



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 21 April 2015

Held at
Swan Hill Town Hall Council Chambers
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**

Mayor, Cr Michael Adamson assumed the chair and declared the meeting open at 2pm.

- **Acknowledgement of Country**

Mayor, Cr Michael Adamson read the Acknowledgement to Country.

- **Prayer**

Cr Greg Cruickshank read the prayer.

- **Apologies**

Nil

Recommendations

That the apologies be accepted.

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 17 March 2015

17/15 Motion

MOVED Cr McPhee

That the minutes be confirmed.

SECONDED Cr Kiley

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Nil

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

Nil

- **Public Question Time**

Nil

SECTION B – REPORTS

B.15.20 COUNCIL PLAN 2013-17 (2014 REVIEW)

Responsible Officer: Director Corporate Services
File Number: 69-99-00
Attachments: 1 Council Plan 2013-17 (2014 Update)

Declarations of Interest:

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

Summary

Under section 125(6) of the Local Government Act, at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

During 2014 and early 2015 Council reviewed the Council Plan and suggested a number of changes as detailed in this report.

The statutory notification process stating Council's intention to adopt the changes to the Plan has been completed, and at the close of the consultative period no submissions were received. Council is now able to adopt the amended Plan.

Discussion

The Council Plan was reviewed during the Councillor retreat in January 2014, and again at a Councillor workshop in July 2014. Direction was given to officers to incorporate changes resulting from these meetings into the Council Plan. This plan was brought to a Council Assembly in December at which further changes were made.

These changes resulted in a number of initiatives being moved to more appropriate Key Result Areas.

The Key Result Area '*Environmental Management*' was renamed '*Built and Natural Environment*'.

The importance of agriculture was highlighted in '*Our Place Our Region*' and additional strategic initiatives relating to agriculture were added.

A number of new initiatives were also included. They are as follows:

Governance and Leadership

Initiatives and actions included under strategic objective 2:

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- Review Rating Strategy
- Review Municipal Office layout to improve efficiency and customer service outcomes
- Implement a Project Management system
- Implement a program of "Lean Thinking" across Council operations

Community Wellbeing

Initiatives and actions included under strategic objective 1:

- Implement actions from the adopted Cultural Plan. The following actions were incorporated with this initiative:
 - Promote the development of a strategy to enable communication of emergency management plans and activities to Culturally and Linguistically Diverse (CALD) communities.
 - Support new citizens to our municipality to increase awareness of local customs and practice.
 - Pursue funding to develop a Diversity Plan and investigate the potential to develop a multicultural hub.

Initiatives and actions included under strategic objective 2:

- Investigate and implement Council's ongoing role regarding the community - based aged care reforms.
- Implement actions from the Youth Strategy 2015-2016.
- Implement actions from Early Years Plan 2014-2018.

The following programs were included under our ongoing responsibilities:

- Performing Arts programs.
- Visual Arts programs via the Swan Hill Regional Art Gallery.

Initiatives and actions included under strategic objective 3:

- Encourage community harmony, cultural understanding and tolerance.

Economic Growth

Initiatives and actions included under strategic objective 1:

- Support the growth of agriculture by ensuring appropriately zoned land is available

Initiatives and actions included under strategic objective 2:

- Support local fruit growers in the prevention of fruit fly outbreaks

Initiatives and actions included under strategic objective 3:

- Coordinate the establishment of an Agri-business Advisory Committee.

Built and Natural Environment

Initiatives and actions included under strategic objective 1:

Determine the process of redevelopment of the Swan Hill Regional Art Gallery.

Consultation

All members of the Executive Leadership Team have reviewed the plan.

The Council Plan has been reviewed by Councillors.

The amended Council Plan and Strategic Resource Plan were advertised in accordance with the Local Government Act.

Financial Implications

Initiatives in the Council Plan will be referred to the annual Budget process.

Social Implications

The Council Plan will impact on the social, economic and environment aspects of our municipality, as set out in the Council Plan. The initiatives have been grouped under Sustainable Communities (social), Economic Growth (economic), Environmental Management (environment) and Governance and Leadership (the way Council operates).

Economic Implications

See above.

Environmental Implications

See above.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Options

Nil

Recommendations

That Council:

- 1. Note that no submissions were received on the proposed changes to the Council Plan.**
- 2. Adopt the amended Council Plan 2013-2017 (2014 update).**

18/15 Motion

MOVED Cr McPhee

That Council:

- 1. Note that no submissions were received on the proposed changes to the Council Plan.**
- 2. Adopt the amended Council Plan 2013-2017 (2014 update).**

SECONDED Cr Kiley

The Motion was put and CARRIED

Attachment

- Council Plan 2013-17 (2014 Update)

**B.15.21 2013/14 QUALITY AND COST STANDARDS REPORT - INCLUDING
LOCAL GOVERNMENT PERFORMANCE REPORTING
FRAMEWORK INDICATORS**

Responsible Officer: Director Corporate Services
File Number: 42-49-00
Attachments: 1 2013/14 Quality and Cost Standards

Declarations of Interest:

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

Summary

A requirement of the Best Value sections of the Local Government Act 1989 is the setting of Quality and Cost Standards for all Council services and annual reporting against these standards to the community. This report contains the actual performance for Council services against the quality and cost targets set for 2013/14 and specifies the targets for the 2014/15 financial year.

Discussion

The Local Government Act 1989 requires Council to review its operations to ensure that the services provided to the community represent 'Best Value'.

Best Value requires that quality and cost standards be developed for each major service area. The standards assist the community in determining whether a service is effective (quality) and efficient (cost). Quality and Cost standards and targets are prepared for each major service area and reviewed on an annual basis.

With the introduction of the Local Government Performance Reporting Framework (LGPRF) and mandatory reporting indicators, officers have taken the opportunity to review the current Quality and Cost Standards and, where possible, align our standards with the LGPRF to streamline reporting processes.

During the review process it was decided that a number of standards no longer provided meaningful data for benchmarking purposes. These have been highlighted for removal.

The attached report details the targets set for 2013/14, the actual result achieved, explanations on variations and targets for 2014/15.

The report also includes all new LGPRF indicators, which have been highlighted in red. Targets for these new indicators have been set based on trial data provided by Council in 2014. Where data was not available at the time of the trial the target has been left blank.

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Council currently reports on 235 Quality and Cost Standards across 10 service groups.

The table below provides a brief summary of achievements for the year. Details on all Quality and Cost Standards can be found in the attached report.

Service Group	Number of Quality and Cost Standards				Total
	Exceeded ✓	Achieved =	Not Achieved ×	Not Applicable for 2013/14	
Transport Services (pg 2)	10	4	4	0	18
Family and Childrens' Services (pg 5)	1	3	4	0	8
Economic Prosperity (pg 7)	3	7	4	0	14
Community Care (pg 10)	4	5	5	0	14
Community Wellbeing (pg 13)	6	7	3	3	19
Waste Management (pg 17)	5	7	4	0	16
Community Amenity (pg 20)	7	4	6	1	18
Recreation, Culture and Leisure Services (pg 23)	18	13	20	0	51
Organisational Support (pg 30)	17	26	16	2	61
Leadership and Governance (pg 39)	4	6	6	0	16
Total	75	82	72	6	235
Achieved in 2013/14	32%	35%	31%	2%	100%
Achieved in 2012/13	35%	35%	28%	2%	100%

Consultation

The Quality and Cost Standards have been reviewed in consultation with the employees responsible for each service and members of the Executive Leadership Team.

Financial Implications

Nil

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Options

Nil

Recommendation

That Council adopt the 2013/14 Quality and Cost Standards Report incorporating the new Local Government Performance Reporting Framework.

19/15 Motion

MOVED Cr McPhee

That Council adopt the 2013/14 Quality and Cost Standards Report incorporating the new Local Government Performance Reporting Framework.

SECONDED Cr Cruickshank

The Motion was put and CARRIED

Attachment

- 2013/14 Quality and Cost Standards

B.15.22 KEY STRATEGIC INITIATIVES FOR 2014/15 STATUS REPORT FOR THE THIRD QUARTER

Responsible Officer: Director Corporate Services
File Number: 22-23-08
Attachments: 1 KSI third quarter status report

Declarations of Interest:

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

Summary

This is the third quarterly report identifying the status of the 'Key Strategic Initiatives' from the Council Plan for the 2014/15 financial year.

Discussion

The *Council Plan 2013/17* includes 78 initiatives and 242 actions, through which the achievement of the Council Plan may be measured over its four-year term.

There are 28 actions in total identified for the 2014/15 period and each action has a nominated responsible officer. In each case, the responsible officer is a member of the Leadership Team, reflecting the importance placed on achieving targets.

Twelve actions were completed during the third quarter of the 2014/15 financial year.

One new initiative and five new actions have been included in the third quarter report. These relate to the development of a *Customer Service Strategy*, review of directional signage for the municipality and the facilitation of private sector investment in the Swan Hill Riverfront.

Since the adoption of the Council Plan in 2013, 11 actions have been deemed as no longer applicable.

The progress of all actions is outlined in the table below and the comments section of the attachment to this report.

Year	No. of Actions	Completed this ¼	Total completed	No longer applicable	Outstanding
Rolled over from previous Council Plan	6	1	4	-	2
2013/14	76	9	60	6	10
2014/15	28	1	6	1	21
Future years	138	1	23	4	111
Total	248	12	93	11	144

Consultation

Council consulted with the community during the development of the Council Plan 2013/17. The Council Plan was adopted at the June Council Meeting 2013.

Financial Implications

The implementation of the 2014/15 Key Strategic Initiatives was included in the budget although some are subject to external funding being approved.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Monitoring of Council's progress to implement the Council Plan helps to reduce risks associated with governance and reputation.

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Options

Not applicable for this report.

Recommendation

That Council adopt the Key Strategic Initiatives third quarter status report for 2014/15.

20/15 Motion

MOVED Cr Cruickshank

That Council adopt the Key Strategic Initiatives third quarter status report for 2014/15.

SECONDED Cr Kiley

The Motion was put and CARRIED

Attachment

- KSI third quarter status report

B.15.23 MUNICIPAL EMERGENCY MANAGEMENT PLAN & FLOOD EMERGENCY PLAN

Responsible Officer: Director Infrastructure
File Number: 36-02-11
Attachments: 1 Municipal Emergency Management Plan
SES Audit Certificate
Municipal Flood Emergency Plan

Declarations of Interest:

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

Summary

The Emergency Management Act 1986, Section 20 requires municipal Councils to prepare and maintain a Municipal Emergency Management Plan (MEMPlan) and a Municipal Flood Emergency Plan (MFEP).

Section 21A of the Act requires that at least once every 3 years an audit of the MEMPlan is undertaken by the Director of the Victoria State Emergency Service to assess whether the plan complies with guidelines as issued by the Co-ordinator in Chief.

The MFEP is a sub-plan to the MEMPlan and is consistent with the Emergency Management Manual Victoria and the Victoria Flood Management Strategy (DNRE, 1998a).

Discussion

MEMPlan

An audit of Council's MEMPlan took place on the 26 November 2014. The audit process consisted of:

- An audit on the most recent endorsed version of the MEMPlan, in conjunction with a multi-agency panel, which consisted of representatives from both the regional response and recovery committees,
- A formal request for submissions from chairs of the Regional Emergency Response Planning Committee and the Regional Emergency Recovery Planning Committee in their area of expertise (e.g. response or recovery); and
- The panel provided a recommendation to the Director of Operations VICSES regarding results of the Audit.

As a result of the audit, major changes to the MEMPlan have been carried out. This includes, but is not limited to:

- New format (with new SHRCC branding)
- Version Control added
- Sub plans removed from MEMPlan and referenced
- Changes to wording as a result of changes to the Emergency Management Manual Victoria.

MFEP

The MFEP takes into account the outcomes of the Community Emergency Risk Assessment process undertaken by the Municipal Emergency Management Planning Committee (MEMPC) and is a result of the cooperative efforts of the Swan Hill Rural City Flood Emergency Planning Committee and its member agencies.

Consultation

Representatives from VICSES, Victoria Police, and DHS along with Council Staff were present for the audit process.

The MFEP was adopted at the MEMPC meeting held in November 2014.

Financial Implications

The cost to administer the MEMPlan, which equates to 1 day per fortnight, is absorbed within the Engineering Services salary costs at approximately \$4,900 annually.

Social Implications

Both plans help to ensure public wellbeing and safety.

Economic Implications

The Plan aims to reduce the negative impacts of emergency events by providing a framework for an efficient and effective response.

Environmental Implications

Natural resource management issues are adopted in the MEMPlan.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Maintaining a safer community - In partnership with other agencies, we seek to ensure the everyday safety of our community.

Options

Council can chose to support or reject the recommendations.

Recommendations

That Council:

- 1. Note the successful completion of the SES Audit.**
- 2. Accept the new amended MEMPlan.**
- 3. Note the MFEP as a sub-plan to the MEMPlan.**

21/15 Motion

MOVED Cr McPhee

That Council:

- 1. Note the successful completion of the SES Audit.**
- 2. Accept the new amended MEMPlan.**
- 3. Note the MFEP as a sub-plan to the MEMPlan.**

SECONDED Cr Katis

The Motion was put and CARRIED

Attachments

- Municipal Emergency Management Plan
- SES Audit Certificate
- Municipal Flood Emergency Plan

**B.15.24 SWAN HILL REGIONAL LIVESTOCK EXCHANGE –
REDEVELOPMENT**

Responsible Officer: Director Infrastructure
File Number: 86-06-00
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks Council approval to utilise funds from the sale of surplus land at the Swan Hill Regional Livestock Exchange (SHRLE) to fund further developments and improvements at the facility.

Discussion

As part of the recommendations agreed to by Council for the on-going development and future of the SHRLE, a feasibility study into the sale and commercial development of a portion of the SHRLE was conducted by Urban Enterprises.

In summary, the report confirmed there was scope to subdivide under-utilised areas of the sheep penning facilities and redevelop this area for commercial uses. Funds from the sale could then be used for improvements and asset renewal at the SHRLE.

Following the presentation of the Urban Enterprises report and recommendations, Council agreed to commence works to prepare the surplus land for sale and the appointment of a design consultant to develop a functional design plan to identify the extent of future works required within the SHRLE.

Since then the following has been undertaken in preparation for the development:

- Functional design plan completed by Kattle Gear Aust P/L.
- Rezoning to Business 2 has been completed.
- Land has been assessed as not requiring a Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006 and the Aboriginal Heritage regulations 2007.
- A full soil contamination assessment has been undertaken.
- Clean up of the site has been undertaken with inspections and final approval by the Environment Protection Authority (EPA).

Since receiving the Kattle Gear plan, a range of improvements have already been undertaken in accordance with the plan and within the SHRLE operational budget:

- Removal of the old agent's huts and the building of additional cattle pens.
- Redesign and extension of the forcing yards, handling race and draft.
- Development of additional, short term holding yards for cattle, with capacity for approximately 800 head.
- Elevated walkways to the stacking pens and installation of redesigned gate latches.
- New cattle crush and extension of the handling race.

Further improvements identified in the Kattle Gear plan will continue to concentrate on safety and animal welfare issues and will require significant capital funds.

Next Stage of Land Sale

Some discussions have been undertaken with a view to conducting a sub-division of the surplus land.

The sub-division will require:

- Site re-establishment, feature and level survey
- An investigation into existing services to assess a broad range of development scenarios and options
- Subdivision in accordance with statutory requirements
- The removal of existing infrastructure
- The decommissioning and possible relocation of the water standpipe.

Consultation

All major stakeholders have been consulted throughout the process and continue to be updated on progress. The consultative committee will continue to meet and have input at all stages of the project.

Financial Implications

Costs associated with implementing the planned improvements will be met from the proceeds of land sales and available grants.

Social Implications

Nil

Economic Implications

Without redevelopment, the Livestock Exchange may see a plateauing or reduction in throughput as vendors seek to market their livestock in other, more modern centres offering advanced services and technology.

Environmental Implications

Nil

Risk Management Implications

Activities at the Livestock Exchange have significant personal injury risks due to the unpredictable nature of livestock as well as old or inadequately designed infrastructure. Planned improvements will address, and eliminate or minimise these risks.

Improvements will also positively impact on the health and well being of animals, reducing stress and injury. This will minimise the risk of buyer dissatisfaction and adverse publicity from the general public and animal activists.

Council Plan Strategy Addressed

Existing business support - We will support existing businesses and encourage expansion through building business capacity.

Options

- 1. Endorse the use of surplus land sale funds for the continued development of the SHRLE.**

This will provide significant scope to improve safety and efficiency at the Livestock Exchange and provide the opportunity for continued growth.

- 2. Reject the use of funds for continued development of the Livestock Exchange.**

Old or inadequately designed infrastructure contributing to staff safety risks and animal welfare issues will be difficult to address in the short term.

Without redevelopment, the Livestock Exchange may experience a reversal of throughput growth as vendors and livestock agents seek to market their livestock in other, more modern centres offering improved safety, efficiency and advanced services.

Recommendation

That Council endorse the use of surplus land sale funds for the continued development of the SHRLE.

22/15 Motion

MOVED Cr McPhee

That Council endorse the use of surplus land sale funds for the continued development of the SHRLE.

SECONDED Cr Katis

The Motion was put and CARRIED

B.15.25 AGRIBUSINESS ADVISORY COMMITTEE

Responsible Officer: Director Development and Planning
File Number: 26-32-03
Attachments: 1 Agribusiness Advisory Committee TOR

Declarations of Interest:

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

Summary

To improve engagement with the key stakeholders in the industry it is proposed to develop an Agribusiness Advisory Group. The terms of reference for the Agribusiness Advisory Committee has been prepared and is being presented for Council adoption.

Discussion

Agriculture is recognised as a key driver of the local and regional economies. The benefits of agriculture cannot be understated and the flow on benefits to other sectors of the economy are extensive. To ensure Council is well placed to support and grow the agricultural industry there needs to be constant dialogue with key agribusiness groups in the municipality.

The implementation of an Agribusiness Advisory Committee will help inform, and provide advice to, Council on issues and opportunities pertaining to the sector. The development of a Committee focussed specifically on the issues and opportunities facing the agribusiness sector in the Rural City of Swan Hill will provide the ability to coordinate responses to key issues and leverage opportunities within the agribusiness sector as they arise. It will also provide a strong voice for agribusiness.

As outlined in the attached 'Terms of Reference', membership of the Committee must reflect the key stakeholders and industries that drive agriculture in the region. In order for good, timely, decisions to be made, the total number of members for the Advisory Committee should not exceed 15. It is anticipated that the committee will meet at least quarterly or more often if deemed necessary by the committee. It is anticipated that all members of this Committee participate on a voluntarily basis and as such receive no compensation or remuneration for their involvement.

The 'Terms of Reference' may be required to be amended, varied or modified. This is catered for within the attached document which outlines a process for this to occur.

Consultation

During talks and industry visits by Council's Economic Development Unit, primary producers and peak bodies have identified a need for better communication with Council. The idea of an Advisory Committee has been flagged with these stakeholders who have indicated support.

Financial Implications

Council will provide the necessary budget to ensure the Committee has adequate administrative resources. This will include access to meeting rooms and staff time to develop agendas, collate minutes, source information and develop reports. The majority of the support provided to the group will be 'in-kind' and where projects are identified that require funding support, these will be subject to the normal budget process.

Social Implications

Advisory committees provide an opportunity for businesses and individuals from the community to become engaged in the decision-making of Council and helps build confidence within these individuals. It is an opportunity for other members of the community to take on leadership roles.

Economic Implications

The Advisory Committee will give the industry a voice with Council and allow for better targeting of Council assistance, making the industry more efficient and competitive.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Developing open community relationships - We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

Options

Council could support the creation of the Agribusiness Advisory Committee and seek changes to the Terms of Reference or Council could choose not to develop the advisory committee.

Recommendations

That Council:

- 1. Adopts the Agribusiness Advisory Committee Terms of Reference as presented.**
- 2. Establish an Agribusiness Advisory Committee and call for expressions of interest for membership.**
- 3. Nominate a Councillor representative for the Agribusiness Advisory Committee.**

23/15 Motion

MOVED Cr Katis

That Council:

- 1. Adopts the Agribusiness Advisory Committee Terms of Reference as presented.**
- 2. Establish an Agribusiness Advisory Committee and call for expressions of interest for membership.**
- 3. Nominate a Councillor representative for the Agribusiness Advisory Committee.**

SECONDED Cr Norton

The Motion was put and CARRIED

Attachment

- Agribusiness Advisory Committee
Terms of Reference

**B.15.26 PLANNING PERMIT APPLICATION 2015/4
PROPOSED RESUBDIVISION TO LAND WITHIN THE FARMING
ZONE IN ACCORDANCE WITH THE ENDORSED PLAN, 282
MALAYA ROAD, ROBINVALE**

Responsible Officer: Director Development and Planning
File Number: 2015/4
Attachments: 1 Proposed subdivision plan

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 re-subdivision of land in the Farming Zone located at No. 282 Malaya Road, Robinvale.

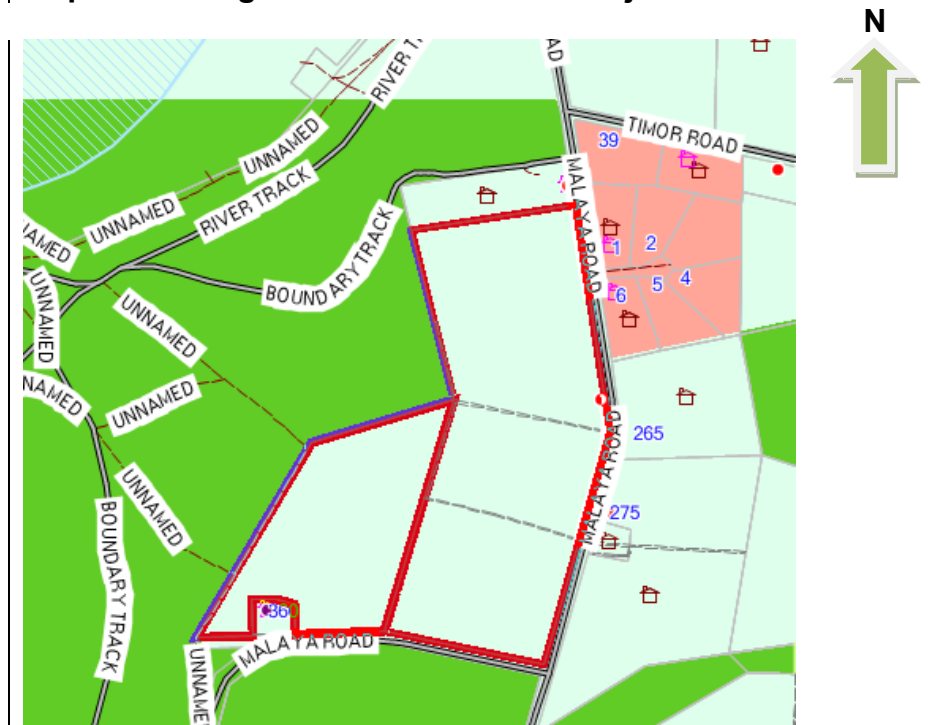
This application has been referred to Council as it is recommended to be refused.

Discussion

Location and existing conditions

The subject land (consisting of two titles), as shown in Map 1, is located on the western side of Malaya Road approximately 6km southwest of Township of Robinvale (refer to Map 1). The subject land is surrounded by Farming Zone and Low Density Residential Zone land to the east and Public Conservation and Resource Zone land to the north, south and west.

Map 1 – Zoning and Location of the subject land



An existing dwelling is located on one of the parcels of land (Lot 2 PS707645L). The land is located within the irrigation district and currently used for horticultural production.

Proposal

The proposal includes the re-subdivision of Lot 2 on PS707645L and Lot 2 on PS541299A creating a small lot of 1ha in size for the existing dwelling and a larger lot of 30.889ha containing the horticultural activities, such as table grapes and avocados.

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 re-subdivision meets the purpose of the zone in respect of the following:

- The dwelling is proposed to be excised via a boundary re-alignment as supported in the Local Planning Policy Framework (LPPF) at Clause 21.06 – Natural Resource Management. By re-aligning the existing titles a larger agricultural parcel of land would be created, which is consistent with the purpose of the zone to protect and provide for the use of land for agriculture.

However, the subject land has been subject to two house lot excisions in the past. Planning permits 2011/99 and 2005/76 have created two small lots for existing dwellings. This application will be the third house lot excision for the same land, and this trend to create small lots for existing dwellings is not consistent with the purpose of the Farming Zone outlined above.

Farming Zone decision guidelines:

The relevant requirements outlined under the Decision Guidelines for Farming Zone within the Swan Hill Planning Scheme, in particular - general issues and agricultural issues and the impacts from non-agricultural uses - have been discussed in various sections of the report including, the purpose of the zone, planning history and the state and local planning policies below.

Planning history

As briefly highlighted above, planning permit 2011/99 was issued for a two lot subdivision (boundary realignment), effectively excising an existing dwelling.

The larger lot of this subdivision, being 22.01ha, is the newly created lot 2 on PS707645L in 2011 as an outcome of the previous permit (the subject land), which did not contain a dwelling when the above permit was issued.

Planning permit 2011/99 included a condition to prohibit any further subdivision of either lots 1 and 2, lot 2 being the subject land, on plan ref. 8746/P in the form of a Section 173 Agreement of the *Planning and Environment Act 1987*.

However, the agreement that is currently registered on title reads slightly differently, as *“the land must not be further subdivided so as to increase the number of lots”*, which does not restrict re-subdivision of the land. However the intent of the condition on the permit was to prohibit any further subdivision to restrict non-agricultural uses in the irrigated land.

It is noted that it was a State requirement at the time when Planning Permit 2011/99 was issued for the landowner of each lot to enter into a Section 173 Agreement with the Responsible Authority, when applying for house lot excision, which was to ensure that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. However, recent planning reforms have removed this requirement from the planning scheme to allow flexibility where needed for the agriculture purposes.

This proposal is in breach of the intent of the respective condition (condition No. 8) of the previous planning permit and the purpose of the Farming Zone.

Relevant state and local planning policies

The state and local planning policies have been considered as part of this application.

Clause 14.01-1 Protection of agricultural land:

Objective:

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

Strategies:

- *Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Consult with the Department of Primary Industries and utilise available information to identify areas of productive agricultural land.*
- *Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.*
- *Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*
- *Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.*
- *Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.*

Clause 14.01-2 Sustainable agricultural land use:

Objective

To encourage sustainable agricultural land use.

Strategies

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*

Given that this application would create a third house lot excision for the same land it fails to comply with the above State planning policies to protect and encourage sustainable agriculture.

Clause 21.06-1 Rural Areas:

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.

Strategies

- *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.*

The proposal is consistent with the above strategies but not with Objective 1, as the re-subdivision would create a rural lifestyle lot. No information, other than to say that “*the dwelling is no longer required for the ongoing agricultural production of the land*”, was provided with the application to justify why this dwelling should be excised in order to encourage and protect valuable agricultural land.

Consultation

Public notification:

The application was notified to the affected landowners and occupiers. No objections were received.

Referrals

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

1. Building Department - No objection

2. Engineering Department – No objection
3. Environmental Health Department – No objection

No external referral was required for the assessment of this application.

Council assembly presentation

At the applicant's request, an opportunity was provided for the applicant to present the proposal at the Council Assembly on 7 April 2015.

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 re-subdivision.

Economic Implications

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

Environmental Implications

There are no known negative environmental implications of the proposed re-subdivision.

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Infrastructure - We seek to ensure appropriate infrastructure is available to continue our economic growth.

Options

1. Council issue a Refusal to Grant a Planning Permit for the re-subdivision of land located at 282 Malaya Road, Robinvale 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;
- c) Issuing a permit will be a breach of Condition No. 8 of Planning Permit 2011/99 issued under Swan Hill Planning Scheme.

Or

- 2. Council grant a permit for the re-subdivision of land located at 282 Malaya Road, Robinvale subject to conditions and in accordance with the endorsed plan.** 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.

Recommendation

That Council issue a Refusal to Grant a Planning Permit for the re-subdivision of land located at 282 Malaya Road, Robinvale 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;
- c) Issuing a permit will be a breach of Condition No. 8 of Planning Permit 2011/99 issued under Swan Hill Planning Scheme.

24/15 Motion

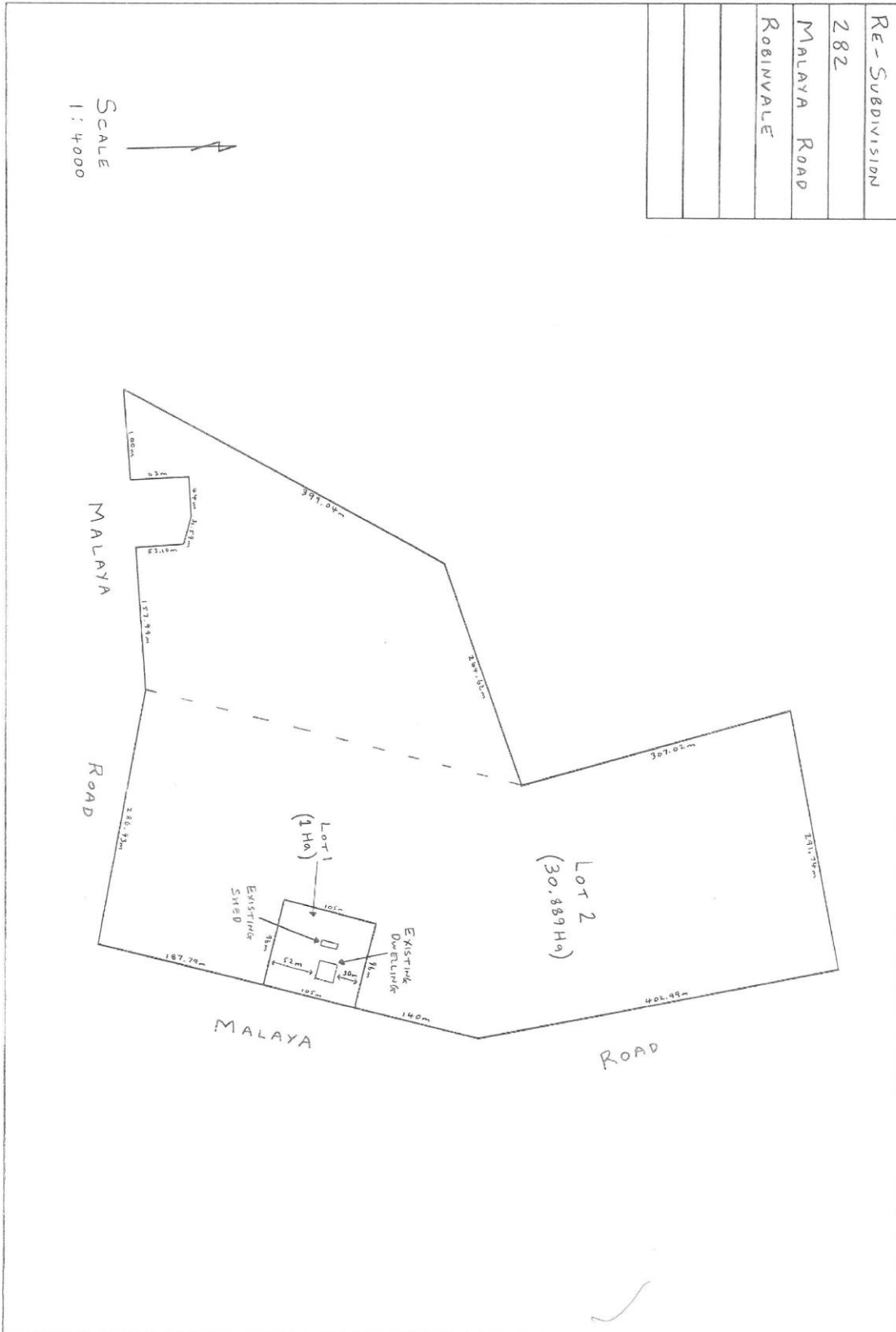
MOVED Cr Kiley

That Council issue a Refusal to Grant a Planning Permit for the re-subdivision of land located at 282 Malaya Road, Robinvale 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;
- c) Issuing a permit will be a breach of Condition No. 8 of Planning Permit 2011/99 issued under Swan Hill Planning Scheme.

SECONDED Cr McPhee

The Motion was put and CARRIED



SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.15.3 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

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Options

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

Recommendation

That Council note the contents of the report.

25/15 Motion

MOVED Cr Kiley

That Council note the contents of the report.

SECONDED Cr Katis

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
24 March 2015 at 9am
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA ITEMS

- 2015/16 Budget Review
- Livestock Exchange Up-date
- Resume Budget Review

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Gary Norton

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- Pat Ahern, Fleet Operations and Livestock Exchange Coordinator
- Mazen Aldaghstani, Acting Director Infrastructure

Other

- Bill Vowles, Managing Director Kattle Gear Australia

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
31 March 2015 at 1pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS

AGENDA ITEMS

- Councillor Only
- Budget discussions
- Services Review
- National General Assembly (NGA) 2015 Canberra

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

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, Co-ordinator Commercial Services
- Vige Satkunarajah, Development Manager
- Safan Louw, Planning Team Leader
- Helen Morris, Human Resources Manager
- Fiona Gormann, Community Planning & Development Officer

Other

CONFLICT OF INTEREST

- Nil

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

AGENDA ITEMS

- Lake Boga to Swan Hill bike path
- New Years Eve
- Swan Hill Showgrounds Lighting update
- Key Strategic Initiatives 3rd Quarter
- Quality and Cost Standards 2013/14
- Malaya Road, Robinvale
- Municipal Emergency Management Plan
- Balranald Agenda (7th April 2015)
- National General Assembly (NGA) 2015 Canberra
- Safe Haven Enterprises Visa (SHEV)

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Gary Norton

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- Helen Morris, Human Resources Manager
- Steve Matthews, Economic & Community Development Manager
- Dallas Free, Infrastructure Services Engineering Services Works
- Nathan Keighran, Economic Development & Tourism Project Officer

Other

- Roy Costa – Planning Consultant

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
14 April 2015 at 2pm
BALRANALD COUNCIL VISIT**

AGENDA ITEMS

- Meeting with Balranald Councillors
- Tour: Discovery Centre Complex
- Presentation from Balranald
- Presentation from Swan Hill
- Dinner and Discussion

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Swan Hill Councillors

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

Balranald Councillors

Cr Leigh Byron
Cr Alan Purtill
Cr Trevor Jolliffe
Cr Steve O'Halloran
Cr Elaine Campbell

Apologies

- Cr Les McPhee

Cr Jeff Mannix
Cr Lynda Cook
Cr Ken Barnes

Swan Hill Officers

- Dean Miller, Chief Executive Officer
- Brett Luxford, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- Mazen Aldaghstani, Acting Director Infrastructure

Balranald Officers

Aaron Drenovski, General Manager
Elizabeth White, Director Corporate and Community Development
John Stevenson, Director Infrastructure and Development
Connie Mallett, Tourism Coordinator

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

Cr Les McPhee

RACV Fly the Flag Tour dinner
Laser Vision Workshop
Harmony Day Riverside Park
Swan Hill Neighbourhood House Finance Committee meeting

Cr Jim Crowe

Woorinen Progress Association meeting
Youth Forum at Grain Shed
Harmony Day

Cr Greg Cruickshank

MC for Harmony Day
Marruk Project
Meeting with Balranald Council
Presented to the Loddon Murray Community Leadership Program
Heartbeat of the Murray workshop

Cr Jessie Kiley

Harmony Day
Swan Hill Inc
Swan Hill Sports Stadium Committee meeting

Cr John Katis

Conducted Citizenship Ceremony
Attended Charity Event
Meeting with Mayor, CEO and Community Groups
Council Meeting with Balranald Council
Euston Courthouse Historical Society on behalf of Mayor

Cr Gary Norton

North West Strategic Planning meeting
MAV Board meeting
Manangatang Improvement Group
MAV Board meeting
Nyah District Action Group
Meeting with Balranald Council
Rural Council Summit

Cr Michael Adamson

Swan Hill Depot meeting with staff
Citizenship ceremony
Vic Track meeting
RSL AGM
Leisure Centre Committee meeting
Swan Hill Business Breakfast
Youth Strategy Advisory Group Meeting.
Murray River Group of Councils meeting - Echuca
Robinvale meetings - various
Yamagata meeting
Meeting with John Monahan
Rural Councils Summit
Loddon Murray Community Leadership - presentation
Leonie Burrows - performance review meeting

SECTION G – IN CAMERA ITEMS

26/15 Motion

MOVED Cr Kiley

That the meeting be closed to the public for a in-camera item.

SECONDED Cr Crowe

The Motion was put and CARRIED

Cr McPhee declared a point of order that the in-camera item could not be considered because it didn't meet the criteria as laid out in Council's local law no 1. after some discussion the Mayor Cr Adamson agreed on the point of order, and the in-camera item was not discussed.

27/15 Motion

MOVED Cr Kiley

That Council re-open the meeting to the public

SECONDED Cr McPhee

The Motion was put and CARRIED

There being no further business, Mayor Cr Michael Adamson closed the meeting at 3.26pm.