



29 August 2024

## MINUTES

### Ordinary Council Meeting

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**Date:** Wednesday 28 August 2024

**Time:** 3:00pm

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

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

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

## **Acknowledgement of Indigenous Community**

Hindmarsh Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations as Traditional Owners of Country.

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



## **Public Access**

This meeting is open to members of the public and will be livestreamed from Council's Facebook page at [www.facebook.com/hindmarshshirecouncil](https://www.facebook.com/hindmarshshirecouncil)

## **Live Streaming Statement**

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

Members of the public attending this meeting may be filmed.

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

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

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

Cr B Ireland opened the meeting at 3:02pm by acknowledging the Indigenous Community and by reading out the live streaming statement.

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## 2 APOLOGIES

Cr W Bywaters (Deputy Mayor)

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## 3 DECLARATION OF INTERESTS

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

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

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

**Cr Gersch declared a general conflict of interest in item 10.3 as family member lives next door.**

**Cr Gersch declared a general conflict of interest in item 10.8 as he is a life member of Nhill and District Sporting Club.**

**Cr Nelson declared a general conflict of interest in item 10.9 as she volunteers for Dimboola Progress Association Inc.**

**Cr Nelson declared a general conflict of interest in item 10.10 as her property is adjacent to one of the businesses.**

**Cr Albrecht declared a general conflict of interest in item 10.4 as she works at the local health service.**

**Cr Albrecht declared a general conflict of interest in item 10.8 as her family are members of the Nhill and District Sporting Club.**

**Cr Albrecht declared a general conflict of interest in item 10.9 as her daughter is involved in one of the groups.**

**Ms P Croot declared a general conflict of interest in item 10.4 as her partner works for West Wimmera Health Service.**

**Ms P Croot declared a general conflict of interest in item 10.8 as her partner volunteers for Nhill District and Sporting Club.**

**Ms M Revell declared a material conflict of interest in item 15.4 as it relates to her employment.**

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#### **4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 24 July 2024 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.***

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

***That the Minutes of the Ordinary Council Meeting held on Wednesday 24 July 2024 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*Attachment Number: 1*

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

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

The question must be accompanied by a name and the locality where the questioner resides or works, which will be read out at the meeting. By submitting a question, the questioner

gives consent to this information being read out in public. Anonymous questions will not be answered.

**No public questions or submissions received.**

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**6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: 16 July 2024 – 19 August 2024**

**6.1 Cr IRELAND, MAYOR**

<b>Date</b>	<b>Meeting/Event</b>	<b>Location</b>	<b>Comments</b>
16/07/2024	Wimmera Mallee Pioneer Museum AGM and General Meeting		
18/07/2024	Meeting with CEO regarding upcoming Agenda.		
20/07/2024	Meeting with new shop in Rainbow to explore grant opportunities for business		
24/07/2024	CEO Review Update		
24/07/2024	Briefing Meeting		
24/07/2024	Council Meeting		
25/07/2024	Mayoral Matters to the Media		
25/07/2024	Yurunga Homestead AGM		
31/07/2024	Citizenship Ceremony		
1/08/2024	Rural Councils Victoria Dinner	Seymour	
01/08/2024	Rural Councils Summit Conference	Seymour	
06/08/2024	CEO Review with Independent Chair	Online (Zoom)	
07/08/2024	Netherby Hall AGM		
08/08/2024	Southern Mallee Thunder Football Club Community Consultation BBQ	Rainbow	
08/08/2024	Mayor and CEO Regional Luncheon	Horsham	
12/08/2024	Jeparit Town Advisory Committee Meeting		
13/08/2024	Victorian Governors Visit to Shire		
13/08/2024	Briefing		
13/08/2024	Visit to Nhill Business		

Date	Meeting/Event	Location	Comments
13/08/2024	CIVIC Reception		
13/08/2024	Gala Dinner		
19/08/2024	Jeparit Drop In Session – Tiny Towns Grant Funding for Main Street		
19/08/2024	Tourism Opportunities for Shire with Albert Stafford	Online (Zoom)	

## 6.2 Cr BYWATERS, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
11/07/2024	Dimboola Sporting Club Barbeque and Chat	Dimboola	Councillors and Council Staff attended to obtain and discuss ideas for future strategic and facility initiatives.
20/07/2024	Nhill and District Sporting Club – Football Match	Davis Park, Nhill	
20/07/2024	Dimboola Art Inc. Christmas In July Market	Dimboola	
24/07/2024	CEO and Councillor Check In	Nhill	
24/07/2024	Council Briefing	Nhill	
24/07/2024	Council Meeting	Nhill	
31/07/2024	Australian Citizenship Ceremony	Nhill	
01/08/2024	Rural Council Victoria (RCV) Pre-Forum Dinner	Trawool Estate, Victoria	
02/08/2024	RCV Forum – Hosted by Mitchell Shire Council	Trawool Estate, Victoria	
06/08/2024	Six Month Check-In with CEO, Employment and Remuneration Committee	Online	
07/08/2024	Take a Well-being Break Workshop – Hosted by Agricultural Victoria	Dimboola Bowling Club	

**6.3 Cr GERSCH**

Date	Meeting/Event	Location	Comments
17/07/2024	Shire Interview Melbourne University		
20/07/2024	Nhill Sporting Club Reunion		
24/07/2024	Council Briefing		
24/07/2024	Council Meeting		
26/07/2024	RCV Board Meeting	Zoom	
01/08/2024	RCV Summit – Mitchell Shire	Trawool Estate	
02/08/2024	RCV Summit – Mitchell Shire	Trawool Estate	
05/08/2024	Volunteer Tourism Information Centre		
06/08/2024	CEO Review	Zoom	
13/08/2024	Reception for Victoria Governor General		
13/08/2024	Dinner for Victoria Governor General		
16/08/2024	RCV Board Meeting	Zoom	
19/08/2024	Management Plan	Zoom	

**6.4 Cr NELSON**

Date	Meeting/Event	Location	Comments
16/07/2024	Wimmera Southern Mallee LLEN Finance Meeting		
18/07/2024	Wimmera Southern Mallee LLEN COM Meeting		
20/07/2024	Christmas in July	Dimboola	
24/07/2024	CEO – Councillors Check In		
24/07/2024	Council Briefing	Nhill	
24/07/2024	Council Meeting	Nhill	
30/07/2024	Critical Sands, Mineral Sands Roadmap Briefing		
30/07/2024	Wimmera Southern Mallee Development Board Meeting		
05/08/2024	Guest Speaker DMSC		
05/08/2024	Wimmera Southern Mallee Development		

Date	Meeting/Event	Location	Comments
	Board Meeting		
06/08/2024	Employment and Renumeration Committee Meeting		
13/08/2024	Civic Reception with the Governor of Victoria		
13/08/2024	Dinner with the Governor of Victoria		
19/08/2024	Albert Stafford Presentation – Wimmera Mallee DMP and LAAP		

### 6.5 Cr ISMAY

Date	Meeting/Event	Location	Comments
24/07/2024	Council Briefing	Nhill	
24/07/2024	Council Meeting	Nhill	
29/07/2024	RBW Town Committee Meeting		
01/08/2024	RCV Forum Tour and Dinner	Trawool Estate, Victoria	
02/08/2024	RCV Forum	Trawool Estate	
06/08/2024	CEO Half Year Review	Zoom	
09/08/2024	Inspection of Amenities Block Foundation with Cam Colley and Director of Infrastructure		
12/08/2024	Farmer Consult	Rainbow	
19/08/2024	Rainbow Town Committee Meeting		

### 6.6 Cr ALBRECHT

Date	Meeting/Event	Location	Comments
16/07/2024	Nhill Town Advisory Committee	Nhill	
24/07/2024	CEO/Councillors 3 month check	Nhill	
24/07/2024	Hindmarsh Shire Council Briefing Meeting	Nhill	

Date	Meeting/Event	Location	Comments
24/07/2024	Hindmarsh Shire Council Meeting	Nhill	
6/08/2024	Employment and Remuneration Committee – CEO 6 monthly review	Online	
19/08/2024	Grampians Wimmera Mallee Tourism – Hindmarsh Local Area Action Plan and Destination Management Plan	Online	Exciting progression on strategic focus on tourism for Hindmarsh.

## 7 CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 1 – 4

### **Introduction:**

The following correspondence is attached for noting by Council.

### **Inwards:**

- 2024/08/21 – Letter from Minister of Agriculture re Dingoes

### **Outwards:**

- 2024/07/30 – Letters to Stakeholders re Climate Adaption Strategy Consultation
- 2024/07/31 – Letter to BGLC re Naming of Unnamed Road to Railway Dam Road in Diapur
- 2024/08/20 – Letters to Submitters re Sale of Gerang Gerung Hall

### **RECOMMENDATION:**

*That Council notes the attached correspondence.*

**MOVED: CRS R Gersch/R Ismay**

*That Council notes the attached correspondence.*

**CARRIED**

*Attachment Numbers: 1 – 4*

**8 ASSEMBLY OF COUNCILLORS RECORDS**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 5

**Introduction:**

As required under S33(9) of Hindmarsh Shire Council's Governance Rules, the attached Assembly of Councillors Records are presented as attachments to the Council Agenda for the information of Councillors.

**RECOMMENDATION:**

*That Council notes the Assembly of Councillor Records as presented.*

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

*That Council notes the Assembly of Councillor Records as presented.*

**CARRIED**

*Attachment Number: 5*

## 9 PLANNING PERMITS

### 9.1 APPLICATION FOR PLANNING PERMIT 1861-2024 – DEVELOPMENT OF TWO SHEDS ASSOCIATED WITH THE USE OF LAND FOR A CATTLE FEEDLOT – 7165 WESTERN HIGHWAY NHILL VIC 3418

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	131280
<b>Application Number:</b>	PA1861-2024
<b>Application Received:</b>	12 June 2024 (Fee paid 21 June 2024)
<b>Subject Land:</b>	7165 Western Highway, Nhill 3418 (Lot 2 on Plan of Subdivision 532754D, Parish of Balrootan)
<b>Proposal:</b>	Development of two sheds associated with the use of land for a Cattle Feedlot
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) Environmental Significance Overlay – Schedule 6 (ESO6) (does not apply to development area) Bushfire Management Overlay (BMO) (does not apply to development area)
<b>Attachments:</b>	6 - 7

#### Summary:

This report recommends that Council approves Planning Permit PA1861-2024 for the development of two sheds associated with the use of land for a Cattle Feedlot on the subject land known as 7165 Western Highway, Nhill 3418 (Lot 2 on Plan of Subdivision 532754D, Parish of Balrootan)

#### Background:

On 12 June 2024, a planning application was lodged to the Responsible Authority for the development of two sheds associated with the use of land for a Cattle Feedlot on the subject land at 7165 Western Highway, Nhill 3418.

#### Proposal Details:

The application proposes the development of two sheds associated with the use of land for a Cattle Feedlot, located over existing feedlot pens on the subject land, to provide weather protection to cattle within the penned areas.

The proposed development is characterised by reference to the following (building names referenced against plan set):

#### Building 1 ('Ridgeback')

- Length of 166 metres



- Width of 36 metres
- Total area of 5,976m<sup>2</sup>
- Maximum height of 13.18m above ground level
- Open sided structure, roofing in zincalume

Building 2 ('Feedlot')

- Length of 31.6 metres
- Width of 45 metres
- Total area of 1,422m<sup>2</sup>
- Maximum height of 7.7m above ground level
- Open sided structure, roofing in zincalume

**Requirement for Permit:**

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

- Clause 35.07-4 (Farming Zone)
  - A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1.

**Definitions:**

Cattle Feedlot – Land used for a cattle feedlot as defined by the *Victorian Code for Cattle Feedlots 1995*

**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 2018*, as the proposal is not within land identified as an area of Aboriginal Cultural Heritage Sensitivity.

**Subject site & locality:**

The subject site is known as Lot 2 on Plan of Subdivision 532754D, Parish of Balrootan. The site comprises an existing Cattle Feedlot on the eastern periphery of the Nhill Township, generally setback approximately 200-400 metres from the Western Highway. This development area is located approximately 3.5 kilometres east of the Nhill Post Office and is the location of the works forming this application.

Land in all directions generally comprises Farming Zone parcels used for broadacre cropping or intensive agriculture. To the north-west of the site is a grain receival/storage centre (4 Rethus Drive), and industrial zoned land abutting Winiam East Road. The subject land is located within the Farming Zone (FZ) and is partially covered by the Environmental

Significance Overlay – Schedule 6 (ESO6) and Bushfire Management Overlay (BMO); however these areas do not affect the development site.

The site appears to have access to reticulated power and telecommunications, but not water and sewer.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below (Hindmarsh POZI)



**Section 52 Notice of Application**

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

- Letters to adjoining and nearby property owners.

One (1) objection has been received to the application (refer Attachment 2). The objection raises the following concerns:

- Odour issues
- Effluent overflow into the Nhill Swamp
- Precedent/desire for operation to be relocated further from Nhill Township

These concerns will be discussed further in this assessment.

**Referrals:**

No internal or external referrals were required.

**Planning Assessment:**

Planning Scheme Requirements:

Municipal Planning Strategy:

- Clause 02.03-4 – Natural resource management

Planning Policy Framework:

- Clause 14.01-1S – Protection of agricultural land
- Clause 15.01-2S – Building design

Zoning Provisions:

- Clause 35.07 – Farming Zone (FZ)
- 35.07-4 Buildings and works

A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1 (Cattle Feedlot).

- 35.07-6 Decision guidelines (relevant to the application)

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**Planning Response:**

The proposal is considered to meet the applicable decision guidelines as outlined above. The proposal is considered to support the Planning Policy Framework, having particular regard to the protection of agricultural land and development for rural areas. There are no known land management constraints for the development area that would prevent the proposal from going ahead. Furthermore, the development will not impose any undue strain on infrastructure in the area as infrastructure demand for the site will remain the same.

The proposal is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above. The location of the works will ensure that no land is lost from agricultural production and that the land can be appropriately managed into the future, with no adverse effects expected. The site comprises an intensive agricultural activity, which the proposed development will support into the future.

The proposed works will not negatively impact on the natural physical features and resources of the area. No negative impact on the flora and fauna on the site and its surrounds will occur, with no native vegetation proposed to be removed. The biodiversity of the area is not affected as no works are to be undertaken in areas where such impacts could result.

Consistent with the decision guidelines for design and siting, buildings on the land remain located in the one central area of the property, allowing the balance of the site to be used for productive agriculture. The proposed outbuildings are considered commensurate with the rural landscape character of the area and typical of such works found on other properties. Existing services will be provided and connected as appropriate.

For these reasons, the proposal is considered acceptable against the matters to be considered under the Farming Zone.

**Overlay Provisions:**

The development area is not covered by any overlays.

**Particular Provisions:**

No relevant Particular Provisions are identified.

**General Provisions:**

- Clause 65 - Decision Guidelines

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01– Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- 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.

**Planning Response:**

It is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone are appropriately met, with the proposed works appropriately sited and of a form and scale to be expected on such an operation. The application is therefore considered to be reflective of orderly planning.

**Response to Objections:**

*(Objection in italics, response in standard text)*

*Odour issues from site.*

Response: The proposal that Council is required to consider is limited to the two (2) new outbuildings. The land use is lawfully established and there is no opportunity for Council to impose new/additional requirements as a result of this proposal. It is noted that the operator is subject to the 'General Environmental Duty' under the *Environment Protection Act 2021*, which requires the operator to proactively manage the operation in a way that minimises offsite impacts.

*Effluent overflow into Nhill Swamp*

Response: As noted above, the application before Council relates solely to the new development. Management of effluent on-site is a requirement of the Code of Practice and the General Environmental Duty, however this is outside the ambit of this proposal.

*Precedent/desire for the operation to be relocated further from the Nhill Township.*

Response: As discussed above, the proposal relates solely to the new structures. There is no opportunity in this application to reconsider the use of the land which is otherwise lawful, and to determine to refuse this application in the pursuit of trying to direct a relocation of a lawful use would be an inappropriate basis in which to decide this application. Absent this application, the use can lawfully continue on the land and that is unchanged by this proposal.

**Discussion:**

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

The proposal meets the objectives of the relevant provisions of the MPS and PPF for the reasons discussed earlier in this report.

Clause 65 Decision Guidelines

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Municipal Strategic Statement.

**Report to Council:**

The Director Infrastructure Services advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

**Processing Times:**

12/06/2024 - The application was received.

19/06/2024 - Further information request sent

21/06/2024 – The fee was paid.

26/06/2024 – Further information response received.

08/07/2024 – The application was advertised to adjoining and nearby owners and occupiers

23/07/2024 – Objection to Planning Permit Application received

24/07/2024 – Advertising period completed

28/08/2024 – The report is being presented to Council at the meeting held 28 August 2024 (47 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

**Link to Council Plan:**

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

Objective – Develop and promote local tourist opportunities that attract visitation.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Conflict of Interest:**

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

**Officer Responsible:** Ram Upadhyaya, Director Infrastructure Services

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

**Author:** Tim Berger, Consultant Town Planner, on behalf of Ram Upadhyaya, Director Infrastructure Services

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

**Communications Strategy:**

Advise the Applicant and Objector of Council's decision.

**Next Steps:**

Issue the Notice of Decision if approved by Council.

***RECOMMENDATION:***

***That Council issues a Notice of Decision to Grant a Permit in relation to planning application PA1861-2022 for the development of two sheds associated with the use of land for a Cattle Feedlot on the subject land known as 7165 Western Highway, Nhill 3418 (Lot 2 on Plan of Subdivision 532754D, Parish of Balrootan), subject to the following conditions:***

**Endorsed Plans**

- 1. The works 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.***

**Works and Amenity Conditions**



2. *The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.*
3. *The construction of the development must be managed so that the amenity of the area is not adversely 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.*
4. *The exterior colour and cladding of the approved buildings must be of a non-reflective nature and painted or have a pre-painted finish in a natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.*

**Time Limit**

5. *This permit will expire if one of the following circumstances arises:*
  - (a) *The development does not commence within two (2) years of the date of issue of this permit; or*
  - (b) *The development is not completed within four (4) years of the date of issue of this permit.*

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

**MOVED: CRS R Gersch/R Ismay**

*That Council issues a Notice of Decision to Grant a Permit in relation to planning application PA1861-2022 for the development of two sheds associated with the use of land for a Cattle Feedlot on the subject land known as 7165 Western Highway, Nhill 3418 (Lot 2 on Plan of Subdivision 532754D, Parish of Balrootan), subject to the following conditions:*

**Endorsed Plans**

1. *The works 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.*

**Works and Amenity Conditions**

2. *The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.*
3. *The construction of the development must be managed so that the amenity of the area is not adversely 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.*
- 4. The exterior colour and cladding of the approved buildings must be of a non-reflective nature and painted or have a pre-painted finish in a natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.**

**Time Limit**

- 5. This permit will expire if one of the following circumstances arises:**
- (a) The development does not commence within two (2) years of the date of issue of this permit; or*
  - (b) The development is not completed within four (4) years of the date of issue of this permit.*

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

**CARRIED**

*Attachment Numbers: 6 – 7*

**10 REPORTS REQUIRING A DECISION**

**10.1 ONSITE WASTEWATER MANAGEMENT PLAN**

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 8

**Introduction:**

This report seeks the adoption of the Onsite Wastewater Management Plan (OWMP) 2024-2029 following a period of community consultation between 25 July 2024 to 8 August 2024, in accordance with council’s Community Engagement Policy.

**Discussion:**

Councils current OWMP which was adopted in 2006 is due for review and redevelopment. Following the funding approval from the Department of Energy, Environment and Climate Action (DEECA), a consultant was engaged in development of Onsite Wastewater Management Plan (OWMP). It is a planning and management document that focuses on the Council’s understanding of the cumulative risks that Onsite Wastewater Management System (OWMS) presents in our municipality and shapes the Council’s activities in managing those risks now and into the future. The document also clearly outlines the roles and responsibilities of various parties involved in the management of OWMS.

The identification and assessment of risks identified in this OWMP supports the development and implementation of actions to protect human health and the environment. This plan was developed with input from relevant stakeholders and will help developers and regulators better appreciate the risks and steps Hindmarsh Shire Council is taking to protect human health and the environment.

The Draft Onsite Wastewater Management Plan was first presented to the Council at a briefing session on 29 May 2024 to gain initial feedback. Any feedback provided was incorporated into the draft and presented to the Council for endorsement on 24 July 2024. Community feedback on the plan was sought between 25 July 2024 to 8 August 2024. At the close of submission time, two submissions were received and are summarised in the table below.

Submission ID	Details of Submission	Officer Response
1	No amendments were suggested.	N/A
2	This plan does not consider any properties within the Rainbow and Jeparit townships. It clearly states that properties outside these towns are considered rural and do not form part of this risk assessment process. They	Jeparit and Rainbow townships were not included as they were deemed low risk. Dimboola area 2 was the only area that came back with moderate risk. Officers will undertake the risk assessment for

Submission ID	Details of Submission	Officer Response
	are considered lower risk and applications for onsite wastewater management are dealt with on an individual basis. It would be great to have some guidance on rainwater, grey water and black water use and recycling within these townships. I think this should be considered hand in hand with the climate adaption policy.	Jeparit and Rainbow Township and include the outcome as an appendix to this plan. The guidance on rainwater, grey water and black water use and recycling are provided by relevant authorities like GWM Water and EPA.

**Options:**

- Adopt the Onsite Wastewater Management Plan 2024-2029.
- Direct officers to undertake further review before adoption of the plan.

**Link to Council Plan:**

Built and Natural Environment: Implement a range of environmentally sustainable practices throughout the shire.

**Financial Implications:**

The actions in the OWMP will require resources for implementation. Most of the items will be delivered using internally available resources. Where possible, external funding will be sought for the implementation of this plan.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Environmental Sustainability	Assists in preventing potential adverse off-site impacts on the environment.
Project Management and Strategic Execution	Failure to review and achieve yearly targets presents potential operational, legal, financial and reputational risks to Council.

**Relevant legislation:**

*Local Government Act 2020*

*Environment Protection Act 2017*

*Water Act 1989*

*Catchment and Land Protection Act 1994*

*Safe Drinking Water Act 2003 and Regulations 2015*

*Planning and Environment Act 1987 (P&E Act)*

*Subdivisions Act 1988.*

**Community engagement:**

The public submission for this plan was sought via council's Engagement HQ for the period of 25 July 2024 to 8 August 2024

**Gender equality implications:**

No impact

**Conflict of Interest:**

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

Officer Responsible – Ram Upadhyaya, Director Infrastructure Services

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

Author – Michelle Stewart, Environmental Health Officer

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

**Communications Strategy:**

The adopted version of Onsite Wastewater Management Plan 2024-2029 will be made available to the community via Council's website.

**Next Steps:**

As above.

**RECOMMENDATION:**

***That Council adopts the Onsite Wastewater Management Plan 2024 – 2029.***

***MOVED: CRS D Nelson/M Albrecht***

***That Council adopts the Onsite Wastewater Management Plan 2024 – 2029.***

**CARRIED**

*Attachment Number: 8*

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

**Responsible Officer:** Director Infrastructure Services

### **Introduction:**

This report aims to inform Council of the process to protect the Olive tree located at the rear of Dimboola Senior Citizens Centre and subsequently seeks approval from Council to commence the process to dispose of the asset through sale of the property.

### **Discussion:**

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

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

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

There is also a significant Olive tree at the rear of the block which many community members would like to see retained. The general consensus was to provide permanent protection of this Olive tree as it holds significant historical value.

At the March 2024 Council meeting, Council moved to defer the disposal of 41 Victoria Street Dimboola, and directed officers to investigate ways to put permanent protections on the tree before proceeding ahead with the sale.

Officers have since received guidance that a section 173 agreement can be applied to the property to protect the Olive tree if the property is to be sold. Like other agreements, a section 173 agreement is a legal contract. However, the benefit of a section 173 agreement is that it can be recorded on the title to the land so that the owner's obligations under the agreement bind future owners and occupiers of the land. A section 173 agreement can also be enforced in the same way as a permit condition or planning scheme.

S173 Agreements are defined in *Planning and Environment Act 1987* as follows:

*173 Responsible authority may enter into agreements*

1. *A responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority.*
  - i. *Without limiting subsection (1), a responsible authority may enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.*
- (2) *A responsible authority may enter into the agreement on its own behalf or jointly with any other person or body.*
- (3) *A responsible authority may enter into an agreement under subsection (1) or (1A) with a person in anticipation of that person becoming the owner of the land.*

*Despite anything in this Division, if an agreement entered into with a purchaser in anticipation of the purchaser becoming owner is recorded by the Registrar of Titles, it does not bind the vendor unless the vendor assumes the purchaser's rights and obligations under the agreement.*

**Options:**

1. Council approves the disposal of the asset through a public sale process and enters into a S173 agreement to ensure future protection of the Olive tree.
2. Council investigates the ability to demolish the building and establish a user or community group for a community garden.
3. Council do not dispose of the building, noting it will fall into further disrepair, and undertakes the repairs at significant cost when funding becomes available.

**Link to Council Plan:**

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

**Financial Implications:**

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

There are significant financial implications from the current needs of the buildings that Council is responsible for. Many of these buildings are non-revenue generating and are approaching or are at the end of life. There are minimal grants available for many of these buildings and Council buildings all have condition audits and valuations undertaken on them every four years with the next audit to take place in the 2024/2025 financial year.

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

**Risk Management Implications:**

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

**Relevant legislation:**

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

- a) at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—
  - i. on the Council's Internet site; and
  - ii. in any other manner prescribed by the regulations for the purposes of this subsection; and
- b) undertake a community engagement process in accordance with its community engagement policy; and 39
- c) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange

**Community engagement:**

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

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

**Gender equality implications:**

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



**Conflict of Interest:**

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

Author – Mick Henderson, Manager Assets & Facilities

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

Officer Responsible – Ram Upadhyaya, Director Infrastructure Services

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

**Communications Strategy:**

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

**Next Steps:**

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

**RECOMMENDATION:**

***That Council:***

- 1. approves the disposal of 41 Victoria Street, Dimboola;***
- 2. authorises the CEO to undertake the sale process and sign all necessary documents for sale of land and the building located at 41 Victoria Street, Dimboola;***
- 3. engages a solicitor to draft the Section 173 agreement to be included in the sale process; and***
- 4. authorises the CEO to sign the Section 173 agreement on behalf of Council to protect the Olive tree.***

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

***That Council:***

- 1. approves the disposal of 41 Victoria Street, Dimboola;***
- 2. authorises the CEO to undertake the sale process and sign all necessary documents for sale of land and the building located at 41 Victoria Street, Dimboola;***
- 3. engages a solicitor to draft the Section 173 agreement to be included in the sale process; and***
- 4. authorises the CEO to sign the Section 173 agreement and use the common seal on behalf of Council to protect the Olive tree.***

**CARRIED**

Cr R Gersch declared a conflict of interest and left the room at 3:30pm.

**10.3 AGREEMENT UNDER SECTION 173 OF THE *PLANNING AND ENVIRONMENT ACT 1987*, IN ACCORDANCE WITH CONDITION 4 OF PA1781-2022-A1 – 77-79 LEAHY STREET NHILL VIC 3418**

**Responsible Officer:** Director of Infrastructure Services

**Attachment Number:** 9 (Confidential Attachment)

**Introduction:**

This report recommends that Council authorises the Chief Executive Officer to sign the Section 173 Agreement under the Common Seal of the Hindmarsh Shire Council. The Section 173 agreement is proposed in accordance with Condition 4 on the approved Planning Permit PA1781-2022-A1, for the subject land 77-79 Leahy St Nhill VIC 3418 (Lot 1 and Lot 2 on Title Plan 160459P).

**Background:**

Planning Permit PA1781-2022 was approved by Council on 31 October 2022 for the construction of seven dwellings, vegetation removal, construction of fences and an eight (8) lot subdivision on the subject land known as 77-79 Leahy Street Nhill VIC 3418. Plans were endorsed to the Planning Permit on 7 December 2022.

The amended Planning Permit application PA1781-2022-A1 was lodged to include the removal of a street tree, staging of the subdivision and common property, and was approved by the Director of Infrastructure Services, under delegation on 3 April 2024. The permit was corrected on 27 May 2024 to include the staging of the subdivision in the permit expiry condition.

Condition 4 on Planning Permit PA1781-2022-A1 states the following:

4. *Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:*
  - a. *Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:*
    - i. *The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1781-2022-A1.*
    - ii. *The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.*

OR

- b. Provide evidence to the Responsible Authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1781-2022-A1 and an occupancy permit has been issued.*

Following approval of PA1781-2022-A1, the applicant (Elmstone Investments) engaged Power and Bennett Lawyers to prepare the Section 173 Agreement. Bernadine Pringle (consultant town planner on behalf of Council) negotiated and reviewed the terms of the agreement.

**Discussion:**

After negotiation and review of the Section 173 agreement conditions by Council and the landowner, a final version of the agreement was prepared by Power and Bennett Lawyers. Four (4) copies of the Section 173 Agreement have been signed by the landowner and provided for CEO review and signature under the Common Seal of the Hindmarsh Shire Council.

A Section 173 Agreement sets out conditions and restrictions on the use and development of the land. It is legally binding for current and future landowners and is recorded on the title to the land. In the case of PA1781-2022-A1, it is required to ensure the use and development of the land is carried out in accordance with the approved planning permit.

S173 Agreements are defined in *Planning and Environment Act 1987* as follows:

*173 Responsible authority may enter into agreements*

- 2. A responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority.
  - ii. Without limiting subsection (1), a responsible authority may enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.**
- (2) A responsible authority may enter into the agreement on its own behalf or jointly with any other person or body.*
- (3) A responsible authority may enter into an agreement under subsection (1) or (1A) with a person in anticipation of that person becoming the owner of the land.*

*Despite anything in this Division, if an agreement entered into with a purchaser in anticipation of the purchaser becoming owner is recorded by the Registrar of Titles, it does not bind the vendor unless the vendor assumes the purchaser's rights and obligations under the agreement.*

**Options:**

1. Council can authorise the CEO to approve the Section 173 Agreement under the Common Seal of the Hindmarsh Shire Council.

**Link to Council Plan:**

Strong Governance Practices

Facilitating and Supporting Economic Development

**Financial Implications:**

Nil – The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement in accordance with Condition 4 of Planning Permit PA1781-2022-A1

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Community Needs	Having section 173 agreement in place eliminates the risk of the subdivided property being sold for any other purposes and assist in enforcing the conditions set in the planning permit.

**Relevant legislation:**

This Section 173 Agreement has been considered under the requirements of the *Planning and Environment Act 1987*.

**Conflict of Interest:**

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

Officer Responsible – Ram Upadhyaya, Director of Infrastructure Services

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

Author – Mikayla Mackley, Planning Officer

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

**Communications Strategy:**

Advise Chief Executive Officer, Monica Revell of Council’s decision.

**Next Steps:**

Chief Executive Officer, Monica Revell to sign the Section 173 Agreement.

**RECOMMENDATION:**

***That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Section 173 Agreement for 77-79 LEAHY STREET NHILL VIC 3418, in accordance with Condition 4 of PA1781-2022-A1.***

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

***That Council authorises the use of the Common Seal, in compliance with the Hindmarsh Shire Council Governance Local Law, in the execution of the Section 173 Agreement for 77-79 LEAHY STREET NHILL VIC 3418, in accordance with Condition 4 of PA1781-2022-A1.***

**CARRIED**

*Attachment Number: 9 (Confidential Attachment)*

Cr R Gersch returned to the room at 3:33pm.

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Cr M Albrecht and Ms P Croot declared a conflict of interest and left the room at 3:33pm.

#### **10.4 TAC LOCAL GOVERNMENT GRANT FUNDING CONTRIBUTION – RAISED PEDESTRIAN CROSSING IN MACPHERSON STREET NHILL**

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 10

##### **Introduction:**

This report seeks to refer \$62,684 to the 2025/2026 Annual Budget process as a co-contribution to the TAC Local Government Grant Program for a raised pedestrian crossing on Macpherson St Nhill, should the application be successful.

##### **Discussion:**

The TAC Local Government Grant Program provides opportunities for Victorian Local Government Authorities (LGAs) to improve road safety in their local communities.

To be eligible for funding, applicants must ensure applications are primarily focused on road safety issues relating to cyclists and/or pedestrians and are on local government managed roads and match TAC funding on a 1:1 basis if successful, up to \$100,000 exc. GST.

The funding opportunity opened on 17 June 2024 and closed on 24 July 2024 which provided a tight turnaround for council officers to develop a project plan and complete the application. The closing date did not align with the Council reporting timeframe and hence approval is sought after the submission of the application. Should the council resolve not to proceed ahead with the proposal, the application will be withdrawn.

The project identified is a raised pedestrian crossing in Macpherson St Nhill, just west of the McDonald Street intersection. This site is an area where there is a high volume of parked cars and pedestrians during daylight hours due to Avonlea Aged Care Facility, Nhill Hospital workers, day patients and visitors, Nhill Community House as well as normal resident parking.

A concept design and budget estimate of \$125,365 exc. GST. was developed with assistance from Engineering Consultant SMEC who have detailed knowledge of TAC grant programs. Should the application be successful, project delivery must be completed by June 2026.

##### **Options:**

1. Council supports the TAC grant application for a raised pedestrian crossing on Macpherson St, Nhill and refers \$62,684 to the draft 2025/2026 Annual Budget for Council's co-contribution to the project.
2. Council does not support the project and withdraws the TAC grant application.

**Link to Council Plan:**

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

**Financial Implications:**

Should Council support the application and be successful, the co-contribution of \$62,684 will allow a \$125,365 project to be completed. This co-contribution will be referred to the 2025/2026 Annual Budget process.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Project Management and Strategic Execution	The project design and construction timelines will be managed in Council’s Civil Projects team, with weekly meeting arranged to discuss the timing of the project and deliverables.
Financial Sustainability	A detailed cost estimate was prepared as part of this TAC application. During construction, costs will be monitored and regular meetings will take place to ensure the project meets budget targets at various stages.
Community Needs	An awareness and education campaign will be undertaken through various channels, including social media. Council have also obtained a letter from key stakeholder West Wimmera Health Service stating their support for the project.

**Relevant legislation:**

*Local Government Act 2020*  
*Local Government Act 1989*  
*Road Management Act 2004*

**Community engagement:**

Council officers consulted with West Wimmera Health Service who provided a letter of support for the project.  
Further consultation with the community will be undertaken should the application be successful.

**Gender equality implications:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Ram Upadhyaya, Director Infrastructure Services

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

Author – Daniel Griffiths, Manager Works and Operations

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

**Communications Strategy:**

If successful, an awareness and education campaign will be undertaken through various channels, including social media.

**Next Steps:**

Next steps will be subject to Council’s decision and will be actioned in accordance with the motion.

**RECOMMENDATION:**

*That Council supports the TAC Local Government Grant application for construction of a raised pedestrian crossing on Macpherson St, Nhill and refers \$62,684 to the 2025/2026 Annual Budget process for Council’s co-contribution to the project should the application is successful.*

**MOVED: CRS R Gersch/R Ismay**

*That Council supports the TAC Local Government Grant application for construction of a raised pedestrian crossing on Macpherson St, Nhill and refers \$62,684 to the 2025/2026 Annual Budget process for Council’s co-contribution to the project should the application be/is successful.*

**CARRIED**

Attachment Number: 10

Cr M Albrecht and Ms P Croot returned to the room at 3:41pm.



## 10.5 REQUEST TO NAME AN UNNAMED ROAD AND CHANGE OF ROAD NAME – RAILWAY DAM ROAD

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 3

### Introduction:

This report outlines a request for a proposal to name an Unnamed Road to Railway Dam Road in Diapur (see below map) and seeks Council’s approval to proceed ahead with formally naming the unnamed road to Railway Dam Road and the gazettal to the Office of Geographic Names. At the time of preparation of this report, no submissions were received about the proposal.

### Discussion:

On 07 December 2022, the Council received a request from residents to rename an Unnamed Road to Railway Dam Road located in Diapur. The request was followed up after recent farmers consultation. The renaming was requested to identify the road in the case of emergency service access to the area.



Procedures and principles for naming, renaming and adjusting the boundaries of geographic features, localities and roads are set out in the Guidelines for Geographic Names, 2010 Version 2 (in accordance with Part 2 of the Geographic Place Names Act, 1998).

In naming a road, Council must act in accordance with these guidelines and ensure the proposal conforms to its various naming principles and procedures. Importantly, road authorities must seek the Registrar’s approval for the proposed road name prior to

publishing a gazette notice.

The Guideline sets out a series of principles within which the naming of the road, features or locality must be considered. The principles are listed below:

<b>Geographical Name requirement</b>	<b>Officer Response</b>
Language	Proposal meets the requirement it is in the plain English, easy to pronounce and meets all other requirement under this criterion
Recognising the public interest	Proposal meets the requirement as changing the name from Unnamed Road to Railway Dam Road will provide ease of locating the address.
Ensuring public safety	The proposal does not impact public safety, naming the un-named road increases public safety.
Ensuring names are not duplicated	Meets the requirement as there are no other roads with similar names within 30 km.
Directional names to be avoided	Meets the requirement.
Assigning extent to a feature, locality or road	The extent of the proposal is clearly defined and hence meets the requirement.
Linking the name to the place	The road leads to old Railway Dam and hence the name was proposed.
Using commemorative names	Meets requirement.
Using commercial and business names	Meets the requirement under this principle as road is not named after a business or trades name.
Names must not be discriminatory	Meets the requirement.
Recognition and use of Indigenous Australian names	Registered Aboriginal Party (BGLC) were consulted during the consultation period for their feedback.
Dual names	Complies with the requirement.
Consulting with the public	Consultation period was completed.
Lodging, considering and addressing objections	This will be done following the consultation period.
Notification of a naming decision	This will be done following the consultation period.
Signage	Signage will be erected after the naming decision has been approved.

Submissions on the proposal were sought via Council’s “Have Your Say” page as well as other media for the period of 28 days between 25 July 2024 and 23 August 2024. A separate

letter was sent to BGLC to seek their feedback on the proposal. BGLC notified Council on Tuesday 20 August that following discussion at their recent board meeting they declined the opportunity to provide feedback.

At the time of preparation of this report, one submission on the proposal was received from the Diapur Hall Committee following discussions at the recent AGM. All in attendance at the meeting were in agreeance of the naming to Railway Dam Road. Any submissions received after this time will be supplied as a late attachment to this report and discussed during the presentation.

**Options:**

Council can choose to:

- Proceed to formally change the name of the Unnamed Road (between Nhill-Diapur Road and Rogers Road) to Railway Dam Road.
- Leave the existing road name unchanged.

**Link to Council Plan:**

Built and Natural Environment:

Maintain the condition of our existing local road network prioritising capital works investment into renewal on roads and road related infrastructure.

Regularly review Council’s asset management plans, and update the assets register.

**Good Governance & Financial Sustainability:**

Provide a range of engagement and communication methods to ensure open, easily available and transparent communication between Council and the community.

**Financial Implications:**

Minor costs associated with advertising and signage can be met within the 2024/2025 adopted budget.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Community Needs	Unnamed roads present a risk to the community during emergency situations. By ensuring Council roads are named during emergency situations emergency services are able to respond without delays requesting further information on location.

**Relevant legislation:**

*Local Government Act 2020*

*Local Government Act 1989*

*Road Management Act 2004*

*Geographic Place Names Act 1998*

**Community engagement:**

Community feedback was sought as specified above in the Procedures and principles for naming, renaming and adjusting the boundaries of geographic features, localities and roads.

**Gender equality implications:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Ram Upadhyaya, Director of Infrastructure Services

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

Author – Joe Scimone, Development Engineer

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

**Communications Strategy:**

The community will be informed of the name change following the gazettal process via Hindmarsh Shire Facebook Page.

**Next Steps:**

- Notify the applicant of the Council's decision.
- Officers will then lodge the proposal with the Office of Geographic Names (OGN).
- Upon receiving a proposal to name or rename a road, the OGN will upload details of the proposal on the Proposals webpage at [www.dse.vic.gov.au/namingplaces](http://www.dse.vic.gov.au/namingplaces). If the Registrar deems that the proposal conforms to the guidelines, the OGN will proceed to gazette the proposal. Once the proposal has been gazetted, the Registrar will enter the details of the new road name into VICNAMES. The gazettal date will be recorded as the official date of registration.

**RECOMMENDATION:**

***That Council:***

- 1. approves renaming of the unnamed road (between Nhill-Diapur Road and Rogers Road) to Railway Dam Road; and***
- 2. authorises the CEO to undertake the required process of the Geographic Name Guidelines to gazette the road name.***

**MOVED: CRS M Albrecht/D Nelson**

***That Council:***

- 1. approves renaming of the unnamed road (between Nhill-Diapur Road and Rogers Road) to Railway Dam Road; and**
- 2. authorises the CEO to undertake the required process of the Geographic Name Guidelines to gazette the road name.**

**CARRIED**

*Attachment Number: 3*

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## 10.6 PROPOSED CHANGES TO THE ALLOCATION OF ELGIN ST KERB AND CHANNEL CAPITAL WORKS FUNDING

**Responsible Officer:** Director Infrastructure Services

### **Introduction:**

This report seeks Council approval to change the capital works budget allocation of \$130,280 for Elgin St Nhill kerb and channel works, to kerb and channel section renewal to be utilised Shire-wide.

### **Discussion:**

In 2018/2019 financial year, capital works budget was first allocated to Elgin St Nhill to install kerb and channel and seal the laneway between Davis Ave and Young St, to the rear of the shire office. Some works were completed including concreting the 20m section between Davis Ave and the council carpark, however no further works have been conducted. The project has been seen as a low priority and subsequently the remaining budget of \$130,280.00 has been carried forward each year.

Council Officers believe that this is no longer the most appropriate project to allocate funding to, as the street functions as needed with a gravel surface and low traffic volumes.

Recent condition assessment of Kerb and Channel assets has identified several defects within the network to be rectified. Hence it is proposed to reallocate this funding to repair sections of failed or poor condition kerb. The budget will allow approximately 300 lineal metres of kerb to be repaired at several locations throughout the shire. The works would be selected based on condition and conducted by council's in-house concrete team.

### **Options:**

- Reallocate capital works budget allocation of \$130,280.00 from Elgin St Nhill kerb and channel works to various kerb and channel section renewal to be utilised shire wide.
- Reallocate the funding for renewal of kerb and channel in another street.

### **Link to Council Plan:**

Maintain the condition of our existing local road network prioritising capital works investment into renewal on roads and road related infrastructure.

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

**Financial Implications:**

Council has remaining an allocation of \$130,280 for Elgin St, Nhill kerb and channel works, which would be changed to undertake renewal of poor condition kerb throughout the shire. No extra funding is required but will result in better asset management outcomes.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Asset Management	Changing the allocation of funding will prioritise capital works investment into renewal of poor condition existing kerb and channel, reducing the renewal gap.

**Relevant legislation:**

*Local Government Act 2020*  
*Local Government Act 1989*  
*Road Management Act 2004*

**Community engagement:**

The community satisfaction survey for 2024 shows Hindmarsh’s local streets & footpaths have a satisfaction level of 59, which is trending down from 65 in 2019. Investment into renewal of key infrastructure, such as kerb and channel, is likely to improve local streets condition and resident satisfaction.

**Gender equality implications:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Ram Upadhyaya, Director Infrastructure Services

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

Author – Daniel Griffiths, Manager Works And Operations

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

**Communications Strategy:**

Hindmarsh Shire’s finance department will be notified of any changes to the allocation of capital works funding.

**Next Steps:**

Subject to Council’s decision, Council Officers will select, plan and undertake the works to renew kerb and channel sections across all townships.

**RECOMMENDATION:**

*That Council approves the reallocation of the capital works budget of \$130,280.00 for Elgin St Nhill kerb and channel project committed in 2018/2019 financial year, to a kerb and channel section renewal program shire wide.*

**MOVED: CRS R Gersch/R Ismay**

*That Council approves the reallocation of the capital works budget of \$130,280.00 for Elgin St Nhill kerb and channel project committed in 2018/2019 financial year, to a kerb and channel section renewal program shire wide.*

**CARRIED**

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## 10.7 GOVERNANCE UPDATE – COUNCILLOR COMPLAINTS HANDLING POLICY AND PROCEDURE

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 11

### **Introduction:**

This report presents the Councillor Complaints Handling Policy and Procedure, recommended for Council adoption following a period of community engagement from 25 July 2025 to 5pm on 15 August 2024.

### **Discussion:**

In accordance with Hindmarsh Shire Council's Good Governance Framework and the governance principles of the *Local Government Act 2020*, Council developed a draft Councillor Complaints Handling Policy and Procedure to provide a framework for the appropriate and consistent management of complaints from the community about the behaviour or actions of their elected representatives. The draft Policy and Procedure was endorsed by Council for a period of community engagement at the Council meeting held on 24 July 2024.

This Policy informs:

- how a member of the public can submit a complaint against a Councillor.
- where a Councillor is the subject of a complaint against Council, how it is to be investigated.
- roles and responsibilities.

This Policy does not apply in the case of complaints which must legally be addressed in some other manner such as:

- a Protected Disclosure in relation to Councillors under the *Public Interest Disclosures Act 2012*; or
- the Councillor Code of Conduct; or
- the Councillor Code of Conduct provisions under the Act.

This policy has been available for a period of community engagement from 25 July 2025 to 5pm on 15 August 2024. During this period, seven people viewed this document, however no formal submissions were received.

### **Options:**

Council can choose to adopt, amend before adopting, or to not adopt the Councillor Complaints Handling Policy and Procedure.

### **Link to Council Plan:**

A community well informed and engaged.

Strong governance practices.

**Financial Implications:**

Expenses incurred in dispute resolution processes are accounted for in the annual Council Budget as adopted.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Governance	The Councillor Complaints Handling Policy and Procedure ensures consistent and transparent handling of Councillors complaints and increases the touchpoints and accessibility to make such complaints. This document supports the governance principles contained within the <i>Local Government Act 2020</i> and Council's own Good Governance Framework.

**Relevant legislation:**

*Local Government Act 2020*

*Public Interest Disclosures Act 2012*

**Community engagement:**

Council undertook engagement activities in line with the Community Engagement Policy for the Councillor Complaints Handling Policy and Procedure.

**Gender equality implications:**

This policy has an indirect impact on the public and the impact has been determined to not be significant enough to warrant a GIA under the *Gender Equality Act 2020*.

**Conflict of Interest:**

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

Officer Responsible – Monica Revell, Chief Executive Officer

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

Author – Janelle Reichelt, Manager People and Performance

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

**Communications Strategy:**

If adopted, the Councillor Complaints Handling Policy and Procedure will be published on Council's website, made available to Councillors via Sharepoint and the community will be notified via social media, and Council's newsletters.

**Next Steps:**

As above.

**RECOMMENDATION:**

*That Council adopts the Councillor Complaints Handling Policy and Procedure.*

**MOVED: CRS D Nelson/M Albrecht**

*That Council adopts the Councillor Complaints Handling Policy and Procedure.*

**CARRIED**

*Attachment Number: 11*

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

***That, in accordance with S67 of the Local Government Act 2020, Council resolves to split the Community Action Grants matter into separate parts, considering all applications under the Community Action Grants Round 1 program, excluding the application from Nhill and District Sporting Club, and referring the review and funding allocation for the Nhill and District Sporting Club for Round 1 of the Community Action Grants Program 2024 to the Chief Executive Officer.***

**CARRIED**

## **10.8 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2024/2025 ROUND ONE**

**Responsible Officer:** Chief Executive Officer  
**Attachment Number:** 12 – 13 (*Confidential Attachment – 12*)

### **Introduction:**

This report seeks Council approval to provide funding through Round One of the 2024/2025 Community Action Grants Program to eligible community organisations & groups.

### **Discussion:**

The Community Action Grants Program was established to support community groups and organisations to provide services and to assist with community development, social action, and connectedness. \$20,000.00 has been allocated to the program for the 2024/2025 financial year and is categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

Round 1 of the 2024/2025 Community Action Grants Program was promoted through direct email to community groups; media releases on Council’s website and in local media; advertisements in local media; promotion on Council’s website as well as Facebook promotions on Council’s Facebook page and inclusion in Council’s newsletters.

At the time of closing on Friday 9 August 2024, ten (10) applications were received requesting funds totalling **\$8,005.86**. The recommendation is to award funds of **\$8,003.36**.

The total project cost for all applications is **\$51,330.86**.

<b>Category</b>	<b>Number of Applications</b>	<b>Funding Available</b>	<b>Total Amount Requested</b>
Community Assistance	Four (4)	<b>Round 1</b>	\$3,005.86

Event Sponsorship	Two (2)	\$20,000.00	\$1,000.00
Small Equipment	Four (4)		\$4,000.00
<b>TOTAL</b>	<b>Ten (10)</b>		<b>\$8,005.86</b>

**Funding applications have been assessed against the following eligibility criteria:**

**All applications must:**

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

**Ineligible Applications:**

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

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

**Assessment Criteria**

Applications will be assessed against a set of Assessment Criteria.

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

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

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

There were four (4) applications in this category for this round, requesting a total of \$3,005.86.

**Applicants:**

1. A local group of volunteers led by Marg Millington are looking after the upkeep of the **Nhill (Train) Station** surrounds and they seek funding of \$500.00 to assist with the beautification work on the ground surrounding the (train) station. To complete the project, they require materials to make garden beds, stones and plants for the north end of the station. The entire project cost is \$500.00.

As the group does not have a formal organisation status and is not an incorporated group the application is technically ineligible. However, because of the valuable work being undertaken to beautify the Nhill Train Station, the recommendation is to allocate \$500.00 towards this project, subject to:

- The Applicant providing evidence of consent from the landowner/manager to undertake the project; and
- Council receiving a notification from the Applicant that the project will be delivered under the auspice of an eligible organisation or group.

The local volunteer group is also affiliated with the Keep Australia Beautiful Council (Vic) Incorporated and is known as 'The Nhill Stationeers'. The KABC Inc could also act as the auspice organisation for the grant application.

**Assessment Score – 23/26**

- 2. Nhill Twilight Branch, CWA of Victoria** seeks funding of \$1,000.00 to assist with the construction of a new fence on the north side of the building due to its poor condition caused in part by its age, as well as the weight of vegetation from the neighbouring garden. To complete the project, they require the existing fence to be removed, the site cleaned up and construction of new fence posts and rails. The iron from the current fence will be re-used where possible. The entire project cost is \$2,950.00 and based on the application and the applicant's eligibility, the recommendation is to grant \$1,000.00 towards this project.

**Assessment Score – 25/26**

- 3. Rainbow Learning Group and Neighborhood House Inc.** seeks funding of \$505.86 to assist with updating and printing 1,200 Rainbow mural brochures which are currently not maintained nor have been re-printed recently. The brochures are a guide for residents and tourists to the location of murals, information about the artists and historical information about Rainbow and its sights. The entire project cost is \$505.86. Based on the application and the association's eligibility, the recommendation is to grant \$505.86 towards this project.

**Assessment Score – 22/26**

- 4. Rainbow Progress Association Inc.** seeks funding of \$1,000.00 to assist with the Rainbow 2050 Project which aims to engage the Rainbow Community in a series of activities aimed at understanding and shaping the future of their town over the coming decades. The entire project cost is \$6,500.00. Based on the application and the association's eligibility, the recommendation is to grant \$1,000.00 towards this project.

**Assessment Score – 24/26**

**Event Sponsorship: up to \$500.00 to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit.**

There was two (2) application with a total funding request of **\$1,000.00**

#### **Applicants:**

- 1. Jeparit Agricultural and Pastoral Society Inc.** seeks funding of \$500 towards the annual Jeparit Agricultural Show. The show has been running for 126 years and Jeparit Agricultural and Pastoral Society Inc. would like to make the show inclusive and affordable for all community members by making activities and entertainment free to the community. The total cost for this project will be \$10,172.50. Based on

the application and assessment of eligibility the recommendation is to grant \$500.00 towards this event.

**Assessment Score – 25/26**

- 2. The Oasis, Rainbow** seeks funding of \$500.00 towards a movie night at The Oasis in Rainbow. They would like to screen the classic movie ‘The Blues Brothers’ as it celebrates music. The total cost for this project will be \$535.00. Based on the application and assessment of eligibility the recommendation is to grant \$500.00 towards this event.

**Assessment Score – 25/26**

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

There were four (4) applications for this category with a total funding request of \$4,000.00.

**Applicants:**

- 1. Nhill and District Sporting Club** seeks funding of \$1,000.00 towards the purchase of a new lawn mower for Davis Park as the current mower is no longer fit for purpose. This equipment will be used to provide a suitable and safe playing field for football, hockey and cricket at Davis Park.

The total project cost is \$26,730. Nhill and District Sporting Club received funding of \$447.00 in the 2023 / 2024 Small Equipment category of the CAGs program. As the amount was below \$500.00, this application is deemed eligible in accordance with the guidelines. Based on the application and assessment of eligibility the recommendation is to grant \$1,000.00 to the Nhill and District Sporting Club, subject to the provision of an updated quote as the Marketplace quotation provided is no longer valid.

**Assessment Score – 26/26**

- 2. Rainbow Archive & Historical Society** seeks funding of \$1,000.00 towards the purchasing of a Ricoh ScanSnap SV600 scanner. The scanner will be used to scan archives of past editions of local newspapers as well as historical documents that need to be digitized to ensure their preservation. The entire cost for this project is \$1,140.00. Based on the application assessment of eligibility the recommendation is to grant \$1,000.00 towards this project.

**Assessment Score – 21/26**

- 3. Nhill A & P Society** seeks funding of \$1,000.00 towards the purchase of safety vests for committee members to wear during the annual show and other events at the showgrounds. Previously, it has been hard to recognise committee members and different volunteers when a community member may need assistance. The total cost for this project is \$997.50. Nhill A&P Society received funding of \$500.00 in the 2023 / 2024 Event Sponsorship category of the CAGs program and based on the eligibility criteria, this application is deemed eligible. Based on the application and meeting of eligibility criteria the recommendation is to grant \$997.50.



**Assessment Score – 22/26**

4. **The Combined Probus Club of Nhill** seeks funding of \$1,000.00 for the purchase of a laptop computer. The laptop will be used for the Club’s administrative purposes and to assist guest speakers at monthly meetings who wish to use PowerPoint presentations or any other requirement for information to be projected onto a screen. The total cost for this project is \$1,300.00. Based on the application and assessment of eligibility the recommendation is to grant \$1,000.00.

**Assessment Score – 22/26**

**Options:**

Council can choose to support some or all, partly or in full, or none of the applications to Round One of the Hindmarsh Shire Council Community Action Grants 2024/2025.

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

<b>Applicant</b>	<b>Amount Requested</b>	<b>Total Project Cost</b>	<b>Recommended Allocation</b>
<b>Community Assistance - \$3,005.86</b>			
Nhill (Train) Station	\$500.00	\$500.00	\$500.00
Nhill Twilight Branch, CWA of Victoria	\$1,000.00	\$2,950.00	\$1,000.00
Rainbow Learning Group and Neighbourhood House Inc.	\$505.86	\$505.86	\$505.86
Rainbow Progress Association Inc	\$1,000.00	\$6,500.00	\$1,000.00
<b>TOTAL</b>	<b>\$3,005.86</b>	<b>\$10,455.86</b>	<b>\$3,005.86</b>
<b>Event Sponsorship - \$1,000.00</b>			
Jeparit Agricultural and Pastoral Society Inc.	\$500.00	\$10,172.50	\$500.00
The Oasis Rainbow	\$500.00	\$535.00	\$500.00
<b>TOTAL</b>	<b>\$1,000.00</b>	<b>\$10,707.50</b>	<b>\$1,000.00</b>
<b>Small Equipment - \$4,000.00</b>			
Nhill and District Sporting Club	\$1,000.00	\$26,730.00	\$1,000.00
Rainbow Archive & Historical Society	\$1,000.00	\$1,140.00	\$1,000.00
Nhill A & P Society Inc.	\$1,000.00	\$997.50	\$997.50
The Combined Probus Club of Nhill	\$1,000.00	\$1,300.00	\$1,000.00

<b>TOTAL</b>	<b>\$4,000.00</b>	<b>\$30,167.50</b>	<b>\$3,997.50</b>
<b>FULL TOTAL</b>	<b>\$8,005.85</b>	<b>\$51,330.86</b>	<b>\$8,003.36</b>

**Link to Council Plan:**

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

**Strategic Objectives:**

**Theme One - Our Community**

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

**Theme Two – Built and Natural Environment**

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

**Theme Three – Competitive and Innovative Economy**

- Develop and promote local tourism opportunities that attract visitation

**Financial Implications:**

Council has allocated \$20,000.00 to the Community Action Grants Program for the 2024/2025 financial year.

**Risk Management Implications:**

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

**Community engagement:**

Round One of the 2024/2025 Community Action Grants Program was promoted through direct emailing to community groups; media releases on Council’s website and local media;

advertisements in local media; promotion on Council's website as well as Facebook promotions on Council's Facebook page.

**Gender equality implications:**

This decision images specific community organisations rather than the 'general public,' so it has been determined that due to the lack of direct and significant impact on the community, no gender impact assessment is required.

**Conflict of Interest:**

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

**Author** – Nan Da San Bleh Dah, Community Development and Youth Officer

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

**Officer Responsible** – Monica Revell, Chief Executive Officer

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

**Communications Strategy:**

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

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

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

**RECOMMENDATION:**

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

***Community Assistance***

- 1. A grant of \$500.00 – Nhill (Train) Station (based on auspice organisation endorsement)***
- 2. A grant of \$1,000.00 – Nhill Twilight Branch, CWA of Victoria***
- 3. A grant of \$505.86 – Rainbow Learning Group and Neighbourhood House***
- 4. A grant of \$1,000.00 – Rainbow Progress Association Inc.***

***Event Sponsorship***

- 1. A grant of \$500.00 – Jeparit Agricultural and Pastoral Society Inc.***
- 2. A grant of \$500.00 – The Rainbow Oasis***

***Small Equipment***

1. **A grant of \$1,000.00 – Nhill and District Sporting Club (subject to the provision of a valid quote)**
  2. **A grant of \$1,000.00 – Rainbow Archive & Historical Society**
  3. **A grant of \$997.50 – Nhill A & P Society Inc**
  4. **A grant of \$1,000.00 – The Combined Probus Club of Nhill**
- TOTAL RECOMMENDED FUNDING ALLOCATED: \$8,003.36**

**MOVED: CRS D Nelson/M Albrecht**

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

**Community Assistance**

1. **A grant of \$500.00 – Nhill (Train) Station (based on auspice organisation endorsement)**
2. **A grant of \$1,000.00 – Nhill Twilight Branch, CWA of Victoria**
3. **A grant of \$505.86 – Rainbow Learning Group and Neighbourhood House**
4. **A grant of \$1,000.00 – Rainbow Progress Association Inc.**

**Event Sponsorship**

1. **A grant of \$500.00 – Jeparit Agricultural and Pastoral Society Inc.**
2. **A grant of \$500.00 – The Rainbow Oasis**

**Small Equipment**

1. **A grant of \$1,000.00 – Rainbow Archive & Historical Society**
2. **A grant of \$997.50 – Nhill A & P Society Inc**
3. **A grant of \$1,000.00 – The Combined Probus Club of Nhill**

**TOTAL RECOMMENDED FUNDING ALLOCATED: \$7,003.36**

**CARRIED**

**Attachment Numbers: 12 – 13 (Confidential Attachment – 12)**

Cr Nelson declared a general conflict of interest in Steampunk Festival and left the room at 3:59pm.

Cr Albrecht declared a general conflict of interest in Piggery Lane Players.

**MOVED: Cr Albrecht/Gersch**

***That the Steampunk Festival application be dealt with in a separate motion to the Rainbow Rises Event Association and Piggery Lane Players.***

**CARRIED**

## **10.9 HINDMARSH SHIRE COUNCIL REGIONAL COMMUNITY EVENTS GRANTS 2024/2025**

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

**Attachment Number:** 14 – 15 (*Confidential Attachment – 14*)

### **Introduction:**

This report seeks Council approval to provide funding through the 2024/2025 Regional Community Events grants program to eligible community organisations and groups.

### **Discussion:**

The Regional Community Events (RCE) grants program has been established to support community organisations and groups with funding for events that bring economic benefit to Hindmarsh Shire. The aim of this funding is to support community events that celebrate culture, heritage and community wellbeing, boost the economy and increase visitation to Hindmarsh Shire. Total annual funding of \$30,000.00 has been allocated, with grant recipients able to apply for funding of up to \$7,500.00 (made up of cash and in-kind determined by Council) for their event if they meet the eligibility and selection criteria.

The 2024/2025 RCE grants implemented a tiered funding system to reflect the visitation levels of the event and subsequent value to the visitor economy:

When considering funding, the following tiers will provide guidance:

- Tier 1: \$2000 for events expecting up to 500 attendees.
- Tier 2: \$4000 for events expecting up to 1500 attendees.
- Tier 3: \$7500 for events expecting over 1500 attendees.

*Extract from 2024-25 Regional Community Events Grant Guidelines*

In consideration of whether an application under this program falls within tier 1, 2 or 3, Council officers assess information regarding previous attendee levels (for existing/recurring events) and/or any information provided that evidences the validity of attendee estimates.

An applicant may apply for a level of funding associated with a particular tier, but the Officer review may result in the recommendation reflecting an alternative tier.

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

Council received three (3) applications requesting cumulative funding of \$19,000.00. The recommendation is to award funds of \$13,500.00 in this round and open a second round in December 2024.

Community Group / Organisation	Event	Funding Sought	Total Event Budget
Dimboola Arts Inc	Steampunk Festival	\$7,500.00	\$13,000.00*
Rainbow Rises Events Association	ARB 480 Enduro	\$7,500.00	\$9,000.00**
Piggery Lane Players	2024 stage production	\$4,000.00	\$7564.00
<b>Total:</b>		<b>\$19,000.00</b>	<b>\$29,564.00</b>

\*Budget for element of event relating to grant, not total event budget

\*\*Does not include specific race related budget from VORRA

**Funding applications have been assessed against the following eligibility criteria:**

***All applications must:***

- Be holding the event within Hindmarsh Shire and supported by a committee/organisation based within Hindmarsh Shire.
- Have relevant followed and obtained any relevant permit processes/liquor licences and comply with all relevant regulations and Council requirements.
- Be an incorporated not for profit organisation based in Hindmarsh Shire.
- Have public liability insurance and complete a risk assessment for the event seeking funding.
- Be an event open to the public, and also be inclusive and accessible for everyone.

***Ineligible applications:***

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

- Any organisation that is not located within Hindmarsh Shire or supported by a committee/organisation based within Hindmarsh Shire.
- Any organisation owing money to Council.
- Private events and functions.
- Events which exclude parts of the community.
- Government bodies and subsidiaries (e.g. parents and friends).
- Events which have been held/completed (retrospective funding is not available).
- Events taking place outside Hindmarsh Shire.

- Anyone who has received council funding/regional community events grant funding in the same financial year.

**Assessment Criteria:**

Applications were assessed against the following assessment criteria:

- Events which will actively promote Hindmarsh Shire and deliver community and/or tourism, visitor and economic outcomes (20% weighting).
- Demonstrate how your event will be a significant attraction for interstate and intrastate visitors (20% weighting).
- Demonstrate how the event will be self-funding in three to five years (20% weighting).
- How will this event encourage partnerships and collaborations between groups and businesses within Hindmarsh Shire (10% weighting).
- Please provide evidence of community support and community engagement (10% weighting).
- How will your event celebrate cultural, heritage, and community wellbeing (10% weighting).
- Demonstrate how you will capture visitor number statistics (10% weighting).
- Will there be any co-contribution by your organisation? Will this event still go ahead without this funding.

Applicants were also asked to submit a detailed Event Management Plan and detailed Budget.

Out of a possible total score of 60, the event applications returned the following scores:

- Steampunk Festival = 57
- Rainbow Rises Events Association = 48
- Piggery Lane Players = 40

***Dimboola Arts Inc. - 2025 Wimmera Steampunk Festival***

\$7,500.00 has been requested from Dimboola Arts Inc. to fund circus performers who will provide entertainment at the 2025 Steampunk Festival. The 2025 theme is 'The Carnival of Peculiarities', where Cirque du Soleil meets a fantastical 19<sup>th</sup> century Dimboola. Lights, sounds, circus performers and an array of activities entertain visitors from all over Australia. The event has become a significant attraction, with almost 2,000 tickets sold for the Wimmera Steampunk Festival 2023.

The application from Dimboola Arts Inc. scored 57 out of a possible 60. The application was clear and detailed, with strong responses for all criteria that drew on examples from previous Steampunk events to evidence event success and sustainability. All application requirements and documentation were submitted.

Given the scope of the event and the request for assistance from Council in terms of traffic management and coordination, the Officer recommendation is to provide \$6,000 cash and

\$1,500 reserved for in-kind contributions from Council to support the event. The balance of any unexpended in-kind contribution will be provided to Dimboola Arts Inc. on completion of the event.

***Rainbow Rises Events Association – 2025 ARB 480 Desert Enduro***

Rainbow Rises Events Association have applied for \$7,500.00 to support the delivery of the 2025 ARB 480 Desert Enduro.

The Rainbow Desert Enduro Off-Road race for buggies and cars was first planned and subsequently held in August 2017. Despite the 2017 Rainbow Desert Enduro being the first event, organisers were able to secure national championship status, hosting Victoria's round of the BF Goodrich Australian Off-Road Championship. The event has become an annual event, although the 2021 was cancelled due to the COVID-19 pandemic. It continues to attract spectators, competitors including drivers, co-drivers and support crews from across Australia.

The application received scored 48 out of a possible 60, with answers drawing on learnings and successes from previous events. The presented budget and funding spend was limited in detail and clarity. Given the complexity of the event and the early stages of planning, updated budget detail will be requested as event expenditure details become clearer.

The application was missing some critical details and documentation, including –

- Clear methodology for capturing visitor data;
- Comprehensive budget and expenditure breakdown with supporting documentation, including an allocation for contingencies relating to permits (Council and external);
- Evidence of application for a Council Local Laws Events Permit.

Given the proximity to Caretaker Period, the recommendation accounts for these requirements and gives Council the opportunity to award the funding subject to clear conditions regarding the provision of supporting information and documentation. Council staff are also assisting the Rainbow Rises Events Association by providing a clear checklist of all legal, cultural, Planning and Local Laws requirements needed to be met to run the event that is the subject of this application.

Documentation from the event in 2023 note that up to 1000 attendees were expected to attend and evidence has not been provided that indicates planning for 1,500 attendees. As a result, it is the Officer's recommendation that this be considered as a Teir 2 event, eligible for \$4,000.00 in funding.

On consideration of the application, it is the Officer recommendation that funding of \$2,000.00 cash and \$2,000.00 of in-kind contributions from Council be allocated subject to the following conditions:



- The Events Permit application (Local Laws) is submitted by 15 September 2024, or at a later date as negotiated and approved by an Authorised Officer.
- Written confirmation from the applicant that the request is for both:
  - *in-kind contributions* from Council, including Council Permit application and processing costs (Planning Permit and Local Laws Events Permit\*); and
  - *expenditure* relating to media and promotion in accordance with the quote provided.
- Written advice is provided from the applicant regarding an effective methodology for capturing visitor numbers at the event; and
- Written confirmation from that applicant that in-kind costs must be costs that will be those genuinely incurred by the applicant, rather than another stakeholder or organisation associated with the event (i.e. Council permits intended to be included in the in-kind component of the allocated funding, must be applied for and under the name of the applicant).

\*The Traffic Management Plan will not be included and must be completed by the Rainbow Rises Events Association and provided as part of Council's permit applications as required.

### ***Piggery Lane Players 2024 Stage Production***

Piggery Lane Players are a long-established Nhill amateur theatre group. Their annual stage productions bring together the Nhill and surrounding communities for entertaining pantomimes. The event also attracts visiting family and friends of cast and crew providing an attraction, if somewhat limited, to intra and interstate visitors. This event application seeks \$4,000.00 to assist with set designs, costumes, marketing and promotion and travel costs.

The application received from Piggery Lane Players scored a total of 40 out of a possible 60. Their stage productions are an important event for Nhill and the broader local community. These events have significant local support and promote community pride and wellbeing, as well as present an opportunity to nurture and showcase local talent. Visitor number statistics are collected by it being a ticketed event, both online and at the door.

It is noted that a Risk Management Plan was not attached and the submitted budget lacks some clarity, however these issues will be worked through with the applicant as the event planning process continues.

The scope of this event in a regional sense is limited, however it does attract some visiting family and friends, has strong community engagement and support, and has displayed recent growth and potential for continued growth. Based on this, it is the Officer's recommendation that this event be considered as a tier 1 event eligible for \$2,000.00 in funding, and be allocated \$1,500.00 cash and \$500.00 in-kind for NMCC hire through the RCE grant program subject to the provision of the Risk Management Plan and the submission of a comprehensive budget by 15 September 2024 or as negotiated and approved by an Authorised Officer.

The balance of any unexpended in-kind contribution will be provided to Piggery Lane Players on completion of the event.

**Application Summary:**

<b>Community Group / Organisation</b>	<b>Amount Requested</b>	<b>Total Event Budget</b>	<b>Recommended Allocation</b>
Steampunk festival	\$7,500.00	\$13,000.00	\$7,500.00
Rainbow Rises Events Committee	\$7,500.00	\$9,000.00	\$4,000.00
Piggery Lane Players	\$4,000.00	\$7,564.00	\$2,000.00
<b>Total:</b>	<b>\$19,000.00</b>	<b>\$29,564.00</b>	<b>\$13,500.00</b>

**Options:**

Council can choose to support some or all, partly or in full, or none, of the applications for funding through the Regional Community Events Grant program and may choose to make any alterations to the proposed conditions.

**Link to Council Plan:**

Develop and promote local tourism opportunities that attract visitation: Support community initiatives such as markets, pop up shops and appropriate events / activities

**Financial Implications:**

Council has allocated \$30,000 to the Regional Community Events grants for the 2024/2025 financial year. The recommended funding for this round will enable a second round with the remaining figure after round 1 being \$16,500.00.

**Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Community Needs	This program supports the establishment and sustainability of community events that promote visitation, enhance community wellbeing and economic investment across the Shire. This supports Council’s Economic Development Strategy as well as the Council Plan and Vision.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

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

**Gender equality implications:**

No gender impact assessment has been completed on the requests for funding. The event guidelines ensure the events promote inclusion and gender equality.

**Conflict of Interest:**

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

Officer Responsible – Petra Croot, Director Corporate and Community Services.

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

Author – Jeff Woodward, Tourism and Economic Development Officer.

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

**Communications Strategy:**

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

**Next Steps:**

As per communication Strategy. Additionally, Council Officers will draft correspondence that communicates the relevant conditions to applications.

**RECOMMENDATION:**

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

- 1. Dimboola Arts Inc - \$7,500.00 (cash \$6,000.00 in-kind \$1,500.00) to support the 2025 Steampunk event, with the balance of any unexpended in-kind contribution to be provided to Dimboola Arts Inc. on completion of the event;***
- 2. Rainbow Rises Event Association - \$4,000.00 (cash \$2,000.00 in-kind \$2,000.00) to support the 2025 ARB Rainbow Desert Enduro, subject to the following conditions;***
  - a. The Events Permit application (Local Laws) is submitted by 15 September 2024, or at a later date as negotiated and approved by an Authorised Officer.***
  - b. Written confirmation from the applicant that the request is for both:***
    - in-kind contributions from Council, including Council Permit application and processing costs (Planning Permit and Local Laws Events Permit); and***
    - expenditure relating to media and promotion in accordance with the quote provided.***
  - c. Written advice being provided from the applicant regarding an effective methodology for capturing visitor numbers at the event; and***

- d. **Written confirmation from that applicant that in-kind costs must be costs that will be those genuinely incurred by the applicant, rather than another stakeholder or organisation associated with the event**
- e. **Piggery Lane Players - \$2,000.00 (cash \$1,500.00 in-kind \$500.00) in support of the 2024 Stage Production subject the provision of the Risk Management Plan and the submission of a comprehensive budget by 15 September 2024 or at a later date as negotiated and approved by an Authorised Officer.**

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

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

1. **Dimboola Progress Association - \$7,500.00 (cash \$6,000.00 in-kind \$1,500.00) to support the 2025 Steampunk event, with the balance of any unexpended in-kind contribution to be provided to Dimboola Progress Association on completion of the event.**

**CARRIED**

Cr D Nelson returned to the room at 4:02pm.

Cr M Albrecht declared a conflict and left at 4:02pm.

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

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

1. **Rainbow Rises Event Association - \$4,000.00 (cash \$2,000.00 in-kind \$2,000.00) to support the 2025 ARB Rainbow Desert Enduro, subject to the following conditions;**
  - a) **The Events Permit application (Local Laws) is submitted by 15 September 2024, or at a later date as negotiated and approved by an Authorised Officer.**
  - b) **Written confirmation from the applicant that the request is for both:**
    - **in-kind contributions from Council, including Council Permit application and processing costs (Planning Permit and Local Laws Events Permit); and**
    - **expenditure relating to media and promotion in accordance with the quote provided.**
  - c) **Written advice being provided from the applicant regarding an effective methodology for capturing visitor numbers at the event; and**
  - d) **Written confirmation from that applicant that in-kind costs must be costs that will be those genuinely incurred by the applicant, rather than another**

*stakeholder or organisation associated with the event*

- 2. Piggery Lane Players - \$2,000.00 (cash \$1,500.00 in-kind \$500.00) in support of the 2024 Stage Production subject the provision of the Risk Management Plan and the submission of a comprehensive budget by 15 September 2024 or at a later date as negotiated and approved by an Authorised Officer.**

**CARRIED**

Attachment Numbers: 14 – 15 (Confidential Attachment: 14)

Cr M Albrecht returned to the room at 4:06pm.

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Cr D Nelson declared a general conflict of interest and left the room at 4:06pm.

**10.10 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM  
2024/2025 ROUND ONE**

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

**Attachment:** 16 – 18 (*Confidential Attachment – 16*)

**Introduction:**

This report seeks approval from Council to provide funding through Round One of the Business Assistance Grants 2024/25 program to eligible businesses as outlined in the following report.

**Discussion:**

The Business Assistance Grants program (BAGs) was established in July 2016 to support local business to expand their operations or for new businesses, large and small, to establish themselves in the Shire. BAGs help offset costs associated with expanding or establishing a business in Hindmarsh Shire to ensure the ongoing sustainability and viability of our local economy.

Council has allocated \$20,000 towards the 2024/25 Business Assistance Grants program in the 2024/2025 Annual Budget.

This has been split into 2 categories:

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

Applications for this Round of the Business Assistance Grants Program closed at 5.00pm on Friday 9 August 2024. 10 applications were received for funding totalling \$17,876.40.

<b>Category</b>	<b>Number of Applicants</b>	<b>Funding Available</b>	<b>Total Amount Requested</b>
Business Development	3	<b>\$20,000.00</b>	\$5,679.00
Streetscapes	7		\$12,197.40
<b>TOTAL</b>	<b>10</b>		<b>\$17,876.40</b>

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

***All applications must:***

- Have a registered ABN,
- Provide evidence that the business is currently operating in the Hindmarsh Shire (for businesses relocating to Hindmarsh provide evidence of premises relocating too),
- Demonstrate an economic benefit and value for money,
- The project will result in the creation and / or retention of employment,

- Demonstrate a financial viability of the business,
- Submit only one application per business/property owner,
- Obtain written consent from property/building owner for any structural alterations,
- Only be applying for one category per funding round, and
- Obtain all relevant permits from Council / other authorities as required.

***Ineligible Applications***

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

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

**Assessment Criteria**

Applications have been assessed against a set of Assessment Criteria:

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

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

This grant supports the establishment of new and innovative businesses that increase the diversity of the Shire’s business community.

***Applications:***

There were three applications under the Business Development in this round of Business Assistance Grants. Full applications are provided as an attachment to this report.

**Applications:**

<i>Applicant</i>	<i>Requested Amount</i>	<i>Description</i>
Big Bertha	\$2,000.00	Fridges for coffee & food van
Cat Clarke	\$2,000.00	Outfitting of new kitchen and dining area for catering business
Partners in Ag	\$1,679.00	Costs associated with Partners in Ag conference attendance.
<b>Subtotal</b>	<b>\$5,679.00</b>	

**Streetscapes: up to \$3,000 (business must match \$1: \$2 to grant)**

This grant is open to existing businesses to improve the exterior façade of their building (must have property owners’ approval). There were seven applications for Streetscapes in this round of Business Assistance Grants. Full applications are provided as an attachment to this report.

**Applications:**

<i>Applicant</i>	<i>Requested Amount</i>	<i>Description</i>
K'nyaw Asian grocery	\$631.40	New business sign
Hayden’s Café	\$3,000.00	Front facia upgrade and outdoor dining area
Lots of Laughter coffee van	\$600.00	Purchase of gazebo for front of coffee van
Lowana	\$2,170.00	New sign for facia
Nhill Thai Massage	\$1,346.00	Signage
Rainbow Sweets	\$1,400.00	Signage and a-frame
Turbo Gallery	\$3,000.00	Establishment of a sculpture garden
<b>Subtotal</b>	<b>\$12,197.40</b>	



**Applications Summary:**

<b>Applicant</b>	<b>Amount Requested</b>	<b>Total Project Cost</b>	<b>Recommended Allocation</b>
Big Bertha Coffee Van	\$2,000.00	\$2,997.00	\$1,998.00
Cat Clarke Catering	\$2,000.00	\$3,000.00	\$2,000.00
Partners in Ag	\$1,679.00	\$2,524.00	\$1,679.00
K'nyaw Asian grocery	\$631.40	\$1,262.80	\$631.40
Hayden's Café	\$3,000.00	\$5,076.21	\$3,000.00
Lots of Laughter coffee van	\$600.00	\$899.00	\$599.35
Lowana	\$2,170.00	\$3,340.00	\$2,170.00
Nhill Thai Massage	\$1,346.00	\$2,020.00	\$1,346.00
Rainbow Sweets	\$1,400.00	\$2,174.00	\$1,400.00
Turbo Gallery	\$3,000.00	\$4,502.00	\$3,000.00
<b>TOTAL</b>			<b>\$17,823.75</b>

**Options**

Council can choose to support some or all, partly or in full, or none of the applications to the Hindmarsh Shire Council Business Assistance Grants **2024/2025**.

Successful applicants would be required to complete their projects and acquit the funds received by **30 June 2025**.

**Link to Council Plan:**

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

**Financial Implications:**

Total funding available for 2024/2025 Business Assistance Grants Round 1 is \$20,000. This is made up of the 2024/2025 budget allocation of \$20,000 for both Round 1 and Round 2. If allocated in accordance with the recommendation, the remaining funds for a second round will be \$2,176.25. Council officers will give consideration to the viability of running a second round given the remaining allocation and will discuss options with Councillors prior to the scheduled commencement of Round 2.

**Risk Management Implications:**

<b>Strategic Risk Description</b>	<b>Risk Management Discussion</b>
Financial Sustainability	Business Assistance Grants support the economic sustainability of our community through promoting development and growth in new and existing businesses. The grants program requires in-kind support which means that there is an investment and commitment from the business owner, supporting the sustainability of whatever progress is made. Economic development benefits the Shire through increased visitation, employment, supporting population growth and ensuring the economic prosperity of the community.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

The Business Assistance Grants 2024/2025 program has been widely publicised through media releases, social media and Council’s website.

**Gender equality implications:**

No gender impact assessment is required as the decision impacts particular businesses rather than having a direct and significant impact on the broader community.

**Conflict of Interest:**

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

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

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

Author – Mark Fletcher, Manager Economic Development and Tourism.

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

**Communications Strategy:**

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

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

### **Next Steps**

Applicants will be informed of the outcome of their application and provided support on the delivery and acquittal of their funded project. Successful applicants will also be publicised across Council's media platforms.

### **RECOMMENDATION:**

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

**1. Business Development**

- ***Big Bertha Coffee Van: \$1,998.00***
- ***Cat Clarke Catering: \$2,000.00***
- ***Partners in Ag: \$1,679.00 and;***

**2. Streetscapes**

- ***K'nyaw Asian Grocery Store: \$631.40***
- ***Hayden's Café: \$3,000.00***
- ***Lots of Laughter Coffee Van: \$599.35***
- ***Lowana: \$2,170.00***
- ***Nhill Thai Massage: \$1,346.00***
- ***Rainbow Sweets: \$1,400.00***
- ***Turbo Gallery: \$3,000.00***

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

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

**1. Business Development**

- ***Big Bertha Coffee Van: \$1,998.00***
- ***Cat Clarke Catering: \$2,000.00***
- ***Partners in Ag: \$1,679.00 and;***

**2. Streetscapes**

- ***K'nyaw Asian Grocery Store: \$631.40***
- ***Hayden's Café: \$3,000.00***
- ***Lots of Laughter Coffee Van: \$599.35***
- ***Lowana: \$2,170.00***
- ***Nhill Thai Massage: \$1,346.00***
- ***Rainbow Sweets: \$1,400.00***
- ***Turbo Gallery: \$3,000.00***

### **CARRIED**

***Attachment Numbers: 16 – 17 (Confidential Attachment – 16)***

Cr D Nelson returned to the room at 4:10pm.

## 10.11 RISK MANAGEMENT FRAMEWORK, RISK MANAGEMENT POLICY AND RISK APPETITE AND TOLERANCE STATEMENT

**Responsible Officer:** Director Corporate & Community Services  
**Attachment Number:** 18 – 20

### **Introduction:**

This report presents the Risk Management Framework, Risk Management Policy and Risk Appetite and Tolerance Statement, recommended for Council adoption.

### **Discussion:**

#### *Background*

The three documents presented in this report were presented to Council on 24 July 2024 and endorsed for a period of public consultation from 25 July 2024 to 5pm 15 August 2024, in accordance with Council's Community Engagement Policy.

#### Risk Management Framework

The purpose of this Risk Management Framework (Framework) is to outline how Council will implement the process for incorporating organisational risk into Council's overall governance, strategy and planning, management, reporting processes, policies, values and culture. The Framework also expresses Council's overall commitment to developing and maintaining effective risk management strategies.

The framework can be used throughout the life of the organisation and can be applied to any activity, including decision making, at all levels.

The changes to the Risk Management Framework under consideration during the consultation period included:

- Inclusion of the three lines of defence model;
- Updated responsibilities in line with policy and framework requirements;
- Reference to new Risk Appetite and Tolerance Statement;
- Updated response requirements for risk rating levels;
- Inclusion of reporting schedules;
- Inclusion of risk management maturity model;
- Inclusion of training requirements.

No formal submissions regarding the Risk Management Framework were received and no alterations have been made to the document.

#### Risk Management Policy

The purpose of the Risk Management Policy is to clearly document Hindmarsh Shire Council's approach to establishing and maintaining effective risk management culture across the organisation in accordance with the *Local Government Act 2020* and the

principles and Guidelines set out in the International Risk Management Standard AS ISO 31000:2018.

Key changes to the Risk Management Policy that were under consideration during the consultation period included:

- Introducing and embedding the three lines of defence model;
- Updating the wording of the definition of 'Risk' to improve clarity;
- Minimising the inclusion of large bodies of text that are directly copied from a relevant source of truth (i.e. legislation or ISO);
- Defining clear responsibilities.

No formal submissions regarding the Risk Management Policy were received and no alterations have been made to the document.

#### Risk Appetite and Tolerance Statement

Council Officers developed a Risk Appetite and Tolerance Statement (the Statement) that describes how much risk Council is willing to accept in pursuit of our Strategic goals. The Statement has been developed in consideration of risk appetites adopted by organisations within the Local Government sector and has been contextualised to Council's unique risk, financial and resource landscape. If adopted, Council officers will need to review and update our risk matrix to align with the Statement. Additional operational processes will also be created to ensure the tolerance limits are reflected in service delivery, corporate governance and the broader operational environment.

No formal submissions regarding the Risk Appetite and Tolerance Statement and no alterations have been made to the document.

#### **Options:**

Council can choose to adopt, amend before adopting, or to not adopt, any or all of the following documents:

- Risk Management Policy
- Risk Management Framework
- Risk Appetite and Tolerance Statement

If choosing not to adopt, the current Risk Management Policy and Risk Management Framework will be retained unless otherwise revoked or amended.

#### **Link to Council Plan:**

Strong governance practices.

#### **Financial Implications:**

Council is responsible for ensuring that adequate budget is allocated to deliver on risk management obligations and activities. The addition of training requirements will mean that

costs are drawn from the existing 24/25 staff training budget allocation, which will continue to be reviewed each financial year.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Governance	Strong risk management policies and procedures ensure effective management and mitigation of Council’s risk environment. These documents ensure that Council is meeting its risk management obligations as a government entity, but also that it is best position to deliver on Council plans, strategies and services by reducing potential liabilities and adverse outcomes.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Council undertook engagement activities in line with the Community Engagement Policy for the Risk Management Framework, Risk Management Policy and Risk Appetite and Tolerance Statement. Although no submissions were received there were fourteen visits to these documents during this period of engagement.

**Gender equality implications:**

These policies have an indirect impact on the public and the impact has been determined to not be significant enough to warrant a GIA under the *Gender Equality Act 2020*. The primary focus of policies is Council and Councillors rather than the public.

**Conflict of Interest:**

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

Officer Responsible – Petra Croot, Director Corporate and Community Services

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

Author – Janelle Reichelt, Manager People and Performance

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

**Communications Strategy:**

If adopted, the documents will be published on Council’s website, made available to Councillors via Sharepoint and the community will be notified via social media, Have Your Say Hindmarsh and Council’s newsletters.

**Next Steps:**

As above.

**RECOMMENDATION:**

***That Council adopts***

- 1. the Risk Management Policy;***
- 2. the Risk Management Framework; and***
- 3. the Risk Appetite and Tolerance Statement.***

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

***That Council adopts***

- 1. the Risk Management Policy;***
- 2. the Risk Management Framework; and***
- 3. the Risk Appetite and Tolerance Statement.***

**CARRIED**

*Attachment Numbers: 18 – 20*

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## 10.12 FAIR ACCESS POLICY ACTION PLAN

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

**Attachment Number:** 21

### **Introduction:**

This report presents the Fair Access Policy Action Plan, recommended for adoption following the completed period of community engagement from 25 July 2024 to 5pm on 15 August 2024.

### **Discussion:**

The draft Fair Access Policy Action Plan was endorsed by Council for a period of community engagement at the Council meeting held on 24 July 2024. The Action Plan complements the Fair Access components of Council's adopted Sports and Recreation Reserves Allocation, Use and Fair Access Policy (the Policy) that was adopted on 26 June 2024 and reflects the Fair Access Policy Roadmap, introduced by the Office for Women in Sport and Recreation in 2022.

The Fair Access Policy Roadmap aims to develop a statewide foundation to improve the access to, and use of, community sports infrastructure for women and girls. Local Councils were required to have this Policy (or equivalent) in place by 1 July – 1 October 2024. Council must also have an Action Plan to achieve the objectives of the Policy and the Fair Access Policy Roadmap. The Action Plan is built around the Fair Access Principles and is designed to meet the context of our sports and recreation clubs, opportunities and facilities.

The draft Fair Access Policy Action Plan was made available for inspection on Council's Have Your Say Hindmarsh community engagement portal as well as at Customer Service Centres and Libraries. While several people visited the Have Your Say Hindmarsh page and downloaded the draft Action Plan, no formal submissions were made.

Council has held BBQs at Dimboola and Southern Mallee Thunder (Rainbow) Football Netball Clubs and have received no formal responses from the Club in relation to the discussed Action Plan. A further sponsored BBQ will be held at Nhill and District Sporting Club on Thursday 22 August 2024, any feedback provided at that event will be made available to Council for consideration on 28 August 2024.

### **Options:**

Council can choose to adopt the Fair Access Policy Action Plan as per the recommendation, amend the Action Plan prior to adoption or not adopt the Fair Access Policy Action Plan.

### **Link to Council Plan:**

A community well-informed and engaged

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



Gender equity, respect and leadership.

**Financial Implications:**

NIL

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Community Needs	<p>The Sport and Recreation Reserves Allocation, Use and Fair Access Policy and Fair Access Policy Action Plan are designed to meet community needs for the use of Council facilities in a fair and equitable way. The principles of Fair Access are built into the policy and plan to support equal participation in all components of community sport for women and girls.</p> <p>If Council chooses to not adopt the Fair Access Policy Action Plan, Council may not be eligible for future sports infrastructure funding opportunities and will not be supporting local community clubs in ensuring their eligibility either.</p>

**Relevant legislation:**

*Gender Equality Act 2020*

**Community engagement:**

Council undertook engagement activities in line with the Community Engagement Policy for the Fair Access Policy Action Plan as detailed in the body of the report.

**Gender equality implications:**

A Gender Impact Assessment was undertaken for the Sports and Recreation Reserves Allocation, Use and Fair Access Policy and ongoing GIAs are required as part of the Policy and proposed Action Plan.

**Conflict of Interest:**

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

Officer Responsible – Petra Croot, Director Corporate and Community Services

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

Author – Phil King, Manager Community Wellbeing

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

**Communications Strategy:**

The Fair Access Policy Action Plan will be published on Council's website and the community will be notified via social media and Council's newsletters. Sporting clubs will be contacted individually by Council's Coordinator Sports and Recreation to discuss implementation of the plan over the coming years.

**Next Steps:**

Council Officers will commence delivery of the Action Plan and provide Council with scheduled updates on progress and key actions.

**RECOMMENDATION:**

***That Council adopts the Fair Access Policy Action Plan.***

**MOVED: CRS M Albrecht/D Nelson**

***That Council adopts the Fair Access Policy Action Plan.***

**CARRIED**

*Attachment Number: 21*

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**10.13 DRAFT CLIMATE ADAPTION STRATEGY**

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

**Attachment Number:** 22

**Introduction:**

This report presents the Climate Adaptation Strategy (**Strategy**) and recommends Council adopt the Strategy.

**Discussion:**

This Strategy presents a refresh of Hindmarsh Shire’s Climate Adaptation Strategy (2012) by summarising recent and long-term climate trends and the accepted outlook for future climatic changes. It presents practical strategies and actions for which Council can make a meaningful contribution in offsetting potential adverse impacts from climate change and severe climate events.

The Strategy was presented to Council on 24 July 2024 and endorsed for a period of consultation for the period 25 July 2024 to 5pm on 15 August 2024. This report details the outcome of the engagement and resultant changes to the Strategy.

Details and outcomes of the engagement during consultation period from 25 July 2024 to 15 August 2024 are as follows:

<b>Drop-In Sessions</b>		
Total attendees – 10		
The drop-in sessions enabled general discussion around the Strategy and the opportunity for community members to ask questions. In general, the majority of attendees supported the document, with specific questions, concerns and ideas that impact the construction of the Strategy and the Actions detailed below.		
	<b>Feedback</b>	<b>Officer Response</b>
1	<ul style="list-style-type: none"> <li>- I do not believe in climate change.</li> <li>- I don’t think that the data provided in the Strategy is a large enough sample period in the scheme of things to provide an overview to base conclusions and actions on.</li> <li>- I see an issue with the contention that Council is “Leading by Example,” for example, watering the gardens in Rainbow frequently results in water wastage due to run off on the road.</li> <li>- The Federal Government is focusing on renewables, and I would hate to see Council going down that path. Council should not base the entire budget on climate renewables and climate-related activities.</li> </ul>	<ul style="list-style-type: none"> <li>- Hindmarsh Shire Council has a responsibility under the Local Government Act 2020 to consider climate change in planning and decision-making. Whether people believe that the climate is changing from human induced effects or not, there can be no argument that Australia has variable climatic conditions which lead to floods, droughts, storms, frost and fires, and there is a need to plan for possible future events and the resultant impacts on our community. The actions in the Strategy promote efficient</li> </ul>

		<p>use of resources, preservation of the environment and the preparedness and resilience of our community for natural disasters.</p> <ul style="list-style-type: none"> <li>- The size of the data sets varies in accordance with the information available and uses both short term period (~20 years) and long-term trends (~100 years) to consider changes in weather patterns. Comprehensive data sets are available via the Bureau of Meteorology.</li> <li>- Council is committed to continuous improvement and effective and efficient use of natural resources. This issue has been reported and is being investigated by the Works and Operations team – an outcome will be reported to the submitter. The Strategy further commits Council to investigating methods of better utilising water sources for green public spaces.</li> <li>- Council’s budget is built around the principles of effective financial management, strategic asset renewal and development, and serving the diverse interests of our community through commitment to human resources, projects and services. Actions, such as advocating for renewable or sustainable energy or incorporating alternative energy sources in buildings and developments, will be rigorously assessed for alignment with Council’s community goals and long-term financial sustainability.</li> </ul>
2	<p><b>Other Discussion &amp; Responses</b></p>	
	<p><i>Jeparit Mechanics Workshop</i>                  The new workshop will capture water that will be stored in tanks and used in the lunchrooms, handbasins, showers and toilets.</p>	

*Administration of the Tree Strategy*

The Tree Strategy is a few years old, but it is still largely relevant, and staff still work from it. Tree replacement/planting is both scheduled and reactive – the Strategy has components within in that point towards species and areas, but there are also reactive works when residents want trees to replacements or if other issues arise with existing plants.

*Water Forum in Horsham*

Council normally has a representative in attendance and our team is in regular contact with reps from WCMA, GWM, Fisheries and Parks.

*Landcare Facilitator Role*

Part of this role will be looking at trees and revegetation of specific areas within Hindmarsh Shire Council.

*Examples of Trialling Cost-effective/Sustainable Road Materials/Processes*

Council has been using a mix of two different gravel types together (limestone and sandstone) on gravel road re-sheets. We were finding the limestone on its own was sometimes slippery, but we are always looking at ways to cost effectively improve standards. We have also been utilising stabilisation techniques (adding cement, slag lime) on some road pavements to improve strength and performance.

**Have Your Say Hindmarsh**

The Strategy was published on Have Your Say Hindmarsh for the period 25 July 2024 to 15 August 24. The Strategy was downloaded 13 times, with 23 total site visits. One submission to the survey was received and is detailed below.

	<b>Feedback</b>	<b>Officer Response</b>
3	<p>1. Figure 2.1 Ann Max temp. shows that temp was fairly stable until about 1960, when it started to rise more rapidly. It would be a mistake to believe that the increase in temps in the shire are increasing linearly over the last century, but rather much faster in the last 60 years.</p> <p>2. Heatwave conditions: clearly it can get very hot here. Research shows the benefits of trees and grass in lowering temps in their vicinity. These areas should be maximized in public places, and the community educated as to the value of larger trees. Both the health (mental and physical), and cooling benefits of large shade trees should be taken into account when considering tree removal. i.e. street trees in Jeparit...The Charles Street re-plant has been a complete disaster and choice of appropriate trees that will once again provide shade is important to mental and physical health of the community. Removal of large trees such as those in Roy street should be advertised in the community before removal is considered and again the environmental consequences considered.</p> <p>3. (1.4) Should include environmental water in addition to recreational. The EW is important to our attractiveness to tourists, improving habitat for our flora and fauna.</p>	<p>1. Noted, the linear trends denotes that during this period, the increase was 0.15 degrees per decade taking into account . Additional trend data is available via the Bureau of Meteorology.</p> <p>2. Council relies on the Tree Strategy and approved tree species list when determining what to plant. The Jeparit community provided priorities in the Strategy, including planning native varieties on Charles Street (bottlebrush has been selected) and that the Ash Trees on Charles Street were unsightly and impacting powerlines. With the infrastructure, plus the powerlines and relatively narrow nature strip, large shade trees aren't always possible to plant, as the roots and trunk can damage infrastructure, and branches grow into the powerlines creating maintenance issues. Even the relatively small bottlebrush may</p>

<p>4. (2.1) Consideration to increased resilience of our roads to high heat and high rainfall will improve the longevity of our roads leading to long term cost reductions.</p> <p>5. (2.5) any new building projects should include considerations for end of life recycling capacity of materials to contribute to the circular economy.</p> <p>6.(3.3) educate outdoor crews on tree/shrub care and selection including planting, watering regimes and pruning. Indigenous plants or natives should be used where possible, and consider increasing heat and decreasing rainfall in decision making.</p> <p>7.(4.2-3) include waste reduction, and recycling options, include end of life reclamation of materials. eg plastic containers, sheeting, binding, building materials.</p> <p>8. (4.7) Jeparit and Nhill should be included in microgrid investigation.</p> <p>9. Further, the wind farm at Kiata provides new income to the shire which could be used to improve our environmental sustainability by using these funds to add renewable energy and storage to our public buildings, and esp for our caravan parks to reduce our ongoing utility costs.</p>	<p>create some maintenance issues with the size, however the street value of trees is important and Council balances the priorities of shade, streetscape appeal, biodiversity and sustainability and existing and planned infrastructure.</p> <p>3. The reason for Action 1.4 is that Environmental water already has 'high priority' from the water authorities, but Recreational water doesn't. So, there is no need for new advocacy over environmental water.</p> <p>4. Action 2.1 amended to include "Consideration should be given to materials and methodologies that increase the resilience of the road network to severe weather events." The resilience, sustainability and cost of road construction and maintenance materials are regularly considered. Already, alternative and trail methodologies and materials have been used to increase the resilience and cost-effectiveness of roadworks across the Shire and are being evaluated for their effectiveness.</p> <p>5. 2.5 amended to include "...materials that, at end of life, can contribute to a circular economy through re-use or repurposing."</p> <p>6. Native plants should be used more frequently as they generally should be more suited to the climate. Council has limited resources to maintain gardens with regular mulching, fertilising, watering, pruning, however staff work to ensure maintenance to the highest standard that scheduling allows. Education is ongoing regarding pruning and trimming techniques, with recent training from DEECA regarding what is allowable for native vegetation trimming on roadsides.</p>
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7. 3.3 amended to include “Educate both Council and external outdoor employees on flora management, selection of appropriate trees/shrubs and the preference for planting Indigenous plants and those that are adaptive or resilience to predicted weather changes.”

8. The action to “assess renewable microgrids for Rainbow and Dimboola” isn’t really intended to rule out Nhill and Jeparit. We thought that this initiative is worth assessing within the Shire and the Rainbow and Dimboola communities were simply nominated as the first towns to be assessed. Any implementation would be on a staged basis (and will require major buy-in from local communities and businesses), in a couple of years (2026). By the time we get to that point, the technologies and viability of microgrids will undoubtedly be more advanced and if Hindmarsh towns are ready to participate, Nhill and Jeparit would logically be included in a staged assessment process and then implementation.

Action amended to “Assess renewable microgrids for Hindmarsh Shire towns Rainbow and Dimboola and, subject to the outcomes, consider investment in microgrid energy systems for any or all of Hindmarsh Shire’s four main towns.”

9. Currently, revenue from the windfarms feeds into Council’s operating budget and works to offset existing operational costs (including management of caravan parks). Future planning around renewable energy and sustainability initiatives, along with initiatives contained within the

		Strategy, will utilise operational budget (as allocated) and external funding opportunities.
<b>Formal Requests for Feedback</b>		
<p>Letters were sent to West Wimmera Health Service, Barengi Gadjin Land Council, Women’s Health Grampians, community Landcare groups across the Shire and Secondary Schools (Dimboola, Nhill &amp; Rainbow). The Hindmarsh Shire Youth Council also discussed their views on Climate Change and the impacts on young people.</p> <p>At the time of writing, responses were provided from Women’s Health Grampians and the Hindmarsh Shire Youth Council. These are provided and discussed below.</p>		
4	<p><b>Feedback</b></p> <p>Youth Council</p> <p><i>What do you think about climate change?</i> Confusing, not educated enough on it, not many people talk about it anymore, not much we can do about it anymore, hate it without knowing anything about it because of social media.</p> <p><i>What worries or concerns you when it comes to climate change?</i> Not doing much about it but we hear about it, economy over the environment, scared about animal extinction, Antarctica melting, affecting farms, concern about future.</p> <p><i>What do you want to see in your community when it comes to climate change?</i> We can do renewable energy, having community gardens, local garden club, town compost, compost station at the tip, planting things by the river to help the riverbank.</p> <p><i>How do you want to help design solutions and be a part of positive change?</i> How to be environmentally friendly TikToks – social media, spread awareness and practice sustainable ways, post educational things on social media like Instagram or TikTok for young people to learn.</p>	<p><b>Officer Response</b></p> <ul style="list-style-type: none"> <li>- Education and collaboration with young people, including schools and the Youth Council, now included as Action 5.9. Initiatives mentioned in the Youth Council responses will be investigated for implementation.</li> <li>- Action 3.3 amended to include “protect the sustainability of the Wimmera River through effective management of the riverbank and adjacent land.”</li> </ul>
5	<p><i>Women’s Health Grampians</i></p> <p>Page 9 - Table 2.1:</p> <ul style="list-style-type: none"> <li>• Community health is also affected by floods, fire / extreme fire risk and storms/hail and low rainfall</li> <li>• Built infrastructure, agriculture and recreational facilities are also affected by heatwaves</li> </ul> <p>Page 9 – Climate Change, Disaster and Gender</p> <ul style="list-style-type: none"> <li>• Positive to have a section on Climate Change, Gender and Disaster in the Strategy. The following information could be added to this section to outline some of the impacts / considerations: <ul style="list-style-type: none"> <li>○ While climate change is a threat for everyone, it does not affect everyone equally. The impacts of climate change will be more acutely felt by more susceptible communities including: <ul style="list-style-type: none"> <li>▪ children and young people</li> <li>▪ pregnant women</li> <li>▪ people over 65, including those living alone</li> </ul> </li> </ul> </li> </ul>	<p>Additional sections added to page 9 (Climate Change Risks and Hindmarsh Shire Economy and Community Services) and page 10 (Climate Change, Gender and Disaster).</p> <p>Language changed from ‘vulnerable’ to ‘susceptible.’</p> <p>Action 1.1 updated to include communications packages being made available in multiple languages.</p> <p>Action 1.2 amended to include reference to GEM Guidelines.</p>



<ul style="list-style-type: none"> <li>▪ people experiencing homelessness or insecure housing</li> <li>▪ people experiencing financial hardship</li> <li>▪ Aboriginal communities</li> <li>▪ people with a disability</li> <li>▪ Culturally and Linguistically Diverse (CALD) communities and new migrants</li> <li>▪ people with one or more chronic conditions</li> <li>▪ LGBTQIA+ communities</li> <li>▪ Those working outside</li> <li>○ Drought and its impacts are increasing with the changing climate, including the indirect impacts that drought has on mental health. This most often affects farmers and land-based workers who depend on environmental conditions for their economic livelihoods and those living in rural and remote communities. <a href="https://www.dcceew.gov.au/sites/default/files/documents/national-climate-resilience-and-adaptation-strategy.pdf">https://www.dcceew.gov.au/sites/default/files/documents/national-climate-resilience-and-adaptation-strategy.pdf</a></li> <li>○ Mortality from heatwaves is higher in women, and male suicide rates have been found to increase faster with increasing heat. <i>health-human-services-climate-change-adaptation-action-plan-2022-2026</i></li> <li>○ Research indicates that after bushfires and other disasters, violence against women increases, intensifies and may be more likely to be excused or justified because of the stress and trauma experienced by perpetrators. <i>health-human-services-climate-change-adaptation-action-plan-2022-2026</i></li> <li>○ Disasters also place pressure on people to conform to gender stereotypes and exacerbate existing gender inequalities, causing unequal health, social and economic outcomes for people of all genders. <i>health-human-services-climate-change-adaptation-action-plan-2022-2026</i></li> <li>○ the stress and trauma associated with climate events significantly impact mental health, with women often bearing the responsibility of caring for family members affected by these events. <a href="https://www.vwt.org.au/heat-waves-and-gender-gaps-navigating-the-complexities-of-climate-change-in-australia/">https://www.vwt.org.au/heat-waves-and-gender-gaps-navigating-the-complexities-of-climate-change-in-australia/</a></li> <li>• Language – while many of the state-wide strategies use vulnerable, susceptible is a better word than vulnerable i.e. Certain populations are particularly susceptible to the impacts of climate change ...</li> </ul>	<p>Action 1.6 added - Work with key community, government and emergency management stakeholders to build community capacity and resilience to support resilience and recovery.</p> <p>Action 2.2 amended to include consideration of socio-economic factors.</p> <p>Action 5.10 added – “Investigate development of Disaster Context document that describes socio-economic demographics from a gendered perspective.”</p> <p>Action 5.11 added – “Support Emergency Management and other relevant staff in undertaking Lessons in Disaster Training.”</p>
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<ul style="list-style-type: none"><li>• Would be good to include actions regarding community capacity / resilience building, as this preventative work is critical in community recovery.</li><li>• Important to have communications packages in different languages</li><li>• Action 1.2 – suggest modifying this action to include reference to the National <a href="#">GEM guidelines</a> and work to incorporate them into the relevant emergency management plans.</li></ul> <p>Page 12 - Action 2.2</p> <ul style="list-style-type: none"><li>• The redevelopment of the Dimboola library and the area surrounding the library is a great example of how community facilities can be designed to maximise thermal comfort and make them suitable for use in a variety of conditions.</li><li>• To ensure equitable outcomes important to consider socio economic factors and access to shaded areas when planning and prioritising streetscape improvements in different communities.</li></ul> <p>Page 17 - Action 5.5</p> <ul style="list-style-type: none"><li>• The attached information developed by Gender and Disaster Australia provides commentary on the effects of the heatwaves, and natural disaster on community health and wellbeing in the Mildura LGA, including some gendered and socio-economic considerations - <a href="https://genderanddisaster.com.au/wp-content/uploads/2023/10/Mildura-DCS.pdf">https://genderanddisaster.com.au/wp-content/uploads/2023/10/Mildura-DCS.pdf</a> Some of the reflections on the Mallee may be relevant to the Hindmarsh Shire. Development of information such as this for Hindmarsh Shire could be an action to be added into the strategy. Also suggest Shire staff access the Gender and Disaster Australia's - <a href="#">Lessons in Disaster Training</a>.</li><li>• WHG can support implementation of the plan through:<ul style="list-style-type: none"><li>○ Delivering LIDs training on behalf of Gender and Disaster Australia</li><li>○ Delivering GIA training and support with resources, data analysis etc</li><li>○ Development of targeted resources to support awareness and understanding of the gendered impacts of climate change and disaster. We would welcome a more detailed discussion about what this might look like to ensure it / they are fit for purpose.</li></ul></li></ul>	
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The Strategy has been amended in accordance with the feedback provided during the consultation period and is recommended for adoption. This is not a static document, and as new information or feedback is provided, further changes may be recommended in the future.

**Options:**

Council can choose to adopt the Strategy, further amend the Strategy before adoption, or can choose to not adopt the Strategy.

**Link to Council Plan:**

Environmentally sustainable practices

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

**Financial Implications:**

The upfront cost for the development of the Climate Adaption Strategy was taken from existing Council operational budget allocations. Actions within the plan that require both personnel and financial resources have been assigned to Managers and will be delivered either with existing staffing and budget allocations or will be prioritised for future budget submissions and external funding opportunities.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Environmental Sustainability	The Strategy provides Council with a key guidance document to respond to our highest rated strategic risk. The impacts of climate change pose a significant threat to environmental sustainability and therefore one of the key sectors that drives our economy. The prosperity of Hindmarsh Shire’s economy is highly dependent on climate. Broadacre agriculture and agribusiness supply chains are the dominant contributors to the Shire’s estimated \$¾ billion annual economic output. Broadacre agriculture has been the largest employing industry in Hindmarsh Shire since its colonial settlement. The strategies within the document respond to the key risks and forward practical and achievable actions that promote climate change mitigation and community and infrastructure resilience.
Community Needs	The report identifies the risk that climate impacts pose to key community services, including community health, access to recreation and other facilities and overall business continuity. The strategies within the document respond to the key risks and forward practical and achievable actions that promote climate change mitigation and community and infrastructure resilience.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

The Climate Adaption Strategy was made available for a period of community consultation from 25 July 2024 to 5pm on 15 August 2024 in accordance with the Community Engagement Policy.

**Gender equality implications:**

A Gender Impact Assessment has been completed and was provided to Council on 24 July 2024.

**Conflict of Interest:**

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

Author and Officer Responsible – Petra Croot, Director Corporate and Community Services  
In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

If adopted, a Media Release will be prepared to promote the Strategy, as well as having it available on Council's website. Letters will be sent to people and groups who made submissions.

**Next Steps:**

A working version of the Policy will be implemented operationally, with responsibility and review cycles assigned to actions. The Strategy will be added to our Strategy Planning and Reporting cycle so that updates are periodically presented to Council.

**RECOMMENDATION:**

***That Council adopts the Climate Adaption Strategy 2024-2036.***

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

***That Council adopts the Climate Adaption Strategy 2024-2036.***

**CARRIED**

*Attachment Number: 22*

## 10.14 S5 DELEGATION TO THE CHIEF EXECUTIVE OFFICER

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

**Attachment Number:** 23

### **Introduction:**

This report presents an amended Instrument of Delegation from Council to the Chief Executive Officer, with changes made in consideration of the requirements of the Election Period Policy as contained within the Hindmarsh Shire Council Governance Rules.

### **Discussion:**

Section 11 of *The Local Government Act 2020* (Act), gives the Council power of delegation under section 11 of the Act.

The Instrument of Delegation to the CEO authorises the person holding the position of Chief Executive Officer to determine any issue; take any action; or do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act. This authority is restricted by stating several actions that the CEO cannot undertake without Council resolution.

During the Election Period (17 September – 26 October), the decisions of Council are limited under the Act and Election Period Policy. Amendments to the S5 Instrument will enable the CEO to approve expenditure already committed under contracts or expenditure necessary for the effective and compliant delivery of essential Council projects and services. The intention is that this revised delegation would apply until the instatement of the new Council following the Election Period, whereby all Council delegations must be reviewed.

### **Options:**

Council can adopt the S5 Delegation to the Chief Executive Officer, amend the S5 Instrument of Delegation to the Chief Executive Officer prior to adoption, or can choose to not adopt the S5 Delegation to the Chief Executive Officer, whereby the current delegation would remain in-force.

### **Link to Council Plan:**

Good governance practices.

### **Financial Implications:**

This delegation enables the CEO to approve expenditure up to \$600,000.00 including GST to maintain business continuity and deliver essential services during the Election Period. Limitations are present in the document that expenditure is not contrary to approved policies or plans, as well as additional limitations as set out in various internal policies and governing legislation.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Governance	<p>The use of these documents ensures Council has compliant appointments, authorisations and delegations to relevant Council staff in place that meet the requirements of the Acts and regulations contained therein.</p> <p>Failure to update the Instruments of Delegation on a regular basis to accommodate required changes to legislation, organisational structure and position title changes may result in operational inefficiency and lead to decisions becoming invalid.</p> <p>Updating this S5 Instrument ensures the effective functioning of Council during the Election Period, ensuring appropriate governance arrangements are in place.</p>

**Relevant legislation:**

*Local Government Act 2020*

**Gender equality implications:**

This decision does not have a direct and significant impact on the community, therefore a Gender Impact Assessment has been determined to not be required.

**Conflict of Interest:**

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

Author and Officer Responsible – Petra Croot, Director Corporate and Community Services  
In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

**Next Steps:**

If adopted, Monica Revell, Chief Executive Officer will be informed in writing of the amendments to the Chief Executive Officer delegation. The S5 Delegation to the Chief Executive Officer will be published on Council’s website in accordance with the *Local Government Act 2020* and Council’s Public Transparency Policy.

**RECOMMENDATION:**

***In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Hindmarsh Shire Council (Council) RESOLVES THAT –***

- 1. there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to***

- the conditions and limitations specified in that Instrument.*
- 2. the instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.*
  - 3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.*
  - 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**MOVED: CRS R Ismay/R Gersch**

***In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Hindmarsh Shire Council (Council) RESOLVES THAT –***

- 1. there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.*
- 2. the instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.*
- 3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and*
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**CARRIED**

*Attachment Number: 23*

## 11 COUNCIL COMMITTEES

### 11.1 ADVISORY COMMITTEES

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 24 - 28

#### **Introduction:**

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

- **Jeparit Township Advisory Committee**  
General meeting on 8 July 2024 (Attachment 24)
- **Nhill Township Advisory Committee**  
General Meeting on 16 July 2024 (Attachment 25)
- **Hindmarsh Pride Advisory Committee**  
General Meeting on 19 July 2024 (Attachment 26)
- **Rainbow Township Advisory Committee**  
General Meeting on 29 July 2024 (Attachment 27)

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

Additionally, in accordance with the **Audit and Risk Committee** Charter, this report presents the Chair's Report (Attachment 28), containing discussion around Committee performance measures and the functions.

#### **Next Steps:**

Advisory Committee Minutes will be published on Council's website.

#### **RECOMMENDATION:**

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

##### ***The minutes of the following Advisory Committees:***

- 1. Jeparit Township meeting held on 8 July 2024;***
- 2. Nhill Township meeting held on 16 July 2024; and***
  - a. notes Heather Dufty's resignation from Nhill Town Committee.***
- 3. Hindmarsh Pride meeting held on 19 July 2024;***
- 4. Rainbow Township meeting held on 29 July 2024; and***
- 5. notes the Audit and Risk Committee Chair's Report.***

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



***That Council notes:***

***The minutes of the following Advisory Committees:***

- 1. Jeparit Township meeting held on 8 July 2024;***
- 2. Nhill Township meeting held on 16 July 2024; and***
  - a. notes Heather Dufty's resignation from Nhill Town Committee;***
- 3. Hindmarsh Pride meeting held on 19 July 2023;***
- 4. Rainbow Township meeting held on 29 July 2024; and***
- 5. notes the Audit and Risk Committee Chair's Report.***

***CARRIED***

*Attachment Numbers: 24 – 28*

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## 11.2 COMMUNITY ASSET COMMITTEES

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 29 - 37

### **Introduction:**

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

- **Rainbow CIVIC Centre Community Asset Committee**  
General meeting on the 17 July 2024 (Attachment 29)
- **Wimmera Mallee Pioneer Museum Community Asset Committee**  
General meeting on 18 June 2024 (Attachment 30)  
General meeting on 17 July 2024 (Attachment 31)
- **Yurunga Homestead Community Asset Committee**  
General Meeting on 27 June 2024 (Attachment 32), General meeting on 25 July 2024 (Attachment 33) and Annual General Meeting on 25 July 2024 (Attachment 34)

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

Additionally in accordance with financial reporting requirements, this report presents the following documents:

- Rainbow CIVIC Centre Community Asset Committee Financial Report 2023-2024 (Attachment 35)
- Wimmera Mallee Pioneer Museum Community Asset Committee Financial Report 2023-2024 (Attachment 36)
- Yurunga Homestead Community Asset Committee Annual General Meeting Financial Report 2023-2024 (Attachment 37)

### **RECOMMENDATION:**

#### ***That council***

- 1. notes the minutes of Rainbow Civic Centre Community Asset Committee meeting held on 17 July 2024;***
- 2. notes the minutes of Wimmera Mallee Pioneer Museum Asset Committee meetings held on 18 June 2024 and 17 July 2024;***
- 3. notes the minutes of Yurunga Homestead Community Asset Committee meeting held on 27 June 2024 and on 25 July 2024 and Annual General Meeting held on 25 July 2024; and***
- 4. endorses the following office bearers for the Yurunga Homestead Community Asset Committee:***

- **Chairperson – Jenny Solly**
  - **Secretary – Peter Solly**
  - **Treasurer – Peter Solly**
5. **notes the Rainbow Civic Community Asset Committee Financial Report 2023/2024 (Attachment 35);**
  6. **notes the Wimmera Mallee Pioneer Museum Community Asset Committee Financial Report 2023/2024 (Attachment 36); and**
  7. **notes the Yurunga Homestead Community Asset Committee Financial Report 2023/2024 (Attachment 37)**

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

**That council**

1. **notes the minutes of Rainbow Civic Centre Community Asset Committee meeting held on 17 July 2024;**
2. **notes the minutes of Wimmera Mallee Pioneer Museum Asset Committee meetings held on 18 June 2024 and 17 July 2024;**
3. **notes the minutes of Yurunga Homestead Community Asset Committee meeting held on 27 June 2024 and on 25 July 2024 and Annual General Meeting held on 25 July 2024; and**
4. **endorses the following office bearers for the Yurunga Homestead Community Asset Committee:**
  - **Chairperson – Jenny Solly**
  - **Secretary – Peter Solly**
  - **Treasurer – Peter Solly**
5. **notes the Rainbow Civic Community Asset Committee Financial Report 2023/2024 (Attachment 35);**
6. **notes the Wimmera Mallee Pioneer Museum Community Asset Committee Financial Report 2023/2024 (Attachment 36); and**
7. **notes the Yurunga Homestead Community Asset Committee Financial Report 2023/2024 (Attachment 37)**

**CARRIED**

**Attachment Numbers: 29 – 37**

## 12 LATE REPORTS

### 12.1 HINDMARSH PLANNING SCHEME AMENDMENT POST EXHIBITION

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 41

#### **Introduction:**

This report seeks Council's consideration of submissions to Planning Scheme Amendment C21hind (Hindmarsh Heritage Study) following public exhibition of the Amendment, and decision of Council in whether to adopt the amendment with or without changes as a result of public exhibition.

#### **Background:**

At the Council meeting held on 31 May 2023, Council resolved to endorse the Hindmarsh Heritage Assessment Study and requested authorisation and exhibition of Planning Scheme Amendment C21Hind – Hindmarsh Heritage Study. The amendment proposes to implement the recommendations of the *Hindmarsh Heritage Assessment Study*, by:

1. Ensure the heritage significance of 36 current HO places is properly documented.
2. Provide permanent protection for seven new individual heritage places of local significance.
3. Incorporate statements of significance for all local heritage places.
4. Update relevant sections of the Municipal Planning Strategy and Planning Policy Framework to enhance the heritage protection framework in the Hindmarsh Planning Scheme. This will include new local strategies, which will be supported by heritage guidelines.
5. Rectify existing HO mapping and address errors.

On 4 June 2024, the Minister for Planning granted authorisation to proceed with the exhibition of the amendment. Consequently, Amendment C21Hind was placed on exhibition from 19 July to 19 August 2024.

#### **Discussion**

As part of the exhibition of Amendment C21Hind the following activities were undertaken:

- Amendment C21Hind documents were placed on Council's website;
- Have Your Say page was created;
- Notification letters were sent to affected owner and occupiers;
- Notification email were sent to agencies, public authorities and Ministers believed to be materially affected by Amendment C21hind or prescribed under the Act;
- Notices were placed in the Nhill Free Press, Dimboola Banner and Jeparit and Rainbow Argus; and
- Notice placed in the Government Gazette on 19 July 2024.

As a result of the exhibition period, one (1) submission was received from the Nhill A&P Society. The submission seeks changes to the amendment documents, specifically seeking to exclude the proposed extension of Heritage Overlay 37 – Agricultural Showgrounds to include the Poultry Pavilion.

The basis of objection raised by the A&P Society include:

- The cheap construction of the building at the time, which has resulted in damage to its integrity over time due to the nature of its construction.
- The lack of maintenance that has occurred, and the extent of work required to stabilise the pavilion.
- Infiltration of white ants coupled with rotting to timber in some areas of the pavilion.
- The inability for the A&P Society to obtain insurance on the pavilion due to its state.
- The A&P Society is not in a financial position to replace the structure to the same size and dimensions.
- The Pavilion is only open once a year and due to avian influenza, will not be open at all in 2024.

Many of the objections of the Society are separate to any heritage values of the site, however are acknowledged as being of great importance to the Society.

From a Heritage perspective, Council's Heritage Advisor has noted that:

- The Poultry Pavilion is one of the earlier buildings at the Showgrounds and contributes to the significance of the place.
- The inclusion of the Pavilion in the Heritage Overlay would not force the A&P Society to maintain the building.
- Also, while conservation of the building is the preferred outcome, the historic use of the building is also important and if the building is no longer fit for purpose (that is, it no longer meets current health or public safety standards), then replacement of the building may be considered if it was to enable the continuation of the use as a poultry or livestock pavilion.
- The proposed heritage policy allows for demolition if the building is structurally unsound and the defects cannot be rectified.

Section 23 of the *Planning and Environment Act 1987* provides the decision maker only 3 options in respect of a submission to a Planning Scheme Amendment; those being:

- (1) To change the amendment in the manner requested; or
- (2) Refer the submission to a Planning Panel; or
- (3) Abandon the amendment or part of the amendment.

Given the nature of the concerns raised by the Society, it is likely that future work with the Society will be able to address the concerns raised; which appear to be more geared towards the maintenance of the building than a dispute about its historic values. However, if Council is to pursue the inclusion of the Heritage Overlay over the Pavilion in this

amendment, this will require a hearing by Planning Panels Victoria; the costs of which are required to be met by Council and likely to be in the order of \$20,000.

Given the nature of the concerns raised and the costs involved through Planning Panels, it is considered appropriate to change the amendment in the manner requested by the A&P Society (not pursue extension of the Heritage Overlay over the poultry pavilion), to provide further opportunity for Council and the Society to explore options for the protection of the pavilion and options for its ongoing maintenance and function into the future.

Should Council adopt this recommendation, the poultry pavilion will no longer be subject to a heritage amendment at this time. It is important to note that this means an application for the demolition of the structure could be made under the *Building Act 1993* as no Planning Permit would be required. It is therefore recommended that Council delegate to the Director Infrastructure Services the ability to apply for an interim heritage control on the building should an application for its demolition be made. The recommendations in this report include this option, as well as to any building identified within the heritage study should the same situation arise.

If the recommendation is adopted, there will be no outstanding submissions to the amendment. This will allow Council to submit the amendment to the Minister for final approval in accordance with Section 31 of the *Planning and Environment Act 1987*. If Council resolves to pursue the amendment as it relates to the Poultry Pavilion, the amendment will be referred to an independent planning panel in accordance with Section 23(1)(b) of the Act. A hearing date is tentatively scheduled for the week commencing 18 November 2024 if this option is pursued.

**Options:**

1. Council resolves to adopt Amendment C21hind as exhibited, with changes to remove the Poultry Pavilion from the proposed Heritage Overlay and submits the Amendment to the Minister for Planning for approval.
2. Council resolves to adopt Amendment C21hind as exhibited, with no changes, and refers the amendment and submission to Planning Panels Victoria.

**Link to Council Plan:**

Objective – A community well informed and engaged

**Financial Implications:**

The amendment will be subject to statutory fees payable to the Department of Transport and Planning as prescribed by the *Planning and Environment (Fees) Regulations 2016*. These costs will be managed as part of Development Services operating budget.

If Council resolves to refer the amendment to Planning Panels Victoria, Council is required to meet the costs of the Panel in hearing the amendment. The prescribed fee for a Planning

Panel is currently \$16,672.90 for consideration of up to 10 submissions. This does not include Council's cost of representation and evidence. Total costs of the Panel process would likely exceed \$20,000.

**Risk Management Implications:**

Strategic Risk Description	Risk Management Discussion
Asset Management	If Council does not proceed with the amendment, the heritage controls applying within the Hindmarsh Planning Scheme will not reflect sites of known heritage value. This may result in development that affects significance of heritage items without planning consideration, which may result in the diminution or loss of heritage items in the Shire.

**Relevant legislation:**

This report seeks approval from the Minister for Planning for Planning Scheme Amendment C21hind under section 31 of the *Planning and Environment Act 1987*.

**Communications Strategy:**

In accordance with Section 19 of the *Planning and Environment Act 1987*, notice of the amendment has been given to all affected property owners and occupiers, notice provided to relevant Ministers, notices published in locally circulating newspapers and on Council's website.

Council's decision on the Amendment will be communicated to the Nhill A&P Society as submitter, and to the Department of Transport and Planning.

The final decision of the Amendment will be published in the Government Gazette by the Minister and Council will be required to give notice of the amendment in a manner satisfactory to the Minister (Section 36(2) of the Act).

**Gender equality implications:**

The proposed changes relate to the implementation of the Hindmarsh Planning Scheme which is a gender-neutral document.

**Conflict of Interest:**

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

Officer Responsible: Ram Upadhyaya, Director Infrastructure Services.

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

Author: Tim Berger, Consultant Town Planner, on behalf of Ram Upadhyaya, Director Infrastructure Services.

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

**Next Steps:**

Should Council endorse the officer recommendation, officers will submit the Amendment as changed with the Minister for Planning for final approval.

**RECOMMENDATION:**

**That Council:**

- 1. pursuant to Section 23(1)(a) of the Planning and Environment Act 1987, resolves to change the amendment C21hind to exclude Poultry Pavilion in the Heritage Overlay as requested by the Nhill A&P Society due to issues raised in discussion section of this report;**
- 2. adopts Amendment C21hind as exhibited, subject to the change in resolution 1 being made to the amendment;**
- 3. submit adopted Amendment C21hind together with the prescribed information to the Minister for Planning for approval, in accordance with Section 31 of the Planning and Environment Act 1987;**
- 4. resolves to further consider heritage controls for the Poultry Pavilion at the Nhill Showgrounds in consultation with the Nhill A&P Society as part of a future Planning Scheme Amendment; and**
- 5. authorises the Director Infrastructure Services to:**
  - a. make minor editorial and administrative changes to the amendment documents if required.**
  - b. make application to the Minister for an Interim Heritage Control in response to any proposed demolition of a building that is identified within the Heritage Study.**

**MOVED: CRS M Albrecht/D Nelson**

**That Council:**

- 1. pursuant to Section 23(1)(a) of the Planning and Environment Act 1987, resolves to change the amendment C21hind to exclude Poultry Pavilion in the Heritage Overlay as requested by the Nhill A&P Society due to issues raised in discussion section of this report;**
- 2. adopts Amendment C21hind as exhibited, subject to the change in resolution 1 being made to the amendment;**
- 3. submit adopted Amendment C21hind together with the prescribed information to the Minister for Planning for approval, in accordance with Section 31 of the Planning and Environment Act 1987;**
- 4. authorises the Director Infrastructure Services to:**
  - a. make minor editorial and administrative changes to the amendment documents if required;**



- b. make application to the Minister for an Interim Heritage Control in response to any proposed demolition of a building that is identified within the Heritage Study; and*
- 5. seeks further community consultation, sharing the Nhill A&P Society's view, to confirm wider community support for there being no heritage control on this building.*

**CARRIED**

*Attachment Number: 41*

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### 13 NOTICES OF MOTION

No notices of motions.

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### 14 OTHER BUSINESS

No other business.

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### 15 CONFIDENTIAL REPORTS

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

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

*Local Government Act 1989*

**RECOMMENDATION:**

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

**15.1 RAINBOW FEMALE FRIENDLY CHANGE ROOMS AND FACILITIES PROJECT–**  
*This Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

**15.2 CONTRACT AWARD 2024-2025-01 PROVISION OF TOWN PLANNING AND ASSOCIATED SERVICES -** *This Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

**15.3 CONTRACT AWARD 2024-2025 -02 SWIMMING POOL UPGRADES -** *this Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

**15.4 CEO EMPLOYMENT AND REMUNERATION COMMITTEE -** *this Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs, insofar as it pertains to CEO employment matters, and / or part 4 of the Freedom of Information Act 1982.*

**16.1 VARIATION TO CONTRACT 2023-2024-11 NHILL AERODROME TAXIWAY UPGRADE WORKS -** *This Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar*

*as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

**MOVED: CRS M Albrecht/D Nelson**

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

**15.1 RAINBOW FEMALE FRIENDLY CHANGE ROOMS AND FACILITIES PROJECT–**  
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**15.2 CONTRACT AWARD 2024-2025-01 PROVISION OF TOWN PLANNING AND ASSOCIATED SERVICES -** *This Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

**15.3 CONTRACT AWARD 2024-2025 -02 SWIMMING POOL UPGRADES -** *this Council report considers confidential information as defined by section 3 (1) of the Local Government Act 2020 as it contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.*

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***Council's position in commercial negotiations if prematurely released" insofar as it pertains to contractual matters, and / or part IV of the Freedom of Information Act 1982.***

**CARRIED**

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**16 LATE CONFIDENTIAL REPORTS**

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**17 RESUMING INTO PUBLIC SESSION**

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**18 MEETING CLOSE**

There being no further business, Cr B Ireland declared the meeting closed at 5:30pm.

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