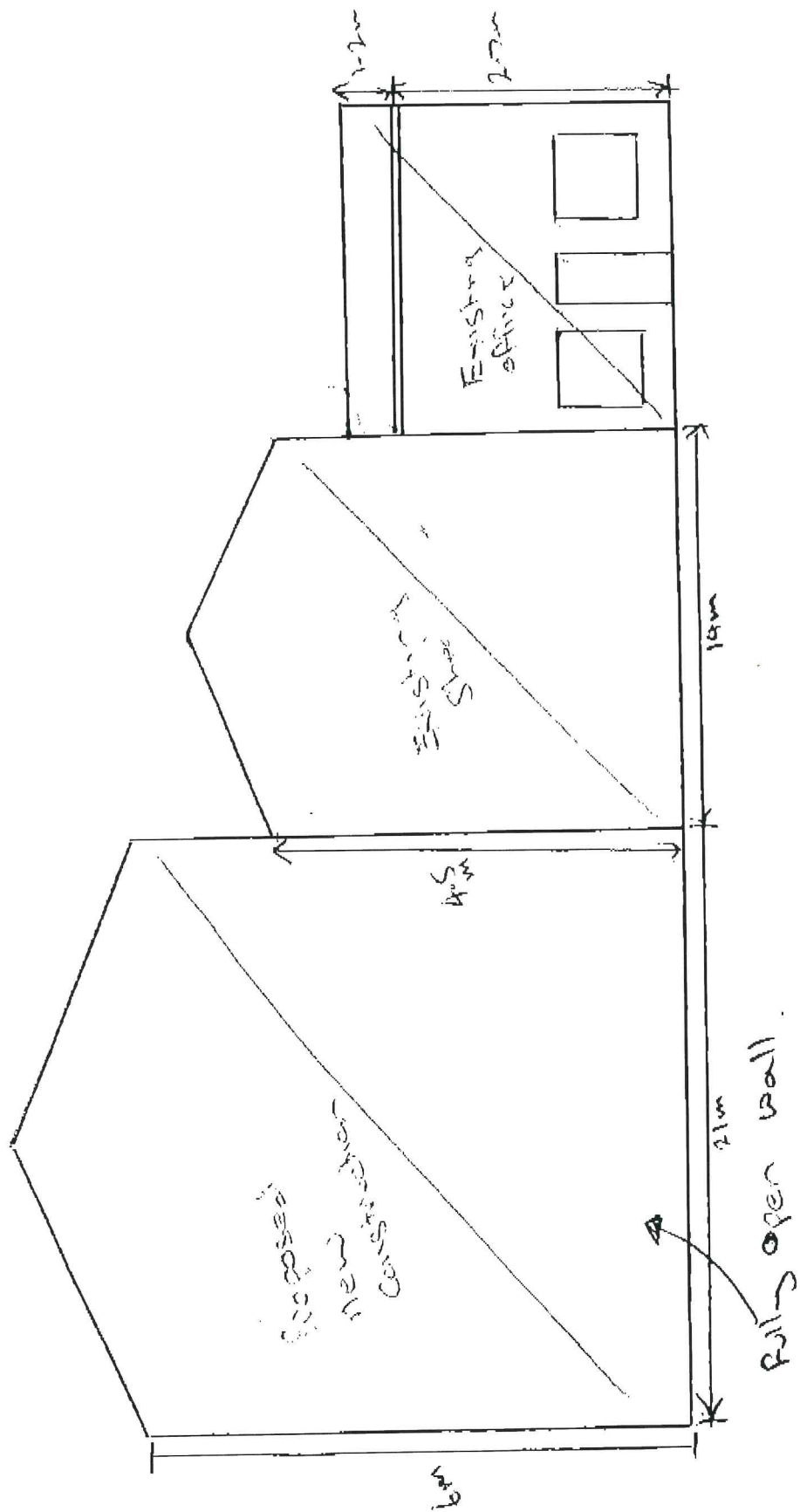


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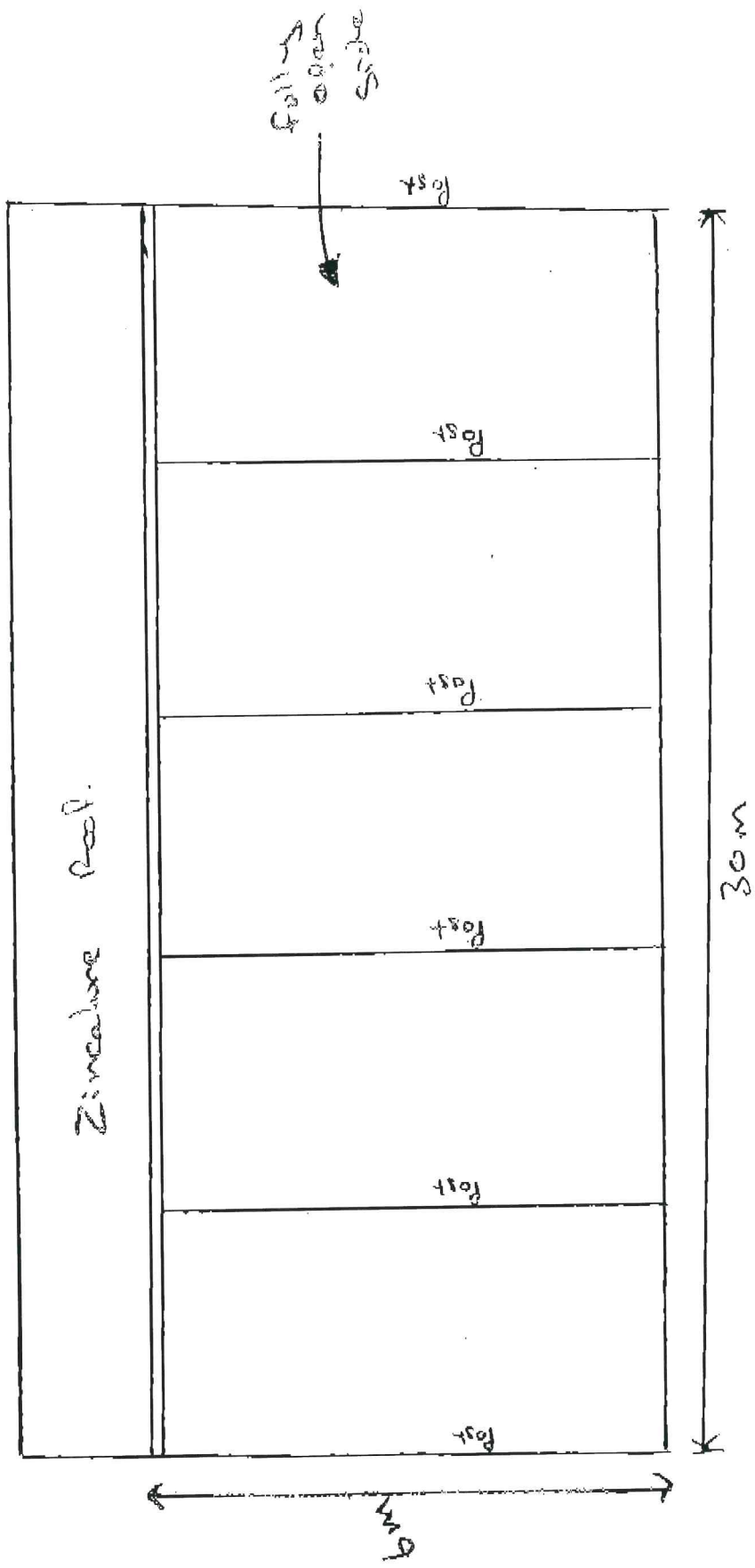


South

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Not to Scale.



MEMORANDUM

To Adrian King
From AM & AJ King Superfund
Date 21 March 2020
Subject 2 Tullyvea Street, Jeparit

1 SCOPE AND OVERVIEW

1.1 Background

This memorandum has been compiled in response to requirements of the Wimmera CMA, for proposed works at 2 Tullyvea Street, Jeparit (the Subject Site). The Subject Site is located on the corner of Tullyvea Street and Charles Street. It presently houses a Mobil fuel station and operates as a fuel and rural supply depot. With an existing office and shed on the site, the owners are seeking to construct a second shed to store supplies currently in the open under cover and build a levee around the site, to protect the site from inundation in a 1% AEP flood event.

The location of the Subject Site, proposed extension and approximate location of the levee are shown in Figure 1-1. Modelling was undertaken assuming the levee protects the entire property as a conservative assumption on floodplain blockage; however, the location of the levee at the northern end is largely flexible to enable detail around trees and potential trafficability to be managed.



Figure 1-1 Site Layout



1.2 Purpose

The purpose of this assessment was to determine the impact of a proposed shed and associated levee on 1% AEP flood levels within and surrounding the site and to provide advice and design heights for a levee to protect the proposed works. The following tasks were completed:

- Confirmation of existing flood levels.
- Developed conditions modelling with the inclusion of the propose levee for a 1% AEP flood event.
- Assessment of the impact proposed works may have on neighbouring properties during a 1% AEP flood event.
- Concept levee advice.

1.3 Topographic Data

The township of Jeparit is relatively low-lying with flat terrain. The township has a maximum elevation of approximately 87 m AHD falling towards the east of the town and towards the Wimmera River in the south west. The Subject Site sits at approximately 81.0 m AHD, as shown in Figure 1-2. The area around the township is predominately characterised by pastoral and agricultural land with the Wimmera River running to the west of the town into Lake Hindmarsh.

There is a railway line to the north of site which significantly impacts the extent of floodwater and impacts inundation on the site.



Figure 1-2 Site Topography



2 MODELLING

2.1 Overview

To assess the potential impact on flood levels the proposed levee would cause and provide advice around the levee, the existing Mike Flexible Mesh model previously developed during the Lower Wimmera Flood Mapping Project¹ was used. The proposed levee was included within the model to enable a comparison to existing site conditions.

2.2 Existing conditions

In existing 1% AEP flood conditions, the Subject Site becomes inundated to a range of depths reaching approximately 0.76 m at the eastern boundary of the site. Depths in the area adjacent the proposed development range from approximately 0.34 m - 0.67m. To the north, inundation is constrained by a railway line, acting as a levee. The existing conditions 1% AEP flood depths are shown in Figure 2-1.

¹ Water Technology, 2016 – Lower Wimmera Flood Mapping Project.

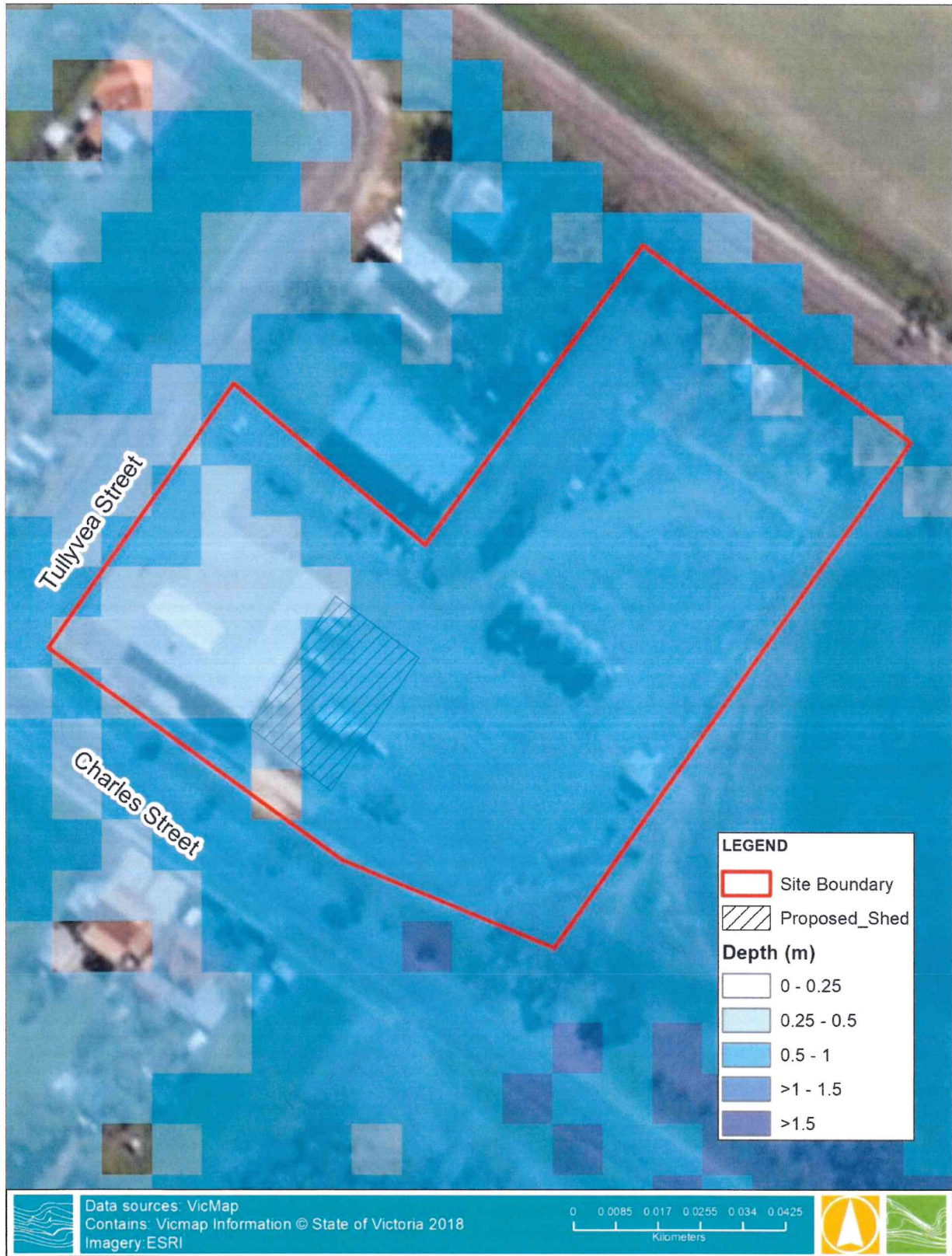


Figure 2-1 Existing Conditions 1% AEP Flood Depth (m)



2.3 Developed Conditions

The existing conditions Mike Flexible Mesh model developed during the Lower Wimmera Flood Mapping Project¹ was modified to include the proposed shed and levee bank. Modelling of 1% AEP flood event was carried out to determine the impact of the works. The levee has both temporal and permanent sections as highlighted. This is discussed further in Section 3.

The impact of the proposed works was assessed by completing the following calculation to the modelled water levels:

Developed conditions – Existing conditions

Where the resulting values are positive, works have caused an increase in flood levels, negative values indicate a decrease in flood levels.

Changes in water level due the levee were largely less than the mapped threshold of 0.02 m, aside from some small changes on the flood extent which were a result of the model cells exceeding the threshold for becoming wet and a more significant increase in flood extent to the north of the railway line. These increases are on private property. The levee has not caused any change to flood levels on any other surrounding properties. The lack of significant change in floodplain levels is due to the Subject Site's location, in a backwater with very little floodplain conveyance. The volume of water displaced by the area excluded from the floodplain is minimal by comparison to the Wimmera River floodplain in this area.

The landholder impacted to the north of the railway line has been contacted by the property tenant, SMS Rural Services, and they have consented to the increase in flood extent as a result of the levees construction. A signed letter detailing this consent is provided in Appendix A.

The change in flood level due to the construction of the levee is shown in Figure 2-2.

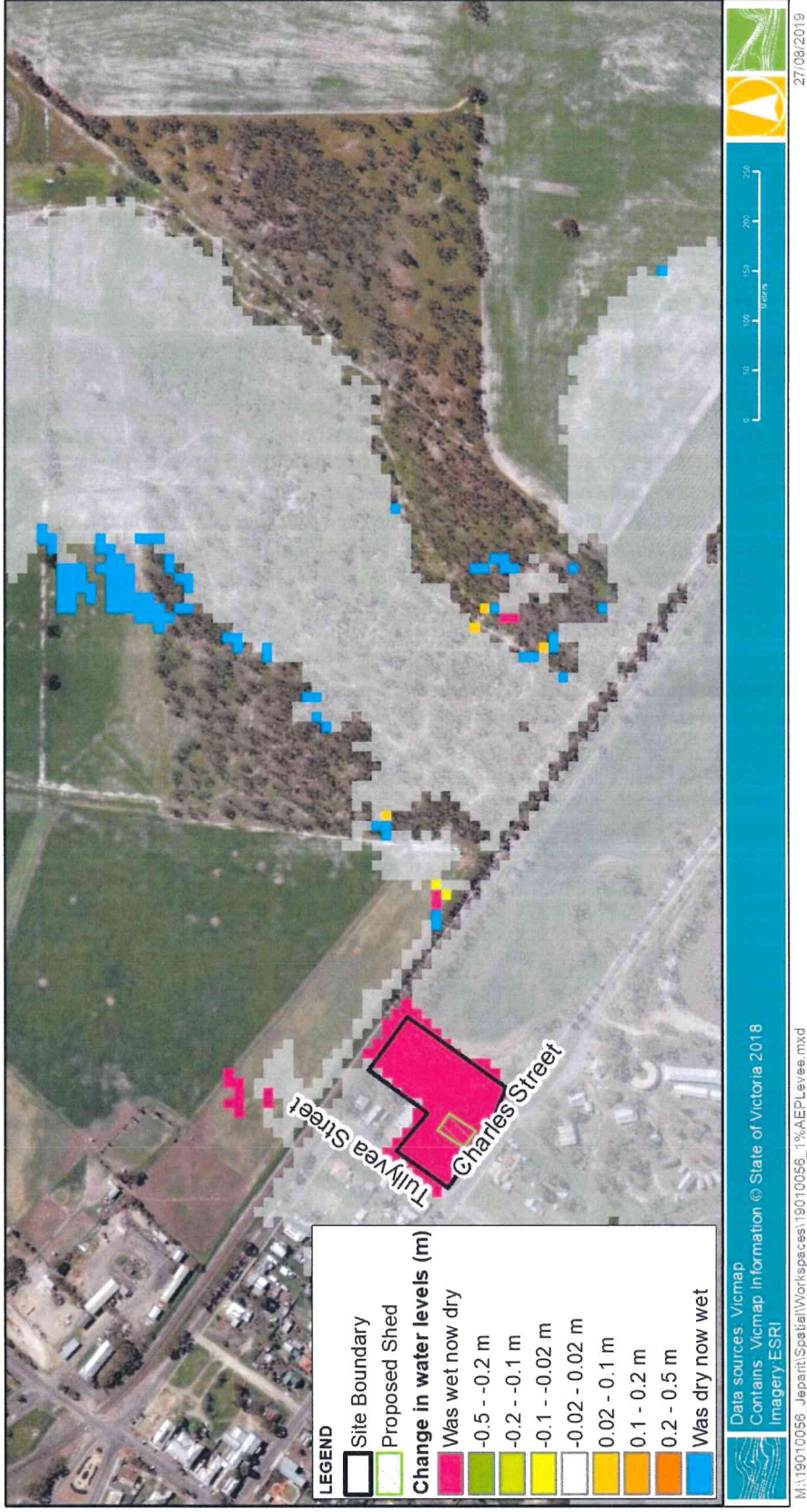


Figure 2-2 Developed Conditions – Change in WSE

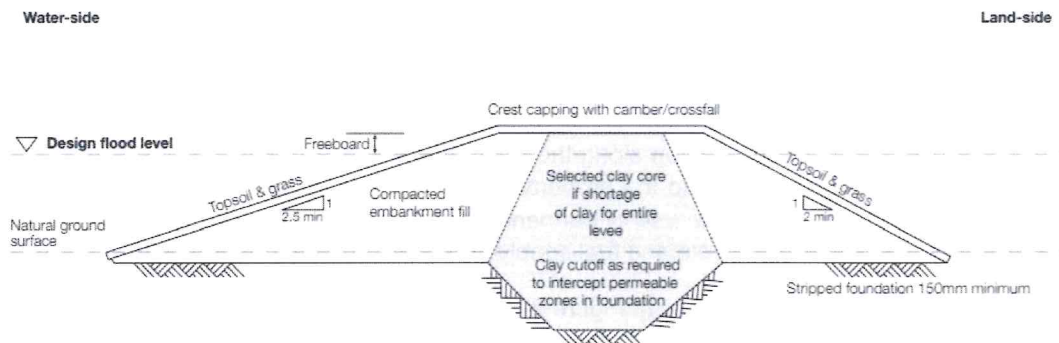


3 LEVEE ADVICE

Several levee options were explored to ensure a levee around the proposed building will function as flood protection but not hinder business operations. It was determined a permanent levee all sides except the front would suit best, with a temporary section along the front (west) of the property was the best design solution. The permanent levee would be around the property border as an earthen levee along most sections aside from one length of retaining wall. The use of earthen and temporary levee will protect the site but avoid the need to demolish and replace concrete and fuel supply infrastructure at the front (west).

The proposed levee layout is highlighted in Figure 3-2. Key attributes of the levee are as follows:

- Both the earthen and permanent levee will have a minimum freeboard of 300mm on the 1% AEP flood level – the 1% AEP flood level is 81.4 m AHD throughout, meaning the levee will be at 81.7 m AHD throughout.
- A concrete wall is proposed along one section of the levee in either concrete sleeper or concrete road barriers.
 - Floodwalls need to have a properly designed base, most likely with a concrete footing to provide stability (overturning and sliding) and avoid foundation piping erosion.
 - If gaps in the concrete cannot be sealed adequately plastic sheeting should be available prior to a flood event to ensure limited gaps in the concrete joins.
- Several temporary levee options were investigated and in discussion with the Subject Site owner Flood Control Tiger Dam™ was the chosen solution. A brochure for the product is attached with this report. The product used tubes strapped together and to the ground to form a waterfilled levee. Tubes come in a range of diameters with the 900mm option sufficiently high enough. They come in two standard lengths of 15m and 30m. They are filled with water, can be either clean water or water from a creek or similar, the water is pumped into the tubes and the pump is required to get the water pressure inside the tube for it to sit in a circular shape. The tubes need to be anchored down with straps and anchors. Indicatively the cost per metre (ex GST), including costs for the straps and anchors is \$300/m for the 0.9m tubes.
 - Other options included:
 - Bluemont Boxwall – 1000 mm high - <http://www.bluemont.com.au/flood-prevention/noaq-boxwall/> (not available till April 2020) – Approx. \$420/m (price is for 500mm Boxwall, 1000mm yet to be priced)
 - Bluemont FloodBreak – <http://www.bluemont.com.au/flood-prevention/floodbreak/>, 300mm high option approx. \$15,000/m.
- The temporary levee will be stored onsite in an easily accessible location. Procedures should be in place to ensure that in the event of impending floods, trained staff can place and install the levee appropriately. It is recommended staff be familiar with the chosen product and are aware of its location.
- The earthen levee will be constructed as per the Victorian Levee Management Guidelines (provided with this report as Appendix B). Design and maintenance requirements include:
 - Batter slopes be 2.5 (H):1 (V) for the water face and 2 (H):1 (V) for the outside face.
 - A typical cross section of the earthen levee is shown below:



- Capping for the earthen levee should include a 150 mm thick, low-plasticity local topsoil with a good grass cover. The grass varieties should be selected to suit local conditions, require low maintenance, minimise fire hazard and provide a thick, erosion-resistant cover with a strong binding capacity root system.
- Any areas potentially conveying traffic will use a 100-150 mm thick Class 3 crushed rock or similar capping.
- A levee management plan should be produced outlining a review procedure for the levee and maintenance schedules for the earthen, potentially trafficked and temporary sections.
 - The record-keeping system for the assets should be checked at least once a year to ensure that all defined documentation has been correctly filed so that it can be quickly accessed if an emergency situation arises. This is also important to ensure that, even with staff turnover, the knowledge built up over a number of years is not lost.
 - Some leakage within the levee is possible and a pump and sump should be in place to ensure flood water can be pumped from inside the levee. It is imperative this is away from any potential fuel or chemical spills.
- Prior to, during and post a flood event the following should be undertaken:
 - Prior to the arrival of floodwaters
 - Visual inspection of the levee to ensure it is operational and to identify any potential weaknesses or operational constraints.
 - Placement and testing of pumps, drop bars and other temporary barriers, etc.; instructions regarding the timing or other triggers for operating pumps, closing gates, etc.
 - Adequate personnel and other resources available to cover levee system management tasks before and during the flood.
 - The systems in place to capture, document and exchange information between the levee manager and emergency response agencies as required.
 - Preparation for any additional actions listed in contingency plans.
 - During the flood event
 - Visual inspections should be scheduled at least daily. As the flood approaches the Design Flood Event level, inspections should be scheduled more frequently (provided the area is deemed safe to inspect) and responses put into action within a few hours if there is a danger of breach or overtopping. If the design level of the levee is expected to be exceeded, the only response available is to inform those who will or may be affected to prepare or evacuate in accordance with the pre-planned evacuation plan. Other interventions, such as adding rows of sandbags to increase the height of a levee, may be employed to gain extra time to evacuate.



- After the flood event
 - Even if the levee was not breached or overtopped, a thorough visual inspection should be scheduled as soon as practicable. Depending on resource availability, a comprehensive inspection may not be possible until clean up and recovery is well under way. In this case, a two-step approach should be taken, using a RAM (rapid assessment methodology) approach to schedule any interventions that are needed immediately and indicate the timing within which the comprehensive inspection should be undertaken.

A longsection around the property was extracted showing the existing terrain and the modelled water surface elevation for the 1% AEP event. The long section was taken around the site where the proposed levee will sit. The location of the long section is shown below in Figure 3-2. The long section is shown in Figure 3-3. The water surface elevation during a 1% AEP flood event was taken from the modelling and a 300mm freeboard was added to this level to give the levee heights shown Figure 3-1. The levee ranges in height from approximately 0.6m to 1m.



Figure 3-1 Proposed earthen Levee Height around Subject Site

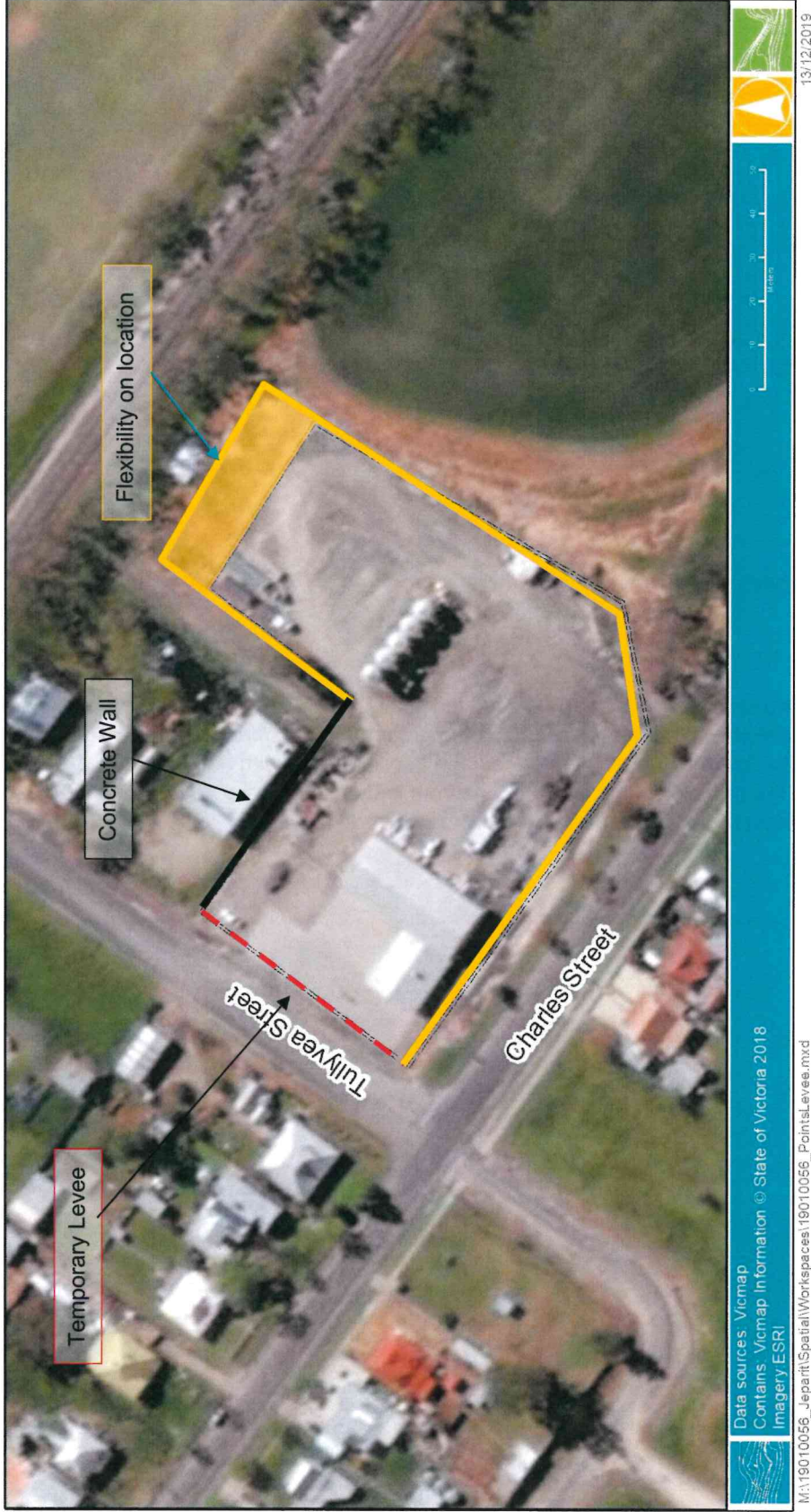


Figure 3-2 Plan of Site and Long Section Location

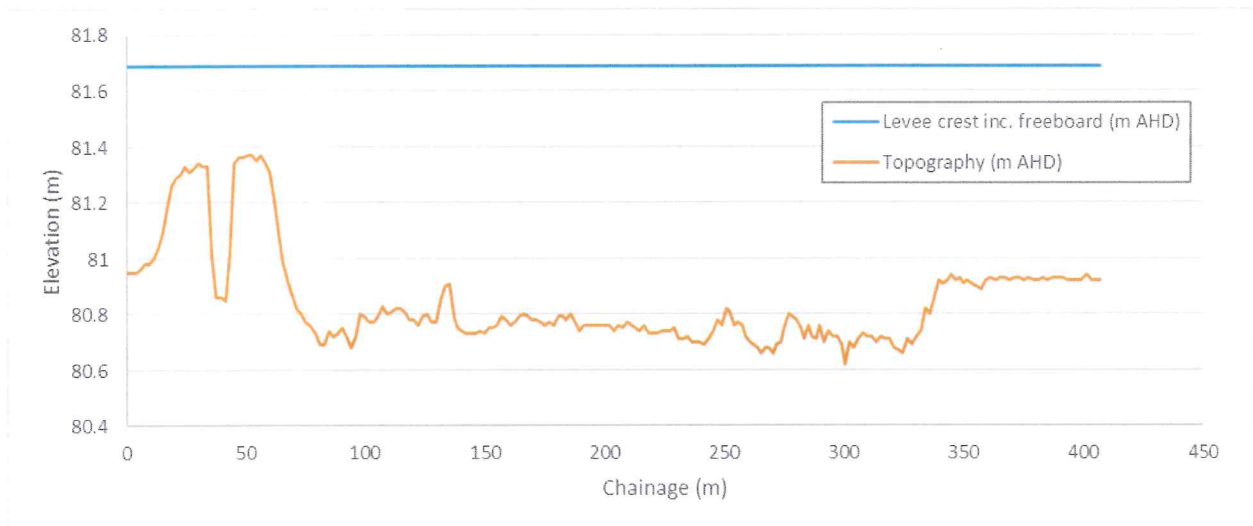


Figure 3-3 Existing Conditions 1% AEP Water Surface Elevation Around Property

4 SUMMARY

Modelling has demonstrated the proposed levee bank around the site at 2 Tullyvea Street will have no impact on 1% AEP flood levels with a slight increase on a neighbouring property to the north which have consented to the change. The height of the levee has been determined and in conjunction with a temporary levee to be placed on the western side of the property, will protect the site from inundation, during flood events up to and including the 1% AEP with a 300mm freeboard. This is a level of 81.7 m AHD.



APPENDIX A
LETTER SIGNED BY NEIGHBOURING PROPERTY
OWNER



29 January 2020

Adrian King
Director
SMS Rural Services
63 Charles St
Jeparit, Vic, 3423
Ph: 0488 972 017

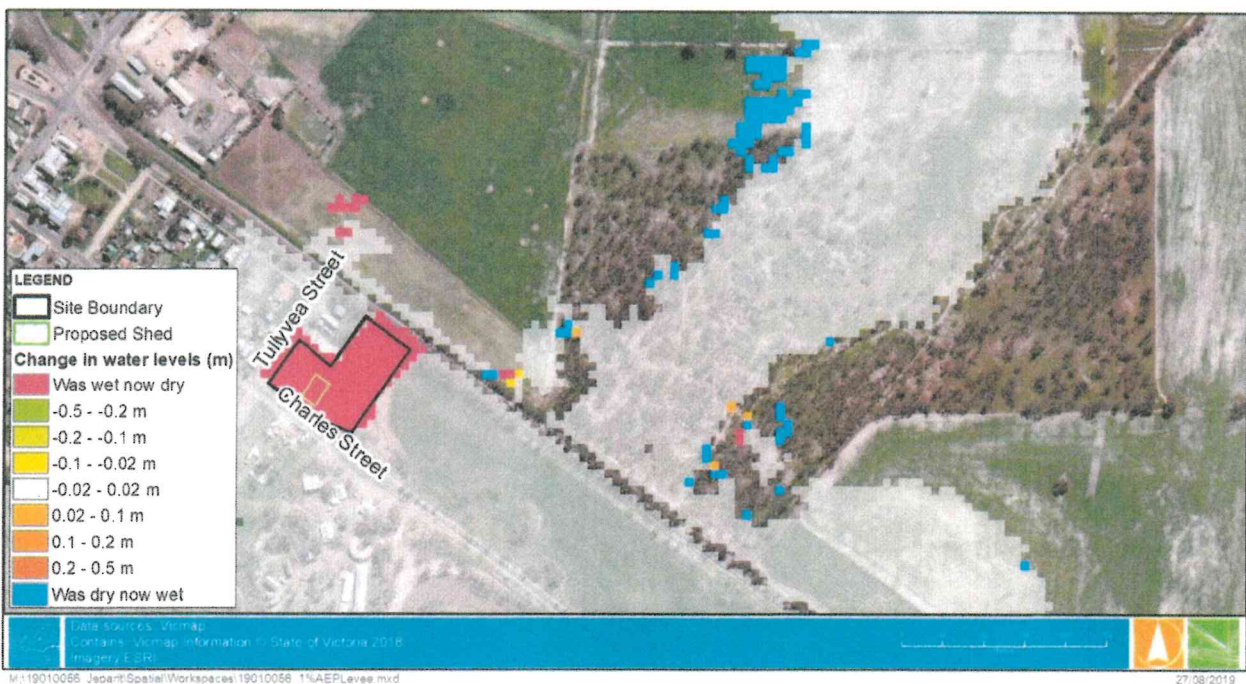
Dear Steve

SMS Rural Services Levee Development

As discussed, SMS Rural Services are planning to build a levee protecting our business at 63 Charles St, Jeparit VIC 3423. This levee will encompass our property protecting it up to a 1% AEP flood level as required by Wimmera CMA. The location of the proposed levee is shown in the below figure.

The development of the levee will cause a minor increase to flood levels surrounding our site due to the decreased conveyance within the Wimmera River floodplain.

We engaged Water Technology Pty Ltd to quantify this impact with a comparison of flood levels also shown in the below figure. Increases in extent are highlighted in blue.



The modelling undertaken has shown an increase of less than 0.1cm immediately upstream of our site and an increase of around 1cm north of the Jeparit Railway Line. The 1cm increase in water level has caused a minor increase in inundation extent which impacts on your property.

I am hoping you can confirm you are comfortable with this increase to enable Wimmera CMA to approve the proposed levee by signing the following statement.

I, STEVE STONEHOUSE.....

of 61 CHARLES ST SEPARIT

accept the increase in inundation extent on my property at

SEPARIT EAST RD.....

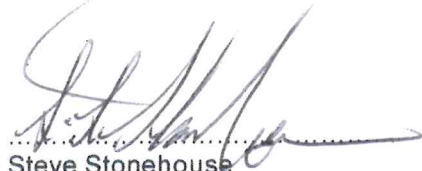
as outlined in this letter.

Yours sincerely



.....
Adrian King
Director

SMS Rural Services



.....
Steve Stonehouse

Impacted landholder



Mr Bruce McIntosh
McIntosh Constructions
55 Hamilton Rd
Horsham

Dear Mr McIntosh

Planning Permit Application No. 1611-2018
Open Canopy Chemical Storage Shed
Lot 1 TP228795, Parish of Jeparit 2 Tullyvea Street Jeparit Vic 3423

Applicant: Mr Bruce McIntosh

Thank you for your referral under Section 55 of the *Planning and Environment Act 1987* dated and received 19 June 2020.

Wimmera CMA understands the allotment is zoned Farming Zone, Township Zone, Public Use Zone - Transport, Road Zone - Category 1 and covered by the Environmental Significance Overlay - Schedule 3, Environmental Significance Overlay - Schedule 6, Environmental Audit Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Bushfire Management Overlay in the Hindmarsh Shire Council planning scheme.

We advise the proposed development location is likely to be subject to flooding during 1% Annual Exceedance Probability (AEP) event from the Wimmera River, refer to Figure 1.

The Lower Wimmera Flood Investigation (2017) determines the 1% Annual Exceedance Probability (AEP) flood level for the allotment as 81.39 metres Australian Height Datum (AHD).

Wimmera CMA does not object to the granting of a permit subject to the following conditions:

1. Prior to the construction of the open canopy shed, a permanent earthen bund with a minimum height of 81.69 m AHD must surround the building and facility, consistent with the memorandum report dated 21 March 2020 to Adrian King from Water Technology.

The earthen levee will be constructed and compliant with construction requirements as specified in the Victorian Levee Management Guidelines. As constructed survey of the levee is to be provided to the Wimmera CMA upon completion of construction.

2. Prior to the construction of the open canopy shed, a temporary levee to infill the section along Tullyvea St, with specifications to meet or exceed a minimum height of 81.69m AHD is to be purchased and onsite.
3. Prior to the construction of the open canopy shed, a Levee Management Plan in accordance with the Victorian Levee Management Guidelines must be submitted to Wimmera CMA for approval.
4. Any fencing within the floodplain shall be of an open style that will not obstruct the conveyance of flood water across the property, for example post and wire fencing or open pool style fencing.

Prior to the commencement of works, detailed plans of the proposed fencing within the floodplain area must be submitted to Wimmera CMA for approval.

Please Note:

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.

In accordance with Section 66 of the *Planning and Environment Act 1987* and for purpose of our records, please forward a copy of the outcome of Planning Permit Application No 1611-2018 to Wimmera CMA.

Further information is provided in the following pages with respect to definitions and disclaimers relating to this correspondence.

Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2019-00005 in your correspondence with us.

Yours sincerely



Tony Baker
MANAGER STATUTORY AND STRATEGY

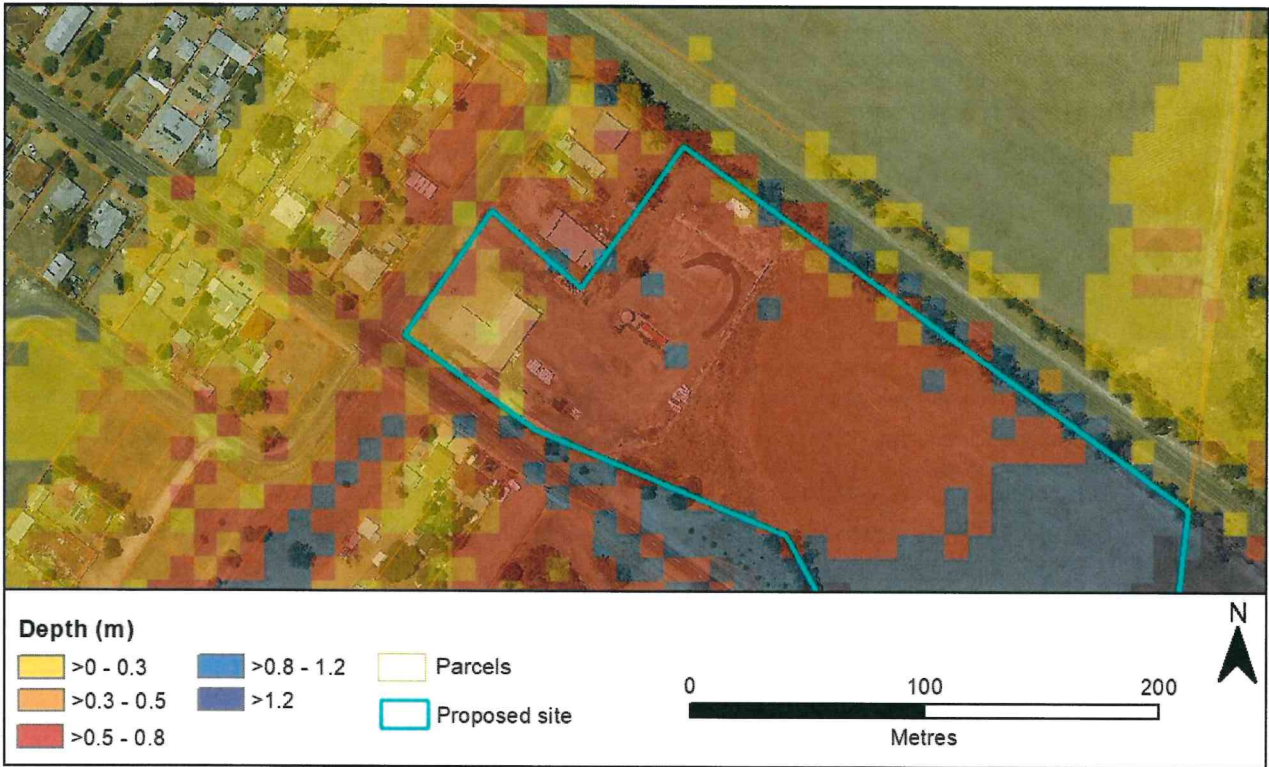


Figure 1: The proposed site highlighted on a property cadastre layer showing the extent of flood inundation and depths resulting from a 1% AEP flood event.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to Wimmera CMA assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on Wimmera CMA GIS has been done in good faith and in accordance with the information given to the Wimmera CMA by the applicant(s) and/or Local Government.
2. While every endeavour has been made by Wimmera CMA to identify the proposed development location on its GIS using VicMap Parcel and Address data, Wimmera CMA accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. Any map included in this response is owned and under copyright of Wimmera CMA, Department of Environment, Land, Water & Planning and the State of Victoria. The Wimmera CMA and the State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omission in the information.
4. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as the 100-year ARI flood will occur on average once every 100 years.
6. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, Wimmera CMA disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed, no responsibility is accepted by Wimmera CMA for any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without Wimmera CMA written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. The applicant/responsible authority may use this information within 90 days of this letter.

POLICY



Public Transparency Policy (Council)

1 Purpose

The purpose of this Policy is to give effect to the Public Transparency Principles outlined in section 58 of the Act and to ensure that Council is meeting its obligation in having a Public Transparency Policy under section 57 of the Local Government Act 2020 (the Act).

2 Objectives

The objective of Council's Public Transparency Policy is to give effect to the public transparency principles outlined in section 58 of the Act.

The following are the public transparency principles –

- (a) Council decision making processes must be transparent except when Council is dealing with information that is confidential by virtue of the Act or any other Act;
- (b) Council information must be publicly available unless –
 - (i) the information is confidential by virtue of the Act or any other Act;
 - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to members of the municipal community;
- (d) public awareness of the availability of Council information must be facilitated.

3 Scope

This policy applies to Councillors and Council staff of the Council.

4 Definitions

For the purposes of this policy, Council adopts the following definitions:

Community

Means the Municipal Community and includes –

- (a) people who live in the municipal district of the Council;
and
- (b) people and bodies who are ratepayers of the Council;
and
- (c) traditional owners of land in the municipal district of the Council; and

(d) people and bodies who conduct activities in the municipal district of the Council.¹

Confidential information

has the same meaning under section 3 of the Act and is further described under clause 7(a) of this Policy

Council

means Hindmarsh Shire Council

Closed Meetings

when Council resolves to close the meeting to the general public under section 66(2)(a) of the Act.

Transparency

a lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively.

Contrary to Public Interest

Means where Council may refuse to release information if it determines that the harm likely to be created by releasing the information will exceed the public benefit in being transparent.

5 What will Council be transparent with?

(a) Council Decision Making

- will be undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.

(b) Council Information

This information includes but is not limited to:

TYPE	DESCRIPTION
Council records	Agendas, minutes, live stream and video recordings of Council Meetings
	Reporting from Committees to Council <ul style="list-style-type: none"> • Delegated committees • Community Asset Committees • Audit and Risk Committee
	Terms of Reference or Charter for Council committees
	Governance Rules
Local Laws	Hindmarsh Shire Municipal Local Law
	Hindmarsh Shire Meeting Procedure and Common Seal Local Law
Policies, strategies, reports	Council Plan, Annual Report, Strategies, Council Policies, Council Budget

¹Local Government Act 2020 s3

TYPE	DESCRIPTION
Organisation	Organisational chart
Councillors	Councillor payment summaries
	Councillor profiles
Council Elections	Election Campaign Donation Returns
	Candidate Information (during elections)
Donations and grants	Grant programs
Planning	Development plans, reference and incorporated documents
	Development contributions
	Current planning applications
Property	How rates are calculated
Businesses	Council's Terms and Conditions
	Awarded Tenders
Council operations	Events information
	Waste management and recycling information
	Information relating to families, positive aging, childcare and pets
	Tourism and local area – variety of information
	Parks and reserves – listing
Registers	Register of Building Occupancy Permits
	Register of Building Permits
	Register of Authorised Officers
	Register of Delegations
	Register of Personal Interests (Register of Interests until 24 October 2020)
	Register of Leases
	Register of Overseas or Interstate Travel
	Register of Gifts, Benefits and Hospitality (Councillors' and Council Staff)
Process/other information	Application processes for approvals, permits, grants, access to Council services
	Community engagement processes
	Complaints handling processes
	Online payments and applications
	Employment with Council
	Lodging a request/complaint

TYPE	DESCRIPTION
	Economic and population profiles
	Information relating to access (maps and guides)

6 Accessibility of information

(a) Access to information

- Information will be available in different ways, including in hard copy, soft copy, by inspection, on the Council website, at Council offices or by request.
- Members of the public can make different kinds of information requests to the Council by contacting the Customer Service team. These requests include informal requests for documents and information or formal FOI requests depending on the nature of the request.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this Policy.
- Access to information will be in accordance with the Part II statement made under the *Freedom of Information Act 1982*.

(b) Accessibility and cultural requirements

In assessing all information requests, Council will give consideration to accessibility and cultural requirements.

(c) Freedom of information (FOI) applications

The Freedom of Information Act 1982 gives you right of access to documents that Council hold. If you can't find the document you require, call us before you make an FOI application as we may be able to make it available.

7 Information not available

Some Council information may not be made publicly available. This will only occur if:

- the information is Confidential Information under section 3 of the Act; or
- if its release would be Contrary to the Public Interest; or
- not in compliance with the Privacy and Data Protection Act 2014.

(a) Confidential Information – section 3 of the Act

TYPE	DESCRIPTION
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement	Information which would be reasonably likely to prejudice the

information	investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the 1989 Act	Information that was confidential information for the purposes of s77 of the <i>Local Government Act 1989</i>

(b) Contrary to the Public Interest

Council is not required to make publicly available information if the release would be Contrary to the Public Interest, in accordance with the Act. Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community;
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

8 Responsibilities

All Councillors and Council Officers are responsible for facilitating access to council information in accordance with this policy.

Party/parties	Roles and responsibilities
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.
Executive	Create a working environment where transparency is fostered.

Management Team	Monitor implementation of this policy.
Senior Management Team	Manage areas of responsibility to ensure Council is maintaining its obligations relating to public transparency under the Act and this Policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with this Policy.
Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

9 Human rights charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with.

10 Non-compliance with this policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and would like to contest the decision, this can be reported to the Manager Governance and Human Services.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222, or via the website – www.ombudsman.vic.gov.au.

11 Monitoring, evaluation and review

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

12 Communication

This Policy will be made available on Council's Website.

13 Supporting documents

Council Document	
Governance Rules Public Transparency Principles	Governance Framework Community Engagement Policy (to be developed)

Privacy and Data Protection Policy	
Legislation	
Charter of Human Rights and Responsibilities Act 2006 Freedom of Information Act 1982 Local Government Act 2020	Privacy and Data Protection Act 2014 Equal Opportunity Act 2010.

14 Document control

Hindmarsh Shire Council Public Transparency Policy		Policy Category	Council
Version Number	01	Policy Status	DRAFT
Approved/Adopted By		Approved/Adopted on:	
Responsible Officer	CEO	Review Date:	3 years after the date of adoption
Version History	Date	Version	Description
	25 May 2020	01	New policy required by Local Government Act 2020

FOR CONSULTATION



GOVERNANCE RULES

Hindmarsh Shire Council Meeting Procedure and Common Seal

Part 1	PRELIMINARY	5
1	Title.....	5
2	Purpose	5
3	Objective.....	5
4	Role of Council	6
5	Overarching governance principles and supporting principles.....	6
6	Council decision making	7
7	Authorising provision.....	7
8	Commencement	7
9	Definitions.....	7
Part 2	THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR.....	9
10	When is a Mayor to be elected	9
11	Election of Mayor.....	9
12	Election of Deputy Mayor	10
13	Acting Mayor	11
Part 3	COUNCIL MEETINGS.....	11
Division 1	Notices and Agendas	11
14	Dates and times of Ordinary Meetings.....	11
15	Council may alter meeting dates	11
16	Special meetings	11
17	Notice of meeting	12
18	Leave of absence.....	12
19	Postponement of meeting for an Emergency.....	12
Division 2	Open Meetings.....	12
20	Meetings open to the public.....	12
21	Councillor code of conduct	13
Division 3	Quorums	13
22	Council meetings.....	13
23	Meetings of delegated committees	13
24	Inability to gain a quorum	13
25	Inability to maintain a quorum.....	13
26	Inability to achieve or maintain a quorum due to conflicts of interests of Councillors.....	14
27	Notice for adjourned meeting.....	14

Hindmarsh Shire Council Governance Rules

Division 4	Disclosure of conflict of interest	14
28	Council meetings and delegated committee meetings	14
29	Other meetings conducted under auspices of Council	16
30	Council staff	16
Part 4	MINUTES	17
31	Keeping of minutes.....	17
32	Confirmation of minutes.....	17
33	No debate on confirmation of minutes	17
34	Objection to confirmation of minutes.....	17
35	Deferral of confirmation of minutes	18
36	Contents of minutes	18
37	Availability of minutes	19
38	Recording of meetings.....	19
Part 5	BUSINESS OF MEETINGS	19
39	The order of business.....	19
40	Change to order of business.....	20
41	Chief Executive Officer may include items on an agenda	20
42	Time limits for meetings.....	20
Part 6	VOTING AT MEETINGS	20
43	How determined	20
44	By show of hands	20
45	When a division permitted	20
46	Procedure for a division.....	21
47	Change between original vote and division.....	21
48	No discussion once declared.....	21
49	Application to delegated committee meetings.....	21
Part 7	ADDRESSING THE MEETING	21
50	Addressing the meeting	21
51	Suspension of standing orders	22
52	Interruption for point of order	22
Part 8	OTHER MEETING PROCEDURES	22
Division 1	Matters not provided for.....	22
53	Matters not provided for.....	22
Division 2	Motions	22
54	Chairperson's duty	22

Hindmarsh Shire Council Governance Rules

55	Moving a motion.....	23
56	Agreed to alteration to a motion.....	23
57	Right of reply.....	23
58	No right of reply for amendments.....	23
59	Moving an amendment.....	24
60	Who may propose an amendment.....	24
61	Who may debate an amendment.....	24
62	How many amendments may be proposed.....	24
63	An amendment once carried.....	24
64	Foreshadowing motions.....	24
65	Withdrawal of motions.....	24
66	Separation of motions.....	25
67	Motions in writing.....	25
68	Debate must be relevant to the motion.....	25
Division 3 Speaking times.....		25
69	Speaking times.....	25
70	Extension of speaking times by resolution of the Council.....	25
71	When an extension can be proposed.....	25
72	No extension after next speaking commenced.....	25
Division 4 Points of order.....		26
73	Procedure for point of order.....	26
74	Chairperson to decide.....	26
75	Chairperson may adjourn to consider.....	26
76	Final ruling on a point of order.....	26
77	Valid points of order.....	26
78	Contradiction of opinion.....	26
79	Adjournment and resumption of meeting.....	27
80	Procedural motions.....	27
81	The closure.....	27
82	Adjourning the debate.....	27
Division 5 Notice of motion.....		28
83	Notice of motion.....	28
84	If lost.....	28
Division 6 Notice of amendment or rescission.....		28
85	Procedure.....	28

Hindmarsh Shire Council Governance Rules

86	Listing notice on agenda.....	29
87	Criteria to amend or rescind a motion.....	29
88	If lost	29
89	If not moved	29
90	May be moved by any Councillor.....	29
91	When not required.....	29
92	Urgent and other business	29
Division 7	Public participation	30
93	Public Question Time	30
94	Conduct during Council Meetings.....	31
95	Chairperson may remove	31
Division 8	Additional duties of the Chairperson.....	31
96	The Chairperson’s duties and discretions.....	31
Part 9	COMMON SEAL.....	32
97	The Council’s Common Seal	32
98	Authority for use of Common Seal.....	32
Part 10	DELEGATED COMMITTEE MEETINGS.....	33
99	Minutes	33
100	Business of the meeting	33
101	Addressing the meeting.....	33
102	Motions and amendments	33
103	Notice of motion	35
104	Other matters	35
Part 11	CONFIDENTIAL INFORMATION	36
105	Confidential information.....	36

PART 1 PRELIMINARY

1 Title

Hindmarsh Shire Council Governance Rules.

2 Purpose

The purpose of the Governance Rules is to provide for:

- (1) the conduct of Council meetings;
- (2) the conduct of meetings of delegated committees;
- (3) the form and availability of meeting records;
- (4) the election of the Mayor and the Deputy Mayor;
- (5) the appointment of an Acting Mayor;
- (6) an election period policy;
- (7) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
- (8) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
- (9) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- (10) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (11) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (12) any other matters prescribed by the regulations made under the Act.

3 Objective

The objectives of this Procedure are to:

- (1) provide a mechanism to facilitate the good government of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (2) to promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (3) to regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Delegated Committees;
- (4) to regulate and control the procedures governing the conduct of meetings including:

Hindmarsh Shire Council Governance Rules

- (a) the notice required for meetings; and
- (b) the keeping of minutes;
- (5) to regulate and control the use of the Council's common seal;
- (6) to provide for the administration of the Council's powers and functions; and
- (7) to provide generally for the peace, order and good government of the municipal district.

4 Role of Council

- (1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Hindmarsh municipal community.
- (2) Council will provide good governance through –
 - (a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - (b) the Councillors of the Council performing their roles in accordance with the requirements of the Act;
- (3) In performing its role, Council may –
 - (a) perform any duties or functions or exercise any powers conferred on Council by, or under, the Act or any other Act; and
 - (b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

5 Overarching governance principles and supporting principles

- (1) Council will in the performance of its role give effect to the overarching governance principles.
- (2) The following are the overarching governance principles –
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;

Hindmarsh Shire Council Governance Rules

- (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles –
- (a) the community engagement principles;
 - (b) the public transparency principles;
 - (c) the strategic planning principles;
 - (d) the financial management principles; and
 - (e) the service performance principles.

6 Council decision making

- (1) Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.

7 Authorising provision

The Council's power to make the Governance Rules is contained in section 60 of the Act 2020.

8 Commencement

This Procedure comes into operation on 31 August 2020.

9 Definitions

Unless contrary intention appears in these Governance Rules –

- (1) words defined in section 3 of the Act have the same meaning in these Governance Rules;
- (2) words have the following meaning in these Rules:

Act	means the Local Government Act 2020.
Act 1989	means the Local Government Act 1989
Advisory Committee	means a committee established by Council, that provides advice to Council;
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting;
Audit and Risk Committee	means the Audit and Risk Committee established under section 53 of the Act
Authorised Officer	means an Authorised Officer appointed under section 224(1) of the Act 1989.
Business Day	means a normal working day of the Council, usually Monday – Friday excluding declared Public Holidays

Hindmarsh Shire Council Governance Rules

Chair	Refers to the Chairperson.
Chairperson	Means the person who chairs a meeting of the Council or Delegated Committee of the Council and includes an acting, temporary and substitute Chairperson;
Chief Executive Officer	means the person occupying the office of Chief Executive Officer of Council, and includes their delegate;
Council	Means Hindmarsh Shire Council.
Councillor	Means a person who is an elected member of the Council.
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes Ordinary and Special meetings of the Council.
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;
Senior Officer	means— (a) the Chief Executive Officer; (b) a member of Council Staff who has management responsibilities and reports directly to the Chief Executive Officer; (c) any other member of Council staff whose total remuneration exceeds \$124 000
division	Means a formal count of those for and those against a motion, generally called to remove any doubt as to whether the motion is supported or opposed.
procedural motion	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor;
Member	Refers to a person who is entitled to vote at a meeting of the Council or a Delegated Committee of the Council.
Minister	Means the Minister responsible for administering the Act.
Minutes	means the official record of the proceedings and decisions of a Meeting;
Point of Order	means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

quorum	Means the minimum number of members of the Council or of a Delegated Committee of the Council required by this Procedure to be present in order to constitute a valid meeting of the Council or the Delegated Committee respectively.
replica	In relation to the common seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Council.

PART 2 THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

10 When is a Mayor to be elected

- (1) The meeting to fill the vacancy of Mayor will be held:
 - (a) as soon as practicable after the declaration of the result of the general election and no later than one month after the date of the general election; or
 - (b) where the position of Mayor becomes vacant other than as the result of a general election being held, as soon as practicable after the vacancy has occurred.
- (2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term.
- (3) If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1-year term as is reasonably practicable.
- (4) If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2-year term as is reasonably practicable.
- (5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- (6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1-year or 2-year term serves the remaining period of the previous Mayor's term.

11 Election of Mayor

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167 of the Act, any Councillor is eligible for the election or re-election to the office of Mayor.
- (3) The election of the Mayor, Deputy Mayor or acting Mayor must be chaired by the Chief Executive Officer.
- (4) The Mayor must be elected by an absolute majority of the Councillors.

- (a) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
 - (b) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (5) In this clause, absolute majority means the number of Councillors which is greater than half the total number of Councillors of Council.
- (6) The Chief Executive Officer will invite nominations for the office of Mayor.
- (7) Every nomination shall require a seconder.
- (8) Any Councillor may refuse nomination.
- (9) The method of voting will be by show of hands.
- (10) In determining the election of Mayor, the following will apply:
- (a) where two nominations are received, the Councillor with the majority of votes will be declared elected;
 - (b) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (c) where there are two or more nominations received and the result has not been determined under (4)(b) and (10)(a) of this clause, the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - (d) the procedure in paragraph (10)(c) must be repeated until the circumstances in paragraph (10)(b) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.
- (11) If it is necessary to determine an election by lot, the Chief Executive Officer must place the names of the remaining candidates in a container and the candidate whose name is drawn first by the Chief Executive Officer will be declared elected as Mayor.
- (12) If the Mayor is unable to attend a Council meeting for any reason:
- (a) any Deputy Mayor will be acting Chair; and
 - (b) if no Deputy Mayor has been elected, an acting Chair must be elected.
- (13) Any election of a Deputy Mayor or acting Chair of a Council meeting will follow the same procedure as that for an election of the Mayor.

12 Election of Deputy Mayor

- (1) Clause 10, other than subclause (2), applies to the election of a Deputy Mayor by the Councillors as if any reference in that clause to the Mayor was a reference to the Deputy Mayor.
- (2) Clause 11 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor

13 Acting Mayor

- (1) Council must elect a Councillor to be the Acting Mayor when –
 - (a) neither the Mayor or any elected Deputy Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - (b) the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason including illness; or
 - (c) the office of Mayor and Deputy Mayor are vacant.
- (2) An appointment under subclause (1) must be for a period specified by Council.
- (3) If –
 - (a) an appointment has not been made under subclause (1) or has expired; and
 - (b) any of the circumstances specified in subclause (1)(a), (b) or (c) apply –Council must elect a Councillor to be the Acting Mayor for a period specified by Council.
- (4) An Acting Mayor –
 - (a) must perform the role of the Mayor; and
 - (b) may exercise any powers of the Mayor –until the circumstances specified in subclause (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been elected, unless inconsistent with the context or subject matter, a reference in the Act (except sections 20 and 23, Division 4 of Part 4 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

PART 3 COUNCIL MEETINGS

Division 1 Notices and Agendas

14 Dates and times of Ordinary Meetings

The date, time and place of ordinary meetings of the Council are to be fixed by the Council from time to time and appropriate notice of such meetings must be provided to the public.

15 Council may alter meeting dates

The Council may change the date, time and place of any ordinary meeting of the Council which has been fixed and must provide reasonable notice of the change to the public.

16 Special meetings

- (1) The CEO must call a special meeting of Council when requested to do so by the Mayor, or two (2) councillors provided sufficient time to enable reasonable notice can be given to councillors.
- (2) In giving such notice, councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

17 Notice of meeting

- (1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every councillor:
 - (a) For an ordinary meeting, at least 48 hours before the meeting;
 - (b) For a special meeting, within a reasonable time before the meeting; and
 - (c) For a Delegated Committee meeting, within a reasonable time before the meeting.
- (2) The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by email, post or be otherwise delivered to each councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the councillor.
- (3) A notice may be handed personally to a councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant councillor is held by the chief executive officer.
- (4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

18 Leave of absence

It will be unnecessary for a notice of meeting or agenda to be served on any councillor who has been granted leave of absence, unless the councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

19 Postponement of meeting for an Emergency

- (1) In the case of an emergency or unforeseen circumstances, the Chief Executive Officer, or in his or her absence, a senior officer, may postpone a meeting of the Council, without the necessity to comply with clauses 15 – 18 – (inclusive) provided reasonable attempts are made to notify every councillor.

Division 2 Open Meetings

20 Meetings open to the public

- (1) A meeting of Council, including Delegated Committee meetings, must be kept open to the public unless Council considers it necessary to close the meeting to the public because a circumstance specified in paragraph (2) **Error! Reference source not found.** applies.
- (2) The circumstances are –
 - (a) the meeting is to consider confidential information; or
 - (b) security reasons; or
 - (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (3) If the circumstance specified in paragraph (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements

to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

- (4) For the purposes of subclause 20(3), the arrangements may include provision to view the proceedings on the Internet or on close circuit television.
- (5) If Council or a Delegated Committee determines that a meeting is to be closed to the public to consider confidential information, the Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection –
 - (a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in clause 3 of the Act; and
 - (b) an explanation of why the specified ground or grounds applied.

21 Councillor code of conduct

During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct.

Division 3 Quorums

22 Council meetings

The quorum required for every Council meeting will be a majority of the councillors capable of being elected to the Council.

23 Meetings of delegated committees

The quorum for a meeting of a Delegated Committee will be not less than a majority of members.

24 Inability to gain a quorum

- (1) If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting those councillors present, or if there are no councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

25 Inability to maintain a quorum

- (1) If, during any meeting, a quorum cannot be achieved and maintained, those councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) If a Council meeting lapses, the unresolved business may be included in the agenda for the next Ordinary Council meeting.

26 Inability to achieve or maintain a quorum due to conflicts of interests of Councillors

- (1) This clause applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision listed to be made at the Council meeting.
- (2) Council must consider whether the decision can be made by dealing with the matter in an alternative manner such as under delegation.
- (3) For the purposes of subclause (2), an alternative manner may include –
 - (a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - (b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- (4) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of –
 - (a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - (b) any other person or persons that Council considers suitable.
- (5) Section 63(2) of the Act applies to a Delegated Committee established under subclause (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter being decided.

27 Notice for adjourned meeting

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone or facsimile, in person or by electronic means will be sufficient.

Division 4 Disclosure of conflict of interest

28 Council meetings and delegated committee meetings

- (1) If a Councillor or member of a Delegated Committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the Delegated Committee, the Councillor or member, must if they are attending the meeting, disclose the conflict of interest in accordance with this clause.
- (2) At the time indicated in the Agenda, a Councillor or Delegated Committee member with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

Hindmarsh Shire Council Governance Rules

- (a) The item for which they have a conflict of interest; and
 - (b) Whether their conflict of interest is general or material; and
 - (c) The circumstances that given rise to the conflict of interest.
- (3) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (4) A Councillor or member of a Delegated Committee who is not present at the designated time in the agenda for disclosures of conflict of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at clause 28(1) prior to leaving the meeting.
- (5) A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting or Delegated Committee meeting must not communicate with any participants in the meeting while the decision is being made.
- (6) If disclosing a conflict of interest would mean disclosure of confidential or private information, the Councillor or Delegated Committee member can make a full disclosure to the Chief Executive Officer (or Chair of the Delegated Committee) in writing before the meeting and then just disclose the class of interest in the meeting.
- (7) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must—
- (a) leave the meeting and notify the Mayor or the Chairperson of the delegated committee of their departure; and
 - (b) remain outside the room and any gallery or other area in view or hearing of the meeting.
- (8) The Mayor or the Chairperson of the delegated committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the meeting after—
- (a) consideration of the matter; and
 - (b) all votes have been cast on the matter.
- (9) If a Councillor or member of a Delegated Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
- (a) the declaration of the conflict of interest; and
 - (b) the classification of the interest that has given rise to the conflict; and
 - (c) if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (10) The Chief Executive Officer must—

- (a) keep written disclosures received under this clause in a secure place for 3 years after the date the Councillor or member of a delegated committee who made the disclosure ceases to be a Councillor or member of a committee; and
- (b) destroy the written disclosure when the 3-year period referred to in paragraph (a) has expired.

29 Other meetings conducted under auspices of Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.
- (9) At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of –
 - (a) the names of all Councillors and members of Council staff attending;
 - (b) the matters considered;
 - (c) any conflict of interest disclosures made by a Councillor attending;
 - (d) whether a Councillor who disclosed a conflict of interest leaves the meeting.
- (10) Meetings under this clause include formal Council briefing sessions, and advisory committee meetings of Council.

30 Council staff

- (1) All council staff must act in accordance with the Employee Code of Conduct.
- (2) Council staff must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions in this clause and the Employee Code of Conduct.

Procedure:

- (4) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (5) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of conflicts of interest.
- (6) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - (a) the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) the staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - (c) the staff member's manager determines that the conflict of interest has not influenced the advice provided; and
 - (d) the existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

PART 4 MINUTES

31 Keeping of minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes for Council Meetings.

32 Confirmation of minutes

- (1) An appropriate motion to confirm the minutes would be:
"That the minutes of the (Type of Meeting) held on (Date of Meeting) be confirmed."
- (2) If some slight alterations required to the minutes, then the following words could be added:
"subject to the following alteration(s)"
- (3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:
"That the Confirmation of Minutes be held over until:" OR
"That the Confirmation of Minutes be held over and relisted on the next Agenda."

33 No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

34 Objection to confirmation of minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- (1) state the item or items with which he or she is dissatisfied; and

- (2) propose a motion clearly outlining the alternative wording to amend the minutes.

35 Deferral of confirmation of minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

36 Contents of minutes

- (1) In keeping the minutes of a meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
- (a) the date, place, time, duration and nature of the meeting;
 - (b) the names of councillors and whether they were PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
 - (c) the names of members of Council staff providing advice to Council with their organisational title;
 - (d) the name of any other person asking questions or making submissions at the meeting and the organisation they represented or the capacity in which they attended;
 - (e) the arrival and departure times of councillors and members of Council staff providing advice to Council during the course of the meeting (including any temporary departures or arrivals);
 - (f) every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
 - (g) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
 - (h) procedural motions (which might be highlighted);
 - (i) where a valid division was called, a table of the names of every councillor and the way their vote was cast; either FOR or AGAINST;
 - (j) details of a failure to achieve or maintain a quorum and any adjournment;
 - (k) details of any question directed or taken upon notice;
 - (l) details of any deputations made to the Council;
 - (m) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - (n) any relevant reports or a summary of relevant reports considered by Council;
 - (o) any interests or conflicts of interest disclosed at the meeting, including the nature of any such interests or conflicts of interest which were disclosed; and
 - (p) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

- (2) In addition, the minutes should:
 - (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered; and
 - (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub titles and file references.

37 Availability of minutes

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

38 Recording of meetings

- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with the appropriate recording equipment the proceedings of a Council meeting.
- (2) Subject to paragraph (1), a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be, at any time during the course of such meeting, revoked by Council or the Chairperson.

PART 5 BUSINESS OF MEETINGS

39 The order of business

- (1) The order of business appearing on an agenda will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The order of business appearing on agendas should be consistent from meeting to meeting, however, the order of business can be altered according to the discretion of the Chief Executive Officer to enhance the fluent and open process of government of the Council, to meet identified needs of the Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer must consult with the Mayor.
- (4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - (a) Opening prayer;
 - (b) Welcome to country;
 - (c) Apologies;
 - (d) Disclosure by Councillors of any interest or conflicts of interest in any item on the agenda;
 - (e) Confirmation of minutes;
 - (f) Public question time;

- (g) Councillor activity reports;
- (h) Planning permit reports;
- (i) Reports requiring a decision;
- (j) Reports for noting;
- (k) Late reports
- (l) Urgent business; and
- (m) Confidential reports.

40 Change to order of business

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council or the submission of late reports by Chief Executive Officer.

41 Chief Executive Officer may include items on an agenda

The Chief Executive Officer may include any matter on an agenda which they think should be considered by the meeting.

42 Time limits for meetings

- (1) No Council meeting will continue longer than three (3) hours unless a majority of the Councillors present vote in favour of an extension of time.
- (2) An extension of time shall not exceed 30 minutes.
- (3) No more than two (2) extensions of time will be permitted at a Council meeting.
- (4) In the absence of such continuance, the Council meeting must stand adjourned to a time, date and place to be determined by the Chairperson.
- (5) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned, and of the business remaining to be considered, in accordance with clause 79.

PART 6 VOTING AT MEETINGS

43 How determined

Subject to clause 56, in determining a question before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

44 By show of hands

Voting on any matter will be by show of hands.

45 When a division permitted

- (1) A division may be requested by any councillor on any matter.

- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

46 Procedure for a division

- (1) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (2) The Chairperson shall name those Councillors voting for the motion and those Councillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.
- (3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

47 Change between original vote and division

No Councillor is prevented from changing his or her original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

48 No discussion once declared

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves:

- (1) a councillor requesting that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (2) a subsequent notice of motion following a rescission motion; or
- (3) for a Councillor to call for a division.

49 Application to delegated committee meetings

The provisions of clauses Part 6 apply to meetings of Delegated Committees to the extent that they are relevant to the proceedings of any Delegated Committee and any reference to councillor in those clauses extends to any member of a Delegated Committee.

PART 7 ADDRESSING THE MEETING

50 Addressing the meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the Chair.
- (2) Any person addressing the Chair should refer to the Chairperson as:

- (a) Ms Mayor;
- (b) Mr Mayor;
- (c) Ms Chairperson; or
- (d) Mr Chairperson.

as the case may be.

(3) All Councillors, other than the Mayor should be addressed as Cr [Surname].

(4) All members of Council staff, should be addressed as Ms or Mr [Surname].

51 Suspension of standing orders

- (1) This procedure may be suspended for a particular purpose by resolution of the Council.
- (2) The purpose of suspending standing orders is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (3) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- (4) No motion can be accepted by the Chairperson or lawfully dealt with during any suspension of standing orders, except a motion to resume standing orders.

52 Interruption for point of order

A Councillor who is addressing the meeting must not be interrupted unless called to order. In that event, they must remain silent until the Councillor raising the point of order has been heard and the point of order determined by the Chairperson.

PART 8 OTHER MEETING PROCEDURES

Division 1 Matters not provided for

53 Matters not provided for

Where a situation has not been provided for under this Procedure, the Council may determine the matter by resolution.

Division 2 Motions

54 Chairperson's duty

Any motion or amendment which:

- (1) is defamatory;
- (2) is objectionable in language or nature;
- (3) is outside the powers of the Council;
- (4) is not relevant to the item of business on the agenda and has not been admitted as urgent business; or
- (5) purports to be an amendment but is not -

must not be accepted by the Chairperson.

55 Moving a motion

The procedure for moving any motion is

- (1) the mover must state the motion without speaking to it;
- (2) the motion must be seconded by a Councillor other than the mover;
- (3) if a motion is not seconded the motion will lapse for want of a seconder;
- (4) if the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
- (5) if no councillor indicates opposition, the Chairperson must ask:
 - (a) the mover to address Council on the motion;
 - (b) the seconder to address Council on the motion if additional points are to be made.
- (6) if a councillor indicates opposition, then the Chairperson must ask
 - (a) the mover to address the Council on the motion;
 - (b) the seconder of the motion may speak or reserve the right to speak later in the debate;
 - (c) any councillor opposed to debate the motion; and
 - (d) any other Councillors for and against the motion to debate, in turn.
- (7) Except for the purposes of a right of reply or for the purposes of raising a point of order no Councillor may speak more than once on any motion.
- (8) A Councillor may, with leave of the Chairperson, ask a question for the purpose of clarification. In asking such questions, Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.
- (9) All addresses under (5) and (7) must be made in accordance with clause 69.

56 Agreed to alteration to a motion

- (1) With the leave of the meeting both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor.
- (2) Any such alteration shall not be regarded as an amendment to the motion.

57 Right of reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

58 No right of reply for amendments

No right of reply is available where an amendment is before the Council.

59 Moving an amendment

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

60 Who may propose an amendment

An amendment may be proposed or seconded by any councillor, other than the mover or seconder of the original motion.

61 Who may debate an amendment

A Councillor may address the meeting once on any amendment (whether or not he or she has spoken to the original motion) but debate must be confined to the terms of the amendment.

62 How many amendments may be proposed

- (1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (2) A Councillor cannot move more than one (1) amendment, unless the Chairperson determines that an amendment should be dealt with in part in succession.

63 An amendment once carried

If the amended motion is carried, it then becomes the question before the Chair.

64 Foreshadowing motions

- (1) At any time during debate a councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

65 Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

66 Separation of motions

Where a motion or amendment contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

67 Motions in writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

68 Debate must be relevant to the motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If, after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to be seated and not speak further in respect of the matter then before the Chair. In that event, the speaker must comply with the Chairperson's requirement.

Division 3 Speaking times

69 Speaking times

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (1) the mover of a motion – three (3) minutes;
- (2) the mover of a motion when exercising their right of reply – three (3) minutes;
- (3) any other Councillor for or against the motion – three (3) minutes.

70 Extension of speaking times by resolution of the Council

- (1) An extension of speaking time may be granted by resolution of the Council but only one (1) extension is permitted for each speaker on any question.
- (2) The length of extension must not exceed two (2) minutes.

71 When an extension can be proposed

A motion for an extension of speaking time must be proposed at the point the allocated time has elapsed.

72 No extension after next speaking commenced

A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her contribution to the debate.

Division 4 Points of order

73 Procedure for point of order

A councillor raising a point of order must:

- (1) state the point of order; and
- (2) the clause, paragraph or provision upon which the point of order is based.

74 Chairperson to decide

The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

75 Chairperson may adjourn to consider

- (1) The Chairperson may seek advice from an Officer or adjourn the meeting to consider a point of order but must otherwise rule on it as soon as it is raised.
- (2) All other matters before the Council are to be suspended until the point of order is decided.

76 Final ruling on a point of order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is carried.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is a motion of dissent in the ruling of the Chair and the Chairperson must at all times remain in the Chair and maintain their rights as the Chairperson.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

77 Valid points of order

A point of order may be raised in relation to:

- (1) a procedural matter;
- (2) a councillor who is or appears to be out of order;
- (3) debate that is irrelevant to the matter under consideration;
- (4) a matter that is outside the powers of Council; or
- (5) any act of disorder.

78 Contradiction of opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

79 Adjournment and resumption of meeting

- (1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

80 Procedural motions

Notwithstanding anything else contained in this Procedure:

- (1) unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) the mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (3) procedural motions may be seconded by a Councillor who has already spoken in the debate.
- (4) a procedural motion cannot be moved by the Chairperson.
- (5) debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (6) a procedural motion cannot be amended.

81 The closure

- (1) A motion may be moved “that the motion be now put” –
- (2) The motion in sub-clause (1):
 - (a) is a procedural motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without further debate discussion or amendment;
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected.
- (3) The Chairperson has a discretion to reject such a motion if the original motion has not in their opinion been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

82 Adjourning the debate

- (1) A motion may be moved “That the motion and amendments now before the meeting be adjourned”
- (2) The motion in subclause (1):

- (a) is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson;
- (b) may only be amended in relation to the time, date and place of the proposed adjournment; and
- (c) should provide a date or time to which the adjournment is sought (but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council).

Division 5 Notice of motion

83 Notice of motion

- (1) A Councillor may submit a Notice of Motion for inclusion in the Agenda of an Ordinary Meeting.

The Notice of Motion must include concise reference to a Council Plan objective and should demonstrate added value to Council.

- (2) A notice of motion must be in writing by the submitting Councillor, and one other Councillor, and lodged with the Chief Executive Officer no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting.
- (3) Councillors are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (4) The Chief Executive Officer may reject any Notice of Motion that is vague or unclear in intention or would be unlawful to implement, but must:
 - (a) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - (b) notify the Councillor who lodged it of the rejection and the reasons for the rejection.

84 If lost

Unless the Council resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was last lost.

Division 6 Notice of amendment or rescission

85 Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - (a) the previous motion has not been acted upon; and
 - (b) a notice endorsed by two (2) Councillors is delivered to the Chief Executive Officer outlining:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.

- (2) A decision will be acted upon once its details have been communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

86 Listing notice on agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

87 Criteria to amend or rescind a motion

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

88 If lost

Unless the Council resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was last considered.

89 If not moved

If a notice of amendment or rescission is not moved and seconded at the meeting for which it is listed, it will lapse.

90 May be moved by any Councillor

A notice of amendment or rescission listed on an agenda may be moved by any Councillor present but cannot be amended.

91 When not required

- (1) A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to a policy of the Council.
- (2) However, the following standards should apply:
 - (a) any intention to change a Council policy which may result in significant impact should be communicated to those affected and this may require publication and consultations, either formally or informally; and
 - (b) the Council may determine the extent to which these standards should be followed which will depend on the circumstances of each case.

92 Urgent and other business

- (1) Urgent Business may be admitted for consideration at an Ordinary Meeting by resolution of the meeting.

- (2) Prior to a vote being taken on whether to admit business as an item of Urgent Business, the Councillor proposing such admission must outline the subject of the business to the Meeting
- (3) The following matters are not capable of becoming items of Urgent Business:
 - (a) the creation or abolition of any office;
 - (b) the appointment of any person to any office or termination of that appointment;
 - (c) employment issues;
 - (d) the sale or lease of any asset;
 - (e) the declaration of any rate or charge;
 - (f) the creation, alteration or abolition of any strategy, policy or guideline;
 - (g) any request for an investigation which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources; and
 - (h) any request for a report which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources; and
 - (i) the commitment of funds, or in kind contributions, for any purpose exceeding \$2,000.

Division 7 Public participation

93 Public Question Time

- (1) At an ordinary meeting, time may be allocated to enable any member of the community to address the Council.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- (3) Any questions must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) 24 hours prior to the commencement of the meeting.
- (4) At the discretion of the Chairperson, the person submitting the question must be present at the Council meeting for the question to be answered.
- (5) The question should only be read to the meeting if the Chairperson has determined that the question:
 - (a) does not relate to a matter of the type described in section 66 of the Act;
 - (b) does not relate to a matter in respect of which the Council has no power;
 - (c) is not defamatory, indecent, abusive, or objectionable in language or substance;
 - (d) is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
 - (e) is not asked to embarrass a Councillor or member of Council staff.
- (6) If the Chairperson has determined that the question shall not be read to the meeting:

- (a) the meeting must be advised accordingly; and
 - (b) the question shall be available to Councillors upon request.
- (7) The Chief Executive Officer or delegate must read to the meeting the name and locality of the person who has submitted a question.
- (8) The Chief Executive Officer or delegate must read the text of the question and the Chairperson may then direct that the question be answered by a nominated Councillor or member of Council staff.
- (9) No debate or discussion of a question or an answer is permitted other than for the purpose of clarification.
- (10) A Councillor or member of staff nominated to answer a question may:
- (a) seek clarification of the question from the person who submitted it;
 - (b) seek assistance of another person in answering the question; and
 - (c) defer answering the question, so that the answer may be researched and a written response provided within 10 working days following the meeting.

94 Conduct during Council Meetings

Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

95 Chairperson may remove

- (1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- (2) Any member of the Victoria Police Force may remove from the Chamber any person who acts in breach of these Governance Rules.

Division 8 Additional duties of the Chairperson

96 The Chairperson's duties and discretions

- (1) In addition to other duties and discretions provided in these Governance Rules, the Chairperson's duties include but are not limited to:
 - (a) presiding over and controlling the Meeting to ensure, to the best of their ability, that it is conducted in accordance with these Governance Rules and the Act;
 - (b) ascertaining that a quorum is present, and if a quorum is present formally declaring the meeting open;
 - (c) welcoming Councillors, Members and visitors;

- (d) calling for disclosure by Councillors of any conflicts of interest in accordance with these Governance Rules and the Act;
 - (e) presenting any reports for which they are responsible;
 - (f) ensuring debates are conducted in the correct manner; and
 - (g) in the case of competition for the right to speak, will decide the order in which the Members concerned will be heard.
- (2) The Chairperson
- (a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer, resident or other member of the public;
 - (b) must call to order any person who is disruptive or unruly during any meeting;
 - (c) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
 - (d) must call a person to order if their behaviour is disruptive and interferes with the conduct of the meeting; and
 - (e) must decide on all points of order and other questions and other questions of procedure.

PART 9 COMMON SEAL

97 The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or other senior officer authorised by the Chief Executive Officer.

98 Authority for use of Common Seal

- (1) The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been made by resolution at a Council meeting.
- (2) To reduce the requirement for a Council resolution each time the use of the Common Seal is required the Chief Executive Officer has general authority to affix the Common Seal to any document as the Chief Executive Officer deems appropriate.

PART 10 DELEGATED COMMITTEE MEETINGS

99 Minutes

- (1) The Secretary is responsible for the keeping of minutes on behalf of the delegated committee.
- (2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (3) If a committee member is dissatisfied with the accuracy of the minutes, then they must:
 - (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

100 Business of the meeting

- (1) The order of business will be determined by the Secretary, after consultation with the Chair, to facilitate and maintain open, efficient and effective processes of governance and must include the opportunity for members to declare any conflict of interest on items on the agenda.
- (2) Once an agenda has been sent to committee members the order of business for that meeting may only be altered by resolution of the committee.
- (3) Items of urgent business may only be admitted by resolution of the committee.

101 Addressing the meeting

- (1) Except for the Chair, any committee member or person who addresses the meeting must address all remarks through the Chair.
- (2) A committee member who is speaking must not be interrupted unless called to order when they must sit down and remain silent until the committee member raising the point of order has been heard and the Chairperson has ruled on the point of order.

102 Motions and amendments

- (1) Any motion which is –
 - (a) defamatory; or
 - (b) objectionable in language or nature; or
 - (c) outside the powers of the committee; or
 - (d) stated to be an amendment but is notmust not be accepted by the Chairperson.
- (2) The procedure for any motion is –

Hindmarsh Shire Council Governance Rules

- (a) the mover must state the motion without speaking to it;
 - (b) it must be seconded by a committee member other than the mover;
 - (c) if a motion is not seconded, the motion will lapse for want of a seconder; and
 - (d) if the motion is seconded the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve their address until later in the debate.
- (3) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can debate in turn.
- (4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the committee.
- (5) An amendment may be proposed or seconded by a committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- (6) A committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (8) If the amendment motion is carried, it then becomes the final motion before the Chair.
- (9) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- (10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (a) the mover of a motion – 3 minutes;
- (b) the mover of a motion when exercising their right of reply – 3 minutes
- (c) any other committee member – 3 minutes.

103 Notice of motion

- (1) Delegated Committee Members may submit a Notice of Motion for inclusion in the Agenda of a meeting. The notice of Motion must include concise reference to a current project and should demonstrated added value to the Delegated Committee.
- (2) A notice of motion must be in writing signed by the submitting member, and one other member, and lodged with the Chairperson no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting
- (3) Committee members are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (4) The Chairperson may reject any Notice of Motion that is vague or unclear in intention but must:
 - (a) give the Committee Member who lodged it an opportunity to amend it prior to rejection if practicable to do so; and
 - (b) notify the Committee Member who lodged it of the rejection and the reasons for the rejection.
- (5) The Chairperson must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they were received.
- (6) Unless the Delegated Committee resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Committee for at least three (3) months from the date it was last lost.

104 Other matters

If the committee is required to deal with:

- (1) divisions;
- (2) procedural motions;
- (3) separation of motions;
- (4) points of order;
- (5) adjournment of meetings;
- (6) suspension of standing orders;
- (7) a notice of rescission motions;
- (8) maintenance of order;
- (9) suspension; or
- (10) removal from the meeting –

these matters should be dealt with in accordance with the relevant Governance Rules applying to a meeting of Council

PART 11 CONFIDENTIAL INFORMATION

105 Confidential information

- (1) If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff accordingly.

Hindmarsh Shire Council Governance Rules



**Hindmarsh
Shire Council**

**ELECTION PERIOD
POLICY**

HINDMARSH SHIRE COUNCIL MEETING ELECTION PERIOD POLICY

1	Purpose	2
2	Scope	2
3	Election period	2
4	Definitions	2
5	Role of the Chief Executive Officer	3
6	Decision making	3
7	Election statement	4
8	Council publications during the Election Period.....	4
9	Misuse of position	5
10	Council resources	6
11	Access to council information.....	7
12	Media and media services	7
13	Equity in assistance to candidates	8
14	Communication.....	8
15	References	8

HINDMARSH SHIRE COUNCIL ELECTION PERIOD POLICY

1 Purpose

The purpose of this policy is to:

- ensure Council meets its obligations under Section 69 of the Local Government Act 2020 (**Act**) which requires that a Council must include an election period policy in its Governance Rules;
- ensure that the ordinary business of local government for Council continues throughout the election period in a reasonable, transparent and lawful manner;
- assure the community that Council elections are conducted in a manner that is ethical, fair and equitable and are publically perceived as such;
- avoid actions and decisions being made during the election period that may be interpreted as influencing voters or binding the incoming Council.

2 Scope

This policy applies to all employees and Councillors of Council, or a person or Delegated Committee acting under delegation given by Council.

3 Election period

The election period is defined in section 3 of the Act and means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.

4 Definitions

In this policy the following words and phrases have the following definitions:

Delegated Committee means a delegated committee established by Council under section 63 or 64 of the Act or a Committee exercising any power of Council under the Act.

Election period means the period that –

- (a) starts at the time that nominations close on the nomination day; and
- (b) ends at 6pm on election day.

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Council decision means:

- (a) a resolution made at a Council meeting;
- (b) a resolution made at a meeting of a delegated committee; or
- (c) the exercise of a power of the performance of a duty or function of Council by a member of Council staff (which includes the CEO) or a Community Asset Committee under delegation.

MGHS means Manager Governance and Human Services

DCCS means Director Corporate and Community Services

5 Role of the Chief Executive Officer

In addition to the CEO's statutory responsibilities, they must ensure as far as possible that:

- all Councillors are informed of the requirement of this policy;
- guidelines are issued to staff on their role and responsibilities in the implementation of this policy; and
- matters of Council business requiring major or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

6 Decision making

(1) Prohibited decisions

Section 69 of the Act prohibits Council from making a decision:

- during the election period for a general election that:
 - relates to the appointment or remuneration of the CEO but not to the appointment or remuneration of an Acting CEO;
 - commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
 - the Council considers could be reasonably deferred until the next Council is in place; or
 - the Council considers should not be made during an election period; or
- during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

(2) Significant decisions

Over and above the decisions specified in section 69 of the Act, Council will avoid making other decisions during the election period that are of a significant nature which would unnecessarily bind an incoming Council.

Significant decisions include:

- approval of contracts that require significant funding in future financial years of are regarded as politically sensitive matters;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- decisions of a politically sensitive nature; and
- policy or strategy decisions.

(3) Scheduling of significant decisions

The CEO should as far as practicable avoid scheduling significant decisions during the election period and instead, ensure that significant decisions are either considered by the Council prior to the election period or scheduled for determination by the incoming Council.

7 Election statement

During the election period, the CEO will ensure that an election statement is included in every report submitted to Council or to a delegated committee of Council for a decision.

The election statement will state that:

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in clause 6 of the Election Period Policy.

8 Council publications during the Election Period

Council publicity will not be used in any way which might influence the outcome of a Council election. Councillors and members of staff are required to comply with section 304(2) of the Act which states that:

A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units.

(1) Prohibition on publishing materials during the election period

Council will refrain from printing, publishing or distributing any materials during the Election Period which relate to issues that are the subject of election campaigns, except if the printing, publishing or distribution of a document or other material is essential for the conduct of Council operations. Where that is the case, the document or material must first be approved in writing by the CEO. This obligation also applies to any publications appearing via Council's social media platforms, including Facebook and Instagram.

(2) Considerations of the Chief Executive Officer in granting publication approval

Except as described more specifically elsewhere in this Policy, in considering whether to grant approval for the publication of material during the election period the CEO:

- (a) must not permit any material to be published which include reference to the following:
 - (i) a candidate in the election;
 - (ii) a current Councillor;
 - (iii) the strengths or weaknesses of a candidate;
 - (iv) response to claims made by a candidate;
 - (v) advocacy for, or criticism of, the policies of the Council or of a candidate;
 - (vi) publicity for the achievements of the elected Council;
 - (vii) an issue before the voters in connection with the election.
- (b) may approve the publication of material which only contains information about:
 - (i) the election process itself; or

- (ii) Council information that does not include any reference to a current Councillor otherwise precluded by this Policy.

(3) Council's website

During the election period the website will not contain material precluded by this Policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

Material published on Council's website in advance of the election period is not subject to certification; however, existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

(4) Council's social media

The social media outlets will continue to operate; however the ability for members of the public to post comments on Council's social media will be removed for the duration of the election period. Any material posted by the authorised social media manager and operators will be first approved by the CEO under the Election Period Certification Procedure.

(5) Annual report

If the publication of the Annual Report occurs during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2014 and membership of delegated committees and other bodies to which they have been appointed by Council.

The annual report does not require approval by the CEO; however any publications of an extract or summary of the Annual Report will require approval.

(6) Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the DCCS or DIS and then approved in writing by the CEO in accordance with the Election Period Certification Procedure prior to publication. This is to ensure that any circulated displayed, or otherwise publically available material during the election period does not contain material that may be construed as electoral matter.

Council publicity during the Election Period will be restricted to promoting normal Council activities. Where a publicity campaign is deemed necessary for Council service or function (eg, vaccinations), it must be approved by the CEO. Council funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity.

(7) Council notice boards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that contains information about:

- (a) the election process itself; or
- (b) information that would not reasonably be determined to be electoral material.

9 Misuse of position

Councillors must not misuse, or inappropriately make use of their position to gain an advantage or cause detriment to another person at any time, including during the Election

Period. Without limitation if a Councillor chooses to stand as a candidate for the election, the Councillor must:

- (a) continue to act in accordance with their obligations under the Act and relevant codes of conduct;
- (b) take care to maintain the distinction between their position as a current Councillor and their role as a candidate for the election;
- (c) avoid any conflicts of interest between their position as a current Councillor and their role as a candidate for the election; and
- (d) maintain appropriate relationships with Council Officers, including by observing all relevant communication protocols between Councillors and Council Officers.

10 Council resources

Section 304 of the Act provides that a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the DCCS or the CEO.

(1) Council resources

Council resources including landlines and mobile telephones, computers and email accounts, offices, meeting rooms, secretarial support, equipment and stationary will be used exclusively for normal Council business and must not be used in connection with any candidate's election campaign.

Photographs or images taken by or on behalf of Council must not be used for the purposes of electioneering.

Where Councillors have Council funded services such as mobile phones, landlines, internet connections and where it is impractical to discontinue their use of these during the election, Councillors will reimburse Council for usage of those services during the election period that exceeds normal usage levels.

(2) Correspondence

Councillors will not sign any correspondence during the election period. Correspondence addressed to councillors that relates to operational matters will be referred to the relevant Director for response. The CEO should sign correspondence in respect to significant, sensitive or controversial matters, or to policy matters. All replies to letters must be free from the perception of political bias.

(3) Expenses Incurred by Councillors

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties— not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO may approve a partial reimbursement to cover Council activities. No reimbursement for personal internet services or personal mobiles will be made during election periods.

(4) Travel and Accommodation

Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that the Mayor

(or delegate) represent Council on a delegation or forum, Council may be resolution approve attendance. The CEO may determine if consideration by Council is impracticable.

(5) Council Branding and Stationery

No Council logos, letterheads, or other Hindmarsh Shire Council branding will be used for, or linked in any way, to a candidate's election campaign.

(6) Support to the Mayor and Councillors

No staff, including support staff for the Mayor and Councillors may be asked to undertake any tasks connected directly or indirectly with an election campaign.

(7) Community Forums and Meetings

No local community forums, ward meetings or any other forums of the type identified in the Community Engagement Framework will be held by Councillors during the election period.

(8) Events

During the election period, current Councillors may continue to attend functions and events. Only events essential to the operation of Council will be scheduled and run during the election period. Council officers will be responsible for speeches during events.

11 Access to council information

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

Any enquiries by Councillors or candidates to staff regarding information requests or briefing material will be referred by staff in the first instance to the DCCS for a determination.

12 Media and media services

The Council's media services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

(1) Media Advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO or the CEO's delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

(2) Media Releases/Spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the CEO will determine the appropriate staff member to be the spokesperson.

Media releases will require approval by the CEO.

(3) Publicity Campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

(4) Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

(5) Council Employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements relate to the electoral process and have been approved by the CEO.

13 Equity in assistance to candidates

All candidates for the Council election will be treated equally.

(1) Candidate Assistance and Advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

(2) Election Process Enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the MGHS or DCCS.

14 Communication

A copy of this policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public at the Council office and any district offices, and be published on Council's website.

15 References

Local Government Act 2020 (Vic)

Hindmarsh Shire Council Election Period Certification Procedure

Hindmarsh Shire Council Councillor Code of Conduct

Hindmarsh Shire Council Governance Rules

16 Document control

Hindmarsh Shire Council Election Period Policy		Policy Category		Governance Rules
Version Number	1.0	Policy Status		DRAFT
Approved/Adopted By		Approved/Adopted on:		
Responsible Officer	CEO	Review Date:		3 years after approval
Version History		Version	Description	
	3 July 2020	1.0	Updated current Election Period Policy in line with the requirements under the Local Government Act 2020 To be included in Governance Rues	



MINUTES OF THE HINDMARSH SHIRE COUNCIL AUDIT COMMITTEE HELD VIA WEB MEETING, ON THURSDAY 17 JUNE 2020, COMMENCING AT 3.00 P.M.

PRESENT:

Mr B Young (Chairperson), Mr D Welsh (Committee Member), Mr A Roberts (Committee Member) joined 3:15pm, Mrs K Thiele (Committee Member), Cr D Nelson, Cr T Schneider, Mr R Ainio (External Auditor), Mrs K Teasdale (Internal Auditor), Mr G Wood (Chief Executive Officer), Mrs M Revell (Director Corporate & Community Services), Mrs J Reichelt (Manager Finance & Customer Services), Ms H Thomson (Manager Governance & Human Services),

1. Welcome and Acknowledgement of the Indigenous Community

Welcome and acknowledgement of the indigenous community by the Chairperson.

We acknowledge the Shire's indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

2. Apologies

3. Declaration of Interests

Committee Members to declare any known interests in relation to any item published on the agenda for this meeting, either:

- Direct; or
- indirect interest
 - by close association;
 - that is an indirect financial interest;
 - because of conflicting duties;
 - because of receipt of an applicable gift;
 - as a consequence of becoming an interested party; or
 - because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised at the commencement of discussion of the specific item.

4. Confirmation of Minutes of Previous Meeting

MOVED: SCHNEIDER / WELSH

That the Minutes of the Audit Committee meeting held on Thursday 5 March 2020 in the Council Chamber, Hindmarsh Shire Council, Nelson Street, Nhill, as circulated to members be taken as read and confirmed.

CARRIED

Refer attachment 4.1

5. Audit & Risk Committee Charter

Responsible Officer: Director Corporate & Community Services
Attachment Number: 5.1 Draft Audit & Risk Committee Charter
5.2 Draft Audit & Risk Committee Work plan

Introduction:

The purpose of this report is to present the draft Audit & Risk Committee Charter and Work plan to the Audit Committee.

Discussion

Following the introduction of the Local Government Act 2020 (Act) a Council must approve the first Audit & Risk Committee Charter and establish the first Audit and Risk Committee (Committee) on or before 1 September 2020 pursuant to section 53 and 54. Despite the repeal of section 139 of the Local Government Act 1989, the audit committee established by a Council under that section in existence before that repeal continues in operation until the first Audit and Risk Committee is established by Council under section 53.

The Committee is an independent advisory committee and assists to strengthen Council to ensure Council's commitment to good governance, public transparency and accountability.

Section 54(2) specifies that the Audit and Risk Committee Charter must specify the functions and responsibilities of the Audit and Risk Committee including the following –

- (a) monitor the compliance of Council policies and procedures with –
 - (i) the overarching governance principles; and
 - (ii) this Act and the regulations and any Ministerial directions;
- (b) monitor Council financial performance reporting;
- (c) monitor and provide advice on risk management and fraud preventions systems and controls;
- (d) oversee internal and external audit functions.

Section 54(3) provides that the Committee must adopt an annual work plan. The plan has been developed based on the draft Audit & Risk Committee charter committee functions.

Further changes under the Act require the Committee to

54(5)(a) prepare biannual audit and risk reports that describe the activities of the Committee and includes its findings and recommendations;
54(5)(b) provide a copy of the biannual audit and risk report to the CEO for tabling at the next Council meeting.

The Audit & Risk Committee Charter provides the framework to guide effective operations of the Committee and details the role of the Committee, Authority, Membership, Meetings, Reporting, Role of the Chairperson, Functions of the Committee, Engagement with the Victorian Auditor-General's Office (VAGO), and Evaluation of Performance.

The draft Audit and Risk Committee Charter has been prepared to ensure compliance with the Local Government Act 2020 and is presented to the Committee for recommendation to Council.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

Council provides a budget allocation for payment to independent committee members.

Risk Management Implications:

An effective Audit & Risk Committee will assist with Council's risk management through independent advice and assurance on internal corporate governance, risk management, internal control and compliance.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services

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

MOVED: WELSH / SCHNEIDER

That the Audit Committee

- 1. endorses the draft revised Audit & Risk Committee Charter incorporating minor changes as discussed;***
- 2. recommend to Council that the Audit & Risk Committee Charter be adopted, and;***
- 3. adopt the Audit & Risk Committee Work Plan for the period June 2020 to March 2021.***

CARRIED

Refer attachment 5.1 & 5.2

6. Risk Management Report

Responsible Officer: Director Corporate & Community Services
Attachment Number: 6.1 Risk Management Executive Summary
6.2 Detailed Risk Report

Introduction:

The purpose of this report is to inform the Audit Committee of the current undertakings in Risk Management and provide Risk Reports for discussion.

Discussion

The attached Risk Management Executive Report outlines the top 10 risks associated with Council's business objectives, ordered by current and residual rating. A detailed copy of all risks entered into the Risk Register is attached, which shows number of risks identified sorted by business function.

A detailed summary of all Risks identified has also been attached for the Audit Committee's information.

The Risk Register is a formal record of all identified potential risks, hazards and treatment plans across the organisation. The Risk Register is reviewed frequently working in consultation with management and officers to update the current records and identify any new risks to be included.

The Risk Register will continue to be updated and reviewed regularly with department officers and management.

Council's Risk Register has been updated to now includes a risk regarding COVID-19. This risk has a current risk level of High. Council has implemented a significant number of control measure to reduce the risk including:

Initiating a policy requiring all staff coming back from overseas to be tested for COVID-19;

Following advice from DHHS and other government bodies in implementing prevention measures;

Ordering additional PPE for current employees;

Initiating Pandemic Plan;

Cancellation of face to face Council events and meetings including section 86 committee meetings;

Implementing a triage questionnaire for community care clients prior to community care worker entering the property;

Closure of customer services centres with in person visit by appointment only if necessary;

Implementing a COVID-19 Safe Workplace Policy

Ensuring staff showing symptoms of being unwell are told to go, stay home;

Reduction in staff numbers working in the office;

Consistent messages from management based on advice from experts and relevant government agencies;

Regular Senior Management Team meetings to discuss management of Council business and implement new mitigation measures;

Extra resources allocated to Community Services to assist with welfare checks, coordinating meals on wheels.

The future focuses of the Risk Management process will be –

- Regular review of individual risks with consideration of current controls and possible improvements to further reduce the risk;
- Assessing the risk from the identified hazard – both the significance of the risk and the likelihood that the risk will occur;
- Identifying any foreseeable hazard that has the potential to cause harm or damage to persons or property within the Shire;
- Elimination of the hazard or where this is not possible minimising either the likelihood of the risk occurring, or in the event that the risk occurs, its impact;
- Ensuring the treatment plan listed includes achievable treatments to address risks faced by Council;
- Regular discussion with Senior Management Team about high risks faced by Council;
- Review and update Council's Risk Management Framework; and
- Provide ongoing Risk Management awareness training for all staff.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

Nil.

Risk Management Implications:

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author: Helen Thomson, Manager Governance & Human Services

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

MOVED WELSH / NELSON

That the Audit Committee receives the Risk Management update.

CARRIED

Refer attachment 6.1 & 6.2

7. Hindmarsh Shire Council Quarterly Financials

Responsible Officer: Director Corporate & Community Services
Attachment Number: 7.1 Quarterly Finance report ending 31 March 2020

Introduction:

The purpose of this report is to provide the Audit Committee the quarterly finance report to 31 March 2020.

Discussion:

The quarterly finance report for the period ending 31 March 2020 was presented to Council on 13 May 2020.

The report includes a comprehensive income statement, balance sheet, cash flow and capital works statement, along with a dashboard providing information on various financial and non-financial elements of councils business, and the Local Government Performance Reporting Framework indicators for the period 1 June to 31 December 2019.

As at 31 March the Comprehensive Income Statement reports a year to date surplus of \$2,226,045 against a budgeted surplus of \$2,384,206. Cash at 31 March 2020 was \$7,216,787, with capital works expenditure \$7,657,202 against a year to date budget of \$7,364,938.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

This decision has no financial implications.

Risk Management Implications:

The preparation of the quarterly statement is a statutory requirement.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services

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

MOVED SCHNEIDER / NELSON:

That the Audit Committee receives the quarterly finance report for the period ending 31 March 2020.

CARRIED

Refer attachment 7.1

8. VAGO Audit Update

Responsible Officer: Director Corporate & Community Services

Attachment Number:

Verbal report to be given during the meeting by Mr Richard Ainio, Crowe Horwath on the 2019/20 interim VAGO Audit undertaken during May and June 2020.

MOVED ROBERTS / WELSH:

That the Audit Committee receives the verbal audit update.

CARRIED

9. Internal Audit Update

Responsible Officer: Director Corporate & Community Services

Attachment Number: 9.1 Internal Audit Recent Publications
9.2 Occupational Health & Safety Internal Audit
9.2 Audit Action Plan

Introduction:

The purpose of this report is to provide the Audit Committee with an Internal Audit update.

Discussion:

RSD Audit completed an internal audit on Occupational Health and Safety in February 2020. The audit found 5 items with a risk rating of medium, 6 items with a risk rating of low, and 1 opportunity for Council.

RSD Audit will provide a verbal update on the OHS Audit and internal audit recent publications.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

This decision has no financial implications.

Risk Management Implications:

Effective Internal Audits will identify risks for action by Council.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services

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

MOVED WELSH / NELSON:

That the Audit Committee receives the internal audit update and management progress towards internal audit recommendations.

CARRIED

Refer attachment 9.1, 9.2 & 9.3

10. Draft 2020/21 Budget

Responsible Officer: Director Corporate & Community Services
Attachment Number: 10.1 Draft 2020/21 Budget

Introduction:

This report provides the Audit Committee with a copy of the draft 2020/21 budget.

Discussion:

The 2020/21 draft Budget has been developed in consideration of the Institute of Chartered Accountants' Victorian City Council Model Budget 2020/21. It replicated the format of the four Key Result Areas used in the 2017-2021 Council Plan, namely:

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

The 2020/21 Budget provides for a broad range of services, programs and infrastructure projects and is a reflection of the strategic direction that Council has adopted through the Council Plan.

The budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, and new initiatives to improve amenity and make Hindmarsh a better place to live in a challenging financial environment.

Rates and Charges

The rates and charges calculated for 2020/21 are based on revaluation figures as at 1 January 2020. The Rating Strategy includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

This is the fifth year of rate capping, with the State Government cap set at 2% for 2020/21. For 2020/21 the proposed rate increase is 2.0% in line with the Essential Services Commission (ESC) calculation method, which applies the increase to the average rates payable per assessment.

Due to significant rising costs in recycling and waste management the Kerbside waste / Recycling collection charge is proposed to increase to \$386. The general waste charge introduced in 2018/19 will increase to \$13, payable using the same criteria as the municipal charge.

Council do not make a profit on waste management, and these charges are necessary to cover costs.

Key Initiatives

The proposed key initiatives for the 2020/21 financial year are outlined below. Further details are included in the relevant sections of the budget document.

Community Infrastructure

- A sum of \$100,000 has been allocated towards the facilities at Davis Park Nhill, this is the second year an allocation has been made and it is proposed to be added to in future years. This allows Council the opportunity to take advantage of any funding opportunities that arise throughout the year.
- \$10,000 in recurrent and \$100,000 in capital as seed funding for grant opportunities arising during the year.
- \$30,000 contribution towards the installation of a new synthetic green at Dimboola Bowling Club. A grant application has been submitted with the club also providing significant funding towards the project.
- \$30,000 contribution to towards a new club rooms for Nhill Tennis Club. The funding will assist the club to meet the required contribution towards a grant application.
- \$60,000 contribution towards the grant application for new Female Friendly change rooms at Rainbow Recreation Reserve.
- \$3,232 contribution towards the repainting of deteriorating Rainbow Town Murals. Rainbow Town Committee will provide the balance of funding for this project.
- \$8,000 contribution towards the installation of shade at the Dimboola Health and Fitness Centre.

Tourism Development

- \$10,000 to support the Rainbow Desert Enduro in August 2020.
- \$5,000 to support the Great Victorian Bike Ride in November 2020. The ride commences in Rainbow and will attract up to 3,000 participants.
- \$7,500 to provide a contribution towards Wimmera Mallee Tourisms 'Trading off Tourism Trails' project delivering strategic/master plans for Caravan Parks and Townscapes, and providing business forums and events.
- \$20,000 towards the Albacutya Silo Art project which will see silo art on the Albacutya Silo.

Economic Development:

- Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$20,000 has been included in the 2020/21 budget for this project.
- Business Assistance Initiatives. Council will provide \$30,000 towards initiatives the assist local businesses recover from the Covid-19 pandemic.

Empowered Communities

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fourth year, this funding has enabled some fantastic projects in our towns since its inception.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.

- \$20,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.

Infrastructure

- Local Roads: Albacutya Road curve widening, Rainbow \$276,475; Lorquon East & Rainbow Nhill Road intersection \$69,911; Salisbury Road, Nhill \$139,954; Lorquon East Road Jeparit \$245,971; Kiata North Road, Nhill \$212,735; Anderson Street disabled parking, Dimboola \$30,000; P Warners Road, Nhill \$28,000 will be reconstructed in 2020/21.
- Council will be undertaking 7 reseal and final seal projects in 2020/21. Totalling \$394,547 these include Horsham Road & Lowan Street, Dimboola; Rainbow Nhill Road, Rainbow; Livingston Street, Jeparit; Depta Road, Jeparit; Swinbourne Avenue, Rainbow; and Pigick Bus Route, Rainbow.
- Road resheet projects: Tarranyurk West Road, Charles Street, Boundary Road (in collaboration with West Wimmera Shire), Rhode Road, Croots Road, Wheatlands Road, Miatke Road, Village Settlement Road, totalling more than \$504,000.
- Footpaths: Footpath renewal projects will be completed in Lake Street, Rainbow; Lloyd Street, Dimboola Outstands; Pine Street, Nhill; and Crossovers in Nhill totalling \$125,052.

The draft budget is currently out for public submissions and will be considered at the 24 June 2020 Council meeting.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

This decision has no financial implications.

Risk Management Implications:

The preparation of the Budget is a statutory requirement.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services

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

MOVED WELSH / THIELE:

That the Audit Committee receives the draft 2020/21 budget report.

CARRIED

Refer attachment 10.1

11. Reimbursements

Responsible Officer: Director Corporate & Community Services

Attachment Number: 11.1 Reimbursement Listing

Introduction:

This report provides the audit committee with a list of reimbursements made to the CEO and Councillors for the period 01 February 2020 to 31 May 2020.

Discussion:

A listing is provided for review by the Audit Committee of payments made to the CEO and Councillors (excluding Councillor Allowances).

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

This decision has no financial implications.

Risk Management Implications:

Reimbursement will not be made where the transaction cannot be supported with a tax invoice.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services

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

MOVED WELSH / ROBERTS:

That the Audit Committee receives the reimbursement listing for the CEO and Councillors for the period 01 February 2020 to 31 May 2020.

CARRIED.

Attachment: 11.1

12. Local Government Act 2020

Responsible Officer: Director Corporate & Community Services

Attachment Number:

Verbal report to be given during on the Local Government Act 2020 implementation.

MOVED WELSH / THIELE:

That the Audit Committee receives the verbal Local Government Act 2020 update.

CARRIED.

13. Late Reports

14. General Business

15. Next Meeting

The next meeting will be held on Thursday 10 September 2020, commencing at 3pm.

There being no further business to discuss, the Chairperson declared the meeting closed at 4:06pm.



Hindmarsh
Shire Council

Audit & Risk Committee Charter

June 2020

CONTENTS

Purpose	3
Role of the Committee	3
Authority	4
Membership	4
Meetings	5
Reporting	6
Role of Chairperson	6
Functions	7
Engagement with the Victorian Auditor-General's Office (VAGO)	9
Evaluating Performance	9
Conflicts of Interest	9
Misuse of Position	10
Confidential Information	10

Purpose

The Audit and Risk Committee (**Committee**) is an independent advisory committee to Council established pursuant to Section 53 of the *Local Government Act 2020 (Act)*.

Council is committed to good governance, public transparency and accountability. The Audit and Risk Committee is established to strengthen Council's governance, risk management, financial management and to drive continuous improvement.

The Audit and Risk Charter (**Charter**) sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to its Charter in order to facilitate decision-making by Council in relation to the discharge of its accountability requirements.

Pursuant to section 53(2) of the Act, the Committee is an Advisory Committee of Council and does not have delegated powers, including executive powers, management functions of delegated financial responsibility.

Role of the Committee

The Committee is an advisory committee of Council established to monitor, review and advise Council on the systems and activities of Council in ensuring:

- Reliable and complete financial and performance reporting;
- High standards of corporate governance;
- Appropriate application of accounting policies;
- Compliance with applicable laws and regulations;
- Effective management and monitoring of all risks, controls and insurances;
- Effective and efficient internal and external audit functions;
- Appropriate measures to provide early warning of any issues affecting the organisation's financial well-being;
- The level and effectiveness of appropriate Business Continuity and Disaster Recovery planning;
- Maintenance and fostering of an ethical environment and oversight of related party transactions;
- Fraud prevention, including corruption.

The internal auditors, external auditors and other assurance providers support the Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.

Pursuant to Section 54(3) the Committee will establish an Annual Work Plan to enable it to discharge its responsibilities effectively pursuant to the requirements of the Charter and will review the Annual Work Plan at each meeting.

Authority

The Committee is an advisory committee of Council and reports directly to Council.

As an advisory committee, the Committee does not exercise executive powers, management functions or have any delegated financial responsibility, but it is entitled to receive information, presentations by Officers or explanations it considers necessary to fulfil its responsibilities. In doing so, Council authorises the Committee to:

- Review performance activities within the scope of its Charter;
- Require the attendance of Council Officers at meetings and request the attendance of internal audit, external audit or other assurance providers, where appropriate;
- Oversee the performance of the external audit process, and appointment and performance of the internal auditor; and
- Request the Chief Executive Officer or Council, within delegation, to provide financial resources to enable the Committee to receive any information it considers necessary to fulfil its responsibilities.

Membership

The Committee comprises up to six members (two Councillors and up to four independent and external members), appointed by Council. In accordance with section 53(3) of the Act the members must:

- (a) Include members who are Councillors of the Council;
- (b) Consist of a majority of members who are not Councillors of the Council and who collectively have:
 - (i) Expertise in financial management and risk; and
 - (ii) Experience in public sector management; and
- (c) Not include any person who is a member of Council staff of the Council.

Pursuant to Section 53 (4) the chairperson of an Audit and Risk Committee must not be a Councillor of the Council. In the absence of the chairperson, the Committee will elect a temporary chair for the meeting from the remaining independent members who are present.

All members shall have full and equal voting rights unless a member is unable to vote due to a conflict of interest.

The Chief Executive Officer and the Director Corporate and Community Services are to attend meetings of the Committee unless specifically requested to leave.

Membership of the Committee will be reviewed periodically and coincide with the term of the Council with the aim of ensuring an appropriate balance between continuity of members, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience. Councillor members will be appointed for a one-year term. The initial appointment of external Committee members shall be for up to a four-year period. At the conclusion of the term members are eligible for reappointment by Council.

Should Council propose to remove an independent member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting. An independent member may only be removed by a majority vote of Council.

Pursuant to section 53(6) of the Act, Council will pay a fee to independent committee members. As at 1 June 2020 the fee is \$200 per independent member per meeting, and \$250 per independent chairperson per meeting. The fee will be reviewed by Council during the Annual budget preparation process.

Payment will be made following receipt of a Tax Invoice after each meeting.

No further allowances will be made for reimbursement of expenses including travel, however, reimbursement of extraordinary expenses will be at the discretion of the Chief Executive Officer.

A quorum shall be at least four (4), comprising at least two (2) external independent members.

Meetings

The Committee shall meet at least three (3) times in each financial year. One of these meetings will be dedicated to the draft annual financial statements.

As required, and with agreement of the Chief Executive Officer, the Chair may call additional meetings of the Committee.

Committee members are to attend the meetings in person, where this is not possible tele-or-video conference may be available.

Pursuant to section 54(6)(a) the Chief Executive Officer will appoint a Council Officer to provide secretarial support to the Committee. This will include:

- (a) Ensuring the agenda for each meeting is approved by the Chief Executive Officer of Council and Committee Chair.
- (b) Circulation of the Agenda and supporting documentation at least one week before the meeting.
- (c) Ensuring minutes of the meetings are prepared and maintained. Minutes are to include relevant elements of the Committee's discussion.

The minutes must be reviewed by the Chief Executive officer of Council and Committee Chair and circulated within two weeks of the meeting to each member of the Committee.

The draft minutes will be circulated to Council at a subsequent Council meeting following the Committee meeting.

Reporting

The Committee will prepare an annual committee performance report that includes an annual assessment of Committee performance against the Audit and Risk Committee Charter in accordance with Section 54(4)(a) of the Act. This report will be provided to the Chief Executive Officer for presentation to Council annually in accordance with Section 54(4)(b) of the Act.

The Committee will prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes the Committee findings and recommendations in accordance with section 54(5)(a) of the Act, along with the agreed actions. This report will be provided to the Chief Executive Officer for reporting to Council biannually in accordance with section 54(5)(b).

Internal and External Audit reports will not be made public.

Pursuant to section 54(6)(b) of the Act, the Chief Executive Officer is required to table reports and annual assessments of the Audit and Risk Committee at Council meetings when required by the Act and when requested by the chairperson of the Audit and Risk Committee.

Role of Chairperson

The role of the Committee Chairperson should include, but not be limited to:

- Chair the meetings of the Committee in accordance with the formal meeting agenda.
- Conduct meetings in a manner that promotes participation, communication, involvement, consensus, mutual respect and listening.
- Allow time during the meeting for any Committee member to raise any issues they believe relevant.

- Circulate the annual self-assessment and collate results of the members feedback and other invited officers for the Chairpersons report to Council.
- Present on behalf of the Committee the Annual Committee Performance Report to a Councillor Briefing prior to the report being presented to Council.
- Present on behalf of the Committee the Strategic Annual Internal Audit Plan to a Councillor Briefing prior to the commencement of the financial year.

The Chairperson has no executive authority on behalf of Council but can be used as required, as a sounding board by Council and or management.

Functions

In accordance with section 54(2) of the Act, the functions and responsibilities of the Committee include:

Monitor the compliance of Council policies and procedures with overarching governance principles and the Local Government Act 2020 and the regulations and any ministerial directions. Section 52(2)(a).

- Monitor Council processes for compliance of Council policies and procedures (Section 54(2));
- Assess Council's policy framework and procedure to ensure the embedding of the governance principles;
- Assess Council's procurement framework and procedures to ensure the embedding of the governance principles;

Monitor Council compliance with relevant laws and regulations.

- Monitor Council's processes regarding compliance with legislation and regulations;
- Review management disclosures in financial reports of the effect of significant compliance issues;
- Review Council's procedures for receiving and dealing with complaints, including confidential and anonymous employee complaints under the *Public Interest Disclosures Act 2012*.

Monitor Council financial and performance reporting.

- Review the appropriateness of accounting policies and disclosures to present a true and fair view;
- Review any changes to Council's accounting policies and procedures and the methods of applying them, with input of management, external and internal auditors, ensuring that they are in accordance with the stated financial reporting framework;
- Assess information from internal and external auditors that affects the quality of financial reports. (eg actual and potential material audit adjustments, financial report disclosures, non-compliance with legislation and regulations, internal control issues);

- Recommend to Council whether the financial report including the performance statement should be approved based on the Committee's assessment of them;
- Review the financial reporting provided to Council and monitor the financial performance and sustainability of Council;

Monitor and provide advice on risk management and fraud prevention systems and controls.

- Review management's overall risk profile, risk management framework and advise Council of any concerns regarding the appropriate resourcing of the required actions;
- Receive regular risk reports including summary of top ten (10) risks and detailed risk report.
- Review Council's business continuity plan and disaster recovery plan.
- Receive summary reports from management on all suspected and actual frauds, thefts and material breaches of legislation, ensuring report to Council and / or relevant authorities;
- Monitor Council's fraud prevention and detection framework, including any action taken with respect to actual and suspected instances of fraud;
- Monitor management's efforts to create and maintain a strong internal control environment, including the design and implementation of anti-fraud strategies and programs, conduct of fraud awareness seminars or training courses to increase staff awareness of activities that amount to fraud.

Oversee internal audit functions.

- Discuss with Council the appropriate method for the provision of the internal audit function, which in the case where this is outsourced, would include the sign-off of the evaluation criteria, the appointment, the monitoring and assessment of effectiveness and termination of the contractor. The tender specification will require the internal auditors engaged to be appropriately qualified and continue professional development;
- Monitor the implementation of a three-year internal audit plan as a minimum. The progress against this plan will be reported to the Committee at each meeting;
- Review and approve the scope for each internal audit to ensure that the audit objectives and scope are fit for purpose;
- Provide the opportunity for audit committee members to meet with internal auditors without management being present;
- Review the reporting on completed internal audits to ensure management is responding adequately to the findings and key risks are mitigated;
- Require internal audit contractor to conduct periodic testing of whether audit actions reported as completed by management have been effectively implemented.

Oversee external audit functions.

- Discuss with external auditor external audit plan including proposed audit strategies and how they might relate to identified risk areas, discuss audit results, consider the implications of the external audit findings;

- Sight all representation letters signed by management and consider the completeness and appropriateness of the information provided'
- Provide the opportunity for committee members to meet with the external auditor should the need arise without management being present;
- Maintain an awareness of local government performance audits undertaken by VAGO and ensure recommendations are brought to the attention of Council for action / implementation where appropriate.

Engagement with the Victorian Auditor-General's Office (VAGO)

The committee will engage with VAGO, as the entity's external auditor, in relation to VAGO's financial statement and performance audit coverage. In particular, the committee will:

- Invite a representative from VAGO to attend Committee meetings and encourage a positive working relationship;
- Provide feedback to VAGO on draft strategies, reports and opportunities for improvement;
- Provide advice to management on action to be taken on significant issues raised in relevant VAGO reports or better practice guides.

Evaluating Performance

The Committee will undertake an annual assessment of its performance against the Audit and Risk Committee Charter in accordance with section 54(4)(a) of the Act.

Management will assist the Committee to initiate the annual self-assessment of the performance of the Committee. The review will invite input from each Committee member, senior management, internal auditor, VAGO, and any other relevant stakeholder. The self-assessment will be reported through the Annual Committee Performance report.

Conflicts of Interest

Committee recommendations must be transparent and accountable, to protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly. If a conflict of interest exists, it must be declared and managed. Committee members are required to provide written declarations, through the Chair, to the Council declaring any material personal interests they may have in relation to their responsibilities.

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. An independent member has a conflict of interest if they have:

- (a) A general conflict of interest within the meaning of section 127 of the Act.
- (b) A material conflict of interest within the meaning of section 128 of the Act.

Members of the Committee will provide declarations with statutory requirements under section 127 or 128 of the Act.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

At the beginning of each Committee meeting, members are required to declare any material personal interests that may apply to specific matters on the meeting agenda. Where required by the Chair, the member will be excused from the meeting or from the Committee's consideration of the relevant agenda item(s). The Chair is also responsible for deciding if he/she should excuse themselves from the meeting or from the Committee's consideration of the relevant agenda item(s). Details of material personal interests declared by the Chair and other members, and actions taken, will be appropriately recorded in the minutes.

Misuse of Position

Section 123 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. The Independent Member must not intentionally misuse their position -

- (a) To gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) To cause, or attempt to cause, detriment to the Council or another person.

Confidential Information

Section 125 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee.

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
- (a) for the purposes of any legal proceedings arising out of this Act;
 - (b) to a court or tribunal in the course of legal proceedings;
 - (c) pursuant to an order of a court or tribunal;
 - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
 - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
 - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
 - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
 - (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
 - (i) to the extent reasonably required by a law enforcement agency.

This Charter has been adopted by Resolution of the Council:

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Mayor

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Date