



**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD
WEDNESDAY 1 MARCH 2023 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79
NELSON STREET NHILL, COMMENCING AT 3:00PM.**

AGENDA

1	ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY	3
2	APOLOGIES	3
3	DECLARATION OF INTERESTS	3
4	CONFIRMATION OF MINUTES	4
5	PUBLIC QUESTION AND SUBMISSION TIME	4
6	ACTIVITY REPORTS	5
7	CORRESPONDENCE	10
7.1	GENERAL CORRESPONDENCE	10
8	PLANNING PERMITS	10
9	REPORTS REQUIRING A DECISION	11
9.1	GOVERNANCE UPDATES	11
9.2	HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS PROGRAM 2022/2023 ROUND 2	15
9.3	HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM 2022/2023 ROUND 2	23
10	COUNCIL COMMITTEES	28

10.1 HINDMARSH LGBTIQ+ ADVISORY COMMITTEE	28
10.2 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE	29
10.3 RAINBOW TOWNSHIP ADVISORY COMMITTEE	30

11 LATE REPORTS	31
------------------------	-----------

11.1 PLANNING PERMIT APPLICATION PA1786-2022 – THREE (3) LOT SUBDIVISION AT 35-37 LOCHIEL STREET, DIMBOOLA, VIC 3414	31
---	----

12 NOTICES OF MOTION	44
-----------------------------	-----------

13 OTHER BUSINESS	44
--------------------------	-----------

13.1 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE	44
---	----

14 CONFIDENTIAL REPORTS	45
--------------------------------	-----------

14.1 AUDIT AND RISK COMMITTEE	
14.2 SUPPORT AT HOME	

15 LATE CONFIDENTIAL REPORTS	46
-------------------------------------	-----------

16 MEETING CLOSE	46
-------------------------	-----------

CRS B Ireland (Mayor), M Albrecht (Deputy Mayor), D Nelson, W Bywaters, R Gersch, R Ismay.

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Jessie Holmes (Director Infrastructure Services), Ms Monica Revell (Director Corporate and Community Services), and Ms Shauna Johnson (Executive Assistant).

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY

Cr B Ireland opened the meeting at 3:00pm by acknowledging the Indigenous Community.

2 APOLOGIES

No apologies.

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 W Bywaters declared a material conflict of interest in item 13.1 as it is her own request for personal development.

Cr M Albrecht declared a material conflict of interest in item 9.3 as her employer is an applicant and a material conflict of interest in item 14.2 for a confidential reason.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 1 February 2023 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Gersch/W Bywaters

That the Minutes of the Ordinary Council Meeting held on Wednesday 1 February 2023 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

T Pintarich, Nhill:

At the Council meeting held on Wednesday 1 February 2023, a question was taken on notice from Mr Pintarich. Mr Pintarich asked why Cr Gersch, when he makes statements regarding certain construction works inside the Council, does not physically declare that there is a potential conflict of interest?

Response, Director Corporate and Community Services:

The allegation of the potential conflict of interest was referred to the Local Government Inspectorate who investigated the allegation. The Local Government Inspectorate has advised the CEO that there was no conflict of interest.

Tony Schneider, Dimboola:

Question 1:

Is free camping permitted right throughout the Dimboola Recreation Reserve?

Response, Director Corporate and Community Services:

Free camping is only permitted in the designated area of the Dimboola Recreation Reserve. When you enter the recreation reserve the designated area is towards the left. Signs have been installed to notify where camping is permitted and where there is no camping.

Question 2:

What are the arrangements for the reporting and enforcement of any concerns about free camping in the Dimboola Recreation Reserve?

Response, Director Corporate and Community Services:

Concerns can be lodged through a customer action request on Council's website or by attending one of our Customer Services Centres to complete a customer action request form. Council will follow up on the requests and try to work with people to move them to appropriate locations and connect them with local support organisations who provide housing assistance.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 24 January 2023 – 20 February 2023

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
24/01/2023	Australian Citizenship Ceremony	Nhill Memorial Community Centre	It was great to be able to induct 5 local residents as Australian citizens, congratulations to them.
24/01/2023	Meeting with CEO	Nhill	RE the agenda for next meeting
26/01/2023	Australia Day Ceremony	Rainbow	Great turnouts in all our towns... A big thank you to the clubs involved for supplying food, coffees, etc, and to the 4 guest speakers on the day whose stories were all interesting and well received.
26/01/2023	Australia Day Ceremony	Jeparit	
26/01/2023	Australia Day Ceremony	Dimboola	
26/01/2023	Australia Day Ceremony	Nhill	
30/01/2023	Yurunga Homestead Meeting		
01/02/2023	Council Briefing		
01/02/2023	Council Meeting		
02/02/2023	Mayoral Matters column to		

	newspapers		
08/02/2023	Radio Interview Flow FM		Regarding tourism in the Shire.
10/02/2023	Meeting with Dorothy McLaren WWHS		Regarding health and well-being in our shire and a study to be done by students from Latrobe university in Jeparit.
10/02/2023	Picked up Anne Webster MP from airport		Discussed numerous projects needing funding in our shire.
10/02/2023	Nhill Lawn Tennis Club opening of new clubrooms	Nhill	The shire, with the help of LRCI funding, have done a great job in seeing this community asset is usable for future generations.
10/02/2023	Youth Council Dinner and Presentations	Dimboola Civic Hub	Congratulations to our 12 youth councillors and our 2 youth council mentors. Good luck to Georgia in her role.
13/02/2023	Jeparit Town Meeting		
15/02/2023	LGPro Jobs and inclusive employment summit	Nhill	Lots of interesting ideas to help transition our multicultural community on career paths.
15/02/2023	Meeting with CEO regarding relevant issues and updates	Shire Office	
18/02/2023	Happy Snap Art and Photographic Exhibition	Nhill Gallery	
20/02/2023	Yurunga Homestead Meeting		

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
01/02/2023	Council Briefing	Nhill	
01/02/2022	Council Meeting	Nhill	
08/02/2023	Hindmarsh LGBTIQ+ Advisory Committee Meeting	Nhill	Expressions of interest are welcome for community members to join.
09/02/2023	Historical Society visit	Nhill	Cr Rob Gersch and I were invited to meet the Historical Society Executive to discuss their plans for the building.
10/02/2023	Nhill Tennis Club Room Opening	Nhill	Wonderful to see this facility opened and well done to the Council Staff and Tennis Club members that made it happen.
10/02/2023	Hindmarsh Youth Council Presentations	Dimboola	Congratulations to the 2023 Youth Councillors. We look forward to hearing all the ideas the 2023 group have for Hindmarsh.
18/02/2023	Happy Snaps – Nhill Gallery Central	Nhill	Congratulations to Meg Lee and the amazing group of young Karen people on the photographic exhibition on at the Nhill Gallery.

20/02/2023	Nhill Town Advisory Committee Meeting	Nhill	
------------	---------------------------------------	-------	--

Cr ISMAY

Date	Meeting	Location	Comments
26/01/2023	Meeting with President of ATPA	RBW Rises Site	
14/02/2023	Impromptu Meeting with EPA	Bow Hill Site	
20/02/2023	Rainbow Town Committee Meeting		

Cr GERSCH

Date	Meeting	Location	Comments
24/01/2023	Australian Citizenship Ceremony		
26/01/2023	Australia Day Celebrations	Rainbow	
26/01/2023	Australia Day Celebrations	Jeparit	
26/01/2023	Australia Day Celebrations	Dimboola	
26/01/2023	Australia Day Celebrations	Nhill	
01/02/2023	Council Meeting		
09/02/2023	Meeting with Nhill Historical Society		
10/02/2023	Open Nhill Tennis Club Pavilion		
15/02/2023	LG Pro Employment Forum		

Cr NELSON

Date	Meeting	Location	Comments
07/12/2022	Dimboola and District Historical Society AGM		
08/12/2022	Mixx FM Christmas Function	Horsham	
10/12/2022	Tower Park Market	Dimboola	
10/12/2022	Karen New Year Celebrations	Horsham	
14/12/2022	Briefing Meeting	Nhill	
14/12/2022	Council Meeting	Nhill	
14/12/2022	Councillor and SMT Christmas Dinner	Nhill	

15/12/2022	Allambi Elderly People's Home AGM		
22/12/2022	HSC Staff Christmas Lunch		
26/01/2023	Australia Day Ceremony	Dimboola	
01/02/2023	Council Briefing Meeting	Nhill	
01/02/2023	Council Meeting	Nhill	
07/02/2023	Town Committee	Dimboola	
10/02/2023	Youth Council Presentations	Dimboola	

Cr BYWATERS

Date	Meeting	Location	Comments
24/01/2023	Australian Citizenship Ceremony	Nhill	
26/01/2023	Australia Day Awards Presentation	Dimboola	
28/01/2023	Nhill Pool Party	Nhill Aquatic Centre	
01/02/2023	Council Briefing and Council Meeting	Nhill	
05/02/2023	West Wimmera Health Service's virtual Annual General Meeting 2022	Online	
10/02/2023	Nhill Lawn Tennis clubrooms, official opening by Dr Anne Webster MP	Nhill	
10/02/2023	Hindmarsh Youth Council, 2023 certificate presentation	Dimboola	
11/02/2023	Tower Park Market	Dimboola	Regular monthly market on the second Saturday of every month. Coming soon, after nearly 20 years, there is a new beginning for the former Dimboola hotel site. The new Tower Park will officially open on 11 March. The formalities will commence at 5 pm, with the Tower Park market and free music. Lochiel Street will be closed off so people can mingle and celebrate the new town Square that is Tower Park.

14/02/2023	Homework Club	The Patch, Nhill	
15/02/2023	LGPro Hindmarsh Inclusive Employment Community Conversation & Lunch	Nhill	<p>We heard about the lived experiences of applying for Local Government jobs and working in local government from a special panel of guest speakers; Silvia Renda – VMC Commissioner, Chair of Grampians Regional Advisory Committee, and former council officer, Thablay Khinshwe – Nhill Learning Centre, and Pradip Bhujel – Yarriambiack Shire Council.</p> <p>This was a great opportunity to hear directly about the challenges that jobseekers face in gaining employment in local government, and an opportunity for attendees to discuss this further with council officers sitting at the tables that were keen to listen. It was also an opportunity for the audience to hear about the benefits of working in local government.</p>
18/02/2023	Happy Snap: (Tha Pwe) exploring happiness and well-being	Gallery Central Nhill	<p>Gallery Central is hosting an interesting photographic exhibition. Ballarat based Meg Lee has based her PhD research project on what well-being means to Karen youth aged 15-25 years. Ms Lee has engaged the Nhill Karen young people to express their 'happy place' through photos.</p> <p>So many different views of what well-being means through various eyes. The exhibition opened on Saturday the 18th of February and will be open for five weeks.</p>

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- Nil

Outwards:

- Nil
-

8 PLANNING PERMITS

No planning reports.

9 REPORTS REQUIRING A DECISION

9.1 GOVERNANCE UPDATES

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 2 – 4

Introduction:

This report seeks Council adoption Council's Policy Framework and Media Policy.

This report also seeks the endorsement for the Public Interest Disclosure Policy to be made available to the public for consultation for the period between 2 March 2023 and 16 March 2023.

Discussion:

Media Policy

Council's media policy provides for the transparent, consistent and accurate interaction between Council spokespersons and the media. It allows for Council to provide timely, proactive and critical information about the function and services of Council thus enhancing the reputation and furthering the values of the organisation. The policy is due for evaluation every three years and as such has been reviewed and updated to align with the current legislative environment and best practice. Amendments to the policy include:

- reference to Council's media release process;
- the process for nomination of spokesperson on Council matters in the absence of the Mayor or where the Mayor has a conflict of interest in relation to the matter; and
- A provision for the equitable maintenance of good working relationships with media outlets.

Policy Framework

Council maintains a Policy Framework Policy to provide for operational and Council policy design, approval, implementation, monitoring and evaluation. The policy is required to be reviewed at a minimum every three years and as needed within that period. The policy has been reviewed with minor administrative updates, including the re-naming of Administrative Policies (those approved by the CEO) to Operational Policies, to better align with existing Council terminology.

Public Interest Disclosure Policy

This policy fulfils Councils requirement to establish and publish procedures under s 58 of the *Public Interest Disclosures Act 2012* and in accordance with the Guidelines of the IBAC published under s 57 of the same Act.

Council's Public Interest Disclosure Policy has been reviewed and updated as described below:

- *Definitions and Terms*

The policy's definitions have been reviewed and updated for clarity and accuracy

against the PID Act and guidance materials, including the meaning of corrupt conduct and improper conduct. Additionally, terms relating to the *Local Government Act 1989* (i.e. S86 Committees) have been amended to reflect the *Local Government Act 2020*. The policy has also been amended to ensure the use of gender-neutral language.

- *Broadening the explanation of who can make a disclosure*

This section has been updated to more comprehensively reflect the PID Act and ensure that anyone accessing the policy is provided detailed and clear information around making a Public Interest Disclosure.

The Public Interest Disclosure Policy will be made available for public consultation from Thursday 2 March 2023 to Thursday 16 March 2023 and a report seeking to adopt the policy will be brought to the April Council meeting.

Options:

1. Council can choose to adopt the Media Policy and Policy Framework Policy and approve the Public Interest Disclosure Policy for release to the public for the specified consultation period;
2. Council can choose to make amendments to the Media Policy, Policy Framework Policy and/or Public Interest Disclosure Policy prior to adoption and, for the latter, release to the public for the specified consultation period.

Link to Council Plan:

Strong governance practices

Financial Implications:

NIL

Risk Management Implications:

Media Policy

Maintaining a clear and comprehensive media policy ensures that any risk to Council representation through ineffective or inaccurate communication with media outlets is minimised.

Policy Framework Policy

Established a consistent and compliant approach to policy development, review, implementation and evaluation ensures that Council's policies are consistent and developed with the principles, values and goals of Council in mind.

Public Interest Disclosure Policy

Council's Public Interest Disclosure Policy ensures that employees, Councillors and the public are provided a clear mechanism through which they can access and understand the process of making a Public Interest Disclosure. Such a mechanism provides for Council to effectively and appropriately respond to conduct that may impact Council's reputational and financial position.

Relevant legislation:

Public Interest Disclosure Act 2012

Interdependent Broad-based Anti-Corruption Commission Act 2011

Local Government Act 2020

Local Government Act 1989

Community engagement:

The report recommends a consultation period for the Public Interest Disclosure Policy, whereby the community will be able to provide feedback to Council regarding the revised policy.

Gender equality implications:

A Gender Impact Assessment has been conducted against the Public Interest Disclosure Policy as its implications have a direct and significant impact on the public.

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Petra Croot, Manager Governance and Human Services

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

Communications Strategy:

All policies will be placed on Council's website, will be available for public viewing on request and will be distributed to Council staff.

Next Steps:

As above.

RECOMMENDATION:

That Council adopts the Media Policy and Policy Framework Policy and endorses the Public Interest Disclosure Policy to be available for public consultation from 2 March 2023 to 16 March 2023.

MOVED: CRS W Bywaters/D Nelson

That Council adopts the Media Policy and Policy Framework Policy and endorses the Public Interest Disclosure Policy to be available for public consultation from 2 March 2023 to 16 March 2023.

CARRIED

Attachment Numbers: 2 – 4

**9.2 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS PROGRAM
2022/2023 ROUND 2**

Responsible Officer: Director Corporate and Community Services

Attachment Number: 5

Introduction:

This report seeks Council approval to provide funding through Round 2 of the 2022/2023 Community Action Grants Program to eligible community organisations/groups.

Discussion:

The Community Action Grants Program was established to support communities with funds to provide services, self-help and assist with community development, social action, and connectedness.

Total annual funding of \$20,000 has been allocated to the program and categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

Round Two of the 2022/2023 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 as well as Facebook promotions on Council’s Facebook page.

At the time of closing on Friday 10 February 2023, five (5) applications were received requesting funds totalling **\$4,500**. The recommendation is to award funds of **\$3,500.00**. Total projects costs for all applications is **\$12,090.00**.

Category	Number of Applications	Funding Available	Total Amount Requested
Community Assistance	Four (4)	Round 2 \$13,181.05	\$4,000
Event Sponsorship	One (1)		\$500
Small Equipment	Zero (0)		\$0
TOTAL	Five (5)		\$4,500

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.

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

Assessment Criteria

Applications will be assessed against a set of Assessment Criteria.

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

Why? 40%	<ul style="list-style-type: none"> - Explain the demonstrated community need. - How will the project improve social connections and build community wellbeing? - How will the project achieve economic benefit for the community? - Has the project been identified in a Community Plan?
What? 40%	<ul style="list-style-type: none"> - Provide a brief summary of what you are going to do. - How will your project increase community participation? - Complete and submit a Risk Assessment for any Event. - Provide details on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.

How? 20%	<ul style="list-style-type: none"> - Provide quotes/ information on specific item(s) funds will be used to purchase. - Provide a copy of the applying organisation's most recent bank statement and banking details. - Complete the budget and in-kind contribution templates. - Provide details on how your event's success will be measured? - Provide a copy of public liability insurance (events only). - Applicants must have obtained any/all relevant permits required to host an event within the shire.
---------------------	---

Community Assistance

The **Community Assistance** Program offers grants of up to a **\$1,000** to assist with valuable 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 \$4,000.

Applicants:

1. **Rainbow Lake Association** seeks funding of \$1,000 to assist with the signage at and around the recently established Rainbow Lake. The signage proposed is to welcome visitors to the attraction and to make them aware of the rules that the Rainbow Lake Committee would like them to adhere to.
 It will also make visitors aware of the dangers of deep-water entry at certain areas of lake, appropriate parking locations, and more.
 The entire project cost is \$2,100 and will include in-kind/volunteer labour and equipment, signage and installation costs.
 Based on the application and the association’s eligibility, the recommendation is to grant \$1,000 towards this project.

2. **CWA Nhill Twilight Branch** seeks funding of \$1,000 to assist with the continuation of upgrades to the CWA building, including the renovation and re-hanging of two notice boards, installation of a corner shelf for a microwave, bi-fold door and shelf in kitchen corner cupboard, and re-hanging the pioneer honor board.
 These small projects and renovations will be of great benefit to all members that use this facility and will provide improvements to the historic building to present-day standards.
 Upgrades target the range of community groups currently using the facility including CWA members, craft group, flag bridge charity group, and more.
 The entire cost for this project was quoted \$1,120, CWA will contribute \$120 to this cost and based on their eligibility criteria and demonstrated needs for this upgrade the recommendation is that Council grants \$1,000 to this project.

3. **Nhill-Dimboola Band** seeks funding of \$1,000 towards the cost of expenses to enable them to continue their regular band activities and spread the joy of listening to brass band music and to attract and teach new members to continue the long-held tradition of brass bands. They have expressed that since Covid-19 pandemic there has been a significant

decline in events and playouts, which has created a need for financial assistance to help reduce their losses and return to regular activities.

Nhill Dimboola Band estimated expense for the year is \$4,475 including cleaning fee's, rent, affiliation fee, liability insurance, licensing fees, instrument repairs and costs of hosting events.

They typically plan on paying these expenses through donations, interest, playout payments, membership fees, and from their own band funds.

Based on their eligibility and need for assistance, the recommendation is to grant funds of \$1,000 to ease the financial pressure and allow the group to return to their regular activities as soon as possible.

4. **Fit to Drive** seeks funding of \$1,000 to enable the Fit to Drive workshop to attend Nhill College and Dimboola Memorial Secondary College to present these workshops to Year 11 students.

The Fit to Drive Foundation provides road safety education programs for young people, their families and the wider community. They pride themselves on delivering relevant, informative, and interactive workshops including the F2D Workshop, Steer Right online webinar, and the Green Light Initiative (GLI). These programs are offered in partnership with education providers, local councils and service groups, and emergency services including Victoria Police and Fire Rescue Victoria.

The recommendation is to not allocate funds of \$1,000 as this company is not a community group and are not located within Hindmarsh Shire meaning they do not meet eligibility requirements for funding even though the programs are very worthwhile.

They have stated in their application they are attending Nhill College in June and plan on attending Dimboola Memorial Secondary College, and therefore do not appear to require financial assistance to pursue these workshops.

Event Sponsorship

Event sponsorships offer grants of up to **\$500** to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit. For events with a regional impact, Council may allocate an increased sponsorship amount.

There was one (1) application with a total funding request of \$500.

Applicants:

1. **Wimmera Band Group** is a collective group of bands from across North-West Victoria. Each year the Wimmera Band Group runs an event called "Band Sunday" where all bands gather to perform a public concert and to promote themselves in the hope of inspiring people to get into music and recruit new members.

The 2023 'Band Sunday' performance will be hosted by the Nhill Dimboola Band and is scheduled to be held at the Dimboola Memorial Secondary College Assembly Hall.

It is the responsibility of the host band (Nhill-Dimboola Band) to organise and run the 'Band Sunday' concert.

The Wimmera Band Group has submitted the grant application on behalf of the Nhill-Dimboola Band and seeks funding of \$500 as sponsorship to plan and organise the

‘Band Sunday’ event which is expected to attract 200 people.

The total cost is estimated at \$1,950 and will cover hall hire, afternoon tea, printing of music sheets and programs, advertising and other promotional costs.

Wimmera Band Group plan to contribute \$600 while the host band (Nhill-Dimboola Band) will contribute \$850.

The recommendation is to grant \$500 sponsorship towards the ‘Band Sunday’.

Small Equipment

Small Equipment grants provide funding assistance of up to **\$1,000** towards the purchase of small equipment items.

There were no applications for this category for Community Action Grant Round Two.

Applicants:

Not applicable.

Application summary:

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<i>Community Assistance - \$1000</i>			
Rainbow Lake Association	\$1,000.00	\$2,100.00	\$1,000.00
CWA Nhill Twilight Branch	\$1,000.00	\$1,120.00	\$1,000.00
Nhill-Dimboola Band	\$1,000.00	\$4,475.00	\$1,000.00
Fit to Drive	\$1,000.00	\$2,445.00	\$0.00
TOTAL	\$3,000.00	\$12,090.00	\$3,000.00
<i>Event Sponsorship - \$500</i>			
Wimmera Band Group	\$500.00	\$1,950.00	\$500.00
TOTAL	\$1,000.00	\$1,950.00	\$500.00
<i>Small Equipment - \$1,000</i>			
No application			
TOTAL	\$0.00	\$0.00	\$0.00
FULL TOTAL	\$0.00	\$0.00	\$0.00

Options

Council can choose to support some or all, partly or in full, or none of the applications to Round Two of the Hindmarsh Shire Council Community Action Grants 2022/2023.

Link to Council & Community Plans:

The Community Action Grants relate to Council’s Vision of “a caring, active community enhanced by its liveability, 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 to the Community Action Grants Program for the 2022/2023 financial year. Following grant allocations from Round 1 there is a balance of \$13,181.05 available for Round 2.

If all recommendations are approved for Round 2 a balance of \$8,681.05 will remain.

Risk Management Implications:

Each applicant has been requested to complete a project risk assessment as part of the application process.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Community Action Grants 2022/2023 program has been widely publicised through media releases, social media and Council's website.

Gender equality implications:

No gender impact assessment is required.

Conflict of Interest:

Under section 80c of the *Local Government Act 2020* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Monica Revell, Director Corporate & Community Services.

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

Author – Georgia Gelligen, Community Development and Youth Officer

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

Risk Management Implications:

Risks are to be managed by the successful applicants.

Communications Strategy:

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

RECOMMENDATION:

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

Community Assistance

- 1. A grant of \$1,000 – Rainbow Lake Association***
- 2. A grant of \$1,000 – CWA Nhill Twilight Branch***
- 3. A grant of \$1,000 – Nhill-Dimboola Band***

Event Sponsorship

- 1. A grant of \$500 – Wimmera Band Group***

Unsuccessful Applicants:

Community Assistance

- 1. A grant of \$1,000 – Fit to Drive***

TOTAL RECOMMENDED FUNDING ALLOCATED: \$3,500.

MOVED: CRS M Albrecht/W Bywaters

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

Community Assistance

- 4. A grant of \$1,000 – Rainbow Lake Association***
- 5. A grant of \$1,000 – CWA Nhill Twilight Branch***
- 6. A grant of \$1,000 – Nhill-Dimboola Band***

Event Sponsorship

- 2. A grant of \$500 – Wimmera Band Group***

Unsuccessful Applicants:

Community Assistance

2. A grant of \$1,000 – Fit to Drive

TOTAL RECOMMENDED FUNDING ALLOCATED: \$3,500.

CARRIED

Attachment Number: 5

Cr M Albrecht declared a conflict of interest and left the meeting at 3:18pm.

9.3 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM 2022/2023 ROUND 2

Responsible Officer: Director Corporate and Community Services

Attachment Number: 6

Introduction:

This report seeks approval from Council to provide funding through Round 2 of the Business Assistance Grants 2022/2023 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. It provides assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire.

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

Council has allocated \$30,000 towards the 2022/23 Business Assistance Grants program in the 2022/2023 Annual Budget.

Total funding of \$30,000 has been allocated to the program from the 2022/23 annual budget and split into two categories:

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

Category	Number of Applicants	Funding Available	Total Amount Requested
Business Development	1	\$17,036.50	\$2,000.00
Streetscapes	1		\$790.70
TOTAL	2		\$2,790.70

Applications for this round of the Business Assistance Grants Program closed at 5.00pm on Friday 10 February 2023 with two (2) applications received for funding totalling \$2,790.70.

Applications must meet the following criteria in order 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:

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

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

This grant supports the establishment of new and innovative businesses that increase diversity of the Shire's business community and provide the potential for local residents to start new businesses.

There was one (1) application for Business Development in this round of Business Assistance Grants.

Applicant:

- 1. West Wimmera Health Service (Business Development)** seeks funding of \$2,000 to help towards the purchase of indoor and outdoor play equipment and furniture for the Positive Parenting Centre being relocated from Emerge Early Years Centre to a West Wimmera Health Service residential property at 79 Victoria Street, Nhill. They would like to provide a home-like environment for families to feel comfortable while accessing the program/service. Based on the application, the recommendation is to grant funding of \$2,000.

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

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

There was one (1) application for Streetscapes in this round of Business Assistance Grants.

Applicant:

- 1. Shalom Hair Salon (Streetscapes)** seeks funding of \$790.70 towards improving the signage at Shalom Hair Salon so that people are aware there is a hairdressers further down the street. This will include new signage, flags and banners in front of the building. Based on the application, the recommendation is to grant funds of \$790.70.

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
West Wimmera Health Service	\$2,000.00	\$3,782.00	\$2,000.00
Shalom Hair Salon	\$790.70	\$1186.00	\$790.70

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 2022/2023.

Successful applicants would be required to complete their projects and acquit the funds received by 30 June 2023.

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 2022/23 Business Assistance Grants Round 2 is \$17,036.50. This is made up of the 2022/2023 budget allocation of \$30,000 for both round one and round two.

Risk Management Implications:

Each applicant has been requested to complete a project risk assessment as part of the application process.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Business Assistance Grants 2022/2023 program has been widely publicised through media releases, social media and Council's website.

Gender equality implications:

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.

Officer Responsible – Monica Revell, Director of Corporate and Community Services.
In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Jennie Hauselberger, Community Development and Project Officer.
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

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

RECOMMENDATION:

That Council, based on the eligibility and assessment criteria, approves the following successful round 2 Business Assistance Grants:

Business Development

- 1. \$2,000 to West Wimmera Health Service***

Streetscapes

- 1. \$790.70 to Shalom Hair Salon***

TOTAL RECOMMENDED FUNDING ALLOCATED ROUND TWO: \$2,790.70

MOVED: CRS W Bywaters/D Nelson

That Council, based on the eligibility and assessment criteria, approves the following successful round 2 Business Assistance Grants:

Business Development

- 1. \$2,000 to West Wimmera Health Service***

Streetscapes

- 1. \$790.70 to Shalom Hair Salon***

TOTAL RECOMMENDED FUNDING ALLOCATED ROUND TWO: \$2,790.70.

CARRIED

Attachment Number: 6

Cr M Albrecht returned to the meeting at 3:21pm.

10 COUNCIL COMMITTEES

10.1 HINDMARSH LGBTIQ+ ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 7 – 8

Introduction:

The Hindmarsh LGBTIQ+ Reference Group Advisory Committee held a meeting on Wednesday 8 February 2023. The purpose of this report is to note the minutes from this meeting, acknowledge the resignation of Johana Ireland, and endorse the appointment of Lou Bellizzi to the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. Notes the minutes of the LGBTIQ+ Advisory Committee meeting held on Wednesday 8 February 2023;***
- 2. Acknowledge the resignation of Johana Ireland from the committee; and***
- 3. Endorse the appointment of Lou Bellizzi to the committee.***

MOVED: CRS R Ismay/D Nelson

That Council:

- 1. Notes the minutes of the LGBTIQ+ Advisory Committee meeting held on Wednesday 8 February 2023;***
- 2. Acknowledge the resignation of Johana Ireland from the committee; and***
- 3. Endorse the appointment of Lou Bellizzi to the committee.***

CARRIED

Attachment Numbers: 7 – 8

10.2 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Numbers: 9 – 11

Introduction:

The Dimboola Township Advisory Committee held meetings on 8 December 2022 and 7 February 2023. The purpose of this report is to note the minutes from these meetings. A copy of the minutes are included as attachments for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Dimboola Township Advisory Committee meetings held on 8 December 2022 and 7 February 2023; and***
- 2. approves the expenditure of up to \$50,000 (excluding GST) on the Dimboola Steampunk Festival.***

MOVED: CRS D Nelson/W Bywaters

That Council:

- 1. notes the minutes of the Dimboola Township Advisory Committee meetings held on 8 December 2022 and 7 February 2023; and***
- 2. approves the expenditure of up to \$50,000 (excluding GST) on the Dimboola Steampunk Festival.***

CARRIED

Attachment Numbers: 9 – 11

10.3 RAINBOW TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 12

Introduction:

The Rainbow Township Advisory Committee held its meeting on 20 February 2023. The purpose of this report is to note the minutes from this meeting. A copy of the minutes are included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Rainbow Township Advisory Committee meeting held on 20 February 2023; and***
- 2. approves the expenditure of \$5,097.40 (including GST) to assist the Rainbow Lake Committee with funding for the Rainbow Lake Solar Light Project.***

MOVED: CRS R Ismay/M Albrecht

That Council:

- 1. notes the minutes of the Rainbow Township Advisory Committee meeting held on 20 February 2023; and***
- 2. approves the expenditure of \$5,097.40 (including GST) to assist the Rainbow Lake Committee with funding for the Rainbow Lake Solar Light Project.***

CARRIED

Attachment Number: 12

11 LATE REPORTS

11.1 PLANNING PERMIT APPLICATION PA1786-2022 – THREE (3) LOT SUBDIVISION AT 35-37 LOCHIEL STREET, DIMBOOLA, VIC 3414

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	86220
Application No.	PA1786-2022
Applicant:	The Ballarat Diocesan Trustees, C/- Angela Plazzer Ferguson Perry Surveying Pty Ltd
Owner:	The Ballarat Diocesan Trustees Corporation of Ballarat
Subject land:	35-37 Lochiel Street, Dimboola, VIC 3414 (Crown Allotment 9, Section 13, Township of Dimboola, Parish of Dimboola)
Proposal:	Three lot (3) subdivision
Zoning and Overlays:	General Residential Zone Schedule 1 (GRZ1) Environmental Significance Overlay Schedule 6 (ESO6) Heritage Overlay Schedule 34 (HO34) <ul style="list-style-type: none">• Clause 32.08-3 - Subdivision – GRZ1• Clause 42.01-2 – Subdivision – ESO6• Clause 43.01-1 – Subdivision – HO4
Attachment Numbers:	17 – 18

Summary

This report recommends that Council approve Planning Permit PA1786-2022 for a three (3) lot subdivision at 35-37 Lochiel Street, Dimboola VIC 3414 (Crown Allotment 9, Section 13, Township of Dimboola, Parish of Dimboola), subject to standard conditions.

Background

Planning Application PA1786-2022 was lodged with Council on 24 June 2022 for a three (3) lot subdivision. The plan of subdivision for the application was amended on 19 September 2022 and 21 November 2022 to revise the access to the lots for the subdivision.

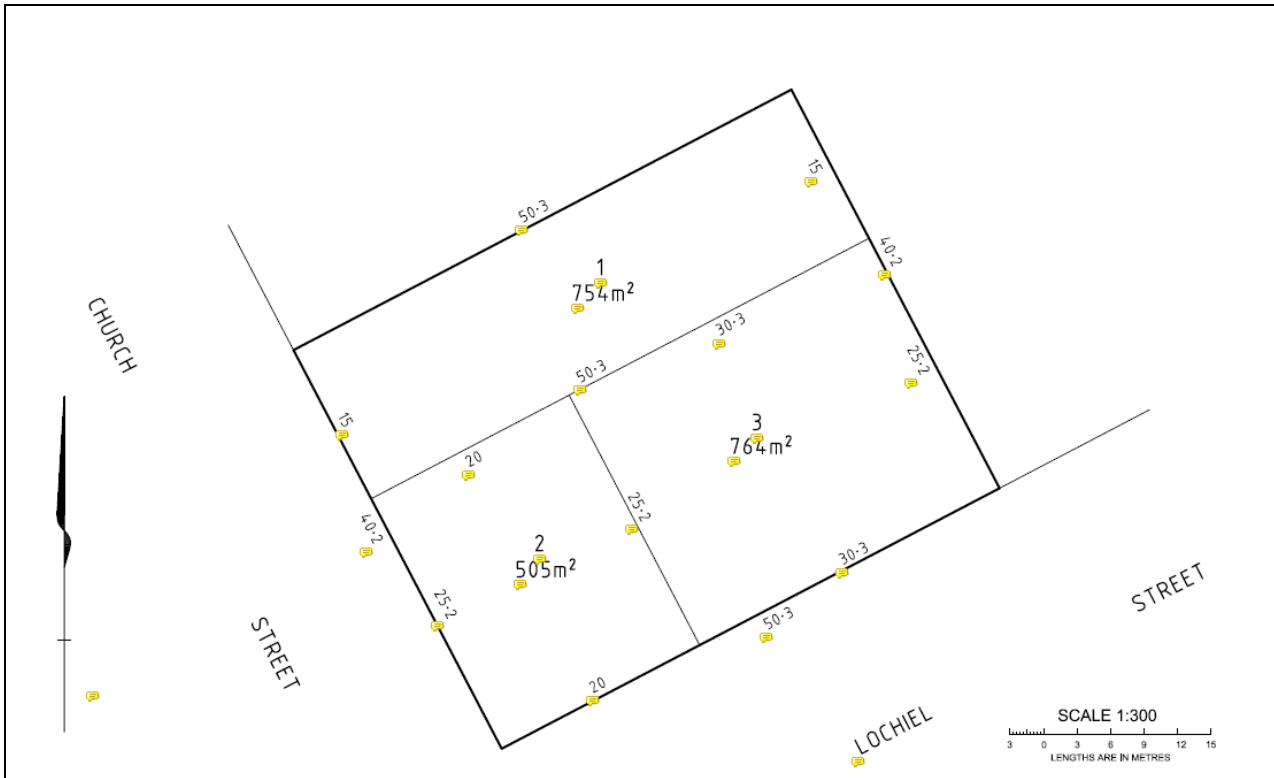
Proposal

The application proposes the subdivision of the existing 2023m² site into a total of three (3) lots, as follows:

- Lot 1 – 754m²
- Lot 2 – 505m²
- Lot 3 – 764m²

The three lots will each contain an existing building. Lot 1 contains the Church Hall, Lot 2 contains the Church building and Lot 3 contains an existing dwelling. The three lots are already connected to the required services.

Proposed Plan of Subdivision below:



Proposed Plan of Subdivision showing existing features below:



Requirement for Permit:

The subject land is located within the General Residential Zone Schedule 1, the Environmental Significance Overlay Schedule 6 and the Heritage Overlay Schedule (H04).

A planning permit is required to subdivide land under Clause 32.08-3 Subdivision of the General Residential Zone. A planning permit is also required to subdivide land under Clause

42.01-2 of the Environmental Significance Overlay and Clause 43.01-1 of the Heritage Overlay.

Subject Site and Locality

The subject site is located on the north-east side of Lochiel Street, Dimboola and fronts Church Street to the south-west. The site has a total area of approximately 2023m². The site contains existing Church buildings including St Peter’s Anglican Church, the Church Hall and the Church residence (manse).

Access to the existing Church and Church Hall is currently via an existing crossover and driveway from Church Street and access to the Church residence is via an existing crossover and driveway from Lochiel Street.

The site is within a predominantly residential area in the centre of the township of Dimboola. The commercial centre of Dimboola is located approximately 230 metres to the south-west of the site with the majority of commercial premises fronting Lloyd Street and Victoria Street.

The adjacent properties are developed with single storey dwellings fronting Lochiel Street and Church Street. The Dimboola Primary School is located further south and fronts both Church Street and Hindmarsh Street. The Dimboola Railway Station and railway line is situated at the eastern end of Lochiel Street and the station buildings are approximately 110m from the site.

Aerial Map of the site and surrounding area below (POZI):



Site History/Planning Permit History

The site has been occupied by the St Peter's Anglican Church, Church Hall and Church residence for a long time. There is no recent planning permit history other than the current subdivision planning application.

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 as the proposal is not within land affected by Aboriginal Cultural Heritage Sensitivity and is not a high impact activity pursuant to the *Aboriginal Heritage Regulations 2018*.

Advertising

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two public notices on site fronting Lochiel Street and Church Street for a period of 14 days.
- Placing a public notice in The Dimboola Banner newspaper.
- The application was made available for public viewing with the public notice on Council's website.

The applicant has submitted a statutory declaration to confirm the public notice was erected on the site for the required time as directed by Council. The notification has been carried out correctly by the applicant as directed.

Council has not received any objections to date.

Referrals

External Referrals

Section 55

Wimmera Catchment Management Authority (Wimmera CMA)

The WCMA have advised the following:

- Based on the information provided, Wimmera CMA does not object to the granting of a permit.

Please Note:

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

Internal Referrals

The application was referred internally to the following Departments:

Engineering – Comments provided. Advice provided that there are no objections to the subdivision based on the current practice and information provided. A Consent for works application can be applied for, if future access to Lot 2 is required.

Heritage Advisor – Comments provided about the heritage significance of the place (HO4). Advice was provided that the proposed subdivision is acceptable in relation to heritage.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-2 Environmental and landscape values

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-5 Building Environment and heritage

Clause 02.04 Strategic Framework Plans - Dimboola Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 11.01-1L Settlement - Hindmarsh

Clause 15.01 Built Environment

Clause 15.01-3S Subdivision design objective is:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-5S Neighbourhood character objective is:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.03-1S Heritage conservation objective is:

To ensure the conservation of places of heritage significance.

Clause 19.03-2S Infrastructure design and provision objective is

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Planning Response:

The site contains existing buildings that are connected to infrastructure and services and are in close proximity to facilities within Dimboola. The proposal to contain each building on three separate lots will respect the subdivision pattern of the area and will protect the heritage significance of the buildings within the heritage place in accordance with Clause 15.01-3S Subdivision design, Clause 15.03-1S Heritage Conservation and Clause 02.03-5 Built Environment and Heritage. The subdivision will comply with the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment and Heritage and Infrastructure.

Clause 32.08 – General Residential Zone

Clause 32.08-3 Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6

Schedule 1 to the General Residential Zone

There are no relevant requirements for subdivision in the Schedule.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The subdivision will respect the neighbourhood character of the area. The subdivision will allow for the creation of separate lots for the three existing buildings on the site. The proposal will comply with the objectives of the zone. Standard conditions are required to ensure the three lots are connected to all services before new titles can be issued.

Clause 42.01 Environmental Significance Overlay (ESO)

42.01-2 Permit requirement (relevant to application)

A permit is required to:

- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

42.01-5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value (ESO6)

3.0 Permit requirement

There are no relevant permit requirements for subdivision in the Schedule.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The Wimmera CMA has advised they have no objections to the proposal and have not required any conditions. The application complies with the decision guidelines of the ESO.

Clause 43.01 Heritage Overlay (HO)

43.01-1 Permit requirement

A permit is required to subdivide land.

43.01-8 Decision guidelines (relevant to application)

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

Schedule 4 of the HO

The site is within the HO4 for the Dimboola Anglican Church.

Planning Response:

The proposed subdivision will not adversely affect the significance of the heritage place. Council's Heritage Advisor has confirmed that the subdivision is acceptable in relation to heritage. The existing buildings will be sited within each of the lots and will not adversely affect the significance, character or appearance of the heritage place. The proposal complies with the relevant decision guidelines of the HO4.

Particular Provisions

Clause 52.06 Car Parking

There are no car parking implications as the existing uses of the land are unchanged and the uses rely on existing on-street car parking spaces for any demand. There is no planning permit required under this Clause.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the

land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

53.01-1 Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- *It is one of the following classes of subdivision:*
 - *Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.*
 - *Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.*
 - *It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.*
 - *It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.*

Planning Response:

There is no record of a public open space contribution ever having been paid for this site. The proposed subdivision does not meet the exemptions under Clause 53.01-1. Therefore, a 5% public open space contribution to the value of the land is required in accordance with this Clause, which will be required as a condition.

Clause 56 – Residential Subdivision

The application has been assessed against the requirements of Clause 56 and complies with the relevant objectives and standards of the Clause including the following:

- The subdivision of existing buildings to be located on separate lots will not change the existing neighbourhood character (Standard C6) and is consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework.
- The subdivision of the existing buildings will result in lot diversity and comply with Standard C7 (Lot diversity and distribution).
- All three existing buildings on the lots are oriented towards the street frontages to comply with Standard C10 (Street orientation).
- The existing crossovers for vehicle access to Lot 1 from Church Street and to Lot 3 from Lochiel Street are acceptable. There is no existing crossover for vehicle access to Lot 2 as this is currently located on Lot 1 as access to the Church Hall and Church. The absence of a crossover to Lot 2 is acceptable in this instance as the existing access arrangements rely on on-street car parking and there is adequate space within the road reserve for the parking of hearses for funerals as required. If a

crossover is required for vehicle access to Lot 2 in the future, Council's Engineers have confirmed that a works permit will be required.

- The site has access to existing infrastructure including reticulated water, sewer, electricity and telecommunications connections to comply with Standards C22, C24 and C25. Standard conditions under Clause 66.01 are required to ensure the existing infrastructure for the lots is appropriate.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01 Approval of an application or plan

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

Clause 65.02 Approval of an application to subdivide land

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

Planning Response:

The proposed subdivision will enable each lot to be sold separately in the future if the Church is no longer used on this site. The area and dimensions of the three lots will allow for spacing around the existing buildings and will respect the prevailing subdivision pattern of the area. The lots are connected to the required services and standard conditions are required. The proposal complies with the relevant decision guidelines of this Clause.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone, the Environmental Significance Overlay Schedule 6, the Heritage Overlay Schedule 4, Clause 56 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

24/06/2022 Application lodged

11/07/2022 Fee received

20/07/2022 Further information requested

19/09/2022 Written response to further information and planning report received in SPEAR pursuant to Section 50 of the *Planning and Environment Act 1987*

14/10/2022 Outstanding further information requested

- 21/11/2022 Amended plans (Version 3) received in SPEAR pursuant to Section 50 of the *Planning and Environment Act 1987*
- 22/12/2022 Advertising documents sent to the applicant via email.
- 13/01/2023 External referrals and internal referral sent via SPEAR
- 18/01/2023 Advertisement appeared in Dimboola Banner
- 08/02/2023 Responses all received to external and internal referrals
- 09/02/2023 Public notices – signs erected by the applicant on site
- 23/02/2023 Statutory declaration for the advertising received from the applicant
- 01/03/2022 Presented to Council for approval

The report is being presented to Council for approval at the meeting held 01 March 2023 (37 statutory days).

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

Link to Council Plan:

Not applicable

Financial Implications:

The subdivision will have positive financial implications through a potential increase in Rates income to Council.

Risk Management Implications:

There are no risks to be managed by Council, except if the planning permit is not approved, Council could be seen to be holding up development within the municipality.

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 – Jessie Holmes, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

Issue Planning Permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Planning Permit PA1786-2022 be approved by Council, to allow a three (3) lot subdivision on the subject land at 35-37 Lochiel Street, Dimboola, VIC, 3414 (Crown Allotment 9, Section 13, Township of Dimboola, Parish of Dimboola), subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Public Open Space Contribution for Subdivision

- 2. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme.***

Access/Vehicle Crossovers

- 3. The vehicle crossovers and access to the lots must be constructed and maintained to the satisfaction of the Responsible Authority.***

Mandatory Conditions in Clause 66.01

- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
- 6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

Subdivision Expiry

- 7. The subdivision will expire if:***
 - a) The plan of subdivision is not certified within two (2) years of the date of this permit.***
 - b) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.***

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in

writing before the permit expires, or within six (6) months of the permit expiry date.

Notes:

Planning

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

Engineering

- A Consent to Works Within Road Reserve Permit must be applied for from Council's Engineering Department (Phone: 03 5391 4444) if future access to Lot 2 is required.

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2023-00002 in your correspondence with us.

MOVED: CRS M Albrecht/R Ismay

That Planning Permit PA1786-2022 be approved by Council, to allow a three (3) lot subdivision on the subject land at 35-37 Lochiel Street, Dimboola, VIC, 3414 (Crown Allotment 9, Section 13, Township of Dimboola, Parish of Dimboola), subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Public Open Space Contribution for Subdivision

- 2. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme.***

Access/Vehicle Crossovers

- 3. The vehicle crossovers and access to the lots must be constructed and maintained to the satisfaction of the Responsible Authority.***

Mandatory Conditions in Clause 66.01

4. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
5. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
6. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

Subdivision Expiry

7. ***The subdivision will expire if:***
 - a) ***The plan of subdivision is not certified within two (2) years of the date of this permit.***
 - b) ***The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.***

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months of the permit expiry date.

Notes:

Planning

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

Engineering

- A Consent to Works Within Road Reserve Permit must be applied for from Council's Engineering Department (Phone: 03 5391 4444) if future access to Lot 2 is required.

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2023-00002 in your correspondence with us.

CARRIED

12 NOTICES OF MOTION

No notices of motion.

13 OTHER BUSINESS

Cr W Bywaters declared a conflict of interest and left the meeting at 3:29pm.

13.1 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

As per the Councillor Expense Policy, Cr W Bywaters has applied to attend the ALGWA (all inclusive) Conference 17-20 May 2023 at the RACV Cape Schanck resort, Mornington Peninsula, VIC. Early bird bookings for the 2023 ALGWA National and State Conference are open now.

Conference investment:

Conference fees \$1400 per person | \$1260 Early Bird

Early bird prices available until Friday 17 March 2023.

Further 10% off available at checkout with the ALGWA member discount code and Cr Bywaters is a member.

Accommodation at RACV Cape Schanck Resort at \$266 per night for three nights.

Transport will be via council vehicle.

The conference brings together councillors and officers from across Australia to advance female participation in local government and put a spotlight on issues facing women in the sector. Delegates draw inspiration from the thought-provoking presenter's, network with other attendees, and benefit from the peer support offered by Australian Local Government Women's Association.

MOVED: CRS D Nelson/M Albrecht

That Cr Bywaters attend the ALGWA Conference from 17-20 May, and that her expenses be covered by Council.

CARRIED

Cr W Bywaters returned to the meeting at 3:34pm.

14 CONFIDENTIAL REPORTS

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

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

RECOMMENDATION:

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

- 14.1 *AUDIT AND RISK COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters; and***

- 14.2 SUPPORT AT HOME – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**

MOVED: CRS R Ismay/M Albrecht

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

- 14.1 AUDIT AND RISK COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters; and**
- 14.2 SUPPORT AT HOME – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

CARRIED

15 LATE CONFIDENTIAL REPORTS

16 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 3:56pm.
