



28 February 2018

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chambers, 92 Nelson Street, Nhill on Wednesday 7 March 2018, commencing at **3.00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for amendment to planning permit 1479-2015

10. Reports Requiring a Decision

10.1 Procurement Australia -2106-0634 Retail Electricity, Natural Gas and Associated Services Contract

10.2 Change of meeting dates

11. Special Committees

11.1 Yurunga Homestead Committee

12. Late Reports

No report

13. Other Business

14. Confidential Matters

No reports

15. Meeting Close

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

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

Opening Prayer

*Dear Lord,
We humbly request your blessing upon this Council and welcome your guiding presence among us.*

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 February 2018 at the Memorial Hall, Roy Street, Jeparit, as circulated to Councillors be taken as read and confirmed.

Attachment: 1

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

) Direct; or

) Indirect interest

) a) by close association;

) b) that is an indirect financial interest;

) c) because of conflicting duties;

) d) because of receipt of an applicable gift;

) e) as a consequence of becoming an interested party; or

) f) because of an impact on residential amenity.

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

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

No deputations

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

Attachment: 2

9. PLANNING PERMITS

9.1 APPLICATION FOR AMENDMENT TO PLANNING PERMIT 1479-2015

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications – 1479 - 2015
Assessment:	109300
Attachment:	3 - Plans – Site Plan Launer_CoPmap3.pdf, prepared by Brendan Launer, dated 20 June 2017.
Applicant:	Brendan Launer
Owner:	Graeme Richard Launer
Subject Land:	Lot 1 TP217161, 80 Nottles Rd Netherby
Proposal:	Use and development of the land for Stone Extraction – Limestone quarry
Zoning & Overlays:	Farming Zone (FZ), No Overlays

Summary:

This application is to seek Council approval to amend Planning Permit 1479-2015 providing for a secondary site for a limestone quarry on the same title of land where a limestone quarry has previously been operating under Planning Permit 1479-2015. Under the provisions of the Hindmarsh Planning Scheme, the proposal accords with the definition of “stone extraction” being:-

“Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990”.

The original quarry is located on the northern boundary of the site, is no longer in use and has since been rehabilitated. The proposed quarry site is to be approximately 4.5 ha in area, on the north-western boundary, abutting Nottles Road.

Amendment Trigger:

Condition 1 of Planning Permit 1479-2015 states:

“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”

Proposal Details:

The proposal in detail involves:

- J The proposed siting of the secondary limestone quarry is to be located at a distance of approximately 300m from the north-western boundary of the subject land.
- J The proposed secondary quarry is approximately 4.5 ha in size. (Refer Attachment 1).
- J The proposed quarry will be excavated to a maximum depth of 2 metres below the surface, with no native vegetation proposed to be removed. No blasting will be used. No water courses or dams will be impacted by the proposal, and there are no dwellings within close proximity to the proposed works.

- J 5,000 to 8,000 tonnes of limestone is expected to be sold annually to local farmers, contractors and Council.
- J It is understood that the existing quarry has been rehabilitated and closed and an application has been submitted for a new work authority.

From 1 January 2010, quarries that are less than five hectares in area and less than five metres in depth, provided that no blasting or native vegetation clearance occurs, will be exempt from the requirement to work to an approved Work Plan (section 77G of Mineral Resources (Sustainable Development) Act 1990 MRSD Act). Such small quarries are instead required to comply with the Code, which is made under sections 89A - 89H of the MRSD Act.

Planning Assessment:

Permit Requirement: -

Use:

A planning permit is required pursuant to Clause 35.07-1 of the Farming Zone to use the land for Stone Extraction. 'Stone Extraction' is a Section 2 Use.

Development:

A planning permit is required pursuant to Clause 35.07-4 for works associated with a use in Section 2 of Clause 35.07-1 under the provisions of the Hindmarsh Planning Scheme.

Planning Scheme Considerations:

State Planning Policy Framework

Clause 11 – Settlement
Clause 11.07 – Regional Victoria
Clause 11.15 – Wimmera Southern Mallee
Clause 13 – Environmental Risks
Clause 17 – Economic Development
Clause 18 - Transport
Clause 19 - Infrastructure

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 35.07 – Farming Zone

Overlay Provisions

Nil

Particular Provisions

Clause 52.08 - Earth and Energy Resources Industry
Clause 52.09 - Stone Extraction and Extractive Industry Interest Areas

General Provisions

Clause 65 – Decision Guidelines

Discussion

The application has been assessed against the State Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use as “stone extraction” is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate (as outlined in detail within the planning scheme):

General Issues

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

Agricultural issues and the impacts from non-agricultural uses

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

The proposal also considers Environmental and Design & Siting Issues, and an assessment against these issues has revealed the proposal will not detrimentally impact upon these matters. The use of the land for stone extraction is considered suitable and appropriate in this location.

General Provisions – Decision Guidelines

Clause 65.01 of the Hindmarsh Planning Scheme requires that before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

-) The matters set out in Section 60 of the Planning & Environment Act, 1987.
-) The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
-) The purpose of the zone, overlay or other provision.
-) Any matter required to be considered in the zone, overlay or other provision.
-) The orderly planning of the area.
-) The effect on the amenity of the area.

-) The proximity of the land to any public land.
-) Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
-) Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
-) The extent and character of native vegetation and the likelihood of its destruction.
-) Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
-) The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The relevant matters set out in s60 of the Act are:

- (1) Before deciding on an application, the responsible authority must consider—
- a) the relevant planning scheme; and
 - b) the objectives of planning in Victoria; and
 - c) all objections and other submissions which it has received and which have not been withdrawn; and
 - d) any decision and comments of a referral authority which it has received; and
 - e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers
 - f) the environment may have on the use or development; and
 - g) any significant social effects and economic effects which the responsible authority considers the use or development may have.

It is considered that this proposal will produce acceptable outcomes, having regard to the decision guidelines

Notification & Referral of Application:

Pursuant to Sections 52 (1)(a), (b) and (d) of the Planning and Environment Act 1987, notice of the application must be given to the community and affected authorities, unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

Notice of the application was provided to adjoining landowners, a sign placed on the land for a minimum of fourteen (14) days, and an advertisement placed in the Nhill Free Press on the 1 November 2017 with no objections received.

Internal referral to Council's Engineering Department was not considered necessary on this occasion, as the activity being proposed is of a similar scale and nature to the existing operation.

Pursuant to Section 55 of the Planning and Environment Act 1987 (the Act), the application must be referred to stipulated authorities.

On this occasion Council's Planning Department has formed the view that authority referral is not required for the following reasons:

- No Overlays affecting the proposed area of operations; and

- Parallel approval process conducted by the Department of Economic Development, Jobs, Transport, and Resources – Earth Resources.

Authorities:

Referral not required on this occasion.

Objections

No objections received.

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 Planning & Development Coordinator 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 13 September 2017. The report is being presented to the Council meeting of 7 March 2018, giving a processing time of 176 days. The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied, as the required Statutory Declaration stating that notification had been undertaken correctly was not provided until the 29 January 2018.

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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Planning and Development Coordinator

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

RECOMMENDATION:

That Council approves an application to use and develop land (including works) for stone extraction (limestone quarry), at Lot 1 TP 217161 Parish of Warraquil (80 Nottles Road, Netherby), subject to the following conditions:-

Endorsed Plans:

(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) All works and activities undertaken in association with the quarry must be in accordance with the Code for Small Quarries and consistent with any requirements set by the Department of Economic Development, Jobs, Transport & Resources.

(3) All storm water shall be dispersed internally. Storm water runoff from works associated with the land use should not interfere with neighbouring properties or cross over into the road reserve.

(4) Access to the site must be via an all-weather road with dimensions adequate to accommodate heavy vehicles and emergency vehicles.

(5) The use and development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

-) transport of materials, goods or commodities to or from the land;**
-) appearance of any works or materials;**
-) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil to the satisfaction of the Responsible Authority.**

(6) The existing quarry is to be decommissioned, revegetated and reinstated to an appropriate condition in accordance with the Code of Practice for Small Quarries to the satisfaction of the Department of Economic Development, Jobs, Transport & Resources, and the Responsible Authority.

(7) This permit will expire if:

- The use has not commenced within two years of the date of this permit.**
- Any approval under the provisions of the Mineral Resources (Sustainable Development) Act 1990 is cancelled in accordance with Section 770 of the Act.**

(8) If the use allowed by this permit has not commenced by the date the permit lapses (two years), the permit holder may apply to the responsible authority before or within six months after the expiry date of the permit for an extension of time.

Attachment: 3

10. REPORTS REQUIRING A DECISION

**10.1 PROCUREMENT AUSTRALIA -2106-0634 RETAIL ELECTRICITY,
NATURAL GAS AND ASSOCIATED SERVICES CONTRACT**

Responsible Officer: Director Infrastructure Services

Introduction:

Energy retailer AGL, via Procurement Australia Contract No. 1906/0625, currently provides the provision of electricity for the majority of Council assets and services. This contract expires 30 June 2018. Procurement Australia are undertaking a procurement process for energy providers for a period of two or three years commencing 1 July 2018. This report requests Council grant delegated authority to the Chief Executive Officer to enter into a contract with the recommended energy provider following the Procurement Australia tendering process.

Discussion:

Procurement Australia facilitate public tender processes on behalf of private and public sectors including local government, with an aim to achieve discounted goods and services through aggregated contractual arrangements.

Currently the majority of Council's electricity supply is provided by AGL through the Procurement Australia contract, which expires on 30 June 2018. Council officers have accepted Procurement Australia's invitation to participate in the new electricity contract. Procurement Australia (PA) also requires a letter of authorisation from Council, for it to:-

-) Act as a tendering agent and invite tenders on Council's behalf for electricity for large and small sites, including solar feed in tariff requirements for a period of two years.
-) Obtain all required Site, Consumption and associated data (interval/meter data, retail agreements) pertaining to Council's current energy retailer(s) for tendering purposes only.
-) Complete the evaluation of tenders in accordance with the criteria and weightings and prepare an evaluation report for Council.
-) Award the tender on merit to a retailer or retailers within the defined tender acceptance time period, consistent with how the energy sector works.
-) Instruct the successful retailer/s to issue energy supply agreements to Council for execution.
-) Provide ongoing contract support during the contract duration.

Council delegation of authority to Greg Wood, Chief Executive Officer is required to authorise Procurement Australia to act of its behalf for the provision of electricity for large and small sites, and solar feed in tariff requirements for the two-year period, commencing 1 July 2018. Public Lighting and Natural Gas have been excluded from Council's commitment to this procurement process.

Options:

1. Council can delegate authority to the Chief Executive Officer to enable participation in the Procurement Australia tender process and subsequent contract agreement; or
2. Council can undertake an independent procurement process for the provision of electricity.

Link to Council Plan:

Strategic Objective 2.4. A community living more sustainably.

Strategic Objective 4.1. Long-term financial sustainability.

Financial Implications:

During the 2016/2017 financial year, Council expended approximately \$134,000 on electricity supply, excluding public lighting.

It is envisaged that the ensuing Procurement Australia contract will deliver significant savings in contrast to Council undertaking an independent tendering process. This view is formed due to the committed volume provided by aggregated councils to the potential energy retailer. It should be noted however that energy prices are expected to increase beyond those currently being paid by Council.

A recent procurement exercise for electricity supply for Council's unmetered public lighting network has demonstrated a 39.32% increase amounting to an increase of approximately \$4,600 increase p/a.

Should similar increases be experienced through this procurement process, Council will have to increase its operating allocation for electricity by \$52,689 p/a.

Risk Management Implications:

There is a risk that Council would attract higher energy costs should it not participate in the Procurement Australia facilitated tender process.

It should be noted that Procurement Australia hold an Approved Ministerial Arrangement which provides exemption from Local Government Act s186 requirements.

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: **Wayne Schulze –Manager Operations**

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

Author: Noella Smith – Administration Officer Operations

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

Communications Strategy:

Procurement Australia will be responsible for the tender process. Once the successful tender/s has been notified they will send an agreement for execution by the Chief

Executive Officer.

Next Steps:

The Chief Executive Officer enter into agreement with Procurement Australia to participate in the 2106-0634 Retail electricity, Natural Gas and Associated Services tender process and execute on Council's behalf the ensuing contract agreement with the successful retailer.

Ministerial exemption exists

RECOMMENDATION:

That Council:

- 1. Delegates authority to the Manager Operations to enter into agreement with Procurement Australia for the 2106-0634 Retail electricity, Natural Gas and Associated Services tender process; and***
 - 2. Delegates authority to the Chief Executive Officer to execute on Council's behalf the ensuing contract agreement with the successful retailer from the 2106-0634 Retail electricity, Natural Gas and Associated Services tender process.***
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10.2 CHANGE OF MEETING DATES

Responsible Office: Greg Wood, Chief Executive Officer

Introduction:

Discussion to be held regarding changing the Council meeting to be held on Wednesday 16 May 2018 to Wednesday 23 May 2018, and cancelling the Wednesday 20 June 2018.

Discussion:

The proposed change to 16 May 2018 meeting is due to Councillors commitment to attend the Rural Councils Victoria Summit to be held in Lakes Entrance, Victoria from Wednesday 16 May 2018 until Friday 18 May 2018. As there are five Wednesdays in May, changing the meeting to 23 May 2018 will still allow at least two weeks between Council meetings. The proposed cancellation of 20 June 2018 meeting is due to the CEO and Mayor attending the Australian Local Government Association National General Assembly in Canberra, ACT from Sunday 17 June 2018 to Wednesday 20 June 2018. There is only four Wednesdays in June, and changing the date to either a week before (13 June 2018) or a week after (27 June 2018), will mean that Council meetings are held in two consecutive weeks at some stage.

Options:

1. Council can choose to accept both proposed changes to Council meetings.
2. Council can choose to accept the proposed change to 16 May 2018 meeting only.
3. Council can choose to accept the proposed cancellation of 20 June 2018 meeting only.
4. Council can choose not to accept the proposed changes and instead propose new dates.

Link to Council Plan:

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

Financial Implications:

Nil

Risk Management Implications:

Nil

Conflict of Interest:

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

Officer Responsible: Greg Wood, Chief Executive Officer

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

Author: Shelley Gersch, Executive Assistant

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

Communications Strategy:

Advertising of the change of meeting date will be placed in the local newspapers.

RECOMMENDATION:

That Council:

- 1. Accepts the proposed change to move the 16 May 2018 Council meeting a week later, being Wednesday 23 May 2018, due to the Rural Councils Victoria Summit in Lakes Entrance, VIC being held on 16 May 2018.***
 - 2. Accepts the proposal to cancel the 20 June 2018 Council meeting due to the CEO and Mayor attending the Australian Local Government Association National Assembly in Canberra, ACT.***
 - 3. Advertises in local newspapers notifying the community of the change of date.***
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11. SPECIAL COMMITTEES

11.1 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 4

Introduction:

The Yurunga Homestead Committee held its general meeting on 11 November 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Homestead Committee general meeting held on 11 November 2017.

Attachment: 4

12. LATE REPORTS

No report

13. OTHER BUSINESS

14. CONFIDENTIAL REPORTS

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

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

No confidential matters.

15. MEETING CLOSE
