



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD
4 SEPTEMBER 2019 AT THE COUNCIL CHAMBERS, 92 NELSON STREET NHILL
COMMENCING AT 3:00PM.**

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Amendment to Planning Permit 869-2003 – Use and Develop Land (Including Works) For Continued Mineral Extraction (Gypsum), Lot 1 TP217813,

Warraquil Rd Netherby

11. Reports Requiring a Decision

- 11.1 Murray Darling Association Membership
- 11.2 Re-Allocation of Funds from The 2018/2019 Capital Works Program to Increase the Scope of Albert Street Footpath Project
- 11.3 Review of Election Period Policy

12. Special Committees

- 12.1 Hindmarsh Shire Council Audit Committee
- 12.2 Wimmera Mallee Pioneer Museum Committee
- 12.3 Yurunga Homestead Committee
- 12.4 Rainbow Town Committee
- 12.5 Dimboola Town Committee
- 12.6 Jeparit Town Committee
- 12.7 Antwerp Hall Committee
- 12.8 Nhill Town Committee

13. Late Reports

No report

14. Other Business

15. Confidential Matters

No report

16. Meeting Close

Present:

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

Apologies:

Cr T Schneider

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr R Ismay opened the meeting at 3:01pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

Cr T Schneider

RECOMMENDATION:

Cr T Schneider apology be accepted.

MOVED: Crs D Colbert/D Nelson

Cr T Schneider apology be accepted.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 August 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/R Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 August 2019

at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

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.

None declared.

5. PUBLIC QUESTION TIME

No public in attendance.

6. DEPUTATIONS

No deputations.

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: JULY 2019

Cr ISMAY, MAYOR

Attended:

01/07/2019	Off Road Race meeting Rainbow
04/07/2019	Weather Radar Construction Site with Minister Symes
04/07/2019	Weather Radar workshop Rainbow
05/07/2019	Working bee Off road site
08/07/2019	Tour of Wimmera River Dimboola
08/07/2019	Jeparit Town Committee meeting
10/07/2019	Citizenship Ceremony Nhill
10/07/2019	Council briefing Nhill
10/07/2019	Council meeting Nhill
13/07/2019	Nhill 1969 premiership lunch Nhill
15/07/2019	VORRA meeting Rainbow
16/07/2019	WMT Meeting Little desert lodge
16/07/2019	Wimmera River user group meeting Dimboola
19/07/2019	Scrutineers course theory Rainbow
21/07/2019	Scrutineers course practical Rainbow
22/07/2019	Tour with Paul Mathews Visit Vic
23/07/2019	Dimboola mural presentation RSL hall
24/07/2019	Briefing meeting Nhill
24/07/2019	Council meeting Nhill
26/07/2019	Regional roads meeting Horsham
29/07/2019	Off road race meeting Rainbow
31/07/2019	Local Govt reform meeting Melbourne

Cr LOWE, DEPUTY MAYOR

Attended:

01 - 13/ 07/2019	Leave of Absence
16/07/2019	WMPM Meeting, Jeparit
20/07/2019	Little Desert Nature Lodge Reopening
24/07/2019	Council Briefing, Meeting. Nhill

Business Arising:

MOVED: Crs R Lowe/D Nelson

That Council writes to the Dimboola Golf Club on their successful Golf Tournament event held in August 2019.

CARRIED

Cr GERSCH

Attended:

02/07/2019	Youth presentation at A&P Meeting
03/07/2019	RCV presentation to West Wimmera Shire
10/07/2019	Council briefing meeting
10/07/2019	Council meeting
12/07/2019	RCV board meeting Melbourne
13/07/2019	Nhill Football Club 50 year reunion
16/07/2019	WDA board meeting
19/07/2019	Nhill Fire Brigade AGM
19/07/2019	Wimmera Regional Library meeting
24/07/2019	Council briefing meeting
24/07/2019	Council meeting

Business Arising:

MOVED: Crs R Gersch/R Lowe

That Council write to the Nhill Fire Brigade to congratulate the newly appointed captain and thanks to the brigade for their time.

CARRIED

Cr COLBERT

Attended:

10/07/2019	Briefing and Council meeting, Nhill
24/07/2019	Briefing and Council meeting, Nhill

Cr NELSON

Attended:

01/07/2019	Town Committee meeting, Dimboola
03/07/2019	WDA CEO recruitment interviews, Horsham
10/07/2019	Briefing Meeting, Nhill
10/07/2019	Council meeting, Nhill
16/07/2019	WSMLLEN Finance Committee meeting, Horsham
16/07/2019	WDA Audit & Review Committee meeting, Horsham
16/07/2019	WDA Board meeting, Horsham
20/07/2019	Little Desert Nature Lodge Re-Opening
23/07/2019	Travis Price Mural meeting, Dimboola
24/07/2019	Briefing Meeting, Nhill
24/07/2019	Council Meeting, Nhill
25/07/2019	WSMLLEN COM meeting, Horsham

Cr SCHNEIDER

Attended:

10/07/2019 Briefing and Council meeting, Nhill
24/07/2019 Briefing and Council meeting, Nhill

SENIOR MANAGEMENT ACTIVITIES: JULY 2019

GREG WOOD, Chief Executive Officer:

Attended:

01/07/2019	Leave
03/07/2019	EBA Update, Nhill Depot
04/07/2019	Meeting with Andy Meddick MP, Animal Justice Party, Nhill
04/07/2019	Rainbow radar site construction commencement ceremony, Rainbow
04/07/2019	Rainbow Radar and Weather Workshop by Jaclyn Symes, Rainbow
10-11/07/2019	Leave
15/07/2019	Yarriambiack Shire CEO Jessie Holmes, Nhill
16/07/2019	WDA Meeting
19/07/2019	Youth Council Karaoke Event, Nhill
20/07/2019	Little Desert Nature Lodge reopening
23/07/2019	Teleconference Maddocks Lawyers
23/07/2019	Special all staff EBA Meeting, Nhill
24/07/2019	Mayor Meeting, Nhill
24/07/2019	Council Briefing - Nhill
24/07/2019	Council Meeting – Nhill
26/07/2019	Meeting with Architects regarding Dimboola Civic Hub – Dimboola
31/07/2019	Local Government Bill Forum - Local Government Minister, Melbourne

ANGELA HOY, Director Infrastructure Services:

Attended:

10/07/2019	Council Briefing, Nhill
10/07/2019	Council Meeting, Nhill
24/07/2019	Council Briefing, Nhill
24/07/2019	Council Meeting, Nhill
29/07/2019	Wimmera Catchment Management Authority Flood Gauge Cost Share Review Meeting, Wimmera Catchment Management Authority, Horsham
25/07/2019	Combined Municipal Emergency Management Planning Committee Meeting, Horsham RSL
16/07/2019	Wimmera River Stakeholders Advisory Group Meeting, Dimboola
04/07/2019	Rainbow Radar and Weather Workshop, Rainbow Bowling Club

MONICA REVELL, Director Corporate and Community Services:

Attended:

02/07/2019	Interviews Information Technology Administrator – Nhill
03/07/2019	Relief & Recovery Meeting with Red Cross – Horsham
04 - 08/07/2019	Annual Leave
10/07/2019	Council Briefing – Nhill
10/07/2019	Council Meeting – Nhill
15/07/2019	Meeting with Yarriambiack Shire CEO – Nhill
17/07/2019	Meeting regarding MAV Workcare – Nhill
19/07/2019	WRLC Special Board Meeting – Horsham

23/07/2019 EBA Negotiations Meeting – Nhill
23/07/2019 All Staff Meeting – Nhill
24/07/2019 Meeting regarding Drought support small funds – Nhill
24/07/2019 Council Briefing - Nhill
24/07/2019 Council Meeting - Nhill
25/07/2019 Combined MEMPC Meeting – Horsham
25/07/2019 Meeting with DHHS regarding Made 2 Measure Care Program – Nhill
26/07/2019 Meeting with Architects regarding Dimboola Civic Hub – Dimboola
30/07/2019 Meeting with Dorothy McLaren WWHS – Nhill
31/07/2019 Rural Council Transformation Project Initiation Meeting – Horsham
31/07/2019 Meeting with Mark Gent DWM – Horsham
31/07/2019 Wimmera PCP After a suicide workshop – Horsham

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence.

9. 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 accepts the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs R Lowe/D Colbert

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 2

10. PLANNING PERMITS

10.1 APPLICATION FOR AMENDMENT TO PLANNING PERMIT 869-2003 – USE AND DEVELOP LAND (INCLUDING WORKS) FOR CONTINUED MINERAL EXTRACTION (GYPSUM), LOT 1 TP217813, WARRAQUIL RD NETHERBY

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	112080
Applicant:	Melissa Say – AMETS (formerly Noel Laidlaw & Associates)
Owner:	Steve and Sarah White
Subject Land:	Lot 1 TP217813, Warraquil Rd Netherby
Proposal:	Use and develop land (including works) for continued mineral extraction (Mining Licence MIN5573).
Zoning & Overlays:	Farming Zone (FZ); Aboriginal Cultural Heritage Sensitivity
Attachment:	3

Summary:

This report recommends that Council approve an amendment to Planning Permit 869-2003 for mineral extraction – gypsum at Lot 1 TP217813, Warraquil Rd Netherby.

Background:

On the 31 August 2018, an application to amend a planning permit to expand and continue to extract gypsum at Lot 1 TP217813, Warraquil Rd Netherby was received.

Proposal Details:

The current extraction area –see Attachment 1.1– Mining Licence No. 5495 – has a total area of approximately 14.16 ha.

The proposal is to increase the area under extraction on the site to 79.3ha, with proposed Mining Licence MIN5573 having an area of 65.14ha, as the current area under extraction (Mining Licence No. 5495) is approaching the end of its resources. Annual output is expected to be within the range of 12000t to 30000t, depending on seasonal agricultural demand.

The proposed operation will involve the disturbance and removal of gypsum and lime from below the land surface, to a maximum depth of 3 metres. The gypsum and lime will be extracted using earth moving equipment, excavating, crushing, and removing the lime gypsum mix. The landscape will be rehabilitated over the life of the mine, with the life of the mine anticipated to be twenty years.

Mining activity has occurred within the area for 2 generations. As the site is located within an area of Aboriginal Cultural Heritage Sensitivity, a Cultural Heritage Management Plan (CHMP) has been prepared concurrently with the lodgement of this application, lodged with

the Barengi Gadgin Land Council (BGLC) on the 18 March 2019, and approved by the BGLC on the 17 April 2019.

A request for further information (RFI) under Section 54 of the Planning and Environment Act 1987 seeking provision of this CHMP was sent to the applicant on the 07 November 2018, and was provided to Council on the 29 April 2019.

Requirement for Permit:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme to use and develop land (including works) associated with a use in Section 2 of Clause 35.07-1.

Under the provisions of the planning scheme, ‘mineral extraction’ is a Section 2 Use in the Farming Zone (FZ).

Definitions:

The proposal is defined within the Hindmarsh Planning Scheme as ‘mineral extraction’, which is “*Land used for extraction of minerals in accordance with the Mineral Resources (Sustainable Development) Act 1990*”.

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 not exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the proposal is within land affected by the Aboriginal Cultural Heritage Overlay. A CHMP has been supplied, and approved by Barengi Gadgin Land Council (BGLC).

Subject site & locality:

The subject site is known as Lot 1 TP217813, Warraquil Rd Netherby, and is currently used for the purposes of a gypsum quarry, and grazing. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

The subject land and proposed expansion to the mining activity is located 6.5 km north of Netherby, and approximately 34 km north of the Nhill Post Office. The total activity area on the site is 79.3 hectares, and no native vegetation is proposed to be removed. There is a dwelling located approximately 4km to the south west, another dwelling located approximately 5.5km to the south, and two located 4.1km and 4.5 km to the south southeast.

s52 Notice of application

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

(a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or*

lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 52 Notices: Notice was given to adjoining landowners, and a sign was placed on the land. Notices were not required to be given to State Agencies. No objections were received at the time of writing of this report.

Section 55 Referrals: Not required - This has been submitted and previously referred and approved.

Internal Referrals:

- Engineering: Condition to be applied.
- Environmental Health: Not required
- Building: Not required
- Economic Development and Tourism: Not required

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 13.02-1S	Bushfire planning
Clause 14.01-1S	Protection of agricultural land
Clause 14.01-2R	Agricultural productivity - Wimmera Southern Mallee
Clause 14.03	Earth and Energy Resources
Clause 14.03-1S	Resource exploration and extraction
Clause 15.03-2S	Aboriginal cultural heritage
Clause 17	Economic Development
Clause 17.01	Employment
Clause 17.01-1S	Diversified economy
Clause 17.01-1R	Diversified economy - Wimmera Southern Mallee

Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

Planning Scheme Overlay Provisions:

None.

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, states that:

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

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

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

Clause 35.07 – Farming Zone (FZ) Decision Guidelines

General Issues

The proposed use and development of land including the associated works is considered to meet the applicable decision guidelines.

Agricultural issues and the impacts from non-agricultural uses

The proposed use and development of land and associated works are considered to meet the applicable decision guidelines with regard to agricultural considerations outlined within the scheme and does not require an integrated land management plan to be prepared for the site. The proposal accords with existing development on the site. It is acknowledged that the proposal will reduce available farming area on the lot, however, it will aid agriculture within the wider locality in general, by ensuring an additional supply of gypsum.

Environmental issues

The proposed use and development of land including associated works is considered to:

- Not negatively impact on the natural physical features and resources of the area.
- Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- The proposal will have an impact upon the biodiversity of the area, given the depth and area of excavation proposed. The impact is considered to be minimal due to the subject land being of a low biodiversity value having regard to its current use (cropping). The work plan submitted with the application also addresses site rehabilitation at the end of the mine’s life.

Design and siting issues

Not applicable, as no associated buildings are proposed as a part of this application.

Clause 52.09-5 – Stone Extraction and Extractive Industry Areas Decision guidelines

The proposal will not have any detrimental impact on any native flora and fauna, given the proposed extraction area is used for cropping, and does not contain any wildlife corridors. A comprehensive cultural heritage management plan has been approved by Barengi Gadgin Land Council, thus ensuring extraction does not cause detrimental impacts on natural and cultural landscapes. The site has been in effective operation since 1967, with continued operation on the site considered appropriate.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

This report is being presented to Council at its meeting on the 04 September 2019 (87 days). The statutory processing time requirements of the Planning and Environment Act 1987 (60 days) have not been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Author: Andre Dalton, Coordinator Planning and Development

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

Conclusion

It is recommended that Council approve amendments to planning permit 869-2003, consistent with the new Mining Licence (MIN5570) and associated work plan, which includes expanding the extraction area from 14.16ha to an extraction area of 79.3ha on Lot 1 TP217813, Warraquil Rd Netherby and revised conditions as follows:

- Condition 1: Title of Condition 1 altered to reflect current responsible State Government Department (Department of Environment, Land Water and Planning – DELWP), formerly Department of Sustainability and Environment.
- Condition 2: Address of Department updated.

- Condition 7: Name of position updated.
- Condition 8: Position updated.
- Conditions 9, 10 and 11 added to reflect current Planning Scheme requirements.
- Condition 12: Added to address Council's Engineering Department requirements.

RECOMMENDATION:

That Council approves amendments to planning permit 869-2003 as follows:-

The use and development shall be in accordance with the new Mining Licence (MIN5573) and associated work plan, which includes expanding the extraction area from 14.16ha to an extraction area of 79.3ha on Lot 1 TP217813, Warraquil Rd Netherby.

The Planning Permit shall be subject to the following conditions:-

Condition of Department Environment, Land, Water and Planning:

1. ***The development of the subject land must at all times be in accordance with the relevant mining licence and the work authority, including the approved work plan, issued pursuant to the Mineral Resources Development Act 1990.***

Conditions of Heritage Victoria:

2. ***The attention of the applicant is drawn to the requirements of the Heritage Act 1995, particularly the following sections:***

Section 127(1) – “a person must not knowingly or negligently deface or damage or otherwise interfere with an archaeological relic or carry out an act likely to endanger a relic except in accordance with a consent issued under section 129”, and

Section 132(1) – “a person who discovers an archaeological relic must as soon as practicable report the discovery to the executive director or an inspector unless he or she has reasonable cause to believe that the relic is recorded in the heritage register”, and

(2) – “if an archaeological relic is discovered in the course of any construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to the executive director”.

To assist compliance with Section 132, reports of historical relics should be submitted to the executive director, Heritage Victoria, 8 Nicholson Street, East Melbourne, Vic., 3002.

Conditions of Aboriginal Affairs, Vic.:

3. ***Tenure of the mining licence does not exempt the holder from the following provisions of the Archaeological and Aboriginal Relics Preservation Act 1972.***

Section 21(1) – “a person who wilfully or negligently defaces or damages or otherwise interferes with a relic or carries out an act likely to endanger a relic must be guilty of an offence against this act”; and

Section 23(1) – “a person who discovers a relic must forthwith report the discovery..., unless he has reasonable grounds to believe that the relic is recorded in the register...”.

Reports in compliance with S23(1) should be submitted to the director, Aboriginal Affairs Victoria, GPO Box 4912, Melbourne 3001 – ph: 1800 762 003.

Conditions of Responsible Authority:

4. ***That the development be in accordance with the plans submitted with the application, endorsed and forming part of the permit and these shall not be altered or amended without the approval of the responsible authority.***
5. ***Details of the siting and design of entry/exit points are to be submitted to the satisfaction of the responsible authority before commencement of any work is authorised by this permit.***
6. ***Excessive road maintenance costs, above the standard maintenance as defined in the road hierarchy, shall be at the cost of the pit operator.***
7. ***Standard ‘truck entering’ signs shall be erected at the entrance/exit of the site to the satisfaction of the Director Infrastructure Services, Hindmarsh Shire Council. Such signs shall only be displayed during carting operations.***
8. ***That the Coordinator Planning and Development Officer be advised in writing within 14 days of commencement of the development.***

Boundary setback

9. ***Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.***

Screen planting

10. ***Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.***

Parking areas

11. ***Parking areas must be provided for employees' cars and all vehicles used on the site to the satisfaction of the responsible authority.***

Engineering

12. ***In the event the existing access via private property to Nottles Road cannot be accessed, the applicant shall identify and construct a suitable access to Council's Road Network, to the satisfaction of the Responsible Authority. Any subsequent upgrading of Council's road network as a result will be at the cost of the applicant.***

MOVED: Crs R Gersch/R Lowe

That Council approves amendments to planning permit 869-2003 as follows:-

The use and development shall be in accordance with the new Mining Licence (MIN5573) and associated work plan, which includes expanding the extraction area from 14.16ha to an extraction area of 79.3ha on Lot 1 TP217813, Warraquil Rd Netherby.

The Planning Permit shall be subject to the following conditions:-

Condition of Department Environment, Land, Water and Planning:

1. ***The development of the subject land must at all times be in accordance with the relevant mining licence and the work authority, including the approved work plan, issued pursuant to the Mineral Resources Development Act 1990.***

Conditions of Heritage Victoria:

2. ***The attention of the applicant is drawn to the requirements of the Heritage Act 1995, particularly the following sections:***

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Reports in compliance with S23(1) should be submitted to the director, Aboriginal Affairs Victoria, GPO Box 4912, Melbourne 3001 – ph: 1800 762 003.

Conditions of Responsible Authority:

4. That the development be in accordance with the plans submitted with the application, endorsed and forming part of the permit and these shall not be altered or amended without the approval of the responsible authority.

5. Details of the siting and design of entry/exit points are to be submitted to the satisfaction of the responsible authority before commencement of any work is authorised by this permit.

6. Excessive road maintenance costs, above the standard maintenance as defined in the road hierarchy, shall be at the cost of the pit operator.

7. Standard ‘truck entering’ signs shall be erected at the entrance/exit of the site to the satisfaction of the Director Infrastructure Services, Hindmarsh Shire Council. Such signs shall only be displayed during carting operations.

8. That the Coordinator Planning and Development Officer be advised in writing within 14 days of commencement of the development.

Boundary setback

9. ***Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.***

Screen planting

10. ***Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.***

Parking areas

11. ***Parking areas must be provided for employees' cars and all vehicles used on the site to the satisfaction of the responsible authority.***

Engineering

12. ***In the event the existing access via private property to Nottles Road cannot be accessed, the applicant shall identify and construct a suitable access to Council's Road Network, to the satisfaction of the Responsible Authority. Any subsequent upgrading of Council's road network as a result will be at the cost of the applicant.***

CARRIED

Attachment: 3

11. REPORTS REQUIRING A DECISION

11.1 MURRAY DARLING ASSOCIATION MEMBERSHIP

Responsible Officer: Director Infrastructure Services

Attachment: 4

Introduction:

The Murray Darling Association is a representative body for the management of Murray Darling basin water resources. This report discusses the role of the Murray Darling Association for Council's consideration in whether to commence a paid membership with the association.

Discussion:

The Murray Darling Association (the Association) recently wrote to Council on the 28 June 2019, inviting Council to enter into membership with the Association. Historically, Council has not been a member of the Association, however with the security and availability of water increasingly becoming a key issue for Council, and after informal discussions with Cr. Ron Ismay at the ALGA National General Assembly, the Association has reached out to Council.

Previously, Hindmarsh Shire Council has had little to do with the Association, other than the attendance of Cr. Daryl Argall at a conference held in 2001. Research has shown that both Yarriambiack Shire Council and West Wimmera Shire Council are not financial members of the Association.

Established in 1944 as the Murray Valley Development League, and in 1993 changing its name to the Murray Darling Association, the Association has a membership comprising of local councils from across Victoria, including rural, regional and metropolitan councils, along with non-local government representatives. The Association's mission is to "ensure that the natural resources of the Murray-Darling Basin remain as valued assets for all Australians." The Association splits the area of the basin into 12 regions, of which Hindmarsh Shire Council is located within region 4 (Lower Darling).

The Association has published a number of reports and submissions including:

- Strategic Plan 2016 – 2019
- Submission to the Murray-Darling Basing Water Infrastructure Program
- Submission to the Productivity Commission's Basing Plan Inquiry
- Murray-Darling Basin Plan Socio-Economic Impacts Evaluation Framework and Neutrality Test project proposal - March 2018

It is widely recognised that the accessibility of water to use as both an agricultural and life-sustaining resource will continue to be an issue amongst both rural and metropolitan councils. The Association advocates that membership will allow rural councils to have a collaborative voice in the management of Basin resources, both now and into the future. It is difficult however to measure the level of influence the Association (and other representative bodies)

has on State and Federal policy and investment.

With regard to the management of the Basin and other water resources, Hindmarsh Shire Council liaises with a number of advocacy and representative groups and committees:

- Wimmera River Stakeholders Advisory Group
- Wimmera Catchment Management Authority
- Grampians Wimmera Mallee Water
- Wimmera Floodplain Management Meetings
- Integrated Water Management Meetings

It is recommended that Council not commence a membership with the Murray Darling Association as we are able to utilize the above memberships to advocate and comment on the Shire's behalf without having to finance a membership.

Options:

Council can:

1. Commence a membership with the Murray Darling Association; or
2. Not commence a membership with the Murray Darling Association.

Link to Council Plan:

- 2.1.4 Enhance river and lakes environment to support informal recreation and social interaction (subject to funding)
- 2.1.6 In partnership with other agencies implement recommendations from the Wimmera Catchment Authority's Flood Plain Management Strategy
- 2.2.1 Explore options for rainwater/stormwater harvesting to supplement the water supply for community assets
- 2.2.2 Replace appliances in Council facilities with water efficient applications if and when redevelopment occurs

Financial Implications:

Membership to the Murray Darling Association this year is quoted at \$1,744.91 plus GST (\$174.49). This figure is calculated on a \$0.305 per head of population basis. Council did not include funding for the Murray Darling Association in its 2019/20 Budget.

Risk Management Implications:

Should Council decide to not commence a membership with the Association, there is a very low risk that water supply to residents and Council will be affected. There would also be a perception the council does not view this association to be an important body.

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 and Author – Angela Hoy, Director Infrastructure Services

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

report.

Communications Strategy:

Officers will inform the Murray Darling Association of Council's decision in writing.

Next Steps:

Councillors and officers continue to advocate for the sustainable management of the Murray Darling Basin and water resources serving the municipality; through the existing groups that Council is a member of.

RECOMMENDATION:

That Council not become a member of the Murray Darling Association at this time.

MOVED: Crs D Colbert/R Gersch

That Council not become a member of the Murray Darling Association at this time.

CARRIED

Attachment: 4

11.2 RE-ALLOCATION OF FUNDS FROM THE 2018/2019 CAPITAL WORKS PROGRAM TO INCREASE THE SCOPE OF ALBERT STREET FOOTPATH PROJECT

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks Council approval to re-allocate funds from the 2018/2019 capital works program, allocated to the King Street footpath project to increase the scope of approved Albert Street footpath project.

Discussion:

At its Council meeting held 27 June 2018, Hindmarsh Shire Council adopted its 2018/2019 budget, comprising an allocation of \$55,272 for the renewal of King Street footpath between Federal Street and Bow Street and a budget of \$48,789 to renew the footpath in Albert Street, from Taverner Street to King Street, Rainbow.

Due to Council's success with a number of grant applications giving priority to other projects, neither of these projects were completed in the 2018/2019 year. Both budgets will form part of the 2018/2019 carry forward report for the 2019/20 year.

Since the 2018/2019 budget was approved, there have been a number of changes affecting both projects.

A safety concern prompted the budget bid for the King Street footpath upgrade. This safety concern has now been addressed and it is therefore not necessary to prioritise the upgrade in the following year's capital works program.

Additional works on Albert Street are required to address safety concerns with children crossing at various points on the road next to the Rainbow P – 12 school.

King Street –

This renewal project was in response to a concern with the condition of the gravel pavement in the vicinity of a number of underground services. Since the budget approval, the gravel path has been successfully stabilised. This together with the fact that there is an existing concrete path on the opposite side of the road means that this renewal project is now a low priority which is supported by Council's footpath strategy.

Albert Street –

Since originally scoped for budget consideration, the scope for this project has recently been expanded to include the following works:

- An additional kerb return at the top of Albert and King Street to tie in to the underground drainage (school side) and installation of a grated pit with seal surface required at the Albert Street / King Street intersection
- Construction of a new concrete path on the south side of Albert Street from Taverner

- Street through to the existing school crossing – a length of approximately 100 metres.
- New pedestrian outstands for additional protection of pedestrians on both sides of Albert Street.
- Drainage works and large layback at the laneway on the south side of Albert Street to address drainage issues.

Works are already well underway on the project with the original scope nearing completion. The revised scope has been strongly supported by the Rainbow P - 12 School as an important safety improvement

Options

Council can:

1. Approve the re-allocation of \$55,272 budget for the renewal of the King Street footpath to enable the extended scope of the Albert Street footpath project to be completed; or
2. Not approve the re-allocation of \$55,272 budget for the renewal of King Street footpath and proceed with the renewal of the King Street footpath.

Link to Council Plan:

- 2.1 Well-maintained physical assets and infrastructure to meet community and organizational needs.
- 4.3 An engaged, skilled Council and workforce capable of meeting community needs.

Financial Implications:

There are no financial implications as capital works funding not spent 2018/19 financial year can be carried forward.

Risk Management Implications:

The safety concern with the King Street footpath has been addressed through stabilization of the gravel.

The safety concern on Albert Street will be addressed the expanded scope of works

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 – Janette Fritsch, Manager Strategic Assets and Planning

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Communications Strategy:

The capital works team will be advised of the change of scope enabled by the transfer of budget.

RECOMMENDATION:

That Council approves the re-allocation of the \$55,272 budget from the 2018/19 capital works program for the renewal of the King Street footpath (General ledger 20353/758) to the Albert Street footpath project (General ledger 20353/703) to enable the increased scope of works to be carried out.

MOVED: Crs R Lowe/D Nelson

That Council approves the re-allocation of the \$55,272 budget from the 2018/19 capital works program for the renewal of the King Street footpath (General ledger 20353/758) to the Albert Street footpath project (General ledger 20353/703) to enable the increased scope of works to be carried out.

CARRIED

11.3 REVIEW OF ELECTION PERIOD POLICY

Responsible Officer: Director Corporate and Community Services

Attachment: 5

Introduction:

This report recommends Council adopt the updated Election Period Policy.

Discussion:

Section 93B of the *Local Government Act 1989 (Act)* requires Council following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period. The forthcoming election period will commence in September 2020.

A review was completed in December 2017 with minor amendments being made to the policy. A further review was completed in August 2019.

Minor changes have been made to the policy as follows:

- Inclusion of reference to Council funded services, such as mobile phones, land lines and internet connections.
- Inclusion of Travel and Accommodation for interstate and overseas travel during the election period.
- Updating references to Manager Governance and Human Services as the position of Risk and Governance Coordinator has been replaced.

Options:

Council may adopt, reject or adopt with amendments the Election Period Policy.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously.

Financial Implications:

No financial implications.

Risk Management Implications:

No risk management implications.

Conflict of Interest:

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

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

disclose.

Communications Strategy:

Council must make available on its website the election period policy prepared under section 93B.

RECOMMENDATION:

That Council adopts the Election Period Policy version 1.2 as presented.

MOVED: Crs R Gersch/D Colbert

That Council adopts the Election Period Policy version 1.2 as presented.

CARRIED

Attachment: 5

12. SPECIAL COMMITTEES

12.1 HINDMARSH SHIRE COUNCIL AUDIT COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Introduction:

The Hindmarsh Shire Council Audit Committee held its meeting on 9 May 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Hindmarsh Shire Council Audit Committee meeting held on 9 May 2019.

MOVED: Crs D Colbert/R Gersch

That Council notes the minutes of the Hindmarsh Shire Council Audit Committee meeting held on 9 May 2019.

CARRIED

Attachment: 6

12.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 7

Introduction:

The Wimmera Mallee Pioneer Museum Committee held its meeting on 18 June 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Committee meeting held on 18 June 2019, and that Council notes the meeting held on 25 May 2019 is not minuted due to lack of a quorum.

MOVED: Crs R Lowe/D Nelson

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Committee meeting held on 18 June 2019, and that Council notes the meeting held on 25 May 2019 is not minuted due to lack of a quorum.

CARRIED

Attachment: 7

12.3 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachments: 8 & 9

Introduction:

The Yurunga Homestead Committee held its meetings on 27 June 2019 and 25 July 2019. The purpose of this report is to note the minutes from the meetings. A copy of the minutes is included as attachments for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Homestead Committee meetings held on 27 June 2019 and 25 July 2019.

MOVED: Crs R Lowe/R Gersch

That Council notes the minutes of the Yurunga Homestead Committee meetings held on 27 June 2019 and 25 July 2019.

CARRIED

Attachments: 8 & 9

12.4 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 10

Introduction:

The Rainbow Town Committee held its meeting on 22 July 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Town Committee meeting held on 22 July 2019.

MOVED: Crs D Colbert/R Gersch

That Council notes the minutes of the Rainbow Town Committee meeting held on 22 July 2019.

CARRIED

Attachment: 10

12.5 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 11

Introduction:

The Dimboola Town Committee held its meeting on 5 August 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 5 August 2019.

MOVED: Crs D Colbert/D Nelson

That Council notes the minutes of the Dimboola Town Committee meeting held on 5 August 2019.

CARRIED

Attachment: 11

12.6 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 12

Introduction:

The Jeparit Town Committee held its meeting on 12 August 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Jeparit Town Committee meeting held on 12 August 2019.

MOVED: Crs R Lowe/D Colbert

That Council notes the minutes of the Jeparit Town Committee meeting held on 12 August 2019.

CARRIED

Attachment: 12

12.7 ANTWERP HALL COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 13

Introduction:

The Antwerp Hall Committee held its meeting on 18 August 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Antwerp Hall Committee meeting held on 18 August 2019.

MOVED: Crs D Colbert/R Lowe

That Council notes the minutes of the Antwerp Hall Committee meeting held on 18 August 2019.

CARRIED

Attachment: 13

12.8 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 14

Introduction:

The Nhill Town Committee held its meeting on 19 August 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee meeting held on 19 August 2019.

MOVED: Crs D Colbert/R Gersch

That Council notes the minutes of the Nhill Town Committee meeting held on 19 August 2019.

CARRIED

Attachment: 14

13. LATE REPORTS

No report.

14. OTHER BUSINESS

No other business.

15. 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.

16. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 4:22pm.
