



AGENDA

ORDINARY MEETING OF COUNCIL

Tuesday, 21 July 2015

To be held Council Meeting Room
Town Hall McCallum Street, Swan Hill
Commencing at 2:00 PM

COUNCIL:

Cr CM Adamson – Mayor

Cr JN Katis

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr LT McPhee

Cr JB Crowe

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SECTION A – PROCEDURAL MATTERS

- **Open**

- **Acknowledgement to Country**

- **Prayer**

- **Apologies**

- **Confirmation of Minutes**
 - 1) Ordinary Meeting held on 9 June 2015
 - 2) Extraordinary Council Meeting held on 23 June 2015
 - 3) Extraordinary Council Meeting held on 7 July 2015

- **Declarations of Conflict of Interest**

- **Receptions and Reading of Petitions, Memorials, Joint Letters and Deputations**

- **Public Question Time**

SECTION B – REPORTS

B.15.48 CUSTOMER SERVICE CHARTER

Responsible Officer: Director Corporate Services
File Number: S01-25-01
Attachments: 1 Customer Service Charter

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

A Customer Service Charter has been developed to outline the manner in which the organisation intends to handle customers and their enquiries.

The Customer Service Charter is the first step in a process that is aimed at improving the customer service experience through more effective and efficient systems, communicative and inter-personal dealings.

Discussion

According to the latest Community Satisfaction Survey, Council achieved a score of 68 for customer satisfaction. This score is higher than the average for large rural Councils and 3 points higher than our score for 2014.

The Customer Service Charter is seen as an important first step in further improving our customer service and customer satisfaction. Council is in the process of developing a Customer Service Strategy that will identify actions to be taken to serve our customers better.

Improved Customer Service will not only improve customer experiences and perceptions but is expected to improve operational efficiency and effectiveness.

The Customer Service Charter has been developed after reviewing similar documents from other Councils. Council's leadership team, executive front-line customer service staff and Councillors have all contributed to the creation of the Charter.

The Customer Service Charter is intended to set the tone for our dealings with customers and will be used to inform, guide and direct the organisation and assist to strengthen the organisational culture.

The Customer Service Charter will be distributed via the HR Newsletter, staff meetings and induction sessions and will form an Appendix to the Staff Code of Conduct.

Consultation

The Customer Service Charter was reviewed by the Executive Leadership Team and The Leadership Team on a number of occasions. The Customer Service Charter has been reviewed by Councillors at two Councillor Assemblies. Following these reviews a number of modifications have been made and included in this document.

Financial Implications

Improved Customer Service will create efficiencies which will lead to a more effective service delivery.

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Improved Customer Service will reduce the risks of negative public perception of Council.

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Options

1. Council can choose to adopt or amend the Customer Service Charter.
2. Council can choose not to adopt a Customer Service Charter.

Recommendations

That Council adopt the Customer Service Charter as presented.

Customer Service Charter 2015



At Swan Hill Rural City Council it is important for us to connect with our community. We do this by providing services and facilities, listening to your feedback, providing useful information, assisting with your enquiries and regularly reviewing our actions. This Customer Service Charter outlines our commitment to engage with you on a professional and consistent basis.

Our Service Vision

To provide the best possible response for people who access Council services.

The Charter

Councillors, Council Staff, volunteers and contractors will provide high quality customer service. We will be mindful of the impact our decisions have on individuals and communities. We will act with integrity, fairness, responsiveness and accountability at all times.

Our Commitment

We intend to.....

- Make it easy and convenient for you to contact us and use our services.
- Treat you with courtesy, honesty, respect and understanding.
- Take whatever time is necessary to explain issues and outcomes.
- Actively listen and respond in a clear and simple manner.
- Provide correct information and resolve issues fairly and efficiently.
- Make decisions that are consistent, equitable and reflect relevant policies and legislation.
- Be accountable for our decisions and the reasoning behind them.
- Make sure you are informed of the result and/or status of your inquiry.
- Convey to you the name of the Council officer attending to your inquiry.
- Cater for your special needs to help you to access our services.

Our Responsiveness

We intend to.....

On the phone:-

- Answer your call promptly (preferably within 5 rings), identifying our service unit and ourselves.
- Answer your request at the time or refer you to the correct staff member.
- Accurately record messages when required.
- Provide an "out of hours" emergency call support service.

When out of the office:-

- Nominate an alternative contact point or person to assist you.
- Advise when we expect to return to the work place.
- Respond to messages promptly once the staff member returns to their work location.

At the counter:-

- Keep our counter areas neat, clean, accessible and welcoming.
- Wear a name badge and assist you promptly and with courtesy.
- Help you complete relevant forms if required.

In the field:-

- Portray a positive public image.
- Respond to enquiries in an informative, effective and sensitive manner.
- Provide correct contact details for referred inquiries.

By written contract (letters, faxes and emails):-

- Respond to written contacts within 10 business days of receipt.

For social networks:-

- Embrace social networking as a way of communicating with you.

Consultation

We intend to.....

- Be open, honest and welcome feedback.
- Provide ample opportunity for you to comment on important issues.
- Carefully consider any feedback prior to making decisions.
- Consult and respond in line with Statutory time frames, when applicable.

Service Requests

We intend to.....

- Respond to Service Requests in accordance with Council's Asset Management Plans, available resources and established priorities.
- Keep you informed of the status of your request.

When You Contact Us

We request that you

- Provide the information that is relevant to your enquiry.
- Treat our staff with courtesy and respect.
- Tell us if you have any special needs.

Contact us

We welcome and encourage you to contact us by:-

Personal Visit:	Council Offices at either 45 Splatt Street, Swan Hill Vic 3585 or 88-72 Herbert Street, Robinvale Vic 3549
Post:	PO Box 488, Swan Hill Vic 3585
Telephone:	Swan Hill (03)5036 2333 Robinvale (03)5051 8000 0419 888 779 (emergency after hours)
Fax:	(03)5036 2340
Email:	council@swanhill.vic.gov.au
Website:	www.swanhill.vic.gov.au
Facebook:	www.facebook.com/SwanHillCouncil
Twitter:	www.twitter.com/SwanHillCouncil

A full list of Council contact points is available on our website.

B.15.49 COMMUNICATION STRATEGY 2015-2018

Responsible Officer: Director Corporate Services
File Number: 17-00-02
Attachments: 1 Communication Strategy

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The *Swan Hill Rural City Council Communication Strategy 2015-2018* will provide Council and Council staff with strategies to better communicate with all stakeholders both internally and externally.

Discussion

The *Swan Hill Rural City Council Plan 2013-2017*, under its strategic initiative 'Developing open community relationships', identified the need to 'Review and implement actions from Council's Communication Strategy'.

The *Swan Hill Rural City Council Communication Strategy 2015-2018* relates to this initiative and builds on Council's previous Communication Strategy.

The document lists three objectives and sets out actions to guide Council on new and improved communication methods. It also notes the existing communication activities that take place across Council on a regular basis.

Once adopted, the strategy will be reviewed regularly to ensure actions are being addressed.

Consultation

Initial discussions took place with relevant managers, followed by input from the Leadership Team and Executive Leadership Team.

The strategy also draws on results from the 2015 Community Satisfaction Survey, the 2013 internal staff survey and a survey completed for Council's Cultural Plan.

Financial Implications

The financial implications are detailed in the actions section of the draft strategy. Most actions can be completed from within existing budgets. Anything that requires additional funding will be researched before being put forward for consideration in future budget discussions.

Social Implications

The delivery of actions contained in the Communication Strategy will improve the understanding of Council programs and initiatives and will improve community participation.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

The Communication Strategy includes a number of actions to further educate staff on Council's adopted Media, Social Media and Public Participation policies and procedures.

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Recommendation

That Council adopt the *2015-2018 Communication Strategy* as presented.



Communication Strategy

2015-2018



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Purpose

The purpose of this document is to provide Council and Council staff with strategies to best communicate with the local community, Council staff and other stakeholders during the period 2015-2018.

It lists three key communication objectives, sets out actions to guide Council on new and improved communication methods, and outlines the ongoing actions that help us to achieve each objective.

Executive Summary

The Swan Hill Rural City Council Plan 2013-2017, under its strategic initiative 'Developing open community relationships', identifies the need to 'Review and implement actions from Council's Communication Strategy'.

The Swan Hill Rural City Council Communication Strategy 2015-2018 relates to this initiative and builds on Council's previous Communication Strategy.

This document includes initiatives to improve communication and engagement with the community and other stakeholders, as well as improving internal communication. The strategy also notes the extensive communication actions that take place across Council on a regular basis.

The Swan Hill Rural City Council Communication Strategy 2015-2018 will be reviewed regularly to ensure actions from the initiatives are being addressed. A report on the strategy's progress will be provided to the Executive Leadership Team every 12 months, and to the Council as needed.

Background

Our target audience

Our community

- Ratepayers
- Residents
- Businesses and industry
- Community, sporting and social clubs
- Representative groups, like Swan Hill Inc, REBA, Lake Boga Inc
- Visitors
- Potential residents
- Investors
- Community leaders
- Business leaders
- Key service users like young people, families, elderly

Councillors and employees

- Mayor
- Councillors
- Executive Leadership Team
- Leadership Team
- Employees

Other key stakeholders

- State and Federal government agencies
- Local Members of Parliament
- Media
- Contractors
- Consultants
- Industry associations, like Murray River Group of Councils, MAV
- Neighbouring municipalities, both in Victoria and New South Wales

How Council communicates

With our community

- Direct communication between community and Councillors/employees through telephone, email, conventional mail and in person
- Advertising in print and broadcast media
- Regular media releases issued to print and broadcast media
- Media interviews
- Swan Hill Rural City Council program websites
- Social media
- Production and distribution of the Community Newsletter and service newsletters including Performing Arts, Visitor Information Centre, Art Gallery, Economic Development Unit, Family Day Care and HACC
- Monthly Council meetings
- Monthly Mayor and CEO meetings in Robinvale
- Public meetings
- Various community consultations
- Councillor or employee representation on committees and attendance at and community group meetings
- Speeches delivered by Councillors and senior employees at various events
- Community surveys and feedback forms
- Information publications such as brochures, flyers, posters and leaflets
- Annual report and other reports/strategies
- Community noticeboards
- Signage
- Informal discussions with friends, family, acquaintances and other stakeholders
- Service requests
- Statutory advertising and feedback/submissions process

With Councillors and employees

- Staff newsletter
- Councillor Bulletin
- Staff portal
- All staff/Councillor emails
- Weekly Councillor Assembly meetings
- Executive Leadership Team meetings
- Leadership Team meetings
- Monthly staff meetings at Splatt Street and Swan Hill depot (following Council meetings)
- Monthly Mayor and CEO meetings in Robinvale
- Departmental meetings
- Direct communication through telephone, email, memorandums and conventional mail
- Personal contact

With other key stakeholders

- Direct contact with Council officers and Councillors through phone, email and conventional mail
- Regular media releases and media interviews
- Councillor representation on key industry associations
- Meetings arranged with stakeholders like Ministers

Related Council documents

Council Plan 2013-17

Media Policy, Directive and Procedure

Social Media Policy, Directive and Procedure

Public Participation Policy and Procedure (including Public Participation Plan)

Discussion

Swan Hill Rural City Council's Communication Strategy 2010-2013 identified a number of gaps and inconsistencies among Council's communications. These gaps were:

- Reaching people aged 40 years and under
- Limited community engagement
- A lack of understanding about Council, its roles and responsibilities

Since the previous Communication Strategy, Council has introduced actions to help resolve these gaps. These include:

- Implementing social media (Facebook and Twitter) and introducing a Social Media Policy.
- Redeveloping the Swan Hill Rural City Council website, including revision of the content for readability.
- Introducing a Web Design and Development Officer position.
- Introducing a fortnightly Mayor's column in The Sentinel newspaper.
- Reviewing Council's municipal newsletter, resulting in a larger, new look and more cost effective publication.
- Establishing a Staff Portal.
- Releasing a new corporate style and document templates for employees use.
- Introducing a new after hours call centre
- Improving the service request system
- Introducing budget information sessions
- Continuing the rollout of easy read documents and Council's new corporate style

Challenges and opportunities

This reviewed strategy has identified other areas to further improve communication.

Using new technologies to engage and inform

The Council Plan 2013-2017 includes the Strategic Initiative that 'Council will investigate new technologies and the way we can implement them to communicate with our community'.

During the course of the 2010-2013 Communication Strategy, the two major achievements in this area are Council's new social media presence and new website.

Council's new website went live in October 2013 with a dedicated Web Design and Development Officer managing the site and its ongoing development. The website is regularly updated and is responsive, making it user friendly on mobile phones and tablets. In the 12 months to April 2015, there were more than 262,000 page views, with 51 per cent of those from new site users. Importantly, there was a 75 per cent increase in users accessing the site via a tablet, and a 72 per cent increase in users accessing the site via their mobile.

The Swan Hill Rural City Council Facebook page and Twitter account were also introduced in October 2013, following the adoption of a Social Media Policy. Council's Facebook page has reached more than 690 likes (up to May 2015) and engagement levels have grown rapidly. The most successful posts have related to the Chisholm Reserve drag strip project with as many as 28,800 Facebook users reached and hundreds of comments and shares. Posts relating to other Council projects have reached up to 7000 Facebook users.

Council's Twitter account has more than 190 followers (up to May 2015) with growing engagement levels too. This Communication Strategy lists one action to continue this growth.

This Communication Strategy lists a range of other initiatives and actions that will continue to increase online engagement levels, and that will assist Council to implement new ways to communicate with emerging technologies. This includes:

- Review existing Council websites and recommend changes to ensure they are user-friendly, mobile friendly, meet W3C web accessibility standards, and are consistent with Council style. This includes YouthInc, Gallery, Performing Arts and Pioneer Settlement
- Investigate transferring Council's website to the new content management system (CMS), to allow integration between Alfresco and the CMS.
- Internally promote Council's social media presence as a way for officers to inform and engage with the community.
- Introduce on-hold messages for Council's phone system to promote Council news, activities and events.
- Install TV screens in major Council service centres to promote Council news, activities and events.
- Increase use of online surveys as a way to seek public feedback.
- Investigate use of online community forums, like Our Say, as an alternative consultation and engagement method.
- Further develop after hours customer service by increasing features used through the combined Well Done and Sysaid process.

Relevant ongoing actions include:

- Post information, links and photos on Council's social media platforms, including platforms for Council, Library, Performing Arts, Gallery, Youth Inc and Pioneer Settlement.
- Update the Council website regularly with media releases, public notices, Council agendas and minutes, job and tender advertisements.
- Ensure Web Design and Development Officer is informed of other Council events, initiatives and issues so the Council website remains up to date and relevant (including a dedicated six-monthly review of all pages)

Consistent Council style and documents

Having a consistent corporate style across an organisation not only creates a professional image, but also makes an organisation easily identifiable. It is crucial that all Council correspondence and public documents are of high-quality and adhere to Council style.

While electronic media is growing in popularity, printed promotional material and newspapers remain crucial to distributing the Council message. For example, in the 2012 Cultural Plan survey (which had 193 responses across the municipality), 83% of respondents said they found out about local cultural activities through the newspaper, 52% through posters and flyers, and 32% from the Art Gallery/Performing Arts season brochure.

Since the previous Communications Strategy, a range of templates has been introduced and a new corporate style rolled out across Council. These templates are for documents like posters and flyers, newspaper advertisements, Council strategies, newsletters, information sheets and PowerPoint presentations.

The reviewed strategy includes actions to further refine that style and to maintain consistency across Council. This includes:

- Update Council's style guide to guide staff on consistent use of branding and communications templates.
- Merge the document Manual and Writing Style Guide with the new Style Guide to create a simple one-stop document for staff use.
- Educate staff on the importance of branding, and producing consistent, high-quality correspondence – through the induction process and using HR Staff Matters.
- Build on Council's approved images library to ensure professional looking documents are produced.
- Work with programs including the Gallery, Performing Arts, Library and Youth Inc to produce templates that are consistent with Council style but maintain individual identity.

Relevant ongoing actions include:

- Ensure all documentation for public distribution, including electronic newsletters, is sent to the Media Unit for branding and style consistency and to ensure use of plain English where appropriate.
- Further develop Council's corporate templates to adhere to Council style, including letterheads, memos, strategy documents, posters, newsletters and brochures. Ensure these templates are available in Alfresco for staff access.

Lobbying/advocating for our community

Our Council Plan 2013-2017 highlights community advocacy in a number of areas.

It states that Council seek to "support and advocate on behalf of our communities to identify their own needs and aspirations and how to achieve them". It also lists advocating for increased post-secondary educational opportunities and advocating to ensure environmental issues affecting the region are considered using the triple-bottom line approach.

In the 2015 Community Satisfaction Survey – which surveyed 400 people – our advocacy indicator improved from the previous year but was still two points below the state average – 53 compared to 55.

Continuing to improve community advocacy will take a whole-of-Council approach, and this Communication Strategy lists a number of actions to assist with that continuous improvement. They include:

- Develop an annual Council advocacy strategy.
- Develop advocacy templates to assist Councillors and staff to identify issues, stakeholders, spokespeople and to equip them with the necessary advocacy tools and information.

Relevant ongoing actions include:

- Councillor and Council staff attendance on community committees
- Attendance at the annual Australian Local Government Association conference
- Membership of relevant industry and regional organisations.
- Targeted and timetabled meetings with elected State and Federal representatives.

Ensuring staff are well informed

Internal communication is essential to ensuring effective Council operations. Council staff also have an important role to play in relaying information about Council, including correcting any misinformation in the community. With this in mind, it is essential that staff have access to information about Council activities, events and services.

Internal communication was raised as one of the top three organisational challenges in the Staff Survey of September 2013. Comments from staff during that survey suggested that improved communication between departments, and between managers and staff were a priority.

Meetings between individual departments and HR representatives in the first three months of 2015 sought suggested solutions to these challenges, directly from employees. This document includes many of these suggestions, and sets out timeframes for their implementation.

Some of these actions include:

- Review frequency, content and distribution method of HR Staff Matters to ensure it remains relevant and useful.
- Introduce an online corporate calendar to include all staff meetings, budget timeframes, staff reviews and organisational training.
- Ensure staff are aware of and can access agendas and minutes of weekly ELT and LT meetings, Council meeting agendas and minutes.
- Investigate introduction of a weekly online bulletin for staff that includes media releases, advertisements, Council outcomes, ELT and LT minutes, messages from senior managers, extracts from corporate calendar etc.
- Mayor, CEO and Directors to brief all Council staff twice each year – once on the Council Plan and Council budget, and once on the Annual Report. This will increase awareness of Council goals and priorities, at all staff meetings. Meetings to be held in Swan Hill and Robinvale.

The use of communication plans for major Council projects will also help to ensure staff are informed. This action is listed in Objective 1, under the initiative 'Ensure our community is informed of Council's activities and projects'.

Some of the relevant ongoing actions include:

- Weekly meetings between Mayor, CEO, Executive Support and Media Unit
- Weekly Council Assembly meetings
- Executive Leadership Team meetings
- Leadership Team meetings
- Monthly all staff meetings at Splatt Street and Swan Hill depot following Council meetings
- Use of Staff Portal

Further enhance consultation and engagement methods with the general community

One of four items listed in Council's overarching Vision is community engagement. It says that Council is committed to ensuring "our communities are engaged, informed and able to contribute to Council's decision-making process". Since the 2010-2013 Communication Strategy, a number of successful initiatives have been introduced to improve consultation and engagement with the general community. These include:

- **Swan Hill Riverfront Masterplan.** Extensive consultation and communication plans were developed to ensure all stakeholders were consulted and engaged. This included an online and print survey, open house consultation sessions and the use of both traditional and social media to promote these. An email group was also formed to keep people informed and engaged after they provided input. As a result almost 2000 community members were involved in the process, creating ownership in the plan.
- **Active Transport Strategy.** This strategy was developed following extensive surveys, workshops and meetings. Stakeholders included community action groups and Community Planning groups throughout the municipality, health professionals, school students, police, bike users and migrants. As a result actions were planned right across the municipality and many have already been completed thanks to community buy-in and support.

The Public Participation Policy and Procedure were also adopted in August 2014, to guide Council employees on appropriate timing and levels of consultation and communication. One action in this strategy aimed at improving consultation is to actively encourage and educate staff on the use of this Policy and Procedure.

This Communication Strategy lists a number of other new actions to improve consultation and engagement. This includes:

- Increase use of online surveys as a way to seek public feedback
- Investigate use of online community forums, like Our Say, as an alternative consultation and engagement method
- Ensure Council staff liaise with relevant Community Development officers before undertaking consultation

Relevant ongoing actions include:

- Provide senior Council attendance at community group meetings
- Continue the Community Planning process
- Project-related consultation
- Advertising and submissions process for key Council documents and activities including the Council Plan, Budget, Councillor allowances and Planning Scheme amendments.

Conclusion

Most of strategic initiatives from the 2010-2013 Communication Strategy have been actioned successfully. There are still ongoing communication challenges that Council must address. This includes awareness of Council, its corporate style, functions and activities, and importantly, internal Council communication. The Swan Hill Rural City Council Communication Strategy 2015-2018 has a number of communication initiatives to further improve communication both within Council and with the community.

Communication objectives, initiatives and actions

Through internal consultation, external survey results and consideration of existing Council strategies, plans and experience, this Communication Strategy sets out objectives, related initiatives and a list of new actions. It also contains extensive lists of the ongoing communication initiatives relevant to each objective.

The key objectives and initiatives are:

Objective 1: Promote awareness of Swan Hill Rural City Council, its functions, activities, responsibilities and corporate style.

- Maintain consistent corporate style and correspondence across Council.
- Ensure our community is informed of Council's activities and projects.
- Effectively use electronic media to engage with and inform our communities.
- Advocate for the betterment of our community by liaising with state and federal governments, community organisations and industry groups.

Objective 2: Improve internal communication across the Organisation.

- Better inform staff of Council issues and events.
- Better inform our elected representatives of Council issues and events.

Objective 3: Engage with and consult members of our community, and encourage their involvement and feedback.

- Further enhance consultation methods with the general community
- Receive and respond to queries, complaints, suggestions and feedback from community members
- Enhance engagement with young people
- Recognise and engage our Aboriginal community
- Communicate effectively with our multicultural population
- Continue to improve Council's communication methods with people with a disability

The table on the following pages details the new actions and ongoing initiatives related to each objective.

How will Council implement the Communication Strategy?

The Communication Strategy and its objectives will be implemented through a series of new actions, as well as continuing to undertake and improve existing and ongoing activities. These actions and ongoing activities will be the responsibility of a variety of Council departments and employees.

The strategy will be reviewed regularly to ensure actions are being undertaken and to include any new initiatives or actions. A report on the strategy's progress will be provided to the Executive Leadership Team every 12 months, and to Council as needed.

The Communication Strategy will be fully reviewed every four years.

Objectives and initiatives

Objective 1: Promote awareness of Swan Hill Rural City Council, its functions, activities, responsibilities and corporate style

Initiative	Action	Responsibility	Timeline	Resources
Maintain consistent corporate style and correspondence across Council	Re-write Council's Style Guide in line with new style, to guide staff on consistent use of corporate style and communications templates.	Media	August 2015	Existing budgets – Media
	Merge the Document Manual and Writing Style Guide with the new Style Guide to create a simple, one-stop document for staff use.	Media	August 2015	Existing budgets – Media
	Educate staff on the importance of corporate style and producing consistent, high-quality correspondence – through the induction process and using HR Staff Matters.	Media	Ongoing	Existing budgets – Media
	Build on Council's approved images library to ensure professional looking documents are produced.	Media, all Council staff	Ongoing	Existing budgets – Media
	Build templates using new Pioneer Settlement style to ensure consistency and professionalism.	Pioneer Settlement, Media	Dec 2016	Existing budgets – Pioneer Settlement
	Work with programs including the Gallery, Performing Arts, Library and Youth Inc to produce communication templates that are consistent with Council style but maintain individual identity.	Media, individual program officers	Ongoing	Existing budgets – Media
Ensure our community is informed of Council activities and projects	Develop individual communication plans for major Council projects to ensure regular, updated communication with the community and stakeholders.	Media, individual project managers	Ongoing	Existing budgets
	Conduct a review of the municipal newsletter and its frequency. Investigate reduction to two newsletters annually with the option of increasing radio spend and other new initiatives.	Media	Dec 2015	Existing budgets – Media
	Investigate on-hold messages for Council's phone system to promote Council news, activities and events.	Customer Service, Media, IT	July 2016	Existing budgets – Customer Service, Media. If found to be viable,

Initiative	Action	Responsibility	Timeline	Resources
				budget allocation needed in 2016/17
	Investigate installation of TV screens in major Council service centres to promote Council news, activities and events.	Customer Service, Media, IT	Dec 2017	Existing budgets – Customer Service, Media. If found to be viable, budget allocation needed in 2017/18
	Investigate a regular column for economic development and business news in The Guardian and Sentinel.	Economic Development	Dec 2015	Existing budgets – EDU. If found to be viable, budget allocation needed in 2016/17.
Effectively use electronic media to engage with and inform our communities	Promote Council's website and social media platforms as primary sources of community information.	Media	Ongoing	Existing budgets – Media
	Internally promote Council's social media presence as a way for officers to inform and engage with the community.	Media	Ongoing	Existing budgets – Media
	Use Council's Twitter account more frequently, to increase engagement with other councils, key stakeholders and the wider community.	Media	Ongoing	Existing budgets – Media
	Increase engagement levels on social media by using it as an engagement tool, seeking community input through social media.	Media, project manager	Ongoing	Existing budgets – Media
	Investigate and potentially implement new social media platforms to build community engagement.	Media	Ongoing	Existing budgets – media
	Use the major projects page on Council's website to inform the community about project progress, and interruptions to services or infrastructure like roads.	Media, project managers	Ongoing	Existing budgets – Media
	Use direct email messaging to update stakeholders on major projects.	Media, project managers	Ongoing	Existing budgets – Media

Initiative	Action	Responsibility	Timeline	Resources
	Review existing Council websites and recommend changes to ensure they are user-friendly, mobile friendly, meet W3C web accessibility standards, and are consistent with Council style. This includes YouthInc, Gallery, Performing Arts and Pioneer Settlement	IT, Media, managers	Dec 2016	Existing budgets – IT, Media
	Investigate use of video on Council websites to promote major Council projects and strategies, and during emergencies.	IT	Dec 2016	Existing budgets – IT
	Investigate best customer request system to provide a seamless process (one that encompasses phone, email, written and social media requests)	IT	March 2016	Existing budgets – IT. If found to be viable, budget allocation needed 2016/17.
	Investigate transferring Council's websites to a new content management system, to allow integration between Alfresco and the CMS.	IT	Dec 2015	Existing budgets – IT
	Continue to introduce online customer forms, to either replace or complement printed forms.	IT	Ongoing	Existing budgets – IT, Media
	Investigate use of images and links in Council email signatures to promote Council consultation and major projects.	IT, Media	Dec 2015	Existing budgets – Media, IT
	Merge booking office and arts e-newsletters into one Arts and Culture News, to be sent monthly	Media, EDU, Library, Gallery, Performing Arts	June 2015	Existing budgets – Media
Advocate for the betterment of our community	Develop an annual Council advocacy strategy	ELT	Ongoing	Existing budgets
	Develop advocacy templates to assist Councillors and staff to identify issues, stakeholders and spokespeople, and to equip them with the necessary advocacy tools and information.	ELT	June 2016	Existing budgets
<p>Our ongoing initiatives</p> <ul style="list-style-type: none"> • Regularly distribute media releases to local media and other relevant media outlets. • Respond to media enquiries as quickly and promptly as possible. • Co-ordinate weekly interview on ABC Mildura Swan Hill with the Mayor. • Co-ordinate monthly interview on 3SH/Mixx FM with the Mayor. • Publish Mayoral column in The Guardian and The Sentinel each fortnight. • Publish regular program-specific columns in local media – including Performing Arts and Art Gallery columns. 				

Initiative	Action	Responsibility	Timeline	Resources
	<ul style="list-style-type: none"> • Write speeches and speech notes for Councillor use at specific functions and events. • Post information, links and photos on Council's social media platforms, including platforms for Council, Library, Performing Arts, Gallery, Youth Inc and Pioneer Settlement. • Update the Council website regularly with media releases, public notices, Council agendas and minutes, job and tender advertisements. • Update the Pioneer Settlement website (once completed) regularly with news and events. • Conduct monthly visits to Robinvale for the Mayor and CEO to meet with community members and local media. • Distribute the municipal newsletter to residents. • Distribute the monthly Economic Development News to the email news list. • Distribute other e-newsletters as needed, including for programs like Community Grants. • Distribute program specific newsletters to clients on an as-needs basis, including Family Day Care, HACC, Art Gallery, Library and others as needed. • Produce the Annual Report and Annual Budget and make it available on Council's website. • Regular business breakfasts in Swan Hill and Robinvale to engage with business community and inform them of Council projects. • Further develop Council's corporate templates to adhere to Council style, including letterheads, memos, strategy documents, posters, newsletters and brochures. Ensure these templates are available in Alfresco for staff access. • Ensure all documentation for public distribution, including electronic newsletters, is sent to the Media Unit for style consistency and to ensure use of plain English where appropriate. • Ensure media releases and speeches, Annual Report, Council Plan, policies due for review and the new Council website are written in an easy read format. • Review and update at least six Council forms each year. • Ensure Web Development Officer is informed of other Council events, initiatives and issues so the Council website remains up to date and relevant (including a dedicated six-monthly review of all pages) • Councillor and Council staff attendance on community committees • Attendance at the annual Australian Local Government Association conference • Membership of relevant industry and regional organisations. • Targeted and timetabled meetings with elected State and Federal representatives. 			

Objective 2: Improve internal communication across Council

Initiative	Action	Responsibility	Timeline	Resources
Better inform staff of Council issues and events.	Upload all media releases onto the Staff Portal so that staff are better informed about Council news and events.	Media, IT	July 2015	Existing budgets – Media
	Ensure staff are aware of, and can access, Council meeting agendas and minutes, possibly through Staff Portal or Alfresco	Executive support, IT	Ongoing	Existing budgets – Exec, IT
	Review frequency, content and distribution method of HR Staff Matters to ensure it remains relevant and useful. It should include education for staff on departmental roles.	Media, HR	Dec 2016	Existing budgets – Media, HR
	Introduce an online corporate calendar to include all staff meetings, budget timeframes, staff reviews and organisational training	IT, HR, Media, ELT	June 2016	Existing budgets – HR, IT
	Investigate introduction of a weekly online bulletin for staff that includes media releases, advertisements, Council outcomes, ELT and LT minutes, messages from senior managers, extracts from corporate calendar	Media, IT, HR	Dec 2016	Existing budgets – HR, IT, Media
	Introduce communal PCs at Swan Hill depot for Staff Portal and Council website access.	IT, HR, Infrastructure Department	June 2016	Existing budgets
	Introduce single sign on for staff using Council's computer network, in turn creating a single point to distribute Council news and information.	IT	June 2016	Existing budgets – IT
	Mayor, CEO and Directors to brief all Council staff twice each year – once on the Council Plan and Council budget, and once on the Annual Report. This will increase awareness of Council goals and priorities. Meetings to be held in both Swan Hill and Robinvale.	CEO, ELT, HR	Ongoing, starting 2015	Existing budgets
	Develop individual communication plans for major organisational changes which could include staff forums, online material etc	CEO, ELT, HR, Media	Ongoing	Existing budgets
	Include the Media Policy and Social Media Policy for discussion during staff induction.	Media, HR	Oct 2015	Existing budgets – HR, Media
Better inform our elected representatives of Council	Encourage continued use of iPads and Alfresco to streamline communication between Council management, officers and Councillors.	IT, Councillors, ELT	Ongoing	Existing budgets – IT

Initiative	Action	Responsibility	Timeline	Resources
issues and events	Ensure minutes from industry groups, where there is a Council representative, are accessible to Councillors, potentially through Alfresco or email.	Exec support, individual Council reps	Ongoing	Existing budgets
<p>Our ongoing initiatives</p> <ul style="list-style-type: none"> • Distribute the HR Staff Matters newsletter regularly, to staff and Councillors, and distributed printed versions for depot and Pioneer Settlement staff • Regularly brief reception staff at all Council offices and service centres • Distribute Councillor Bulletin every two months • Send all media releases to Councillors, ELT and LT • Weekly meeting between Mayor, CEO, Executive Support and Media Unit • Regularly update the Staff Portal, including the provision of internal forms • Distribute all staff/Councillor emails and/or memos for important messages • Distribute Council Newsletter link to all staff (March, August, December) • Weekly Council Assembly meetings • Executive Leadership Team meetings at various Council locations • Monthly Leadership Team meetings at various Council locations • Monthly all staff meetings at Splatt Street and Swan Hill depot following Council meetings • Monthly Mayor and CEO meetings in Robinvale • Direct communication through telephone, email and conventional mail • Conduct the Employee Opinion Survey every two years • Staff noticeboards, including event posters 				

Objective 3: Engage with and consult members of our community, and encourage their involvement and feedback

Initiative	Action	Responsibility	Timeline	Resources
Further enhance consultation methods with the general community	Include the Public Participation Policy and Procedure in staff induction, and actively encourage staff to use the procedure to ensure effective public engagement.	Community Planning, HR	Oct 2015	Existing budgets – Media, HR
	Increase use of online surveys as a way to seek public feedback.	Community Planning, Media, project managers	Ongoing	Existing budgets
	Investigate use of alternative consultation and engagement methods, including online forums.	Community Planning	Dec 2016	Existing budgets – Community Planning, Media
	Ensure that Council staff liaise with relevant Community Planning officers before undertaking community consultation, to ensure a more informed and engaging process.	Community Planning, project managers	Ongoing	Existing budgets
Receive and respond to queries, complaints, suggestions and feedback from community members	Further develop after hours customer service by increasing features used through the combined Well Done and Sysaid process.	IT, Customer Service	Ongoing	
	Continue to rollout BPoint phone payments across Council services	Customer Service, IT	Sept 2015	Existing budgets
	Complete review of Council's Customer Service Charter, including internal and external customer service and customer response times	Customer Service	Dec 2015	Existing budgets – Customer Service, HR
	Develop a Customer Service Strategy	Customer Service, HR	Dec 2015	Existing budgets – Customer Service, HR
	Create a Corporate Complaints Policy and Procedure to ensure consistency in dealing with complaints	Customer Service, HR	June 2016	Existing budgets – Customer Service, HR
Enhance engagement with young people	Develop a promotion plan for Youth Inc, in partnership with the Youth Council, to include branding guidelines, social media use, partnerships with traditional media and direct communication.	Media, Youth Services	Jun 2017	Existing budgets – Media, Youth Services
	Redevelop YouthInc website to improve its efficiency, effectiveness and accessibility. This should include investigation of new engagement tools like forums, video and live chat	Youth Services, IT	June 2015	Existing budgets – Youth Services/IT

Initiative	Action	Responsibility	Timeline	Resources
	Investigate partnerships with local radio stations and newspapers for regular youth segments and publications.	Youth Services, Media	June 2016	Existing budgets – Youth Services
	Acknowledge and publicise the achievements of young people through the bi-annual youth awards.	Youth Services, other Council departments as needed	2016, 2018	Existing budgets – Youth Services, Media
	Consider including the Council Youth Participation and Engagement Guide in staff induction, and actively encourage staff to use this guide to ensure effective youth engagement.	Youth Services, HR	Oct 2015	Existing budgets – Youth Services, HR
	In partnership with Youth Council, investigate new social media platforms to directly engage young people, to promote activities and to promote their achievements.	Youth Services, Media	Ongoing	Existing budgets – Youth Services, Media
Engage with our Aboriginal community.	Work with Indigenous communities in Swan Hill and Robinvale to develop and implement Indigenous Community Plans	Community Planning	June 2016	Existing budgets – Community Planning
	Review Council's Aboriginal Partnership Plan.	Community Planning	Dec 2015	Existing budgets – Community Planning
	Deliver cultural awareness training to existing and new staff.	Community Planning/HR	Ongoing	Existing budgets - HR
	Encourage Councillors and staff to engage with Local Indigenous Networks in Swan Hill and Robinvale.	Community Planning	Ongoing	Existing budgets
Communicate effectively with our multicultural population	Investigate main pages of Council's website being made available in other languages – through use of a new content management system or other means.	IT	Dec 2015	Existing budgets – IT
	Introduce communication boards at all major Council service centres, and train staff in their use.	Rural Access Co-ordinator, customer service staff	July 2018	Existing budgets - Rural Access
	Investigate providing Council information in correspondence in languages other than English, where appropriate	Media, information owners	Ongoing	Existing budgets

Initiative	Action	Responsibility	Timeline	Resources
Continue improving Council's communication methods with people with a disability	Continually work towards Council websites meeting W3C web accessibility standards.	IT, Rural Access Co-ordinator	Ongoing	Existing budgets – IT
	Use the Swan Hill Region Information Centre as a champion site for Communication Friendly Certification, including introduction of hearing loops, communication boards and specific staff training.	Rural Access Co-ordinator, EDU	July 2018	Existing budgets - RuralAccess
	Introduce communication boards at all major Council service centres, and train staff in their use.	Rural Access Co-ordinator, customer service staff	July 2018	Existing budgets - RuralAccess
	Provide documents in alternative formats on request, and promote their availability.	IT, Rural Access Co-ordinator	Ongoing	Existing budgets – IT, Rural Access
	Investigate use of live captioning for major events.	Rural Access Co-ordinator	Dec 2017	Existing budgets – Rural Access. If found to be viable, budget allocation needed from 2018/19
<p>Our ongoing communication initiatives</p> <ul style="list-style-type: none"> • Translation service via phone • Offer public question time at Council meetings • Provide senior Council representation on community groups • Provide Councillor or senior employee representation industry groups like MRGC, MAV • Place significant reports on Council website • Continue the Community Planning process • Project-related consultation • Advertising and submissions process for key Council documents and activities including the Council Plan, Budget and Planning Scheme amendments • Through the Youth Co-ordinator, distribute information through primary and secondary school in the area, including through regular attendance at school assemblies • Train Council staff and services that support youth so they are able to consult well with young people • Continue to facilitate an active and diverse Youth Council • Participate in the Annual State Government Community Satisfaction Survey • Regular staff training in communication and customer service • Continue to support, as appropriate, various multicultural programs. • Deliver the Aboriginal Employment Strategy in partnership with external stakeholders. • Offer university scholarships and secondary school work placement to promote Council to your people. • Attend careers forums to promote Council to young people. 				

Feedback

We encourage the community to provide feedback on the Swan Hill Rural City Council Communications Strategy 2015-2018.

If you would like to have input, please fill out the below form.

Send you completed form to Council via email council@swanhill.vic.gov.au or post it to Media Department, Swan Hill Rural City Council, PO Box 493, Swan Hill VIC 3585.

Thank you.

1. Does this strategy address your communication needs with Council? Please explain.

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2. Do you agree with the strategy’s objectives and initiatives? Please explain.

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3. Can you make suggestions for how we might continue to improve communication with our community and/or employees?

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4. Any further comments.

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B.15.50 COMMUNITY GRANTS POLICY REVIEW

Responsible Officer: Director Development and Planning
File Number: 69-12-99
Attachments: 1 Community Grants Policy

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Council has a range of policies that guide how Council delivers services and engages with the community. These policies are periodically reviewed to ensure that they are still applicable.

The *Community Grants Policy* has been reviewed with changes listed below.

Discussion

The *Community Grants Policy* is presented for the approval of Council. The review process has resulted in the following changes:

The Community Development Fund funding amount has increased from \$2,000 to \$3,000.

The evaluation committee can now be chaired by a delegate of the CEO.

Consultation

All members of the Leadership Team have reviewed the policy. The policy was also presented to Councillors at an assembly.

Financial Implications

The Community Benefit Grants Scheme is already an adopted function of Council and is included in Council's Annual Budget.

Social Implications

Encourages and supports community development within our municipality.

Economic Implications

Provide opportunities for the growth of local community groups and not-for-profit organisations.

Environmental Implications

Promotes local sustainability initiatives, responsible water use and conservation and restoration of heritage assets.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Recommendation

That Council adopt the *Community Grants Policy* as presented.

POLICY TITLE COMMUNITY GRANTS POLICY

POLICY NUMBER POL/COMM805

PURPOSE

This Policy provides guidance for allocation of grants to the community.

SCOPE

This Policy applies to grants made by the Council to community organisations for the purpose of encouraging and supporting community development within our municipality. This includes cultural, heritage, recreational and environmental activities which aim to improve community identity, pride, cohesion and economic development opportunities.

POLICY

Grants will be considered for any project or program that complements the Council Plan, and enhances the health, wellbeing and/or economic benefit of the community.

Three separate financial assistance schemes are provided:

- 1. Community Development Fund** – Funding for organisations to assist with operations generally up to \$3,000.
- 2. Community Support Fund** – Assistance of generally up to \$200 to community based groups for minor/non-recurrent projects.
- 3. Major Events Support Scheme** – Funding for organisations to assist in the development and promotion of major events in the municipality as provided annually in the budget.

RELATED POLICIES/DOCUMENTS

Community Empowerment – POL/GOV001

Council Loan Support – DIR/CORP202

Management of GST–Community Organisations – DIR/CORP208
Public Policy – Recreation, Culture and Leisure Services – POL/COMM800

RELATED LEGISLATION

Victorian Charter of Human Rights and Responsibilities Act 2006

Signed: _____ **Mayor** **Date:** _____

B.15.51 PUBLIC HEALTH AND WELLBEING PLAN REVIEW

Responsible Officer: Director Development and Planning
File Number: S28-24-01
Attachments: 1 Public Health and Wellbeing Plan

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The purpose of this report is to provide an update on the achievements of the Public Health and Wellbeing Plan 2013-2017 and Active Transport Strategy. This report also seeks adoption of the reviewed Public Health and Wellbeing Plan 2013-2017.

Discussion

Under Section 26 of the Public Health and Wellbeing Act 2008 (the Act), Council is required to develop a Public Health and Wellbeing Plan within 12 months of the general election of the Council. The Act also mandates that Council review the plan every 12 months and amend the plan where appropriate.

Following review of the plan conducted by Council employees, there were very few changes to the Swan Hill Rural City Council Public Health and Wellbeing Plan 2013-2017 (PHWP). The only changes were updates to the layout of the action plan and wording of some of the measurable indicators to make them clearer and easier to measure.

Consultation

Consultation was conducted with the key stakeholders involved in the Swan Hill Health and Wellbeing Network. Namely, Southern Mallee Primary Care Partnership and Swan Hill District Health.

Financial Implications

The PHWP assists Council as well as other agencies with funding applications to implement actions relating to improving public health within our municipality.

Social Implications

The PHWP will contribute to improving the health and wellbeing of communities.

Economic Implications

The PHWP is not expected to have negative impact on the economy.

Environmental Implications

The PHWP is not expected to have negative impact on the environment.

Risk Management Implications

The PHWP is not expected to have negative impact on risk management.

Council Plan Strategy Addressed

Community Wellbeing - A sense of belonging, ensuring that all people have a place in our community.

Options

Nil

Recommendation

That Council acknowledge the contents of this report and adopt the changes to the Swan Hill Rural City Council Public Health and Wellbeing Plan 2013-2017.

Attachment

- Public Health and Wellbeing Plan

B.15.52 PLANNING PERMIT APPLICATION FOR THE REMOVAL OF A CARRIAGEWAY EASEMENT IN THE FARMING ZONE, ROYSTON ROAD, TOL TOL

Responsible Officer: Director Development and Planning
File Number: 2015/36
Attachments: 1 Objections

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks Council resolution to refuse a planning permit application. The planning application is for the removal of a carriageway easement from the land known and described as LP 205503W and LP 207237F.

Discussion

Location and existing conditions

The subject site is situated in between Royston Road and Stoll Road, Tol Tol. The subject site exhibits gentle undulation, is clear of significant native vegetation and contains no buildings. The two subject lots adjoin and the carriageway easement runs along this adjoining boundary on both lots. The eastern lot known as LP 207237F is approximately 10.2 hectares in size and the land known as LP 205503W to the west is approximately 11.2 hectares in size.

The surrounding land is predominately used for horticultural production with the exception of several existing dwellings and agricultural sheds in the general area.

For site context and location refer to the figure below. The subject land has been outlined.



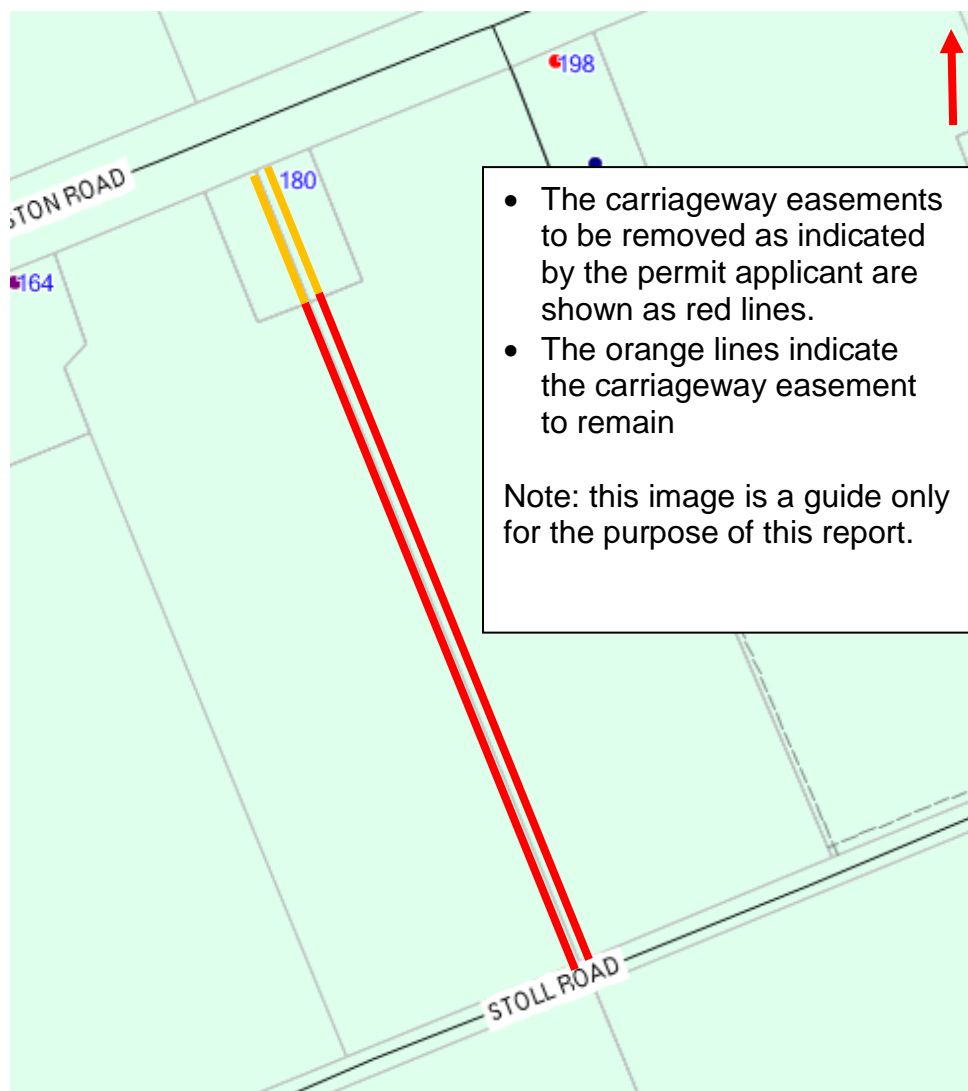
Proposal

The applicant proposes to remove the carriageway easement that runs along the boundary in between both subject lots. The easement applies to both lots on that central boundary.

Refer to the figure below indicating the locations of carriageway easements to be removed from the subject land.

The justification provided by the applicant included the following points:

- The carriageway easement has not been used for many years
- Access exists to all lots that benefit the easement via Royston Road or Stoll Road.



Assessment

State Planning Policy Framework

No relevant policies in relation to the removal of an easement.

Local Planning Policy Framework

No relevant policies in relation to the removal of an easement.

Clause 35.07 – Farming Zone

No relevant clauses in relation to the removal of an easement.

The purpose of the Farming Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision*

Taking into consideration the relevant points of objection submitted as part of the notification process, removal of the easement could negatively impact on the farming activities of beneficiaries which are contradictory to the purpose of the Farming Zone. The proposal is therefore not supported for this reason.

Clause 52.02 – Easements, Restrictions and Reserves

A planning permit is required to remove or vary an easement pursuant to Clause 52.02.

Given the lack of relevant policy, the decision must consider the potential impacts removing the easement may have on the beneficiaries of the easement. The original intent for creating the easement most probably revolved around providing access to farming lots off formalised road transport corridors due to the bulky and slow moving nature of agricultural machinery. The proposal must support the agricultural productivity of farm land as per the purpose of the Farming Zone and the removal of the carriageway easement may have a negative impact on this productivity.

Section 36 of the Subdivision Act 1988 in reference to the removal or acquisition of an easement states the Council should consider in determining an application whether “*unreasonable loss of amenity in the area affected by the removal*” occurs.

Based on the information submitted by the applicant to remove the carriageway easement it is assessed as not being an acceptable outcome to remove the easement as it has not been established that an unreasonable loss of amenity will not occur. Objections discussed later in this report outline that beneficiaries state they will suffer a loss of amenity.

Issues

The application was advertised by sending letters to all beneficiaries indicated on LP 73133. The advertising period ceased on 22/05/2015.

A total of three objections were received in relation to the planning permit application including a submission from one party’s lawyer. Refer to Attachment 1 for copies of the objections.

Note: multiple objections were lodged by individual parties which are not reflected in the overall count of objections but are taken into consideration.

The objections were based on the following grounds:

- The easement has been used in the past and is still required
- The easement is of benefit to their properties and provides the amenity of safe access
- The removal of the easement will impact on the agricultural productivity of their properties
- The easement is used to access an existing pipeline for inspection that services their property
- Decreases the capital value of their properties (not a planning consideration)
- Traffic impacts due to tractors utilising the road network more often
- A further objection was lodged by the objector's lawyer based on the application form not including the details of the land owner. (It is noted that the land was in the process of being transferred at the time of application and evidence of the transaction being completed is on file as well as evidence of the Transfer of Land documentation)

Mediation was not sought as the applicant wanted to maintain the application in its current form in removing the carriageway easement.

Objections from beneficiaries have been received indicating that the removal of the carriageway easement would result in material detriment. Given it has not been established that they will not suffer material detriment the easement should not be removed. The applicant has submitted that the easement has not been used for some time but this is not to say that the easement will not be required in the future beneficiaries.

Consultation

Referrals were not required for this application.

Financial Implications

There are no known financial implications. If the applicant lodges an appeal with the Victorian Civil and Administrative Tribunal (VCAT), there will be costs associated with the VCAT hearing.

Social Implications

No known social implications.

Economic Implications

The removal of the carriageway easement may have an impact on the agricultural productivity of beneficiaries.

Environmental Implications

No known environmental implications.

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Built and Natural Environment - Sound policies and practices that protect and enhance our natural and built environment.

Options

Council generally has two options when considering an application.

These being:

1. **Council issue a Refusal to Grant a Planning Permit for the removal of a carriageway easement in the Farming Zone at land known and described as LP205503W and LP207237F, based on the following grounds of refusal:**
 - a. The beneficiaries will suffer an unreasonable loss of amenity
2. **Council issue a Notice of Decision to Grant a Planning Permit for the removal of a carriageway easement in the Farming Zone at land known and described as LP205503W and LP207237F subject to conditions and in accordance with the endorsed plans.**

Recommendation

That Council:

Council issue a Refusal to Grant a Planning Permit for the removal of a carriageway easement in the Farming Zone at land known and described as LP205503W and LP207237F, based on the following grounds of refusal:

- a. Objections from beneficiaries of the easement were received.



Your Ref:
Our Ref: MBH.KMB.AC:15-0230

25 May 2015

Trent Goodman
Statutory Planning Co-Ordinator
Swan Hill Rural City Council

By Email: planning@swanhill.vic.gov.au
tgoodman@swanhill.vic.gov.au

Dear Sir,

**Objection to Planning Permit No. 2015-36
Removal of a Carriageway Easement in Accordance with the Endorsed Plans
Lot 2 LP 207237 and Lot 2 LP 205503 Royston Road, Tol Tol**

We refer to your email of 22 May 2015.

We accept your point that an Application for a Planning Permit can be made without owning the subject property.

We note, however, that Section 48 of the *Planning and Environment Act 1987* requires an Application made by a person who is not the owner of the land to either be signed by the owner of the land or to include a declaration by the Applicant that the Applicant has notified the owner about the Application.

As we have the Application and it does not appear to be signed by the owner of the land at the time, we ask you to provide a copy of any declaration by the Applicant that the Applicant has notified the owner about the Application, which you may hold.

If such a declaration has not in fact been lodged with the Application, we maintain our objection to the Application for the reason that the Applicant was not entitled to make the Application as at the date of the Application.

We thank you for your advice as to the procedure and likely timing of the decision.

We look forward to receipt of your response and the later Notice of Decision.

Yours faithfully,
Holcroft Lawyers

Contact: Kylie Breeze
Email: kbreeze@holcroftlawyers.com

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Phone (03) 5022 2622 Fax (03) 5022 2646
www.holcroftlawyers.com

59287



Your Ref:

Our Ref: MBH:KMB:AC:15-0230

21 May 2015

Trent Goodman
Statutory Planning Co-Ordinator
Swan Hill Rural City Council

By Email: planning@swanhill.vic.gov.au
tgoodman@swanhill.vic.gov.au

Dear Sir,

**Objection to Planning Permit No. 2015-36
Removal of a Carriageway Easement in Accordance with the Endorsed Plans
Lot 2 LP 207237 and Lot 2 LP 205503 Royston Road, Tol Tol**

We refer to our letters of 11 and 12 May 2015.

We advise that we now hold 20 pages of Application for Planning Permit.

We enclose scanned copy of what we hold and ask that you provide any further documents that were part of or attached to the application.

We note, in particular, that the Planning Application Document Checklist indicates that full copy of land title which is less than three months old as well as copies of any restriction, covenant or agreement on title has been lodged. There is no full copy of land title attached to the application as we have it.

We enclose scanned copies of title searches conducted by us today.

We note that the title searches disclose that Stevan Paul Lazzara and Camille Terese Lazzara became joint registered proprietors of both Lot 2 on Plan of Subdivision 205503W and Lot 2 on Plan of Subdivision 207237F on 24 March 2015.

Consequently, on 20 March 2015 when the Application for Planning Permit was signed and lodged, Steven Lazzara was not the registered proprietor of the land and as such did not have the power to make the Application.

We hereby make further objection to the Application for the reason that the applicant was not entitled to make the Application as at the date of the Application.

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59222



07 May 2015
Ref no: 2015/36

Dear C S Louw

F & C CAMERA
OBJECTION TO APPLICATION NO: 2015/36

We are writing as being the owner of properties which are the benefactors of the carriageway easement on Lots - 2 LP 207237, 2 LP 205503 and Royston Road Tol Tol. We formally object to the application of any easements being removed as they benefit our properties. As you can see any lots on LP73133 are the benefactors of these easements including the carriageway easement which is trying to be removed. This easement has been used over the years for quick access from property to property, last used December 2014. Example: Stoll Road to Royston Road and vice versa and holds value to our properties. By removing this easement it will be a burden on our day to day operations and loss of valuation to our properties. Therefor we formally object of your planning permit. We have evidence to support our claims of being a benefactor. Looking forward to your quick response.

Regards

Camera family

07 May 2015
Ref no: 2015/36

Dear C S Louw

CAMERA FAMILY NOMINEES P/L
OBJECTION TO APPLICATION NO: 2015/36

We are writing as being the owner of properties which are the benefactors of the carriageway easement on Lots - 2 LP 207237, 2 LP 205503 and Royston Road Tol Tol. We formally object to the application of any easements being removed as they benefit our properties. As you can see any lots on LP73133 are the benefactors of these easements including the carriageway easement which is trying to be removed. This easement has been used over the years for quick access from property to property, last used December 2014. Example: Stoll Road to Royston Road and vice versa and holds value to our properties. By removing this easement it will be a burden on our day to day operations and loss of valuation to our properties. Therefor we formally object of your planning permit. We have evidence to support our claims of being a benefactor. Looking forward to your quick response.

Regards

Camera family



07 May 2015
Ref no: 2015/36

Dear C S Louw

P & M CAMERA P/L
OBJECTION TO APPLICATION NO: 2015/36

We are writing as being the owner of properties which are the benefactors of the carriageway easement on Lots - 2 LP 207237, 2 LP 205503 and Royston Road Tol Tol. We formally object to the application of any easements being removed as they benefit our properties. As you can see any lots on LP73133 are the benefactors of these easements including the carriageway easement which is trying to be removed. This easement has been used over the years for quick access from property to property, last used December 2014. Example: Stoll Road to Royston Road and vice versa and holds value to our properties. By removing this easement it will be a burden on our day to day operations and loss of valuation to our properties. Therefor we formally object of your planning permit. We have evidence to support our claims of being a benefactor. Looking forward to your quick response.

Regards

Camera family





Your Ref: PPA 2015/36

Our Ref: MSH/KMB/AC/15-0230

11 May 2015

Statutory Planning Coordinator
Swan Hill Rural City Council

By Email: planning@swanhill.vic.gov.au



Dear Sir/Madam

**Objection to Planning Permit Application No. 2015/36
Removal of a Carriageway Easement in accordance with the endorsed plans
Lot 2 LP207237 & Lot 2 LP205503 Royston Road, Tol Tol**

We refer to your letter of 24 April 2015.

We act for P & M Camera Pty Ltd.

P & M Camera Pty Ltd are the registered proprietors of 108 Royston Rd, Tol Tol, being the land contained in volume 10945 folio 325.

The land at 108 Royston Rd Tol Tol is land that receives the benefit of the easement that is the subject of the application.

The application seeks to remove the easement.

P & M Camera Pty Ltd hereby object to the application for the following reasons.

Agricultural production

P & M Camera Pty Ltd conduct agricultural business producing fresh fruit including table grapes and avocados on the land located at 108 Royston Road.

The packing sheds used to process the fresh fruit are located at 504 Tol Tol Road.

The easement permits our clients to drive slow moving tractors towing trailers packed with fresh fruit etc. safely and conveniently across the semi-private carriageway that is the easement, onto Stoll Road to the packing sheds.

This avoids the need for turning on to, travelling down, and then turning off, the often busy Tol Tol Road.

Liability Limited by a scheme approved under Professional Standards Legislation

143 Langtree Ave Mildura Victoria 3500 PO Box 5028 Mildura Victoria 3502
Suite 11.02 / 470 Collins Street Melbourne Victoria 3000
ABN 39 082 581 002 DX 50020 Mildura
Phone (03) 5022 2622 Fax (03) 5022 2649
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Your decision

We ask you to consider the reasons for objection set out herein when making your decision.

Please forward your decision and any reasons for your decision to our office.

Planning document request

We enclose a planning document request form so that we may view the application and endorsed plans associated in order to properly advise our client.

If you require have any queries please contact Ms Kylie Breeze of our office.

Yours faithfully,

Holcroft Lawyers



Contact: Kylie Breeze

Email: kbreeze@holcroflawyers.com

B.15.53 PLANNING APPLICATION FOR TWO LOT SUBDIVISION (DWELLING EXCISION) IN THE FARMING ZONE IN ACCORDANCE WITH THE ENDORSED PLANS, 477 HOCKING ROAD, HAPPY VALLEY

Responsible Officer: Director Development and Planning
File Number: 2015/51
Attachments: 1 Dean V Mitchell
2 Proposed Subdivision

Declarations of Interest:

Brett Luxford- as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution to refuse a planning permit application. The planning application is for the 2 lot subdivision (house excision) of land in the Farming Zone located at 477 Hocking Road, Happy Valley.

This application has been referred to Council as it is recommended to be refused.

Discussion

Location and existing conditions

The subject site, as shown on Map 1, is currently occupied by a dwelling and associated outbuildings, packing shed, dam (approximately 5ha in size) and has recently been used for large scale irrigated agriculture. The site is 319.7 hectares in size and is located on the south eastern corner of Knight and Hocking Roads, Happy Valley, which is located approximately 16 km from the Robinvale Township.

The wider area is also used for large scale agriculture with only one other dwelling within a 2km radius which is also on a large scale irrigated agriculture block. To date there is very little proliferation of "rural living" lots within the wider area.

Map 1 – Zoning and Location of the subject land



Proposal

The applicant proposes a two lot subdivision creating a small lot of 2.56ha in size for the existing dwelling and a much larger residual lot of 317ha containing the horticultural activities.

Assessment

Background

Upon assessment of the proposal Council contacted the applicant to advise that based on the information provided, particularly the justification in regard to Council's Natural Resource Management policy at Clause 21.06-1 of the planning scheme, the application would be presented to Council for refusal.

The applicant then requested the opportunity to submit another report to support the application. Upon receipt and further assessment of the new report provided by the applicant it was concluded that the application still failed to support Council's Natural Resource Management policy, the Farming Zone or State Policy as outlined later in the report.

The applicant was then contacted with an alternative option that Council could support, as explained below.

The applicant owns three adjoining lots, all in excess of 300ha each. It was suggested that a boundary realignment between two of the adjoining lots occur, in effect excising the house and creating a 632ha super lot, with a Section 173 agreement stating no further subdivision for any dwellings that may be created in the future.

This alternative option would support the ongoing sustainable farming of the land and also support the Natural Resource Management policy, particularly Objective 1, Strategy 1.3 'require any proposed excision of land to occur via the realignment of existing titles'.

The applicant declined Council's alternative proposal stating they were confident the proposal should be approved in its current form.

There is a common theme throughout the planning report submitted by the applicant, that the owners have decided to exit the farm and have had difficulty selling the farm due to the existing dwelling overvaluing the price of the agricultural property. The sole purpose of the two lot subdivision as described in the application is to reduce the capital value of the farm and sell both lots separately, which is not a planning consideration.

State Planning Policy Framework

Clause 11.05-3 Rural Productivity

Objective: 'To manage land use change and development in rural areas to promote agriculture and rural production'.

The proposal does not support the objective as it is permanently removing the dwelling from the agricultural land that is required to efficiently operate the agricultural production on the land. It is reasonable to conclude that an agricultural lot of 317ha in size does require a dwelling on the land to efficiently conduct farming practices.

A key strategy of the above clause is to discourage development of isolated small lots in the rural zones for use for single dwellings, rural living or other incompatible uses.

The proposal also does not support the strategy, as it is creating a smaller lot for a dwelling that in the applicants own words 'will be enjoyed as a rural residential style property'.

Clause 11.06-8 Agricultural Productivity

Objective: To support long-term agricultural productivity.

The proposal to subdivide the subject land to create a smaller lot for an existing dwelling, not being used for agricultural purposes, and reducing the productive agricultural land is not consistent with the above objective.

The applicant proposes that *'the existing dwelling and surrounding area is already removed from agricultural production and this application simply seeks to formalise this separation between the rural residential and the agricultural functions'*. The Planning Scheme states that a dwelling is as of right on irrigated land at 20ha,

therefore it must be considered essential on irrigated land 317ha in size that a dwelling is required. It could also be stated that the dwelling supports the agricultural productivity of the land now and into the future.

There is a direct relationship between the dwelling and the rural activities and agricultural production on the land, the dwelling is required to support these uses, therefore the dwelling is not already lost to a residential use, but rather required to support the ongoing rural and agricultural uses on the land.

Clause 14.01-1 Protection of agricultural land

Objective: To protect productive farmland which is of strategic significance in the local or regional context.

This proposal does not protect productive agricultural land as the proposal will remove a required dwelling on irrigated agricultural land that is vital for the sustainable future of the land.

Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT).

Douglas v Campaspe SC VCAT 421 (11 April 2014) is a 2 lot subdivision in the Farming Zone and is similar to this current application. Bill Sibonis, member states 'The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State's agricultural base, and sound caution in relation to the creation of residential activities within farming areas that are not associated with agriculture'.

According to the above policy, to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.

In response to the above it is noted that:

- Agriculture is an important part of the municipality's economy and permanent removal of agricultural land for non-related agricultural purposes is strongly discouraged.
- Any proposed non-agricultural use and development may give rise to land use conflicts between the agricultural and non-agricultural use.
- Removing the dwelling associated with the agricultural productivity of the land and creating a 2.5ha rural lifestyle block amongst large scale irrigated farmland will detract from the long-term productivity of the land. Removing the dwelling will also limit any future owner's ability to effectively operate the agricultural use.

Local Planning Policy Framework (including Municipal Strategic Statement)

The following Local Planning Policies are applicable to this proposal.

21.06-1 Rural areas

Overview

The agricultural sector is a significant source of economic activity in the municipality. Subdivision and rural housing in rural areas that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through land use conflict, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and land values exceeding agricultural value.

Key issues:

- *Recognising the importance of the agricultural sector to the local economy.*
- *Recognising the potential for subdivision and rural dwellings to undermine agriculture.*

The following objectives and strategies should be considered:

Objective 1: To ensure that any subdivision of land is for the rural or agricultural use and development of land, rather than for rural lifestyle lots and developments.

Strategy 1.1 Discourage any proposed excision of land to create a separate lot for an existing house in irrigated horticultural areas.

Strategy 1.3 Require any proposed dwelling excision of land to occur via the realignment of existing titles.

Strategy 1.4 Discourage any proposed excision of land if the existing dwelling is to be excised is required to maintain the ongoing agricultural production and rural use of the land.

As can be identified from the abovementioned objective and strategies, the proposal meets none of these requirements by creating separate lifestyle lot for an existing dwelling that is required for the ongoing agricultural production and rural use of the land. Approval of this application would undermine the agricultural significance of the area.

It was also stated in the applicant's report that *"it can be enjoyed as a rural residential style property leaving the balance of the land to be wholly used for agricultural purposes"*. This statement contradicts the purpose of the Farming Zone and the Natural Resource Management Policy. It also contradicts State Planning Policy, that states;

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

It must be stated that Council suggested an alternative option that would be supported by Strategy 1.3 via a realignment of Crown Allotments 8 and 9, Parish of Bumbang, which would have appropriately facilitated the dwelling excision. Unfortunately, this option was declined.

Objective 3: To avoid land use conflicts between agricultural and non agricultural land uses.

The following paragraph directly supports the above objective:

The statement made by Bill Sibonis, Member in *Dean v Mitchell SC VCAT 1376* (5 November 2012) is pertinent to this application *'the ownership of Lot 1 for rural living purposes by persons not associated with the agricultural activity will create the potential for conflict between the residential use and the farming use which presently does not exist'*.

Strategy 3.1 Ensure there is an appropriate separation between agricultural and non agricultural land uses by using landscape buffers, orientation and siting of buildings.

Strategy 3.2 Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.

Strategy 3.3 Discourage use and development of land that is incompatible with the use of land for agriculture.

It can be considered that the 30 metre separation has been met, it should be noted that the proposed dwelling lot size is in excess of the maximum 2ha size, exceeding 2.5ha, with both being requirements of local policy 21.06, objective 3.

The productive capacity of the land will be decreased without the use of the dwelling for onsite productivity and onsite farm security. The proposed dwelling lot will be surrounded by an agricultural use which is incompatible with a residential use.

21.06-2 Agriculture and horticulture

Overview

Agriculture is an important industry in the municipality and its protection and enhancement is linked to the environmental and economic well being of the community.

Agricultural production is the cornerstone of the municipality's and the Murray Mallee's regional economy. Swan Hill region has one of the most productive and diverse agricultural sectors in Australia. The total annual value of agricultural production in the municipality is estimated to be at least \$344 million. Considerable opportunities have been identified for expansion and growth of the horticultural industry.

The significant development potential of the municipality's rural sector needs to be underpinned by sustainable development and management of the natural resource base especially in those areas which can be supplied with irrigated water, and where higher value products can be grown.

Land capability and land suitability are important determinants for agricultural sustainability in the municipality.

The use of land for horticultural production involves practices that can have off site effects such as spraying, scare guns and the use of machinery at night. It is essential that land use conflicts between agricultural uses and other land uses are avoided and that the productive and economic agricultural resource of the municipality is protected, particularly in the irrigated horticultural areas.

Key issues

- *The continued growth of the horticulture industry.*
- *Protection of horticultural land for agriculture.*

The proposed application lacks any valid supporting evidence to suggest it facilitates any of the issues raised above. As mentioned frequently within the applicant's report, the purpose of the application is to reduce the capital value of the farm which was created by the development of the significant dwelling. This development has in turn overvalued the agricultural value of the land making it difficult to sell. Unfortunately, overvaluation of land and reducing capital value of land is not a planning consideration and very little further justification has been presented to support the application.

Farming Zone

The purpose of the Farming Zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The proposed two lot subdivision does not meet the purpose of the Farming Zone, because no planning justification was provided to support the proposal. As stated earlier, it was noted by the applicant that *“Whilst it is not a planning consideration, the premise of the application is to reduce the capital value of the farm by removing the dwelling and thus making it more likely that a purchaser interested in the agricultural farm could purchase the land and combine it with adjoining farming land”*. This same proposal could have also been achieved by Council’s proposal via the boundary realignment option, which would have supported policy.

Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT).

Mt Edgar Pastoral Holdings Pty Ltd v Murrindindi SC VCAT 1200 (30 September 2014) “House lot excisions refer to the subdivision of an existing dwelling from a larger rural lot. Subdivisions of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any subdivision of an existing dwelling protects productive rural land and does not create a de facto ‘rural living’ subdivision.

Approving this application will permanently change the use of the dwelling from supporting and facilitating agriculture to creating a ‘rural living’ lot.

Consultation

Public notification

The application was not advertised as it was considered unnecessary due to it being recommended for refusal and would not have changed the situation.

Internal Referrals

The application was internally referred to the following departments for comment:

1. Building Department – No objection
2. Health Department – No objection
3. Engineering Department – No objection

External Referrals

No external referrals were required for the assessment of this application.

Financial Implications

There are no known financial implications. However, if the applicant lodges an appeal with the Victorian Civil and Administrative Tribunal (VCAT), there will be costs associated with the VCAT hearing.

Social Implications

There are no known negative social implications of the proposed subdivision.

Economic Implications

The creation of small parcels of land for existing dwellings in the Farming Zone is a contributing factor to the loss of productive agricultural land, which may have negative effects of agricultural productivity on the local economy.

Environmental Implications

A possible environmental impact is off site effects of the surrounding agricultural activities, such as spraying, scare guns and the use of machinery at night on the residential use of the excised dwelling.

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Built and Natural Environment - Infrastructure that is provided and appropriately maintained in accordance with agreed standards.

Options

Council generally has two options when considering an application.

These being:

1. **Council issue a Refusal to Grant a Planning Permit for the two lot subdivision (dwelling excision) of loan located at 477 Hocking Road, Happy Valley, based on the following grounds of refusal:**
 - a. **Inconsistent with the relevant State and Local Planning Policies;**
 - b. **Inconsistent with the purpose of the Farming Zone.**

or

2. **Council grant a permit for the two lot subdivision (dwelling excision) of land located at 477 Hocking Road, Happy Valley subject to conditions and in accordance with the endorsed plans.** However, approval of the permit application would be inconsistent with the State Planning Policy Framework, the Local Planning Policy Framework, the Municipal Strategic Statement and the purpose of the Farming Zone, as listed below.

Recommendations

That Council:

That Council issue a Refusal to Grant a Planning Permit for the two lot subdivision (dwelling excision) of loan located at 477 Hocking Road, Happy Valley, based on the following grounds of refusal:

- a. **Inconsistent with the relevant State and Local Planning Policies;**
- b. **Inconsistent with the purpose of the Farming Zone.**

Signed by AustLII

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P971/2014
PERMIT APPLICATION NO. PLP/283/13**CATCHWORDS**Section 77 *Planning and Environment Act 1987*; Mitchell Planning Scheme; Farming Zone; Subdivision.

APPLICANT	Neil Dean
RESPONSIBLE AUTHORITY	Mitchell Shire Council
REFERRAL AUTHORITY	SP Ausnet
SUBJECT LAND	410 Sungarrin Road, Tallarook
WHERE HELD	Melbourne
BEFORE	Bill Sibonis, Member
HEARING TYPE	Hearing
DATE OF HEARING	26 September 2014
DATE OF ORDER	5 November 2014
CITATION	Dean v Mitchell SC [2014] VCAT 1376

ORDER

- 1 The decision of the Responsible Authority is affirmed.
- 2 In permit application PLP/283/13 no permit is granted.

Bill Sibonis
Member

Signed by AustLII

APPEARANCES

For Applicant Mr P Hawkins, Town Planner of PM Planning Pty Ltd.
 For Responsible Authority Mr N Aikman, Town Planner.

INFORMATION

Description of Proposal A two lot subdivision of the land. Lot 1 is to have an area of 1.611 hectares and will accommodate the existing dwelling, outbuilding and a dam. Lot 2 is to have an area of 26.35 hectares and is to be used for farming purposes. Both lots are proposed to be directly accessed from Sungarrin Road.

Nature of Proceeding Application under Section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit.

Zone and Overlays Farming Zone (FZ).
 Salinity Management Overlay (SMO).

Permit Requirements Cl. 35.07-3 (subdivision of land in FZ).
 Cl. 44.02-2 (subdivision of land in SMO).

Relevant Scheme, policies and provisions Cl. 11.05-2, 11.05-3, 13.03, 14.01-1, 16.02-1, 21, 22.05, 22.07, 35.07, 44.02 and 65.

Land Description The review site is located on the south-western corner of Sungarrin Road and Ryan Court in Tallarook. It has an area of 27.92 hectares and is used for the grazing of livestock. A dwelling is situated on the land, as are outbuildings and two dams. Surrounding land is used for farming purposes.

Tribunal Inspection I have undertaken an inspection of the locality.

Signed by AustLII

REASONS¹**WHAT IS THIS PROCEEDING ABOUT?**

- 1 This is an Application to the Tribunal for a review of the Mitchell Shire Council's refusal to grant a planning permit for the subdivision of land at 410 Sungarrin Road Tallarook into two lots. In broad terms, the grounds of refusal refer to the proposal's non-compliance with planning policies relating to the loss of agricultural land and the introduction of rural residential land use in a farming area.

WHAT IS PROPOSED?

- 2 The purpose of the subdivision is to excise the existing dwelling on the review site from the remainder of the land (house lot excision). The dwelling is positioned toward the centre of the site, with approximate setbacks of 160 metres from Sungarrin Road, 270 metres from the southern boundary and 300 metres from the northern boundary. The proposed house lot is to have an area of 1.165 hectares and be of a 'battle-axe' configuration, with the 'handle' comprising the accessway which will connect to Sungarrin Road. This access arrangement largely reflects existing conditions.
- 3 The proposed house lot is to be surrounded on all sides by the remainder of the review site, which is to be Lot 2 – a parcel with an area of over 26 hectares. This larger lot is proposed to be used for a continuation of the existing grazing activities. I was advised that the dwelling is currently tenanted and that the occupants have no relationship with the agricultural use of the site.
- 4 There are three existing dams on the land. Two of these will be on Lot 2. The remaining dam will be on Lot 1 to provide water supply for domestic and fire fighting purposes.
- 5 The existing vehicular access from Sungarrin Road is to be contained within Lot 1 and only be available for use by the occupants of this lot. A new crossover to the road is proposed some 200 metres south, to create an access point for Lot 2.
- 6 The land is encumbered by a covenant that restricts residential development to one dwelling and also regulates the floor area of a dwelling and its construction materials.

¹ I have considered the submissions of all the parties that appeared, all the written and oral evidence, all the exhibits tendered by the parties, and all the statements of grounds filed by parties that did not appear. I do not recite or refer to all of the contents of those documents in these reasons.

Signed by AustLII

WHAT IS THE RELEVANT PLANNING POLICY CONTEXT?

- 7 The submissions detailed the suite of planning policies that are relevant to the assessment of this proposal. Clause 11.05-2 addresses Melbourne's hinterland areas and has the objective of managing growth in the area beyond the metropolitan area and within 100 kilometres of the central city. A related relevant strategy is to prevent dispersed settlement. Rural productivity is addressed by Clause 11.05-3. The objective of the policy is to manage land use change and development in rural areas to promote agriculture and rural production. Policy at Clause 14.01-1 seeks to protect productive agricultural land which is of strategic significance in the local or regional context. Relevant related strategies include:

Ensure the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.
- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

- 8 Detailed local policy in respect of agriculture within the municipality is set out in the Municipal Strategic Statement (MSS), at Clause 21.05-1. Identified key issues to be addressed include minimising the loss of productive agricultural land, addressing the decreasing viability of traditional farming and minimising the impacts of unplanned rural living on farming operations. Objective 1 of this Clause is to ensure that the use, development or subdivision of land is not prejudicial to agricultural enterprises or to the productive capacity of the land. Strategies of relevance here include:

Ensure that the excision of dwellings and the creation of lots smaller than specified in the schedule to the Farming Zone are consistent with the purposes of the zone.

Ensure that a dwelling excision is designed in a manner which does not prejudice surrounding rural production activities.

Signed by AustLII

Discourage the development of rural living style development within established agricultural areas.

Retain productive land for agricultural purposes.

- 9 The Clause also sets out a series of policy guidelines which comprise 'decision guidelines' and 'criteria or performance measures'. It is the latter of these which are applicable in the circumstances of this application, and read as follows:

An application for small lot subdivision in the Farming Zone should meet the following criteria or performance measures:

- Lots created under the provisions of Clause 35.07-3 should have a maximum size of 2 hectares.
- Dwellings excised under the provisions of Clause 35.07-3 will be in a habitable condition and comply with the Building Code of Australia.
- The excision of dwellings will take place in a manner which will ensure the dwelling does not have the potential to restrict agricultural production on adjacent land and should ensure that adequate distance is maintained within the existing lots around the dwelling to limit likely impacts (if any) of adjacent agricultural activity.
- Subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area will be discouraged unless it can be shown that the clustering of lots will not limit the productive use and development of the larger lots in the area.
- Subdivision within water supply catchment areas will be strongly discouraged in order to protect water quantity and quality.

- 10 Although this is not an application for the development of a dwelling, the subdivision is clearly intended to set up a circumstance where an occupant of the dwelling can reside in a rural context without being engaged in any agricultural activity. To this extent it is similar to a rural residential outcome. The MSS includes a section on rural living development at Clause 21.07. The objective seeks to avoid constraints on farming operations arising from the inappropriate construction or siting of dwellings in nearby areas. The associated strategies to achieve this objective refer to ensuring that dwellings in the Farming Zone are only constructed in conjunction with an agricultural use; ensuring adequate setbacks are maintained from the site's boundaries; locating dwellings so as to minimise the impacts on surrounding agricultural land; and ensuring the construction of a dwelling will not adversely affect the capacity of surrounding land to be used for farming purposes. Given the intended use of Lot 1, these principles are of some relevance to the consideration of this Application, although not strictly applicable as no dwelling construction is proposed.

Signed by AustLII

WILL THE PROPOSAL REPRESENT AN ACCEPTABLE PLANNING OUTCOME?

- 11 In my opinion, the proposed subdivision does not represent an orderly outcome having regard to the relevant planning policies and the site's context. The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State's agricultural base, and sound caution in relation to the creation of residential activities within farming areas that are not associated with agriculture.
- 12 The proposal is not in keeping with the subdivision pattern of this part of the Shire. It is apparent from the aerial photography and the cadastral maps that the area is characterised by land holdings of a similar size to the review site. There are no obvious examples of house lot excisions such as proposed here. If they do exist, they are few and far between. The prevailing pattern of development is of dwellings within farming properties, such as what presently exists on the site. The proposal will result in the fragmentation of farming land. The location of the dwelling toward the central portion of the land necessitates the creation of an unusual battle-axe shaped allotment in order to provide the necessary access from Sungarrin Road. The consequence will be an unusual juxtaposition of the two lots whereby the house lot will be almost entirely surrounded or 'enveloped' by the larger lot.
- 13 A key consideration in this instance is whether the proposed excision of the house lot is likely to impact on the farming activities conducted on remainder of the review site. The Council's submission raised concerns that the proposal divides the larger lot into two as a result of the subdivision boundaries and the location of a large dam proximate to the south-western corner of the land. I agree that the subdivision does not facilitate the use of the larger site for agricultural purposes. Aside from the barrier the house lot creates between the northern and southern sides of Lot 2, the ownership of Lot 1 for rural living purposes by persons not associated with the agricultural activity will create the potential for conflict between the residential use and the farming use which presently does not exist. This potential is exacerbated by the fact that Lot 2 surrounds the house lot on all sides, with the exception of the driveway access.
- 14 The Applicant argued that the excision of the house lot may provide the opportunity for Lot 2 to be economically incorporated into a larger agricultural enterprise in the future. To an extent this may be true, but the existence of an excised lot in a central location may have the effect of making Lot 2 less attractive to an adjoining or nearby farming activity, as it may adversely affect the efficient use of the land as a whole, for similar reasons to those expressed earlier.

Signed by AustLII

- 15 The proposed subdivision is not supported by planning policy. It does not represent an outcome which will be consistent with, or would benefit, the long term planning of this area. It does not respond to the strategic directions articulated by the policy frameworks. It will unjustifiably fragment a consolidated agricultural lot and establish a scenario that will potentially give rise to future land use conflict between the residential and farming activities.

CONCLUSION

- 16 For these reasons, I have decided to affirm the Council's decision. No permit is granted.

Bill Sibonis
Member

Signed by AustLII

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P757/2014
PERMIT APPLICATION NO. 2013/228**CATCHWORDS**Section 82 *Planning and Environment Act* 1987; Murrindindi Planning Scheme; Farming Zone; Subdivision; Dwelling excision; Rural Industry

APPLICANT	Mt Edgar Pastoral Holdings Pty Ltd
RESPONSIBLE AUTHORITY	Murrindindi Shire Council
RESPONDENT	Home Creek Pty Ltd
SUBJECT LAND	295 Maroondah Highway, Yarck
WHERE HELD	Melbourne
BEFORE	Megan Carew, Member
HEARING TYPE	Hearing
DATE OF HEARING	5 September 2014
DATE OF ORDER	30 September 2014
CITATION	Mt Edgar Pastoral Holdings Pty Ltd v Murrindindi SC [2014] VCAT 1200

ORDER

- 1 The decision of the Responsible Authority is set aside.
- 2 In permit application No. 2013/228 no permit is granted.

Megan Carew
Member

Signed by AustLII

APPEARANCES

For Applicant	Mr Mathew Hibbins, Solicitor
For Responsible Authority	Ms Melissa Crane, Town Planner
For Respondent	Mr Donald Coles

INFORMATION

Description of Proposal	Change of use of existing office to a dwelling Subdivision of land into two allotments
Nature of Application	Section 82 <i>Planning and Environment Act</i> 1987
Zone and Overlays	Farming Zone Land Subject to Inundation Overlay (as to part)
Reason(s) Permit Required	Clause 35.07-1 Use of land for a Dwelling in the Farming Zone Clause 35.07-3 Subdivision of land in the General Farming Zone Clause 44.04-2 Subdivision of land in the Land Subject to Inundation Overlay
Other relevant Policies and other Provisions	Clauses 11, 14, 21, 22.01, 35.07, 44.04 and 65
Land description	The site is an 18.5ha property located on the west side of the Maroondah Link Highway south of the township of Yarck. Home Creek forms the site's western boundary. It is presently occupied by a rural industry (seed trails, development and packaging). There is a large shed building and a former dwelling that contains the office of the business.

Signed by AustLII

REASONS

- 1 Home Creek Pty Ltd owns the subject land, which is presently occupied by Valley Seeds Pty Ltd (pasture and lawn seed business). Both the land and the business are owned by Mr Coles. The business has been established for many years in the area and employs people from the local area. The site has an office in a former dwelling, a large shed/warehouse, accessways and seed trail plots. The business largely occupies the southern half of the land, with the northern section used as pasture.
- 2 The company seeks to return the office to its former residential use and then subdivide the 18.5 hectare parcel of land into two allotments (by dwelling excision). One lot would contain the seed business (6.17ha) and the other would contain the newly converted dwelling and the northern pastureland (12.33ha).
- 3 Without the conversion of the office back to a dwelling the subdivision would be prohibited by the planning scheme as the total land holding is only 18.5 hectares (the minimum lot size in the farming zone is 40 hectares).
- 4 Home Creek Pty Ltd seeks to sell the business lot and the business itself separately to the excised parcel. Mr Coles submits that this size parcel for the business will give it the best chance of being sold and continue operating in the area. He submitted that potential purchasers do not want to acquire the larger area of land.
- 5 Council approved the application because it considered that the rural industry should be supported to stay within the area. Council acknowledged that the excision of a dwelling on a small allotment would not be supportable if it were not for the desire of Council to support local business.
- 6 Mt Edgar Pastoral Holdings Pty Ltd that owns farming land opposite the subject site, objects to the grant of the permit by Council for the subdivision and seeks review of Council's decision. Mr Hibbins submitted that the purpose of the subdivision was to maximise the development potential of the land rather than to support the rural industry. He submitted that the subdivision did not guarantee that the business would benefit nor that any future purchaser would continue to operate from the site. He further submitted that the creation of the dwelling lot was not consistent with State and Local Planning Policy for the protection of agricultural land.
- 7 Having considered the submissions and material before me, I consider that the key issues that I must determine are whether the existing office should be converted back to a dwelling and then whether the subdivision proposed can be supported in the context of the provisions of the planning scheme.
- 8 I must decide firstly whether a permit should be granted and, if so, what conditions should be applied. Having considered all submissions and evidence presented with regard to the applicable policies and provisions of

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the Murrindindi Planning Scheme, I have decided to set aside the decision of Council. My reasons follow.

WHAT DOES THE PLANNING SCHEME SAY?

- 9 State planning policy seeks to protect agricultural land and to encourage its sustainable use. Clause 14.01 seeks to *protect productive farmland which is of strategic significance in the local or regional context* and to *encourage sustainable agricultural land use*. While land used solely for rural residential purposes is discouraged, the policy recognises that farming areas provide for agriculture but also for other rural land uses such as intensive animal industries, agricultural production and processing, rural industry and farm related industries.
- 10 Local Planning Policy at Clause 21.04 also seeks to strike this balance between protecting the agricultural land resource and seeking to provide for the local economy. Strategies and Objectives include:
- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential
 - Ensure that agricultural land is not developed for primarily residential purposes
 - Encourage agricultural diversity and promote opportunities for new farming enterprises
 - Identify and protect high quality agricultural land
 - Ensure that any excision of an existing dwelling be directly linked to and required for the agricultural use of the land
 - Ensure that any excision of an existing dwelling not create 'rural living' style lots, protecting productive rural land, existing rural character and existing rural uses
 - Develop the agricultural economic base through the attraction of value adding agricultural industries
 - Facilitate more intensive use and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry, timber production and agroforestry
 - Facilitate diversification and development of rural land when it can be demonstrated that the economic base of the Shire will be enhanced
 - Promote the region in terms of its natural qualities such as water supply, rainfall, soils, river flats and high quality produce
 - Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.
- 11 The provisions of the Framing Zone also seek to provide for the use of land for agriculture and associated purposes. Following amendment VC103 in

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2013, the zone purposes also seek to *encourage the retention of employment and population to support rural communities*. Agricultural land use for rural lifestyle living is discouraged. The minimum subdivision size is 40 hectares and a permit is required for a dwelling on a lot less than this size. Lots smaller than 40ha can only be created in specific circumstances, one of which is the excision of an existing house.

12 Clause 22.01-4 contains policy for house lot excisions. The policy basis is:

House lot excisions refer to the subdivision of an existing dwelling from a larger rural lot. Subdivisions of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any excision of an existing dwelling protects productive rural land and does not create a de facto 'rural living' subdivision. While generally discouraged in rural areas, the small lot subdivision of an existing house may in some circumstances assist the process of farm consolidation.

13 The objectives of this policy seeks to:

- Ensure that any excision of an existing dwelling protects and maintains the productive agricultural capacity of the land and general area
- Discourage the fragmentation of rural land into lots that are not capable of productive agricultural and rural use
- Ensure that small lot subdivisions do not prejudice primary production activities on the land or in the surrounding rural area
- Ensure that any new lot is provided with an adequate level and standard of infrastructure

14 The policy seeks to ensure that rural living style allotments are not created and that any excision of land has a relationship with and is required for the continuing use and operation of the land. Specifically an excision is to provide a maximum area for the house lot of 2ha with a balance lot of 40ha. The policy seeks a minimum setback of 30m from any adjoining rural industry to the dwelling to be excised.

15 The substantive issue in this application is whether the subdivision would produce an acceptable planning outcome when measured planning policy for agricultural land and the purposes of the Farming Zone.

16 I note that a permit is also required for the subdivision pursuant to the Land Subject to Inundation Overlay. The catchment authority did not object to the proposal.

WHAT ARE MY FINDINGS?

17 The proposal requires an assessment in two steps. The first is whether it is appropriate to allow the conversion of the existing office building to a dwelling. The second is to consider whether the dwelling should be excised

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on a 12.33ha allotment. This is because the subdivision would not be permissible without the presence of a dwelling on the land.

Is it appropriate to allow the conversion of the office to a dwelling and its excision?

- 18 The existing office building was formerly a dwelling that became an office for the rural industry as this business grew (about the year 2000). The building looks for all intents and purposes like a dwelling. On the face of it, the return of this building to its former use would appear acceptable. However, this change in purpose requires approval. As set out above, the planning scheme sets out the matters to be taken into account. These include, whether the dwelling supports the agricultural use of the land, the impact on existing and future agriculture activity on adjoining land, the exposure of the dwelling to adverse amenity impacts and the potential to lead to a proliferation or concentration of other dwellings in the locality.
- 19 I am satisfied that the dwelling is appropriately located in the corner of the proposed allotment, will not lead to a proliferation of dwellings in the area, can be provided with services and that water resources will be available (bore and dam). There was also no material before me that would suggest that the proposed dwelling would be adversely affected from nearby farming land use (noting this is predominantly grazing) nor would the dwelling directly prevent any farming on adjoining properties, other than by introducing an additional neighbour.
- 20 However, I am not persuaded that dwelling is required to either support the rural industry on the land (ie: a caretaker's residence), nor to provide for the conduct of agricultural activities on the remaining land to be excised.
- 21 While it was submitted by Mr. Coles that the dwelling allotment at 12ha might provide a range of agricultural land use options, these were not detailed in any whole farm plan nor is there any clear link between the dwelling and agricultural land use. Mr Coles did indicate that he may remain involved in some capacity in the seed business once sold and may occupy the dwelling for some time following the sale to transition the business. This may be a legitimate reason to allow the office to be converted back to a dwelling, but does not necessary support the subdivision that is also proposed.
- 22 I find that in this case, the sole purpose of the dwelling appears to be to allow the subdivision to be considered and as such is not supported by the planning scheme. Even if I was convinced that the dwelling was supportable, then it does not follow that the excision acceptable.
- 23 I find that the proposed excision is not supported by the planning scheme because:
- The dwelling excision creates a small lot in a farming area;

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- The existing allotment is already less than the 40 hectares minimum subdivision size and the specific local policy provisions at Clause 22.01-4 are not met;
 - There is no established link between the dwelling and agricultural land use;
 - The majority of the land to be excised is currently used for broad acre farming which can be farmed in conjunction with other properties as the likely agricultural pursuits are not necessarily dependent on anyone living onsite.
 - While more intensive agricultural land uses do occur in the area, there was no evidence that any such land use would be viably established on the size of the lot created.
- 24 Council acknowledged that if it was not for the desire to support the sale of the business that the dwelling excision on Lot 2 would not be supported by the planning scheme. I find that the subdivision will result in a dwelling on proposed Lot 2 with no defined, articulated or appreciable benefit to agricultural use of the land. The remaining question is then whether the presence of the rural industry on Lot 1 tips the scales in the face of a proposal that would be otherwise unacceptable.

Is it appropriate to allow the excision of the dwelling to support the proposed sale of the rural industry on Lot 1?

- 25 Council submitted that it wished to support the potential retention of this business in the area. Ms Crane referred to the policies set out above to support rural industry and assist genuine farming enterprises to adjust flexibly to market changes. She also referred to the purpose of the Farming Zone to *encourage the retention of employment and population to support rural communities*.
- 26 So how does this proposal support this long established rural industry? Mr Coles explained that the subdivision was required because potential purchasers of the business did not want to acquire the additional 12 ha of land. However, Mr Coles was not able to provide me with any evidence of this assertion. He was not able to demonstrate that the sale of the business and land had been unsuccessful for a significant period of time. He did not appear certain as to any sales strategy indicating that both parcels may be offered for sale simultaneously, or alternatively he may retain the excised dwelling lot in some capacity.
- 27 I do not consider the matter of the sale of the land and business a relevant planning consideration. Rather it is a matter of the personal circumstances of the applicant. I was not persuaded based on the material before me that the sale of the business is contingent on the excision of the dwelling lot. Nor was I persuaded that the viability of the business was contingent on the sale of a smaller area of land.

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- 28 While I accept that the land containing the trail plots must be sold as freehold with the business, I do not accept that the larger area would prevent the sale of the business. While a smaller land parcel may make the business more appealing to a potential purchaser due to cost savings, the sale of the land as a whole with the business may mean that simply lesser price is gained by the seller for the land than would be obtained if it were sold as two separate parcels.
- 29 I find that the dwelling excision does not have a clear link to the retention of this rural industry in this area that would override the other considerations of the planning scheme in respect to dwelling excisions that I have considered above. In addition, I also hold some concerns that if the subdivision were approved the ongoing viability of the rural industry may in fact be detrimentally affected by:
- The proximity of a new residential neighbour not associated with the business (despite the 30m separation indicated in the policy being met);
 - The proposed restriction of any accommodation land use on Lot 1 that would prevent purchase by an owner-occupier or the establishment of a caretaker's dwelling.
 - The reliance of Lot 1 on a transfer of a licence to pump water from the creek as the other water resources on the property (bore and dam) are proposed to be excised with the dwelling lot.
- 30 Overall, I do not find that the subdivision will clearly support the rural industry and these considerations do not outweigh my concerns about creating a new small house lot in the Farming Zone.

CONCLUSION

- 31 For the above reasons, the decision of the Responsible Authority is set aside. No permit is granted.

Megan Carew
Member



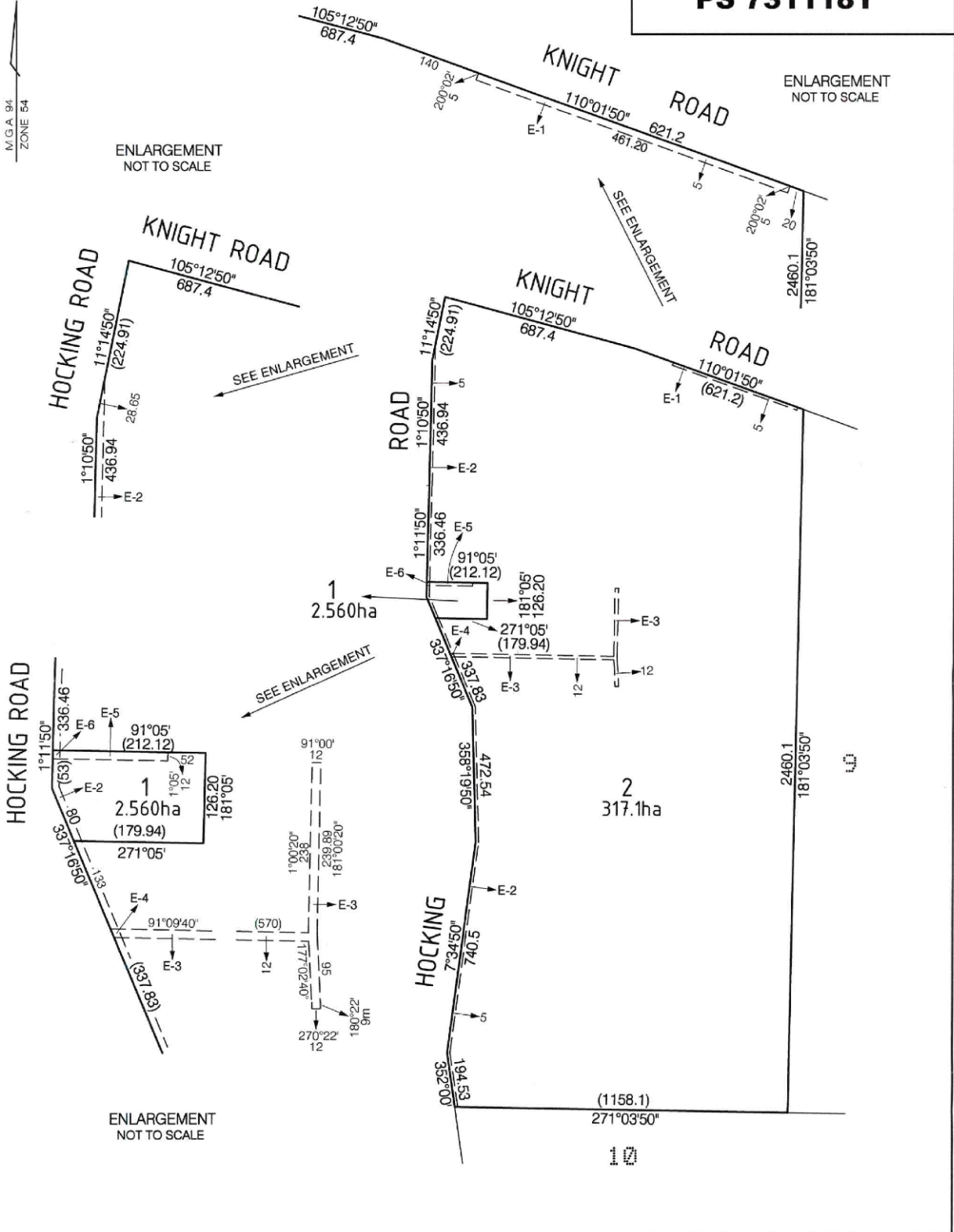
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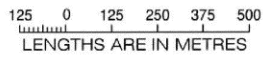
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ORIGINAL SHEET SIZE A3

DIGITALLY SIGNED BY LICENSED SURVEYOR:
ANDREW ROBERT MERRETT

REF F7748 VERSION 3

B.15.54 RURAL LIVING CAMPAIGN

Responsible Officer: Chief Executive Officer
File Number: S12-04-03
Attachments: 1 Rural Living Campaign

Declarations of Interest:

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks Council endorsement of the Rural Living Campaign initiated by Buloke Shire Council.

Discussion

Although Swan Hill Rural City is not a small rural shire, it has a large number of smaller towns and settlements that rely on essential services from Council. Recently, the Buloke Shire Council initiated a campaign called *Rural Living*. Council has committed \$1,000 to the campaign, and the CEO is a member of the working group.

Small rural shires can no longer provide basic services without becoming financially unsustainable. The level of services they can provide to rural residents is considerably less than those received by residents in other areas. Successive State and Federal governments have battled with this problem over many years without success.

These shires have major barriers to their capacity to provide basic services including:

- Lack of economies of scale
- Large distances and time required to deliver services
- More people with lower incomes and therefore low capacity to pay rates
- Low socio-economic areas and higher demand for some services
- A higher proportion of older residents than the Victorian average
- The need to offer higher wages to attract skilled labour
- Frequent market failure resulting in premium prices for goods and services

Small rural shires have responded positively to the needs of their residents by improving efficiencies, sharing services with other councils, and becoming more innovative, however the provision of basic services is still out of reach.

To bring this crisis to the attention of other Victorians, many small rural shires have joined the Rural Living Campaign which seeks to get agreement from all levels of government that all Victorians are worthy of receiving a minimum level of services.

Once agreement on this set of service levels is attained, then solutions can be sought.

Consultation

Some councils involved in the Rural Living Campaign have consulted with their communities about the need to reduce services.

Financial Implications

Financial contribution to the campaign of \$1,000

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Recommendation

That Council endorse the Rural Living Campaign and congratulate Buloke Shire Council on the initiative.



RURAL LIVING

Rural people, equal services

Small rural shires can no longer provide basic services without becoming financially unsustainable. They can become more efficient, leave services to others to provide, raise rates at unrealistic levels and/or just stop providing services. Most small rural shires are using all four strategies and still can't provide basic services. The level of services they can provide to rural residents is considerably less than those received by residents in other areas. Successive state and federal governments have battled with this problem over many years without success.

The residents of these shires make a considerable contribution to the nation's GDP, as well as paying rates, income tax and GST in the same manner as their metropolitan colleagues, but do not receive the basic services that others receive. This is clearly unfair.



Services that rural people only access at a vastly reduced level compared to their metropolitan cousins include youth services, decent infrastructure, child care, education, public transport and health. Where these services are available they are almost unrecognisable from their urban equivalents.

Unless rural people have access to the basic services that should be available to all Victorians, we will see our communities continue to become more and more unliveable. The rundown in these services, and the infrastructure needed to support them, risks the loss of the very people - the young, the skilled and the entrepreneurs - needed to drive productivity and growth of our vital agricultural industries.



Small rural shires have to respond to the needs of their residents. They have responded positively to this challenge by focussing on improving efficiencies, sharing services, innovative service provision and enhanced management. A great deal of progress has been made, and continues to be made, with many small rural shires reaching high levels of efficiency; but providing basic services while remaining financial sustainable is still out of reach.

To bring this crisis to the attention of other Victorians, many small rural shires have decided to join the **RURAL LIVING** campaign. At this stage, 9 councils comprising a mixture of small rural shires and larger regional cities are supporting this campaign. As the momentum builds this number is expected to increase. **RURAL LIVING** contends that **all** Victorians are worthy of a minimum set of services; not just those living in densely populated, advantaged areas.

Example – Buloke Shire Council

An example of the problems besetting rural shires can be seen in Buloke Shire. This council with a small population and a very large area was already financially unsustainable when the floods of 2011 inundated a large portion of its 8,000 sq km area. In order to remain financially viable it has reduced its operating costs by over \$4 mill, cut 1 in 6 staff, written off 500 km of roads and has an ever widening infrastructure gap. A reduction in the already low level of services has had to be absorbed by its residents.

1 in 6 Council jobs have been withdrawn



Youth services have been lost



Community transport is no longer provided



Road network has been reduced



Library services have been cut



Customer service is kept to a minimum



The Council is doing what it can to support a very efficient agricultural industry and service in its ten small towns. The plain fact of the matter is that the business Council has been charged with is not a sustainable one. The reasons for this are many and include costs that are three times higher than those faced by metropolitan councils for the same services.

Major barriers include:

- Lack of economies of scale
- Large distances and time required to deliver services.
- More people with lower incomes and other socio-economic factors.
- A higher proportion of aged people in the population.
- Lack of competition from service providers and suppliers.
- Difficulties in the recruitment of staff and skilled contractors.
- Frequent market failure resulting in premium prices for goods and services.
- Small population sizes and a consequent lack of capacity to pay for services.

The lower socio-economic nature of the community does not have the capacity to pay these kinds of costs. The result is a two-speed economy; one set of services for the metropolitan areas and another for the rural areas.

The higher costs and lower capacity to pay have been identified in the Financial Sustainability Report on Buloke Shire authored by Rohan and Merv Whelan in 2015. This provides similar data to those developed in reports for a range of small rural shires. It also confirms some of the findings from the VAGO report into the sustainability of councils that indicated the increasing dependence of small rural shires on grant funding; a source that is becoming more scarce with time.

As set out in the Local Government Act 1989, local government is a partnership between local, state and federal government. This partnership is not working; in the rural areas there is a huge inequity in services, a lack of basic services and disadvantaged communities paying more for less.

A Shared Solution

The **RURAL LIVING** campaign seeks to get agreement from all levels of government that all Victorians are worthy of a minimum set of service levels. Once agreement on this set of service levels (as attached) is reached then a solution to achieve it can be sought. The **RURAL LIVING** campaign councils are eager to work with state and federal governments to achieve a long term solution.



Minimum Local Government Service Levels for Victorians

All Victorians should have access to levels of service that enable liveability and safety. Victorians pay income tax, GST and rates and are entitled to a level of reciprocity in the service levels they receive.

The services set out in this document detail a minimum set to be provided by local government for their communities.

- A responsive and effective municipal council.
- All weather access roads to all inhabited residences.
- A road network that meets the needs of local industry.
- Kerbside waste and recycling services for all townships
- Urban drainage systems to cope with a minimum 20 year rainfall event
- Footpaths to safety standards in the central business, hospital and school areas
- Access to public facilities including
 - o Recreation Reserve
 - o Functional Meeting Space
 - o Park and playground
 - o Public toilet
 - o Swimming pool
- Immunisation for children on a monthly basis
- Local statutory and strategic planning services
- Environmental health enforcement
- Enforcement of Local Laws and building regulations
- School crossing supervision on major roads
- Community planning on a community (town) basis
- One hour of HACC services every 2 weeks for eligible clients, e.g. domestic assistance, personal care or respite care.
- Weekly access to library books and services.
- Access to Maternal and Child Health Services.
- Youth services including access to an annual youth event.
- Transport to essential appointments for frail aged people.
- Meals on Wheels
- Child care and kindergarten services in towns.
- Municipal emergency services
- Access to business development information and support.

Small rural shires have major barriers to their capacity to provide basic services to their residents. These include:

- Lack of economies of scale
- Large distances and time required to deliver services.
- More people with lower incomes and other socio-economic factors.
- A higher proportion of aged people in the population.
- Lack of competition from service providers and suppliers.
- Difficulties in the recruitment of staff and skilled contractors.
- Frequent market failure resulting in premium prices for goods and services.
- Small population sizes and a consequent lack of capacity to pay for services.

To address these issues, local government has focussed positively on improving efficiencies, sharing services, innovative service provision and enhanced management. A great deal of progress has been made, and continues to be made, with many of these shires reaching high levels of efficiency but the lack of sustainability of small rural shires remains.

Despite these efforts it is apparent the residents of these shires have inferior services and poor community outcomes and liveability. The residents of these shires make a considerable contribution to the nation's GDP, as well as paying rates and taxes, the same as their metropolitan colleagues, but do not receive the minimum level of services. This is clearly inequitable.

The Local Government Act requires councils to "work in partnership with the Governments of Victoria and Australia" in order to ".. achieve the best outcomes for the local community" and to ".. improve the overall quality of life of the people in the municipal district." This responsibility is not being met by these partners under the current fiscal arrangements.

The provision of Financial Assistance Grants under the current structural arrangements is not sufficient to address the disadvantage faced by small rural shires so that the minimum level of services can be provided if shires are to remain sustainable.

What this document seeks to do is not to suggest the changes and solutions that might remedy the problem but to seek agreement to the concept that all Victorians, including the residents of small rural shires, are worthy of a specific minimum set of service levels. It is not until agreement on this can be reached that the methods of achieving this outcome can be formulated.

B.15.55 NEW VICTORIAN PUBLIC HOLIDAYS

Responsible Officer: Chief Executive Officer
File Number: S16-22-06
Attachments: Nil

Declarations of Interest:

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Victorian Government has recently released a Regulatory Impact Statement (RIS) on two new proposed public holidays in Victoria. The RIS outlines the anticipated benefits and weighs these up against the costs incurred. The Victorian Government is seeking feedback on the RIS and the proposed holidays and has called for submissions. The closing date for public submissions is close of business 5 August 2015.

Discussion

The Victorian Government commissioned PWC to develop a RIS to consider the impact of implementing a pre-election commitment to declare two new public holidays across Victoria. These two new public holidays would be Easter Sunday and the Friday before the AFL Grand Final.

The RIS highlights that public holidays generate a range of impacts on the Victorian community and economy including;

- increased wages for employees
- increased labour costs for employers
- additional leisure time
- increased tourism and enhanced sporting reputation
- reduced economic activity

The RIS attempts to quantify the benefits and costs to the Victorian Community and measures the "cost of foregone economic activity as a result of the new public holidays against the value of individual leisure time." The RIS acknowledges that the proposed public holidays are expected to affect Victorian employers and employees differently. It also identifies that the impacts of the Easter Sunday public holiday would differ depending on the type of industry and that the public holiday on the Friday before the Grand Final would affect more industries than the Easter Sunday public holiday.

Overall the RIS concludes that the estimated costs of the new public holidays outweigh the quantified benefits. It does however note that there were some leisure time benefits that were unable to be reliably quantified and therefore there may be potential for wider benefits.

The impact of the Easter Sunday public holiday on the Rural City of Swan Hill will also have a different impact than the Friday before the Grand Final public holiday. The following table summarises the anticipated impacts both negative and positive.

Easter Sunday	
Tourism	The Easter period is already a busy time for visitation to the region and the extra public holiday is unlikely to result in any increase
Employers	Many of our industries operate on a 7 day/wk basis and the introduction of an additional public holiday will result in higher wage costs. This will affect a range of industries including but not limited to agriculture, transport, accommodation, retail, health and hospitality
Employees	Employees that are not required to work on weekends will not be affected by this holiday however those that are rostered on weekends will enjoy additional wages as a result of the declaration of the public holiday

Friday before the AFL Grand Final	
Tourism	An additional 'long weekend' may result in a potential increase in visitation however this would be difficult to quantify.
Employers	This public holiday will affect all employers across the municipality. There will be increased costs associated with those businesses that choose to open and lost productivity for those that close. There may be increased visitation to local cafes and retail venues that are open as a result of many in the community who have increased leisure time available. This is again difficult to quantify.
Employees	All employees will benefit from this public holiday with either increased wages or increased leisure time. They may choose to spend the increase in wages locally which would have a positive benefit on the local economy.

Overall the perceived benefits of both the Easter Sunday public holiday and the Friday before the AFL Grand Final public holiday across the Rural City of Swan Hill are minimal compared with the costs to local employers and the resulting lost productivity.

Consultation

No public consultation has been undertaken due to the limited time available to develop a response.

Financial Implications

The two new proposed public holidays will have a financial impact on our local businesses as well as Council. Council will be required to pay penalty rates for those employees working on these public holidays and will lose an additional day's productivity.

Social Implications

There may be positive social benefits as a result of additional public holidays including increased leisure time.

Economic Implications

It is difficult to estimate the anticipated economic impact of the two new public holidays. There will be positive and negative impacts across different sectors of the community.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Economic Growth - A prosperous, growing and diverse local and regional economy.

Options

Council has the following options in relation to this report;

1. Not to make a submission
2. Make a submission supporting the implementation of the two proposed new public holidays. This submission could highlight the benefits to employees and the potential for increased tourism.
3. Make a submission against the implementation of the two proposed new public holidays. This submission would highlight the limited positive benefits that would flow from the proposal and outline the costs to employers.
4. Make a submission in support of either one or the other proposed public holidays.

Recommendations

That Council:

- 1. Not support the proposal by the Victorian Government to introduce a public holiday on Easter Sunday and on the Friday before the AFL Grand Final.**
- 2. Provide a submission on the proposed public holidays to the Victorian Government outlining Council's position**

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.15.6 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: 22-13-12
Attachments: 1 Councillor Assemblies Attendance and Agenda

Declarations of Interest:

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 requires that the details of Councillor Assemblies be reported to Council meetings on a monthly basis.

Discussion

The State Government has amended the Local Government Act 1989 which requires Council to report on Councillor Assemblies.

Whilst Minutes do not have to be recorded, Agenda items and those in attendance must be, and a report presented to Council.

An assembly of Councillors is defined as a meeting that is planned or scheduled at which at least half of the Council and one Officer are in attendance, and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent assemblies of Council are attached.

Consultation

Nil

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Council must comply with the requirements of the Local Government Act 1989.

Recommendation

That Council note the contents of the report.

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
26 May 2015 at 1pm
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA

- Councillors only session
- Update on Loddon Mallee Waste and Resource Recovery Group
- North West Municipalities Association Strategic Direction
- Nyah West Old Police Station
- Tower Hill Development Plan
- GPS Units
- Passenger Rail Advocacy
- Road Closure - Annuello Flora and Fauna Reserve

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr Jim Crowe
- Cr Michael Adamson
- Greg Cruickshank
- Cr Gary Norton

Apologies

- Cr Les McPhee
- Cr John Katis

Officers

- Dean Miller, Chief Executive Officer
- Brett Luxford, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- David Leahy, Director Infrastructure
- Vige Satkunarajah, Development Manager
- Stefan Louw, Planning Team Leader
- Ken Symons, Commercial Services Coordinator
- Pat Ahern, Fleet Operations and Livestock Exchange Coordinator

Other

- Karen Fazzani, Loddon Mallee Waste and Resource Recovery Executive Officer

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
02 June 2015 at 1pm
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA CANCELLED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
16 June 2015 at 1pm
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA CANCELLED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
23 June 2015 at 2pm
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA

- Woorinen Waste Water
- Saturday Parking
- Youth Strategy Consultation
- Agri-Business advisory committee up-date and nomination of Councillor as a committee delegate
- Public Health and Well Being, Active Transport Update
- Leisure Centre Contract
- Tyntynder Homestead update
- Customer Service Charter

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Jim Crowe
- Cr Les McPhee
- Cr Michael Adamson
- Greg Cruickshank
- Cr Gary Norton

Apologies

- Nil

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- David Leahy, Director Infrastructure
- Steve Matthews, Economic & Community Development Manager
- Mel Bennett, Public Health and Regulatory Service Coordinator
- Fiona Gormann, Community Planning & Development Officer
- Christopher Rowlands, Community Planning Officer

Other

- Lisa McCoy (consultant for Youth Strategy)

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
30 June 2015 at 1.00pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS

AGENDA ITEMS

- Councillor only session
- RV Friendly Towns
- Community Grants Policy
- Swan Hill Rural City Council Communication Strategy
- Andrew Broad
- Local Government Community Satisfaction Survey

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Gary Norton
- Greg Cruickshank
- Cr Jim Crowe
- Cr Michael Adamson

Apologies

- Cr Les McPhee

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- David Leahy, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- Steve Matthews, Economic & Community Development Manager
- Helen Morris, Human Resources Manager
- Felicia Chalmers, Media

Other

- Andrew Broad MP, Federal Member for Mallee

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
6 JULY 2015 at 2pm
SWAN HILL RURAL CITY COUNCIL, EXECUTIVE MEETING ROOM**

AGENDA ITEMS

- Aquatic Centre Management Tender

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Greg Cruickshank
- Cr Les McPhee
- Cr Jim Crowe
- Cr Michael Adamson

Apologies

- Cr Jessie Kiley
- Cr John Katis
- Cr Gary Norton

Officers

- Dean Miller, Chief Executive Officer
- Brett Luxford, Director Development and Planning
- Steve Matthews, Economic & Community Development Manager

Other

- Nick Cox, CEO Belgravia Leisure
- Tim Free, Manager Belgravia Leisure

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
7 JULY 2015 at 1pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

AGENDA ITEMS

- Tyntynder Homestead – Power Point Presentation
- Swan Hill Bridge Working Party
- Rural Living Campaign
- Acknowledgement to Country
- Raw Talent Signage Project update
- Planning Application x2

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Gary Norton
- Greg Cruickshank
- Cr Les McPhee
- Cr Jim Crowe
- Cr Michael Adamson

Apologies

- Nil

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- David Leahy, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- Ken Symons, Commercial Services Coordinator
- Steve Matthews, Economic & Community Development Manager
- Stefan Louw, Planning Team Leader

Other

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
14 JULY 2015 at 1pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

AGENDA ITEMS

- Councillor only session
- Loddon Murray Community Leadership Program
- Master Plan for the SWDP
- Amendment C58
- Peter Walsh
- Spoons request to extend lease

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Gary Norton
- Greg Cruickshank
- Cr Les McPhee
- Cr Jim Crowe
- Cr Michael Adamson

Apologies

- Nil

Officers

- Brett Luxford, Director Development and Planning
- David Leahy, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- Trent Goodman, Planning Officer
- Steve Matthews, Economic & Community Development Manager

Other

- Hon Peter Walsh, Murray Plains MP
- Julie Slater, Executive Leadership Loddon Murray Inc

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION G – IN CAMERA ITEMS