



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD AT THE COUNCIL CHAMBER, NHILL ON WEDNESDAY 21 JUNE 2017, COMMENCING AT 3:00PM

AGENDA

1. Appointment of Acting Mayor

2. Acknowledgement of the Indigenous Community and Opening Prayer

3. Apologies

4. Confirmation of Minutes

5. Declaration of Interests

6. Public Question Time

7. Deputations

8. Activity Reports

9. Correspondence

10. Assembly of Councillors

10.1 Record of Assembly

11. Planning Permit Reports

11.1 Application for Planning Permit 1555-17

11.2 Application for Planning Permit 1559-17

11.3 Application for Planning Permit 1560-17

12. Reports Requiring a Decision

12.1 Risk Management Report

13. Special Committees

No report.

14. Late Reports

See 16.1 Confidential Matters

15. Other Business

No report.

16. Confidential Matters

16.1 Late report | Contract 2015-2016-4 – Provision of resources to extract quarry materials and associated services at Council quarries – extension of contract

17. Meeting Close

Present: Crs. R. Lowe (Acting Mayor), D. Colbert, T. Schneider, R. Gersch, R. Ismay

In Attendance:

Anne Champness (Acting Chief Executive Officer), Adrian Gasperoni (Director Infrastructure Services), Monica Revell (Acting Director Corporate Services), Philip King (Acting Director Community Services), Taegan Salt (Executive Assistant),

12.1: Joanne McCartney (Risk and Governance Coordinator).

1. APPOINTMENT OF ACTING MAYOR

In the absence of the Mayor, the acting CEO called the meeting to order. Council must appoint a Councillor as acting Mayor, Local Government Act 1989, section 73(3).

Section 6(6) of the Hindmarsh Meeting Procedure and Common Seal Local Law, Law No 1 of 2014, provides that if the Mayor is unable to attend a Council meeting for any reason: (a) any Deputy Mayor will be acting Chair.

RECOMMENDATION

That Council appoint Cr as acting Mayor.

MOVED: CRS R. Gersch/T. Schneider

That Council appoint Cr Ron Lowe as acting Mayor for the Council Meeting (21 June 2017).

CARRIED

2. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr Lowe opened the meeting at 3:02pm by acknowledging the Indigenous Community and offering the opening prayer.

3. APOLOGIES

An apology was received from Cr D. Nelson (Mayor).

4. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 June 2017 in the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: CRS T. Schneider/R. Ismay

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 June 2017 in the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

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

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

Philip King (Acting Director Community Services) declared a conflict of interest in item 11.2 Application for Planning Permit 1559-17, indirect interest by close association.

6. PUBLIC QUESTION TIME

7. DEPUTATIONS

Detail	Presenter	Time Allocation
Nhill Learning Centre	Annette Creek	3:25pm – 4:05pm

8. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: MAY 2017

Cr NELSON, MAYOR

Attended:

- 01/05/2017 Town Committee Meeting, Dimboola
- 02/05/2017 Mayor / CEO meeting
- 03/05/2017 Nhill Aviation Heritage Centre , Nhill
- 03/05/2017 Briefing and Council meeting, Nhill
- 03/05/2017 WSMLLEN AGM, Horsham
- 04/05/2017 Council Office, Nhill
- 05/05/2017 River heights stakeholders meeting, Dimboola
- 08/05/2017 Welcome Andrew - Million dollar run to town, Dimboola
- 08/05/2017 Town Committee meeting, Jeparit
- 09/05/2017 Wimmera Development Association meeting, Stawell
- 09/05/2017 Volunteers breakfast, Dimboola
- 10/05/2017 Rural Councils Victoria Forum, Melbourne
- 11/05/2017 MAV State Council, Melbourne
- 17/05/2017 Briefing and Council meeting, Nhill
- 17/05/2017 Karen Community Plan Review, Nhill
- 18/05/2017 Nhill Skate Park community consultation, Nhill
- 21/05/2017 DMSC RSL tree planting ceremony, Dimboola
- 25/05/2017 Community Action Network meeting, Dimboola
- 26/05/2017 Victorian Aboriginal Heritage Council 10th Anniversary, Melbourne

Cr LOWE, DEPUTY MAYOR

Attended:

- 03/05/2017 Visit Nhill Aviation Heritage Centre, Nhill.
- 03/05/2017 Briefing and Council meeting, Nhill
- 08/05/2017 Town Committee Meeting, Jeparit.
- 10/05/2017 Volunteers Breakfast, Jeparit.
- 10/05/2017 Volunteers BBQ, SES Building, Nhill
- 11/05/2017 Karen Community Plan Review, Nhill.
- 12/05/2017 Youth Council Retreat Dinner, Little Desert Lodge
- 17/05/2017 Briefing and Council meeting, Nhill
- 22/05/2017 Rainbow Town Committee Meeting, Rainbow.

Cr GERSCH

Attended:

- 03/05/2017 Visit Nhill Aviation Heritage Centre, Nhill.
- 03/05/2017 Briefing and Council meeting, Nhill
- 05/06/2017 Meeting with Corporate Services Director
- 09/05/2017 Volunteer breakfast, Nhill
- 10/05/2017 Rural Councils Victoria workshop
- 11/05/2017 Rural Councils Victoria board meeting
- 17/05/2017 Briefing and Council meeting, Nhill
- 18/05/2017 Community Conversation for proposed Nhill skate park
- 24/05/2017 Cook BBQ for 50 travellers Adelaide/Melbourne

Cr COLBERT

Attended:

- 03/05/2017 Briefing and Council meeting, Nhill
- 17/05/2017 Briefing and Council meeting, Nhill
- 26/05/2017 North West Municipal Meeting, Warracknabeal
- Various Nhill Golf Club

Cr ISMAY

Attended:

- 03/05/2017 Briefing and Council meeting, Nhill
- 16/05/2017 Ross Lakes Environmental Water Project, WCMA, GWM Water, Horsham
- 17/05/2017 Briefing and Council meeting, Nhill

Cr SCHNEIDER

Attended:

- 03/05/2017 Briefing and Council meeting, Nhill
 - 08/05/2017 Meeting with Director Infrastructure, Dimboola
 - 08/05/2017 Meeting with Director Infrastructure, Dimboola
 - 10/05/2017 Volunteer breakfast, Dimboola
 - 12/05/2017 Centre for Participation Volunteer Awards, Horsham
 - 17/05/2017 Briefing and Council meeting, Nhill
 - 21/05/2017 Dimboola Memorial Secondary College, Avenue of Honour extension and dedication, Dimboola
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SENIOR MANAGEMENT ACTIVITIES: MAY 2017

GREG WOOD, Chief Executive Officer:

Attended:

- 02/05/2017 Mayor/CEO meeting, Nhill
- 02/05/2017 Cinema Volunteer, Nhill
- 03/05/2017 Nhill Aviation Heritage Centre, Nhill
- 03/05/2017 Briefing and Council meeting, Nhill
- 08/05/2017 Meeting Regional Director, DELWP, Nhill
- 09/05/2017 WDA Meeting, Stawell
- 10/05/2017 Regional Partnership meeting, Horsham
- 11/05/2017 Rural Councils Victoria, Mayors/CEOs Melbourne
- 11/05/2017 LGPro CEO meeting, Melbourne
- 12/05/2017 MAV State Council, Melbourne
- 15/05/2017 Meeting with The Hon. Darren Chester MP Federal Minister for Infrastructure and Transport and Andrew Broad, MP, Mildura
- 16/05/2017 Ross Lakes Environmental Water Project, WCMA, GWM Water, Horsham
- 17/05/2017 Briefing and Council meeting, Nhill
- 18/05/2017 Community Conversation for proposed Nhill skate park
- 22/05/2017 NAHC Meeting, Nhill
- 23/05/2017 Cinema Volunteer, Nhill
- 24/05/2017 Rotary Club tour of Council Office, Nhill
- 25/05/2017 MAV CEO Forum, Melbourne
- 30/05/2017 Cinema Volunteer, Nhill

ADRIAN GASPERONI, Director Infrastructure Services:

Attended:

- 03/05/2017 Briefing and Council meeting, Nhill
- 09/05/2017 Meeting with SES re new development and lease agreement, Nhill
- 11/05/2017 WMFS – Steering Group Meeting (CMA)
- 15/05/2017 Nhill Town Committee Meeting
- 17/05/2017 Briefing and Council meeting, Nhill
- 25/05/2017 NBN T10 Horsham Cluster – Dimboola – On-site meeting
- 29/05/2017 VORRA Rainbow Enduro – On-site meeting with DWELP
- 31/05/2017 Coordinator Planning and Development Interviews

ANNE CHAMPNESS, Director Corporate and Community Services:

Attended:

- 03/05/2017 Briefing and Council meeting, Nhill
- 09/05/2017 Volunteer breakfast, Nhill
- 10/05/2017 Meeting Ann Twyford, Wimmera Regional Library Corporation, Nhill
- 11/05/2017 Karen Community Plan Review, Nhill
- 12/05/2017 Youth Council Retreat, Nhill
- 17/05/2017 Briefing and Council meeting, Nhill
- 17/05/2017 Karen Community Plan Review, Nhill
- 18/05/2017 Community Conversation for proposed Nhill skate park
- 24/05/2017 Meeting Department of Education and Training, Nhill
- 24/05/2017 Grampians Regional Advisory Council meeting, Ararat

- 25-26/05/2017 2017 Future of Local Government Summit, Melbourne
 - 30/05/2017 Meeting West Wimmera Health Service, Nhill
 - 31/05/2017 Wimmera Southern Mallee Community Transport Forum, Horsham
 - 31/05/2017 Nhill Kindergarten Parents Advisory Committee meeting, Nhill
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9. CORRESPONDENCE

9.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence.

10. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

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

Options:

1. That Council accept the Assembly of Councillors Record as presented.

RECOMMENDATION:

That Council accept the Assembly of Councillors Record as presented.

MOVED: CRS T. Schneider/R. Ismay

That Council accept the Assembly of Councillors Record as presented.

CARRIED

Attachment: 2

11. PLANNING PERMITS

11.1 APPLICATION FOR PLANNING PERMIT 1555-17

Responsible Officer: Director Infrastructure Services
File: Planning – Applications – 1555-17
Assessment: N/A
Attachment: 3

Applicant: Kiata Wind Farm Pty Ltd
Owner: Various titles
Subject Land: Various Titles - Janetski's Road / Salisbury South Road, Kiata
Proposal: Native vegetation removal
Zoning & Overlays: Farming Zone (FZ)

Summary:

The planning application seeks approval for the removal of native vegetation. The application is associated with the Kiata Wind Farm project. This project was approved by Planning Permit PA1500023 issued by the Minister for Planning (DELWP). Council considered the application at its meeting of 22 March 2016 where it was decided to support the application subject to the inclusion of permit conditions. These conditions primarily related to road improvements and other engineering considerations. The Council decision was preceded by extensive consultation with the permit applicant.

As part of the wind farm planning application a range of environmental issues were considered including the removal of native vegetation. There are various conditions (numbers 56 - 60) of Planning Permit PA1500023 that relate to native vegetation removal and associated offsets.

The wind farm project is now under construction. During the detailed design process it was found that additional native vegetation removal would be required. This came about due to requirements to improve sight lines for the maintenance roads. The extent of additional vegetation clearance is confined to two small areas of 30m² and 178m². The permit holder in consultation with DELWP and Council decided that it would be quicker if this request was dealt with as a separate planning application rather than seek an amendment to the existing DELWP planning permit.

A detailed native vegetation assessment has been submitted with the application. This report considers the vegetation to be removed and appropriate off-sets. The information has been referred to DELWP for comment. DELWP have requested permit conditions, these are included in the recommendation. The conditions in format and application are similar to those included in the 'parent' permit which allows the wind farm development.

Approval of the application will allow for safe sight lines from the maintenance roads. The extent of native vegetation clearance is modest and is unavoidable given the need to provide safe driving conditions.

The Hindmarsh Planning Scheme encourages investment in energy facilities, the proposal is allied with this outcome. The planning scheme also encourages appropriate consideration of native vegetation issues. These objectives have been satisfied.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and referred to stipulated authorities.

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this application was not required due to the exemption provided for by Clause 43.01-3.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not required.

Pursuant to Section 55 of the Act, referral of this application was sent to DELWP. A response has been included which includes recommended permit conditions. The figures in the recommended permit conditions have been updated to reflect an amendment to the permit application. These changes are considered minor and relate to increasing the offset requirements. DELWP have been consulted on these changes.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 24 April 2017. The application was referred to DELWP. The report is being presented to the Special Planning Committee meeting of 21 June 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approves Planning Application 1555-17 allowing native vegetation removal at Janetski's Road and Salisbury South Road, Kiata. The Planning Permit shall be issued with the following conditions:

1. Notification of permit conditions:

Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and

associated statutory requirements or approvals.

2. Protection of vegetation to be retained:

Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

3. Offset requirement:

To offset the removal of native vegetation, including 0.218 hectares of remnant patches, in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013) and Native Vegetation gain scoring manual (DEPI) as specified below:

3.1.1. General offset satisfaction:

A general offset of 0.055 general biodiversity equivalence units with the following attributes:

- be located within the Wimmera Catchment Management Authority boundary or Hindmarsh Shire Council municipal area; and**
- have a strategic biodiversity score of at least 0.629**

3.2 Offset evidence and timing:

Before and native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:

- a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or**
- an allocated credit extract from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

3.3. Monitoring and reporting on onsite offset implementation:

Annual monitoring and reporting is required for offsets not secured on the Native Vegetation Credit Register. If a security agreement is entered into, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for period of ten consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the statutory authority.

4. Offsets in Bushfire Management Overlay (BMO) areas:

Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning (DELWP), offsets must not be located within 150 metre BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).

5. The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time for the permit

can be sought for the permit.

MOVED: CRS R. Gersch/R. Ismay

That Council approves Planning Application 1555-17 allowing native vegetation removal at Janetski's Road and Salisbury South Road, Kiata. The Planning Permit shall be issued with the following conditions:

1. Notification of permit conditions:

Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

2. Protection of vegetation to be retained:

Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

4. Offset requirement:

To offset the removal of native vegetation, including 0.218 hectares of remnant patches, in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013) and Native Vegetation gain scoring manual (DEPI) as specified below:

3.1.1. General offset satisfaction:

A general offset of 0.055 general biodiversity equivalence units with the following attributes:

- be located within the Wimmera Catchment Management Authority boundary or Hindmarsh Shire Council municipal area; and***
- have a strategic biodiversity score of at least 0.629***

3.2 Offset evidence and timing:

Before and native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:

- a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or***
- an allocated credit extract from the Native Vegetation Credit Register.***

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

3.3. Monitoring and reporting on onsite offset implementation:

Annual monitoring and reporting is required for offsets not secured on the Native Vegetation Credit Register. If a security agreement is entered into, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for period of ten consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the statutory authority.

4. Offsets in Bushfire Management Overlay (BMO) areas:

Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning (DELWP), offsets must not be located within 150 metre BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).

6. *The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time for the permit can be sought for the permit.*

CARRIED

Attachment 3

P. King left the room at 4:16pm

11.2 APPLICATION FOR PLANNING PERMIT 1559-17

Responsible Officer: Director Infrastructure Services
File: Planning – Applications – 1559-17
Assessment: 030740
Attachment: 4

Applicant: Robin Barber
Owner: Phillip Colquhoun
Subject Land: Lot 2, PS 421117F
(22 Wimmera Street, Dimboola)

Proposal: Alterations to a building
Zoning & Overlays: Commercial 1 Zone (C1Z)
Environmental Significance Overlay – Schedule 6 (ESO6)
Heritage Overlay – Schedule 34 (HO34)

Summary:

The subject site is located on the south side of Wimmera Street approximately 20m east of Lloyd Street. The site is developed with a hardware store which comprises several different buildings. The different buildings have various design styles. The ground floor has various display windows. The buildings have verandahs extend partly across the property frontage. They provide excellent weather protection.

The property is located on the periphery of the core retail area of Dimboola. This area is covered by Heritage Overlay – Schedule 34 which relates to central Dimboola. The immediate streetscape adjacent the subject site exhibits a range of building styles. The corner block is vacant.

The verandah on part of the site is proposed to be replaced. In this section the rafters are in poor condition as is the verandah roof. It is also proposed to replace this section of verandah and also extend the length of the verandah by approximately 2.7m to cover a previously exposed area of footpath. The verandah style and materials will be similar to the verandah that is located immediately to the east.

Under the Heritage Overlay a planning permit is required for any external building modifications. The Heritage Overlay seeks to protect against inappropriate development and protect contributing heritage fabric from demolition. The heritage value of the Dimboola main commercial area comprises many elements. These include the integrity of buildings, the shopfronts, streetscape values and the prominence of verandahs.

Approval of the application will allow for an enlarged verandah that will contribute in a positive manner to the amenity of the town centre.

The Hindmarsh Planning Scheme encourages investment in town centres and sensitive redevelopment within heritage places. The proposal is consistent with these objectives.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and referred to stipulated authorities.

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this application was not required due to the exemption provided for by Clause 43.01-3.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not required.
Pursuant to Section 55 of the Act, referral of this application was not required.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 30 May 2017. The report is being presented to the Special Planning Committee meeting of 21 June 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approves Planning Application 1559-17 allowing buildings and works to a building at Lot 2, PS 421117F (22 Wimmera Street, Dimboola). The Planning Permit shall be issued with the following conditions:

- 1. The layout of the use and development for the land as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***
- 2. The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time for the permit can be sought for the permit.***

MOVED: CRS D. Colbert/T. Schneider

That Council approves Planning Application 1559-17 allowing buildings and works to a building at Lot 2, PS 421117F (22 Wimmera Street, Dimboola). The Planning Permit shall be issued with the following conditions:

- 1. The layout of the use and development for the land as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***
- 2. The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time for the permit can be sought for the permit.***

CARRIED

Attachment: 4

P. King returned at 4:22pm

11.3 APPLICATION FOR PLANNING PERMIT 1560-17

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications – 1560-17
Assessment:	131220
Attachment:	5
Applicant:	Nhill Motor Sports Club Inc.
Owner:	Ashley Dickenson
Subject Land:	Crown Allotments 69, Lot 1 TP412722A (Western Highway, Nhill)
Proposal:	Hold a one day “Pony Express Enduro” event on the 15 July 2017 between the hours of 8am and 7.00pm (Place of Assembly).
Zoning & Overlays:	Farming Zone (FZ)

Summary:

This application is for a ‘pony express enduro’ motorcycle event to be held on Saturday 15 July 2017. The sporting event is proposed by the Nhill Motor Sports Club who regularly operate such events in farming areas within the Shire. Previous events have attracted no objection. The site is relatively remote with no nearby sensitive uses.

The proposal is a low impact event that requires no permanent structures to be erected. The adjoining landowners have provided letters of support for the event.

It is proposed to hire temporary toilet facilities. Given the one off nature of the proposal it is appropriate to place an expiry date on the planning permit. The proposed expiry date allows one week to clean the site. It is anticipated that any tidy up of the site will occur before the expiry of the permit.

The Hindmarsh Planning Scheme encourages community involvement in sporting events. The proposal is entirely consistent with this planning objective.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and referred to stipulated authorities.

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this application was not given to adjoining landowners as letters have been received from these parties stating no objection to the proposal.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not referred to any authorities as the proposal is not subject to any relevant controls.

Pursuant to Section 55 of the Act, notice of this application was not required.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local

Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

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

Processing Times:

The application was received on 31 May 2017. The report is being presented to the Council meeting of 21 June 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approves Planning Application 1560-17 allowing a Planning Permit to hold a one only one day 'Pony Express Enduro' event (Place of Assembly) on 15 July 2017 between the hours of 8am and 7.00pm at Lot 1 TP 412722A (Western Highway, Nhill). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

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

2. Certificate of Currency for Public Liability Insurance:

The use hereby permitted shall not commence until a current certificate of currency for Public Liability Insurance has been obtained.

3. Maintenance:

Maintenance of all works, surrounds and parking areas within the site shall be carried-out in such a manner to render the site neat, tidy and clean at all times.

4. Parking:

No vehicle associated with the event shall be parked in a road reserve abutting the subject land.

5. Amenity:

The amenity of the area shall not be detrimentally affected by the use or development through the:

- **Transport of materials, goods or commodities to or from the land;**
- **Appearance of any building, works or materials;**
- **Emission of noise, artificial light, vibration, smells, fumes, smoke, vapour, steam, soot, ash dust, waste water, waste products, grit or oil; and**
- **Presence of vermin or otherwise.**

6. Waste Disposal:

All wastes including sewage, sullage and refuse, shall be disposed of in the proper manner, to the satisfaction of the Responsible Authority (Environmental Health Officer).

7. Water Supply:

The use hereby permitted shall not commence until an adequate supply of potable water has been provided, to the satisfaction of the Responsible Authority (Environmental Health Officer).

8. Food Handling:

Any food intended to be sold must be the subject of a 'Single Food Event' Application, and shall be to the satisfaction of the Responsible Authority (Environmental Health Officer).

9. Signs Requiring Further Approval:

Unless no permit is required under the Planning Scheme, signs must not be constructed or displayed without a further permit.

10. Emergency Services Given Notice:

Emergency Services (Country Fire Authority, Police & Ambulance) are to be given 14 days written notice of the proposed Pony Express Enduro Motorcycle Event and a further 48 hours' notice before the commencement of any activity onsite, by the organiser.

11. Clean up:

The permit holder will ensure the site is in a neat and tidy manner with all rubbish removed prior to the lapse of the permit.

12. Lapse of Permit:

This Permit shall lapse on the 23 July 2017.

MOVED: CRS R. Gersch/T. Schneider

That Council approves Planning Application 1560-17 allowing a Planning Permit to hold a one only one day 'Pony Express Enduro' event (Place of Assembly) on 15 July 2017 between the hours of 8am and 7.00pm at Lot 1 TP 412722A (Western Highway, Nhill). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

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

2. Certificate of Currency for Public Liability Insurance:

The use hereby permitted shall not commence until a current certificate of currency for Public Liability Insurance has been obtained.

3. Maintenance:

Maintenance of all works, surrounds and parking areas within the site shall be carried-out in such a manner to render the site neat, tidy and clean at all times.

4. Parking:

No vehicle associated with the event shall be parked in a road reserve abutting the subject land.

5. Amenity:

The amenity of the area shall not be detrimentally affected by the use or development through the:

- *Transport of materials, goods or commodities to or from the land;*
- *Appearance of any building, works or materials;*
- *Emission of noise, artificial light, vibration, smells, fumes, smoke, vapour, steam, soot, ash dust, waste water, waste products, grit or oil; and*
- *Presence of vermin or otherwise.*

6. Waste Disposal:

All wastes including sewage, sullage and refuse, shall be disposed of in the proper manner, to the satisfaction of the Responsible Authority (Environmental Health Officer).

7. Water Supply:

The use hereby permitted shall not commence until an adequate supply of potable water has been provided, to the satisfaction of the Responsible Authority (Environmental Health Officer).

8. Food Handling:

Any food intended to be sold must be the subject of a 'Single Food Event' Application, and shall be to the satisfaction of the Responsible Authority (Environmental Health Officer).

9. Signs Requiring Further Approval:

Unless no permit is required under the Planning Scheme, signs must not be constructed or displayed without a further permit.

10. Emergency Services Given Notice:

Emergency Services (Country Fire Authority, Police & Ambulance) are to be given 14 days written notice of the proposed Pony Express Enduro Motorcycle Event and a further 48 hours' notice before the commencement of any activity onsite, by the organiser.

11. Clean up:

The permit holder will ensure the site is in a neat and tidy manner with all rubbish removed prior to the lapse of the permit.

12. Lapse of Permit:

This Permit shall lapse on the 23 July 2017.

13. Traffic Management Plan:

A Traffic Management Plan must be submitted to Council prior to the running of the event.

CARRIED

Attachment: 5

12. REPORTS REQUIRING A DECISION

12.1 RISK MANAGEMENT REPORT

Responsible Officer: Acting Director Corporate Services
Attachment Number: 6

Introduction:

The purpose of this report is to inform Council of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies.

Discussion:

Risk management is the systematic process of addressing hazards by:

1. Identifying any foreseeable hazard that has the potential to cause harm or damage to persons or property within the Shire
2. Assessing the risk from the identified hazard – both the significance of the risk and the likelihood that the risk will occur
3. Elimination of the hazard or where this is not possible minimising either the likelihood of the risk occurring, or in the event that the risk occurs, its impact.
4. Regular review of the risk with consideration of current controls and possible improvements to further reduce the risk.

Effective risk management is integral to Hindmarsh Shire Council's vision of achieving a caring, active community enhanced by its liveability, environment and economy.

To achieve the economic expectations of our stakeholders and community needs, Hindmarsh Shire Council must pursue opportunities that involve some degree of risk. Council's risk management framework aligns strategy, processes, people, technology and knowledge for the purpose of identifying, analysing, managing and monitoring the challenges and opportunities we face in delivering our strategic objectives.

Reviewing risk management is a continuous process, and a fundamental element of effective leadership and good Governance. While Council officers are responsible for regularly assessing their departments' risks and the effectiveness and appropriateness of risk management strategies, Council's role is to monitor the systems and processes for risk management, review Council's risk profile and consider the effectiveness of mitigation actions.

A risk report is presented to Council's Audit Committee on a regular basis to allow a third party review of Council's risks and progress of treatment plans.

Council's risk register has been reviewed and updated over recent months and is provided for Council consideration.

Council's OHS, Risk and Governance Officer oversees all risks and tracks their review and treatment/mitigation undertaken. The current top ten risks identified and risk matrix to determine their rating are provided on the following pages. A spreadsheet showing all risk identified is attached (Attachment 7).

The following Risk Matrix was used to determine the risk rating for a risk:

	Consequence / Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Event expected to occur most times during normal operations	Almost Certain	Medium	High	High	Extreme	Extreme
Will probably occur in most circumstances. E.g. Weekly	Likely	Medium	Medium	High	High	Extreme
Might occur at some time. E.g. Annually	Possible	Low	Medium	Medium	High	High
Probably wont but could occur at some time. E.g. Once every 5 years	Unlikely	Low	Low	Medium	Medium	High
May occur only in exceptional circumstances. E.g. Once every 10 years	Rare	Low	Low	Low	Medium	Medium

The following table depicts the top 10 risks faced by our organisation (ordered by current rating):

Risk No	Risk Description	Risk Level (Current)	Risk Level (Residual)
8	Reduced Community sustainability / viability throughout the Shire.	High	Medium
14	Loss of skills, future entrepreneurs and community leaders as a result of insufficient or unsuitable economic and recreational opportunities.	High	High
15	Insufficient skills available regionally to address community needs.	High	High
17	Unexpected capital expenditure incurred outside funding constraints and/or budget parameters.	High	Medium
36	Council experiences an increase in legal claims for losses, damages, negligence etc.	High	Medium
46	Structural or biohazard risks from Council buildings, due to building age/condition or presence of asbestos.	High	
68	Low service and utilisation levels from systems if staff lack training in the use and understanding of those systems.	High	Low
80	Poor management of Council roads and footpaths	High	Medium
93	Failure of Council's computer system hard drive.	High	Low
126	Inadequate inventory of Council's road assets.	High	Medium

Top 10 risks (current)

The following table depicts the top 10 risks faced by our organisation (ordered by residual rating):

Risk No	Risk Description	Risk Level (Current)	Risk Level (Residual)
14	Loss of skills, future entrepreneurs and community leaders as a result of insufficient or unsuitable economic and recreational opportunities.	High	High
15	Insufficient skills available regionally to address community needs.	High	High
155	State Government rate capping limited council's ability to raise own funds	High	High
8	Reduced Community sustainability / viability throughout the Shire.	High	Medium
17	Unexpected capital expenditure incurred outside funding constraints and/or budget parameters.	High	Medium
36	Council experiences an increase in legal claims for losses, damages, negligence etc.	High	Medium
80	Poor management of Council roads and footpaths	High	Medium
126	Inadequate inventory of Council's road assets.	High	Medium
127	Inability to effectively respond to a 'medium' or large scale incident within the Shire.	High	Medium
133	Failure to conduct a cost / benefit analysis for ongoing funding of Council owned or controlled facilities.	High	Medium

Top 10 risks (residual)

Options

Council can note the Risk Management Report or add, alter or remove risks listed.

Link to Council Plan:

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

Financial Implications:

Nil.

Risk Management Implications:

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

Conflict of Interest:

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

Author and Officer Responsible – Anne Champness, Director Corporate & Community Services

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

Communications Strategy:

Not applicable.

RECOMMENDATION:

That Council notes the Risk Management report.

MOVED: CRS R. Gersch/T. Schneider

That Council notes the Risk Management report and a further report considering drainage and the safety of the outdoor workforce be presented to Council in three months.

CARRIED

Attachment: 6

13. SPECIAL COMMITTEES

No report.

14. LATE REPORTS

See 16.1 Confidential Matters

15. OTHER BUSINESS

MOVED: CRS R. Gersch/R. Ismay

That Council acknowledge Adrian Gasperoni's (Director of Infrastructure Services) contribution and work completed over the term of his employment with Hindmarsh Shire Council.

CARRIED

MOVED: CRS D. Colbert/T. Schneider

That a report be presented to Council's July meeting regarding the options for management of birds like Corellas and pigeons in Hindmarsh Shire.

CARRIED

16. CONFIDENTIAL REPORTS

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

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

MOVED: CRS R. Gersch/T. Schneider

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider (d) contractual matters;

16.1 Contract 2015-2016-4 – Provision of resources to extract quarry materials and associated services at Council quarries – extension of contract

CARRIED

MOVED: CRS R. Gersch/T. Schneider

That the meeting moves out of closed session and release item 16.1 and appoint G&H Hair Earthmoving Pty Ltd for a further one year ending 30 June 2018 for the contract 2015-2016-04.

CARRIED

17. MEETING CLOSE

There being no further business, Cr Nelson declared the meeting closed at 5:10pm
