

# AGENDA

## ORDINARY MEETING OF COUNCIL

Tuesday, 17 May 2016

To be held Swan Hill Town Hall Meeting  
Room 1 Chambers  
Commencing at 2pm

**COUNCIL:**

Cr LT McPhee – Mayor

Cr JN Katis

Cr CM Adamson

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

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 19 April 2016
  - 2) Extraordinary Council Meeting held on 3 May 2016
  
- **Declarations of Conflict of Interest**
  
- **Receptions and Reading of Petitions, Memorials, Joint Letters and Deputations**
  
- **Public Question Time**

## **SECTION B – REPORTS**

### **B.16.49 REPLACEMENT OF SWAN HILL BRIDGE**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S32-01-02-01  
**Attachments:** Nil

#### **Declarations of Interest:**

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

#### **Summary**

This report seeks Council's agreement to proceed with the development of a Memorandum of Understanding with Wakool Shire Council, which would include the formation of a Joint Replacement Bridge Working Party.

#### **Discussion**

Following detailed studies by VicRoads and Roads and Maritime Services (NSW) on the options for the Swan Hill bridge replacement and consultation with the community, the 9A Option was recommended and included in both Councils' Planning Schemes. The Swan Hill Rural City Council subsequently changed its view on its preferred alignment to Option 4B or some variation of it and a recent meeting of Murray Downs residents also highlighted some concerns with the proposed 9A alignment.

VicRoads representatives have advised that any change to the current preferred replacement bridge alignment would require a change of position of the other affected parties and would need to be supported by additional studies to make the case for a new planning amendment.

In 2015 Council determined to create a working party to review the existing bridge studies and update the information contained within them where possible, to enable the Swan Hill Bridge to be pushed up the priority ranking for investment. To a large extent this objective appears to have been achieved through this Council's participation in a cross border Workshop under the auspices of the two state road authorities to develop the Murray River Crossing Investment Prioritisation Strategy. While still subject to further Departmental scrutiny and Ministerial consideration by both State governments, the draft Strategy document has raised the Swan Hill and Tooleybuc Bridges to the top 3 priorities for replacement of bridges along the Murray River.

Swan Hill Rural City Councillors have met with their Wakool Shire Council counterparts on an informal basis to discuss issues of common interest over a

number of years. At their most recent meeting on 26 April 2016 representatives of both Councils expressed interest in developing a Memorandum of Understanding (MOU) to formalise the particular areas of common interest and possible co-operation – with the replacement of the Swan Hill bridge being a centrepiece for further discussion and possible joint action.

Wakool Shire Councillors also confirmed their interest in being represented on any Replacement Bridge Working Party being formed by Swan Hill. Draft Terms of Reference have been developed and will be further discussed with Wakool before finalisation.

### **Consultation**

Meetings relevant to this topic have been held with Wakool Shire Councillors, representatives of VicRoads and a public meeting of Murray Downs residents was attended by the Mayor and CEO.

### **Financial Implications**

Council has \$40,000 set aside to update aspects of the economic and social studies to support the need for a new bridge. Major studies required to justify a change in the current alignment as shown in the Planning Scheme would need to be funded at the State government level.

### **Social Implications**

Advocating for critical community infrastructure is a core social obligation of Council and the ability to better connect communities is a positive social aspect.

### **Economic Implications**

The provision of a reliable unrestricted crossing of the Murray River at Swan Hill is essential for the ongoing prosperity of the region and in particular transport companies, dryland farmers and summer fruit growers and the Swan Hill Abattoirs.

### **Environmental Implications**

Increased road miles for local freight places more heavy vehicles on the roads for longer periods.

### **Risk Management Implications**

The Swan Hill Bridge is now well over 100 years old and has had, and continues to have, extensive repairs made to it, to keep it operating and to avoid failure of the bridge. The cost of ongoing maintenance versus the cost of replacement with a new bridge needs to be considered carefully and in a timely manner by the relevant road authorities to ensure that an adequate service is maintained for Swan Hill residents and other stakeholders.

## **Council Plan Strategy Addressed**

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

### **Options**

The key options are that

1. Council continue to establish a Replacement Bridge Working Party

Or

2. That Council choose not to progress with the formation of the Swan Hill Replacement Bridge Working Party on the basis that the objectives of the working party has been largely achieved in the Draft Murray River Crossings Investment Prioritisation Strategy

Or

3. That Council work with the Wakool Shire Council to develop a Memorandum of Understanding to identify areas of cooperation and advocacy, with a particular focus on the Replacement of the Swan Hill Bridge including the formation of a Joint Working Party to progress consideration of an appropriate alignment.

### **Recommendations**

**That Council:**

1. **Work with the Wakool Shire Council to develop a Memorandum of Understanding to identify areas of cooperation and advocacy and resource sharing;**
2. **Agree to work with Wakool Shire Council on the replacement of the Swan Hill Bridge; and**
3. **Form a joint working party with Wakool Shire Council to progress consideration of an appropriate alignment.**

## **B.16.41 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 MARCH 2016**

**Responsible Officer:** Director Corporate Services  
**File Number:** 42-20-00  
**Attachments:** 1 Statement of Income & Expenditure for 9 months ending 31-03-16  
 2 Summarised Balance Sheet as at 31-03-16

### **Declarations of Interest:**

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

### **Summary**

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (balance sheet) to the adopted Budget for the nine months to 31 March 2016 has been conducted and the results are summarised in this report.

### **Discussion**

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the nine months ended 31 March 2016 are included with this report.

Major variations to budget as at 31 March 2016 are explained by way of notes on the attached report.

The forecast result is expected to be slightly better than budget. The predicted surplus assumes that Major Projects and Capital Works during the last three months of the financial year will be within budget.

Significant forecast variations to budget include:

	<b>Current Forecast Variances</b>		<b>Previous Forecast Variances</b>	
Rates	\$58,000	Favourable	\$58,000	Favourable
Grants Commission	\$17,000	Unfavourable	\$17,000	Unfavourable
Grants expected 2014/15, received 2015/16	\$76,000	Favourable	\$66,000	Favourable
Rates Discount	\$20,000	Unfavourable	\$20,000	Unfavourable
Loan Interest and Repayment	\$15,000	Favourable	\$8,000	Favourable
Insurance (Incl Fire Service Levy) net	\$60,000	Favourable	\$30,000	Favourable
Livestock Exchange (net result)	\$40,000	Favourable	\$40,000	Favourable
Public Lighting conversion to L.E.D.'s	\$25,000	Favourable	\$30,000	Favourable
Employee Costs	\$166,000	Favourable	\$51,000	Favourable
Pools and Leisure Centres	\$32,000	Unfavourable	\$32,000	Unfavourable
Recruitment costs	\$25,000	Unfavourable	\$25,000	Unfavourable
Parking Fines	\$10,000	Unfavourable	\$25,000	Unfavourable
Fuel Tax Credits	\$10,000	Favourable	\$10,000	Favourable

**REPORTS**

17 May 2016

Other Items (net)	\$4,000	Favourable	\$22,000	Favourable
Interest on Investments	\$20,000	Unfavourable	-	-
By-Laws Fine (Animal Control)	\$15,000	Unfavourable	-	-
Public Health Registration Fees	\$10,000	Unfavourable	-	-
Acquisition of Land (net of Reserve Funds)	\$30,000	Unfavourable	\$30,000	Unfavourable
Interest on overdue rates & collection costs	\$20,000	Unfavourable	\$5,000	Favourable
Building & Planning Permit Income	\$65,000	Favourable	\$40,000	Favourable
Laneway closures costs	\$15,000	Unfavourable	\$15,000	Unfavourable
Grants & Contributions	\$23,000	Favourable	\$23,000	Favourable
Cleaning Public Toilets	\$90,000	Unfavourable	\$80,000	Unfavourable
Pioneer Settlement net operating result	\$150,000	Unfavourable	\$105,000	Unfavourable
Home and Community Care Grant	\$50,000	Favourable	\$50,000	Favourable
Home Maintenance contracts	\$35,000	Favourable	\$30,000	Favourable
Corporate Management Projects	\$30,000	Unfavourable	\$30,000	Unfavourable
Fuel	\$85,000	Favourable	\$85,000	Favourable
Workcover Premiums	\$37,000	Favourable	\$37,000	Favourable
Rate Recovery Sales Deferred to 2016/17	\$40,000	Unfavourable	\$40,000	Unfavourable
Pioneer Settlement Redevelopment Costs	\$62,000	Unfavourable	-	-
	<b>\$163,000</b>	<b>Favourable</b>	<b>\$166,000</b>	<b>Favourable</b>
Less: Income owing from 2014/15	\$88,000	Unfavourable	\$88,000	Unfavourable
<b>Net Variation to 2015/16 Budget</b>	<b>\$75,000</b>	<b>Favourable</b>	<b>\$78,000</b>	<b>Favourable</b>

**Consultation**

Consultation occurred as part of the Budget preparation process.

**Financial Implications**

The report shows a predicted rates determination surplus \$75,000 better than budget for the 2015/16 financial year.

**Social Implications**

Not relevant to this item.

**Economic Implications**

Not relevant to this item.

**Environmental Implications**

Not relevant to this item.



### **Risk Management Implications**

The anticipated surplus is subject to income and costs trending as expected over the final three months of the year. In particular the anticipated surplus relies on the success of the Heartbeat of the Murray Experience.

### **Council Plan Strategy Addressed**

***Governance and Leadership*** - Effective and efficient utilisation of resources.

### **Options**

Nil

### **Recommendation**

**That Council note that the anticipated end of financial year result is \$75,000 better than budget at this stage.**

**SWAN HILL RURAL CITY COUNCIL  
STATEMENT OF INCOME & EXPENDITURE  
FOR THE 9 MONTHS ENDING 31/03/2016**

	Actual Year To Date 31/03/2016 \$000	Budget Year To Date 31/03/2016 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2015/16 \$000	Notes
<b>OPERATING INCOME :-</b>						
Rates, garbage charges and marketing levy	25,033	25,033	0	0.0%	25,033	
Statutory fees & fines	561	613	(52)	-8.5%	817	
User fees	3,931	4,281	(350)	-8.2%	5,708	1
Grants - operating (recurrent)	7,737	10,144	(2,407)	-23.7%	13,525	2
Grants - operating (non-recurrent)	673	275	398	144.7%	366	3
Grants - capital (recurrent)	1,782	1,513	269	17.8%	2,017	4
Grants - capital (non-recurrent)	2,287	3,329	(1,042)	-31.3%	4,438	5
Contributions - cash non recurrent	159	291	(132)	-45.4%	388	6
Interest income	322	416	(94)	-22.6%	555	7
Proceeds from disposal of assets	185	548	(363)	-66.2%	731	8
Other revenue	726	1,800	(1,074)	-59.7%	2,400	9
<b>TOTAL INCOME</b>	<b>43,396</b>	<b>48,243</b>	<b>(4,847)</b>	<b>-10.0%</b>	<b>55,978</b>	
<b>OPERATING EXPENSES (Excluding Depreciation) :-</b>						
Employee benefits	13,970	14,629	(659)	-4.5%	20,018	10
Contract payments materials & services	11,259	14,544	(3,285)	-22.6%	19,392	11
Bad & doubtful debts	-	1	(1)	0.0%	1	
Finance costs	236	332	(96)	-28.9%	443	
Other expenses	774	720	54	7.5%	960	
<b>TOTAL OPERATING EXPENSES (Excl. Depn.)</b>	<b>26,239</b>	<b>30,226</b>	<b>(3,987)</b>	<b>-13.2%</b>	<b>40,814</b>	
<b>OPERATING RESULT ( Excl. Depn. )</b>	<b>17,157</b>	<b>18,017</b>	<b>(860)</b>	<b>-4.8%</b>	<b>15,164</b>	
<b>CAPITAL ITEMS :-</b>						
Capital works/asset purchases - funding sourced	10,050	10,130	(80)	-1%	13,506	
<b>SURPLUS (DEFICIT) AFTER CAPITAL ITEMS</b>	<b>7,107</b>	<b>7,887</b>	<b>(780)</b>	<b>-9.9%</b>	<b>1,658</b>	
<b>ADD FINANCING TRANSACTIONS</b>						
Loan principal redemption	(617)	(579)	(38)	6.6%	(772)	
Transfers to/from reserves	2,612	-	2,612	0.0%	12	12
Proceeds from loans	-	-	-	0.0%	500	
<b>TOTAL FINANCING TRANSACTIONS</b>	<b>1,995</b>	<b>(579)</b>	<b>2,574</b>	<b>-444.6%</b>	<b>(260)</b>	
<b>BUDGET RESULT SURPLUS</b>	<b>9,102</b>	<b>7,308</b>	<b>1,794</b>	<b>24.5%</b>	<b>1,398</b>	

- 1 User fees at the Pioneer Settlement were \$401K below budget. Part of this variance can be attributed to the Heartbeat of the Murray only becoming operational in December, the budget had allowed for this income over the financial year.
- 2 Victoria Grants Commission funding was \$2,330K below forecast due to the receipt of 50% of Council's 2015/16 allocation being received in 2014/15.
- 3 Additional grants have been received for Roadside Weeds and Pests (\$75K), Communities for Children (\$47K), Lake Baker Road rabbit control (\$17K), Jaycee Park meeting place (\$20K), Packaged Care (\$65K) and the Southern Mallee Early Years program (\$100K).
- 4 An additional \$864K in Roads to Recovery funding is expected in 2015/16.
- 5 Grants for the Heartbeat of the Murray (\$1.6M) and projects for the Swan Hill Riverfront Masterplan (\$748K) are yet to be received. These are offset somewhat by \$1M received for Chisholm Reserve Drag Strip that had been forecast to be received last financial year.
- 6 Contributions towards the Heartbeat of the Murray remain outstanding.
- 7 As at 31 March 2016 Council had accrued \$99K of interest income in addition to the \$322K already received.
- 8 Proceeds from the disposal of assets is \$363K below forecast due to a number of vehicle replacements yet to take place and the proposed sale of two blocks of land yet to be finalised.
- 9 Contribution for the Tower Hill Estate development isn't expected until after stage 9A sales have been completed.
- 10 A number of vacant staff positions will result in savings for the 2015/16 year, however a number of contract staff have been engaged to fill these roles and this expenditure is reported in the contract payments, materials and services line item. Further variance in this line item relates to timing issues.
- 11 The majority of this variance relates to the payment of Aged Care Packaged costs to members of the Consortium. The year to date variance of \$2.2M is due to the changes in claims processes for the use of services. Claims from member Councils cannot be made until services have been performed. This is a change in process from previous activities and many member Councils have delayed their claims while procedures are developed.
- 12 The significant transfer from reserves is the Victoria Grants Commission prepayment received in June 2015 for the 2015/16 financial year.

**SWAN HILL RURAL CITY COUNCIL  
SUMMARISED BALANCE SHEET  
AS AT 31/03/2016**

	This Year Actual As At 31/03/2016 \$000	Last Year Actual As At 31/03/2015 \$000	\$ Movement Y.T.D. \$000	% Movement Y.T.D.	Budget As At End 2015/16 \$000
<b>CURRENT ASSETS:-</b>					
Cash and Cash Equivalents	16,823	19,064	(2,241)	-11.8%	11,295
Trade & Other Receivables	6,307	10,929	(4,622)	-42.3%	1,968
Inventories	97	67	30	44.8%	59
Assets held for sale	72	89	(17)	-19.1%	69
Other Assets	130	148	(18)	-12.2%	235
<b>TOTAL CURRENT ASSETS</b>	<b>23,429</b>	<b>30,297</b>	<b>(6,868)</b>	<b>-22.7%</b>	<b>13,626</b>
<b>CURRENT LIABILITIES:-</b>					
Trade & Other Payables	1,411	815	596	73.1%	2,498
Provisions	4,725	4,575	150	3.3%	5,059
Interest Bearing Loans & Borrowings	745	799	(54)	-6.8%	759
<b>TOTAL CURRENT LIABILITIES</b>	<b>6,881</b>	<b>6,588</b>	<b>293</b>	<b>4.4%</b>	<b>8,316</b>
<b>NET CURRENT ASSETS</b>	<b>16,548</b>	<b>23,709</b>	<b>(7,161)</b>	<b>-30.2%</b>	<b>5,310</b>
<b>NON-CURRENT ASSETS:-</b>					
Trade & Other Receivables	91	131	(40)	-30.5%	131
Property, Plant, Equipment & Infrastructure	442,634	405,673	36,961	9.1%	435,202
Intangible Assets	720	726	(6)	-0.8%	726
<b>TOTAL NON-CURRENT ASSETS</b>	<b>443,445</b>	<b>406,530</b>	<b>36,915</b>	<b>9.1%</b>	<b>436,059</b>
<b>NON-CURRENT LIABILITIES:-</b>					
Interest Bearing Loans & Borrowings	7,209	8,188	(979)	-12.0%	7,510
Provisions	1,751	1,661	90	5.4%	1,693
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>8,960</b>	<b>9,849</b>	<b>(889)</b>	<b>-9.0%</b>	<b>9,203</b>
<b>TOTAL NET ASSETS</b>	<b>451,033</b>	<b>420,390</b>	<b>30,643</b>	<b>7.3%</b>	<b>432,166</b>
<b>EQUITY:-</b>					
Accumulated Surplus & Reserves	283,039	283,748	(709)	-0.2%	280,307
Asset Revaluation Reserve	167,994	136,642	31,352	22.9%	151,859
<b>TOTAL EQUITY</b>	<b>451,033</b>	<b>420,390</b>	<b>30,643</b>	<b>7.3%</b>	<b>432,166</b>

1 The increase in Property, Plant and Equipment and Infrastructure relates to revaluations that occurred in June 2015.

**B.16.42 PLANNING SCHEME AMENDMENT REQUEST - C59 - REZONE LAND - 52 WERRIL STREET, SWAN HILL**

**Responsible Officer:** Director Development and Planning  
**File Number:** 73-021-26  
**Attachments:**  
1 C59 Explanatory Report  
2 C59 Instruction Sheet  
3 C59 Maps

**Declarations of Interest:**

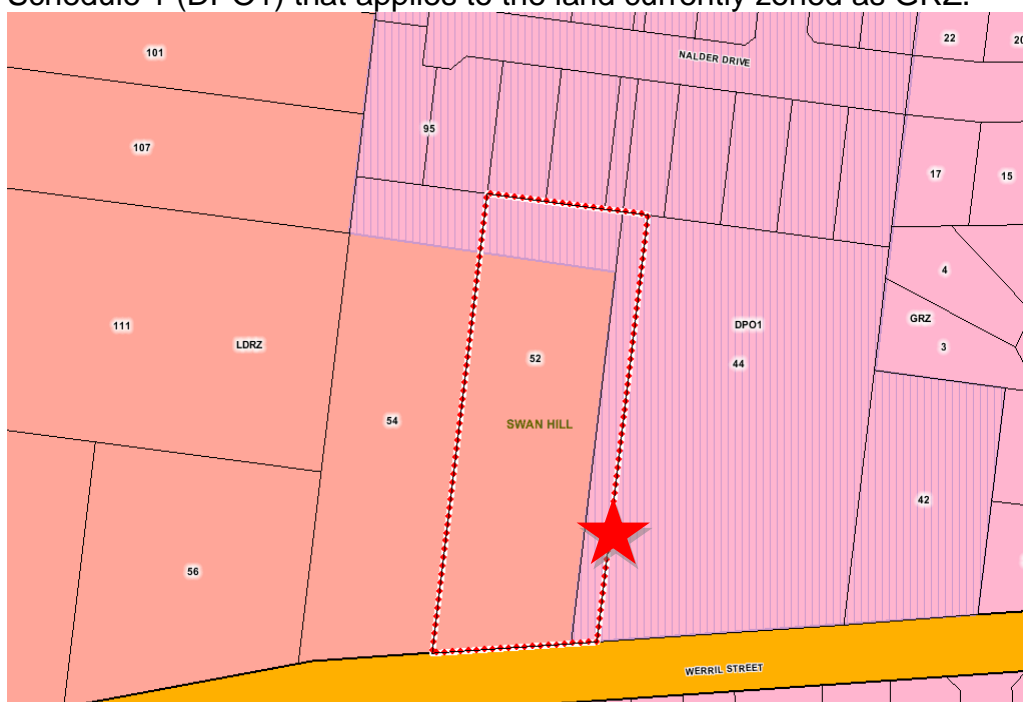
Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

The purpose of this report is to request Council to seek authorisation from the Minister for Planning to undertake Amendment C59 to the Swan Hill Planning Scheme.

**Discussion**

The amendment request was received on behalf of W & J Gleeson and J & L Gleeson to rezone part of the land at 52 Werril Street, Swan Hill (Lot 1, PS 731117B – Subject land). The application requires the land to be rezoned from General Residential Zone (GRZ) to Low Density Residential Zone (LDRZ). The application also requires the removal of an anomaly in relation to Development Plan Overlay Schedule 1 (DPO1) that applies to the land currently zoned as GRZ.



Map 1: Subject land at 52 Werril Street, Swan Hill

The dotted line represents the new title boundary of 52 Werril Street. The darker shading is the Low Density Residential Zone and the lighter shading is the General Residential Zone. The hatching is the Development Plan Overlay Schedule 1.

The land owners recently conducted a boundary realignment between 52 and 44-50 Werril Street Swan Hill. The realignment resulted in the land at 52 Werril Street being zoned as both Low Density Residential Zone and General Residential Zone. A condition of planning permit 2013/114 was the submission to amend the planning scheme and correct the zoning. It is proposed to rezone the land at 52 Werril Street to entirely Low Density Residential Zone and remove the DPO1 that applies to part of land formerly zoned as General Residential Zone.

The land to be rezoned at 52 Werril Street has an area of approximately 7230 square metres and contains a single dwelling and various forms of vegetation.

The subject land is part of an extensive area of Low Density Residential Zone lots to the west of the Murray Valley Highway and south of the Swan Hill CBD.

It is considered that the rezoning of the subject land to Low Density Residential Zone and deleting the DPO1 (in part) at this site is the most appropriate action in order to correct the mapping anomaly.

#### Land affected by the amendment

The amendment applies to 52 Werril Street, Swan Hill (Lot 8, PS 131295).

#### What the amendment does

This amendment seeks to:

- Rezone part of the land of 52 Werril, Swan Hill from General Residential Zone to Low Density Residential Zone;
- Delete the Development Plan Overlay Schedule 1 that applies to the land and;
- Amend Swan Hill Planning Scheme Map 40;
- Amend Swan Hill Planning Scheme Map 40DPO.

It is considered that the proposed amendment has addressed the issues of Ministerial Directions No 1 and 15; and has been prepared in accordance with Ministerial Direction 11.

#### Issues

The current General Residential Zone, Low Density Residential Zone and the Development Plan Overlay Schedule 1 applied to the subject land places limitations and complications on the future use and development of the land.

This amendment seeks to correct the mapping anomalies.

### Conclusion

Currently the site does not facilitate orderly planning and poses difficulties in administering the Swan Hill Planning Scheme. Supporting the rezoning will facilitate an orderly planning outcome for the subject land and the Swan Hill Planning Scheme.

Council, by endorsing the request to seek authorisation for the amendment, is not approving the amendment. Council will have the opportunity to consider any issues of concern after the public exhibition of the amendment.

At this stage it is considered appropriate to seek Ministerial authorisation for the preparation of the amendment.

### **Consultation**

Upon receipt of the authorisation from the Minister for Planning, there shall be consultation in relation to the amendment as per the requirements of the Planning and Environment Act 1987 for a period of minimum 30 days.

Notices will be sent to immediate neighbours, prescribed Ministers, relevant authorities and a notice will also be placed in the local newspaper (The Guardian).

### **Financial Implications**

The proponent will pay all cost associated with the amendment application.

### **Social Implications**

Nil

### **Economic Implications**

Nil

### **Environmental Implications**

Nil

### **Risk Management Implications**

Nil

### **Council Plan Strategy Addressed**

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

## **Options**

Council has the following options to consider:

### **Option 1**

Support the amendment request and resolve to request the Minister for Planning to authorise the preparation of amendment C59;

Or

### **Option 2**

Not support the amendment request with reasons outlined in the Council resolution.

## **Recommendations**

**That Council support the amendment request and resolve to request the Minister for Planning to authorise the preparation of amendment C59.**

Planning and Environment Act 1987

## SWAN HILL PLANNING SCHEME AMENDMENT C59 EXPLANATORY REPORT

### Who is the planning authority?

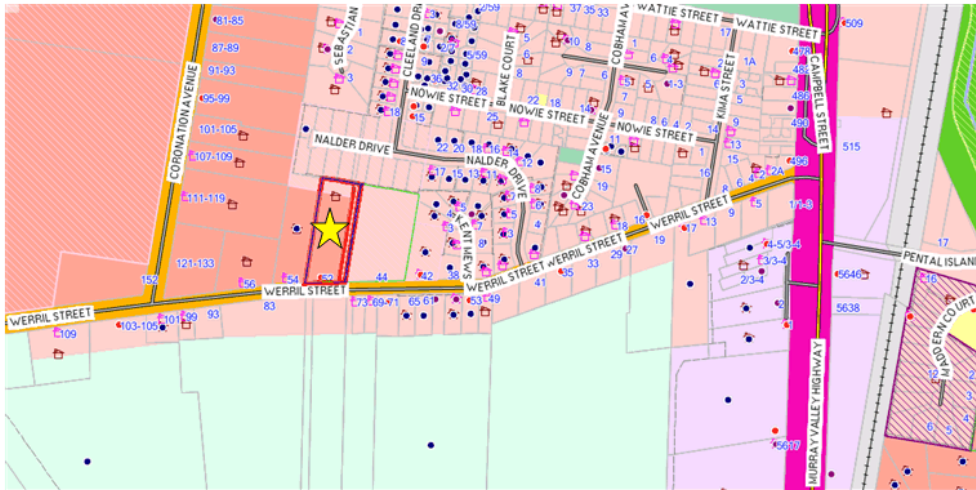
This amendment has been prepared by the Swan Hill Rural City Council, which is the planning authority for this amendment.

The amendment has been made at the request of the land owners James and Leonie Gleeson.

### Land affected by the amendment

The amendment applies to 52 Werril Street, Swan Hill.

The following map depicts the location of the above lot:



### What the amendment does

The amendment

- Rezones 52 Werril Street, Swan Hill from Low Density Residential Zone and General Residential Zone to entirely Low Density Residential Zone;
- Deletes the Development Plan Overlay Schedule 1 from the site and;
- Amends Planning Scheme Map 40;
- Amends Planning Scheme Map 40DPO.

### Strategic assessment of the amendment

#### Why is the amendment required?

The subdivision approved by planning permit 2013/114 provided for a minor adjustment to the boundaries of two existing lots each containing dwellings. The subdivision reflected the use and development of the land as it exists. The subdivision however, while reflecting the existing situation, further accentuated the split zoning of 52 Werril Street. This amendment seeks to rectify this situation by rezoning 52 Werril Street entirely to Low Density Residential Zone and deleting the Development Plan Overlay Schedule 1 from the subject site.



**How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria through providing orderly planning in relation to the land and ensuring its ongoing future use and development is consistent with the framework of the planning scheme. Specifically the amendment is consistent with the following objective:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*

**How does the amendment address any environmental, social and economic effects?**

There will be no negative environmental, social or economic effects from this amendment as it seeks to correct a mapping anomaly.

**Does the amendment address relevant bushfire risk?**

This amendment will not have any impact upon bushfire risk to the land which it applies.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The proposed amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes (September 2009). No changes are proposed to the form of the existing Swan Hill Planning Scheme - the amendment only involves changes to map 40 of the Swan Hill Planning Scheme.

No other Ministerial Directions are applicable to this amendment.

**How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed amendment directly supports and implements the State Planning Policy Framework through facilitating the orderly development of urban areas as outlined in Clause 11.02-3. The amendment is also an appropriate response to the existing built environment with a focus on residential housing as per Clause 15 – Built environment and heritage.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed amendment implements and supports the Local Planning Policy Framework (including the Municipal Strategic Statement) as follows:

- Maintaining the settlement hierarchy and orderly growth as per Clause 21.04 – Settlement and Housing.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The strategic objective of the proposed amendment is to rectify the split zoning. Given that the majority of land is included within the Low Density Residential Zone, it is considered that it is an appropriate response to apply that zoning to the entire land parcel. This zoning is consistent and compatible with all adjoining zones in the area. The deletion of Development Plan Overlay Schedule 1 that applies to the land simply removes the overlay where it does not apply or have relevance.

**How does the amendment address the views of any relevant agency?**

All relevant agencies will be notified and consulted as part of the amendment exhibition process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have an impact upon the transport system as defined by Section 3 of the Transport Integration Act 2010.

**Resource and administrative costs****• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The impact of the proposed amendment on the resource and administrative costs of the Responsible Authority will be minimal. The rezoning will not trigger any additional permit requirements for the land.

**Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Swan Hill Rural City Council

45 Splatt Street

Swan Hill Vic 3585

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) .

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by TBC.

A submission must be sent to:

Chief Executive Officer

PO Box 488

Swan Hill Vic 3585

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: TBC
- Panel hearing: TBC

*Planning and Environment Act 1987*

**SWAN HILL PLANNING SCHEME**

**AMENDMENT C59**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Swan Hill Rural City Council.

The Swan Hill Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

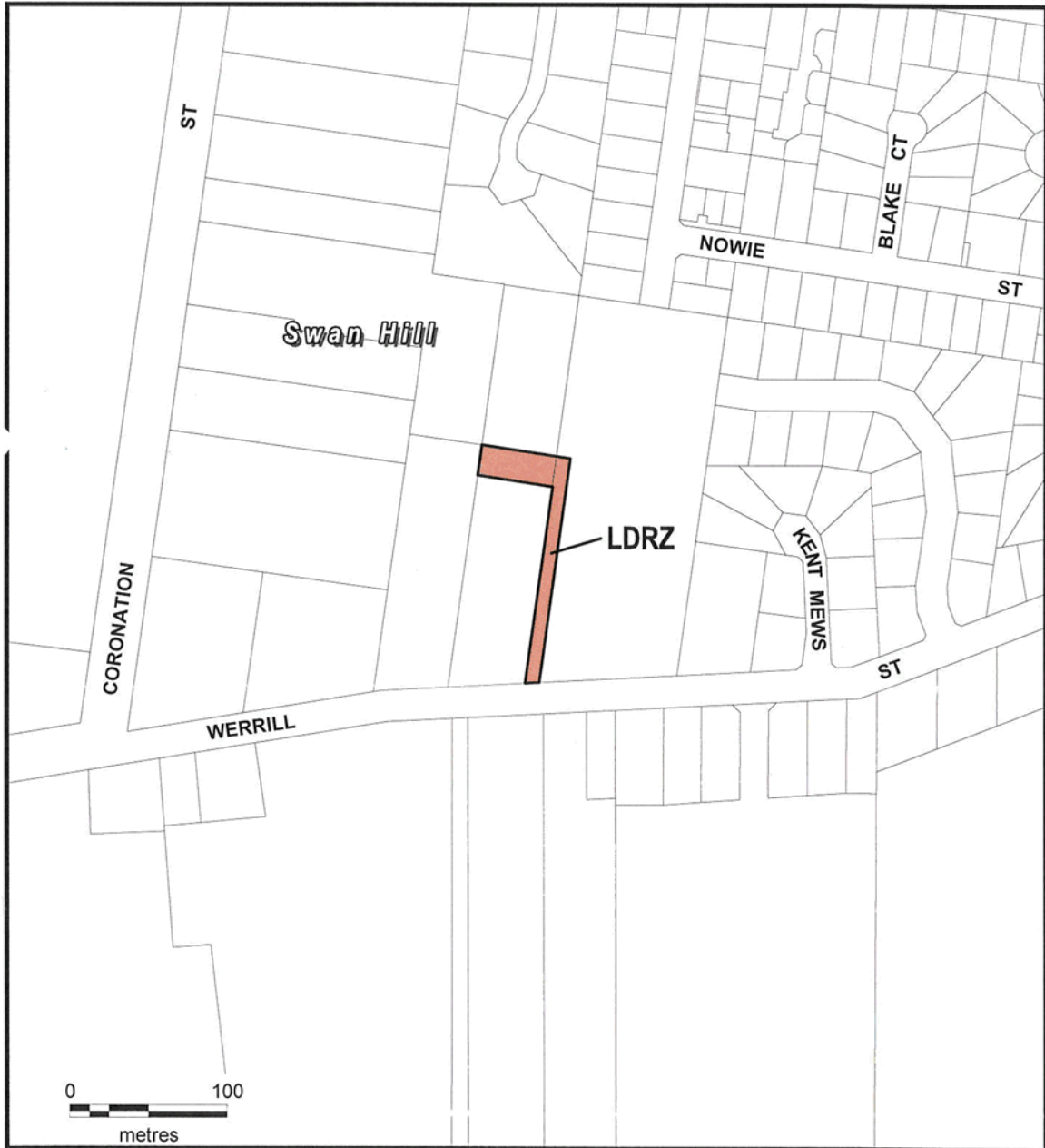
**Zoning Maps**

1. Amend Planning Scheme Map No. 40 in the manner shown on the attached map marked "Swan Hill Planning Scheme, Amendment C59".

**Overlay Maps**

2. Amend Planning Scheme Map No 40DPO in the manner shown on the attached map marked "Swan Hill Planning Scheme, Amendment C59".

# SWAN HILL PLANNING SCHEME LOCAL PROVISION



### LEGEND

 Low Density Residential Zone

Part of Planning Scheme Map 40

## AMENDMENT C59

| Planning Mapping Services |  
| Amendments Coordination Team |  
| Planning & Building Systems |  
| Planning, Building & Heritage |



Department of  
Transport, Planning and  
Local Infrastructure



005

### SWAN HILL PLANNING SCHEME LOCAL PROVISION



**LEGEND**

Part of Planning Scheme Map 40DPO



Area to be deleted from a Development Plan Overlay (DPO1)

## AMENDMENT C59

| Planning Mapping Services |  
 | Amendments Coordination Team |  
 | Planning & Building Systems |  
 | Planning, Building & Heritage |



Department of  
 Transport, Planning and  
 Local Infrastructure



006

**B.16.43 PLANNING SCHEME AMENDMENT - C67 LLOYD STREET, NYAH WEST**

<b>Responsible Officer:</b>	Director Development and Planning
<b>File Number:</b>	22-03-01-09
<b>Attachments:</b>	1 C67 Instruction Sheet 2 C67 Explanatory Report 3 C67 Heritage Impact Statement 4 C67 Maps

**Declarations of Interest:**

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

**Summary**

This report seeks a Council resolution that Council formally adopt Amendment C67 and forward the amendment to the Minister for Planning (Minister) for approval and gazettal.

Council at its meeting of 20 October 2015 resolved to place the amendment on exhibition. Amendment C67 was placed on public exhibition between 1 March 2016 and 11 April 2016, with no opposing submissions received.

The Amendment can now proceed to the final stage in the process, which is for Council to adopt the amendment and forward the amendment to the Minister for Planning for approval and gazettal.

**Discussion**

The Amendment is required to facilitate the disposal of the former Police Station, which the Department of Justice and Regulation has declared as surplus to their operating requirements. The land is currently in Public Use Zone 7 (PUZ7) and to facilitate the sale of the land and the aspirations outlined in the Swan Hill Planning Scheme and Loddon Mallee North Regional Growth Plan the site should be zoned to an appropriate zone, being General Residential Zone (GRZ).

The Amendment will also rezone part of the Council owned land containing residential units at No. 24 Lloyd Street, Nyah West. This will correct an anomaly where the land was incorrectly zoned PUZ7 and Public Park and Recreation Zone (PPRZ). The change will reflect its current residential use and zone the land part GRZ and part Commercial 1 Zone (C1Z).

The Amendment also proposes to rezone part of the PPRZ land at the northern boundary of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station

Street, Nyah West to set straight the northern boundary of abutting lots to facilitate orderly development and planning outcomes. In order to do so the Amendment

rezones a section of the PPRZ land to GRZ and C1Z. Once the Amendment is adopted Council will negotiate with the above landowners to realign the boundaries (including consolidation) of these parcels of land.

Amendment C67 was placed on public exhibition for a period of one month. As there were no objections, the amendment does not need to go before an Independent Panel. The Planning amendment can be adopted by Council and may be submitted directly to the Minister for Planning for approval.

### **Consultation**

As previously stated, public exhibition of the Amendment took place during the months of March and April 2016. Notice of the amendment was sent to immediate owners and occupiers; a notice appeared in The Guardian Newspaper, in the Government Gazette and on Council's website. Four submissions were received, these were from the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), the Environment Protection Authority (EPA), Lower Murray Water (LMW) and VicRoads. None of the authorities objected to the Amendment.

### **Financial Implications**

There are no adverse financial implications. The proponent is required to pay the Planning Scheme Amendment fees.

### **Social Implications**

There are no adverse social implications associated with this amendment.

### **Economic Implications**

The rezoning is a desirable administrative change that will allow the land to be used in a manner consistent with its built form and location.

### **Environmental Implications**

There are no adverse environmental implications.

### **Risk Management Implications**

There are no known risks in undertaking the Amendment.

### **Council Plan Strategy Addressed**

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

## Options

At this stage of the Amendment process, the options available to Council under the *Planning and Environment Act 1987* are:

- Option 1:
  - To adopt Amendment C67 as exhibited;

or

- Option 2:
  - Decide to abandon the amendment.

The Planning Scheme Amendment C67 has proceeded through the public exhibition process. There were no objections. Council has previously supported the amendment. There has been no change in material circumstances such that the Council approach to the rezoning should be changed. Accordingly, there is strong support for adopting Option 1.

## Recommendations

**It is recommended that Council:**

- 1. Adopt Amendment C67 to the Swan Hill Planning Scheme without change, pursuant to Section 29 of the *Planning and Environment Act 1987*.**
- 2. Authorise the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.**
- 3. Submit the adopted Amendment C67, together with the prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.**



*Planning and Environment Act 1987*

**SWAN HILL PLANNING SCHEME**

**AMENDMENT C67**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Swan Hill Rural City Council.

The Swan Hill Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 3 attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No. 27 in the manner shown on the 1 attached map marked "Swan Hill Planning Scheme, Amendment C67".

**Overlay Maps**

2. Amend Planning Scheme Map No. 27HO in the manner shown on the 2 attached maps marked "Swan Hill Planning Scheme, Amendment C67".

End of document

Planning and Environment Act 1987

**SWAN HILL PLANNING SCHEME**

**AMENDMENT C67**

**EXPLANATORY REPORT**

**Who is the planning authority?**

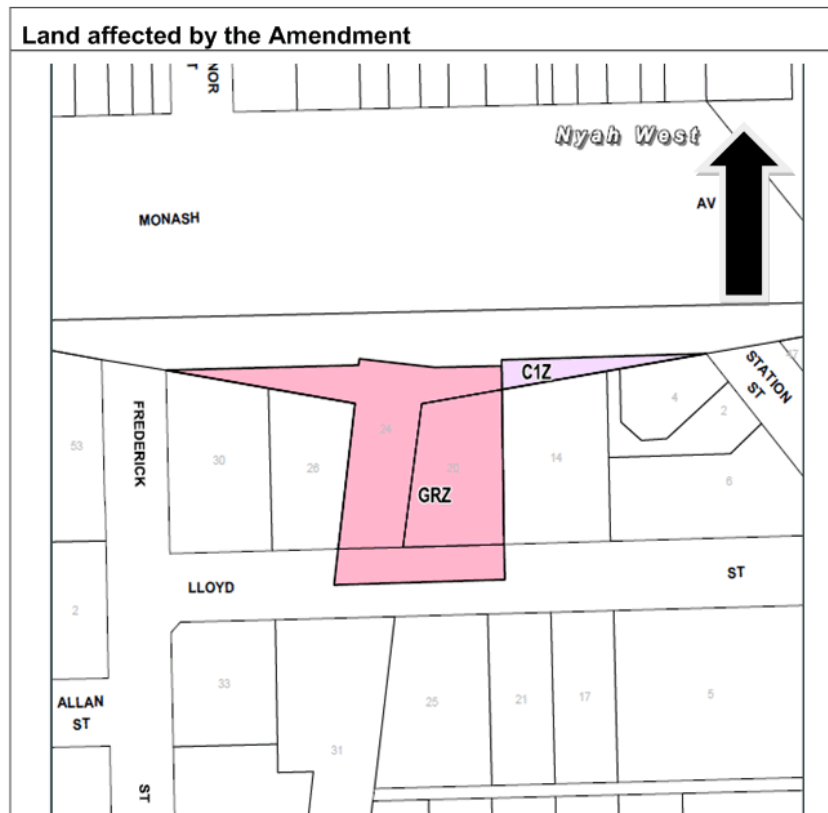
This Amendment has been prepared by the Swan Hill Rural City Council which is the planning authority for this Amendment.

The Amendment has been made at the request of the Victorian Department of Treasury and Finance and the Swan Hill Rural City Council.

**Land affected by the Amendment**

The Amendment applies to two parcels of land within the Township of Nyah West. Details of the land to be rezoned are provided below.

Property address	Allotment details	Area/ha (approximate)
20 Lloyd Street, Nyah West	CA 11B	0.13ha
24 Lloyd Street, Nyah West (part of)	Lot 2, LP147036	0.24ha



### What the Amendment does

The Amendment proposes to:

1. Rezone the former Nyah West Police Station site at No. 20 Lloyd Street currently zoned Public Use Zone (PUZ7) to the General Residential Zone (GRZ) to enable the disposal of the land.
2. Rezone Council owned land (occupied with residential units) at No. 24 Lloyd Street which is currently zoned part PUZ7 and part Public Park and Recreation Zone (PPRZ) to part GRZ and part Commercial 1 Zone (C1Z). This is to correct a zone anomaly to reflect the current residential use of the land and to correct the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West.
3. Delete Heritage Overlay (HO84) from part of council owned land at No. 24 Lloyd Street, Nyah West.
4. Replace part of Heritage Overlay (HO84) on council owned land at No. 24 Lloyd Street with Heritage Overlay (HO75) to match the existing overlay affecting No. 14 Lloyd Street, Nyah West.

Specifically, the Amendment would result in the following changes to the Swan Hill Planning Scheme

- Rezone No. 20 Lloyd Street Nyah West from PUZ7 to GRZ.
- Rezone part of No. 24 Lloyd Street Nyah West from PUZ7 to GRZ.
- Rezone part of No. 24 Lloyd Street, Nyah West from PPRZ to GRZ (land adjoining Nos. 30-34, 26 and 24 Lloyd Street, Nyah West).
- Rezone part of No. 24 Lloyd Street, Nyah West from PPRZ to C1Z (land adjoining Nos. 2 and 4 Station Street, Nyah West).
- Delete part of HO84 from No. 20 Lloyd Street, Nyah West.
- Replace part of HO84 at No. 20 Lloyd Street, Nyah West with HO75.
- Amend Planning Scheme Map 27 Zone.
- Amend Planning Scheme Map 27HO (Heritage).

### Strategic assessment of the Amendment

#### Why is the Amendment required?

The Amendment is required to facilitate the disposal of the former Nyah West Police Station, which the Department of Justice and Regulation has declared as surplus to their operating requirements. The land is currently zoned PUZ7. The amendment will facilitate the sale of the land and the aspirations outlined in the Swan Hill Planning Scheme and Loddon Mallee North Regional Growth Plan for the site to be zoned to an appropriate zone, being the GRZ.

The Amendment will also rezone part of the council owned land containing residential units at No. 24 Lloyd Street, Nyah West to correct the zoning anomaly and the current residential use of the land.

The Amendment also proposes to rezone part of the PPRZ land at the northern boundary of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to correct the northern boundary of abutting lots to facilitate the orderly development and planning outcomes. In order to do so the Amendment rezones a section of the land zoned PPRZ to GRZ and C1Z. Once the Amendment is adopted council will negotiate with the landowners to realign the boundaries (including consolidation) of these parcels of land.

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the objectives of planning in Victoria as outlined in the *Planning and Environment Act 1987* by rezoning well located and serviced land for residential purposes and ensuring that land being transferred from public to private ownership is in the most appropriate zone. The Amendment also proposes to correct the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to facilitate the orderly development and planning outcomes for the adjacent properties.

The Amendment will facilitate the strategic aspirations outlined in the Swan Hill Planning Scheme, including the Loddon Mallee North Regional Growth Plan, 2014, by providing residential zoned land capable of accommodating residential land uses.

The Amendment addresses the following objectives of planning in Victoria:

- a) To allow for the fair, orderly, economic and sustainable use and development of land.
- b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- c) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.

### **How does the Amendment address any environmental, social and economic effects?**

The Amendment is not expected to have any adverse environmental, social or economic effects. The proposed Amendment will facilitate an outcome that addresses triple bottom line effects as follows:

#### Environmental

The land is within an existing urban area and will better utilise the land for residential and commercial development, reducing the need for additional land to accommodate predicted population growth, and thereby reducing the environmental impact of the Swan Hill municipality as a whole. It will also correct the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to facilitate the orderly development and planning outcomes for the adjacent properties.

The site at No 20 Lloyd Street, Nyah West is not contaminated nor has it been occupied by previous industrial uses. The site at No 24 Lloyd Street, Nyah West has been used for residential purpose.

The PPRZ land adjacent to Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West has been used as a park/recreation reserve. The land has not been used for industry, mining, storage of chemicals.

#### Social

The rezoning of the land affected by the amendment will facilitate residential and commercial development and make better use of land where existing social amenities are in place.

Rezoning part of the PPRZ land will not detract from the current and continued use of the open space/park area. The main open space/park facilities will be retained within the PPRZ.

#### Economic

The Amendment will facilitate the use and development of the land for residential and commercial purposes which will support economic functions in the surrounding area.

### **Does the Amendment address relevant bushfire risk?**

The subject land is not located within a Bushfire Management Overlay and is not within a Designated Bushfire Prone Area.

Bushfire risk is not considered to have any relevant consequences as a result of the Amendment. Further any bushfire risk would be addressed at the building permit stage with construction standards enforced through the Building Code of Australia.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on The Form and Content of Planning Schemes.

Pursuant to Section 12 of the *Planning and Environment Act 1987*, the Amendment complies with the following applicable Ministerial Directions:

Ministerial Direction 11 – Strategic Assessment of Amendments identifies strategic assessment guidelines regarding amendments to planning schemes which have formed the basis for the Explanatory Report..

Practice Note 46 – Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments provides a consistent framework for preparing and evaluating a proposed planning scheme amendment in accordance with Ministerial Direction 11. This Amendment has been prepared in accordance with the Strategic Assessment Guidelines.

Practice Note 78 – Applying the Residential Zones provides information and guidance on the purpose, features and application of the residential zones. The proposed application of the GRZ and a small part of C1Z to the land affected by the amendment is consistent with principles and criteria described in Practice Note 78.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment directly supports an implementation of the State Planning Policy Framework through the following:

- The Amendment will provide residential zoned land that is within an existing urban area with supporting servicing and infrastructure in place.
- The Amendment will correct the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to provide for the orderly development and planning outcomes of the adjacent residential and commercial properties.
- The Amendment will assist in making efficient use of residential land.
- The Amendment will allow for residential development in close proximity to an activity centre supporting its economic function.

Specifically, the proposed Amendment responds to the provisions of the State Planning Policy Framework as follows:

#### Clause 10.02 Goal

The Amendment will support the broad policy objectives detailed in Clause 10.02 by fostering appropriate and orderly land use.

#### Clause 11 Settlement

The proposed rezoning will allow for better utilisation of land within an existing urban area with existing servicing and infrastructure in place, reflect the current use of the land and correct the northern boundaries of 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to support the role and function of the town centre.

#### Clause 11.04-6 A State of cities

The Amendment will assist in the provision of suitably zoned and serviced land for housing to respond to the needs of existing and future communities.

#### Clause 11.05 Regional Development

The Amendment will support the sustainable development of regional centres and is generally in accordance with the directives of the regional growth plan.

#### Clause 11.11 Loddon Mallee North Regional Growth

The proposed rezoning is in accordance with the Loddon Mallee North Regional Growth Plan, 2014 and will provide land to accommodate future population growth and in turn contribute to the growth of the local economy.

#### Clause 16 Housing

The proposed rezoning will facilitate the use and development of the land for housing within an existing residential area close to the existing town centre making better use of existing infrastructure, open space, community facilities and retail areas.

The area that contains the open space/park facilities will be retained as PPRZ. The area of PPRZ land to be rezoned is not primarily utilised as open space/park.

#### Clause 17 Economic Development

The proposed rezoning will facilitate the use and development of the land for commercial purposes by providing for an improved settlement pattern by correcting the northern boundary of lots 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West resulting in lot sizes that make better use of existing infrastructure and commercial (including tourism) opportunities within the town centre.

#### Clause 18 Transport

Proposed rezoning that will allow use of land for residential and commercial purposes will support the efficient use of transport infrastructure in an established urban location.

#### Clause 19 Infrastructure

Proposed rezoning that will allow use of land for residential and commercial purposes will support the efficient use of social and physical infrastructure in an existing urban area.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed Amendment supports and implements the Local Planning Policy Framework (including the Municipal Strategic Statement) as follows:

#### Clause 21.03 Vision and Strategic Framework

The Amendment supports key objectives of Clause 21.03 and the Swan Hill Sub-regional Framework Plan including the role of Nyah and Nyah West as retirement and commuter towns through the provision of residential zoned land.

#### Clause 21.04-1 Settlement network and hierarchy

The Amendment supports the broad objectives of Clause 21.04-1 to facilitate population growth in smaller towns through the provision of residential zoned land within the urban centre and town boundaries.

The proposed rezoning of a small area of land to GRZ and C1Z will correct the northern boundary of lots 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West, which will improve the settlement pattern and facilitate orderly development and planning outcomes of the area. It will not significantly alter the commercial/retail nature of the Nyah West Township and will retain the settlement network and hierarchy of township patterns within the municipality.

#### Clause 21.04-2 Orderly growth of towns and settlements

In accordance with Clause 21.04-2 the Amendment will apply the 'General Residential Zone to residential areas in ... Nyah West to encourage infill and new residential development'.

#### Clause 21.07-1 High standard of urban design

In accordance with Clause 21.07-1 the Amendment allows for local heritage value and built character of towns to be considered as part of any subsequent design and development of the land.

#### Clause 21.07-3 Heritage

The Amendment makes minor changes to the existing heritage overlays applied to the land, which will not have any detrimental impact on the historical attributes of the town and locale.

#### Clause 21.10-5 Nyah West

The Amendment supports the broad objectives established in Clause 21.10-5 regarding settlement and housing, built environment and heritage, and economic development.

#### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The proposed Amendment makes proper use of the Victoria Planning Provisions by applying the most appropriate zone to all the land affected by the amendment, allowing for the land to be zoned in a manner that is consistent with surrounding uses and developments and the aspirations of the Swan Hill Planning Scheme and the Loddon Mallee North Regional Growth Plan.

#### **How does the Amendment address the views of any relevant agency?**

The Amendment accords with the Department of Treasury and Finance instructions and is also consistent with the Department of Justice and Regulation having declared the site as surplus to its requirements.

Swan Hill Rural City Council as the Responsible Authority was consulted on the proposed amendment and confirmed their support for the rezoning of the site at No. 20 Lloyd Street, Nyah West.

Swan Hill Rural City Council owns No. 24 Lloyd Street, Nyah West.

Formal consultation with all relevant agencies will be conducted through the public exhibition period for the Amendment.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The proposed Amendment will not create a significant impact on the existing transport system as defined by Section 3 of the *Transport Integration Act 2010*.

The proposed Amendment will allow for use that supports the integration of transport and land use and facilitates access to social and economic opportunities.

#### **Resource and administrative costs**

##### **• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The new planning provisions will have minimal resource and administrative impact on the responsible authority. Upon approval of the Amendment council officer time will be required to facilitate the boundary realignment as envisaged to be the final outcome. .

#### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- during office hours, at the office of the planning authority, Swan Hill Rural City Council, 45 Splatt Street, Swan Hill.
- at the Swan Hill Rural City Council website  
<http://www.swanhill.vic.gov.au/building-and-planning/strategic-planning/>

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 5:00 p.m. on Monday 11 April, 2016

A submission must be sent to:

Planning Department, Swan Hill Rural City Council, PO Box 488, SWAN HILL Vic 3585, or email to [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning on 27 June 2016
- panel hearing: Week beginning on 18 July 2016.



AMENDMENT C67  
Swan Hill Rural City Council

## Heritage Impact Statement

January 2015

### 1.0 Introduction

The Swan Hill Rural City Council is proposing to undertake an amendment to the Swan Hill Planning Scheme.

The amendment proposes to re-zone Council land at Nyah West, including the site of the former Nyah West Police Station.

The land affected by the Amendment is the hatched green wedge to the north of Lloyd Street.

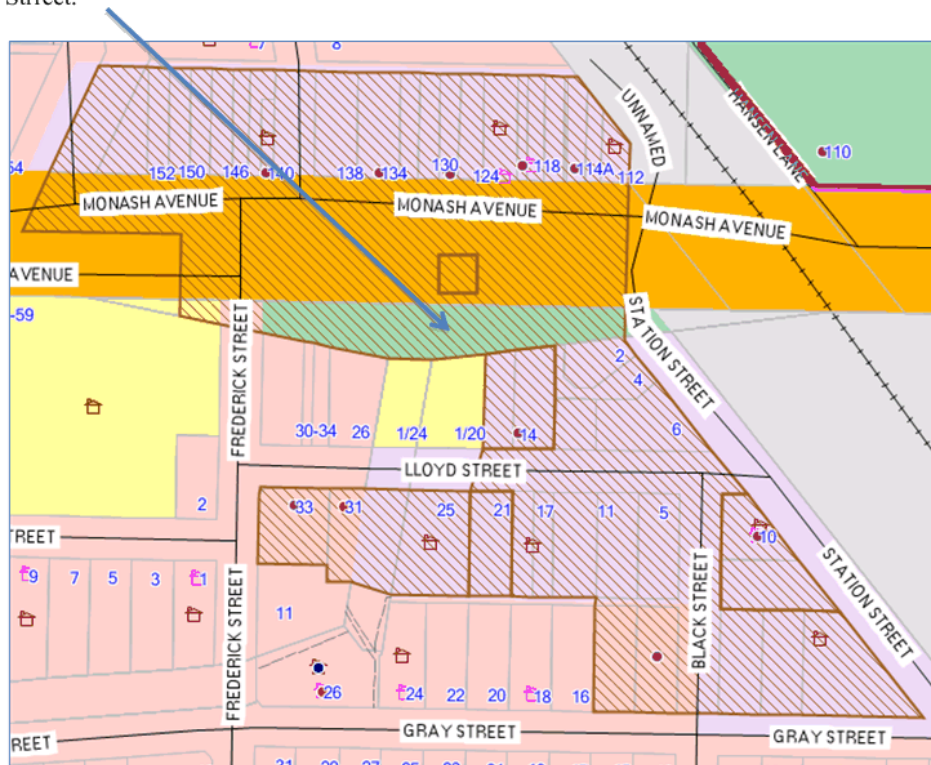


Figure 1 Land Affected by the Amendment

### 2.0 Specifically the amendment proposes to:

1. Re-zone the former Nyah West Police Station at No. 20 Lloyd Street, the site is currently zoned Public Use Zone (PUZ7) to a General Residential Zone (GRZ). This will assist with the sale of the land.
2. Re-zone Council owned land at No. 24 Lloyd Street (this lot has a residential development) which is currently part PUZ7 and part Public Park and Recreation Zone (PPRZ) to GRZ and Commercial 1 Zone (C1Z). This is to correct the zone anomaly and support its current residential use. The changes will also support the re-alignment of the northern boundaries of - 30-24 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West.

Prepared by Heritage Concepts  
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M 0409945508

AMENDMENT C67  
Swan Hill Rural City Council

## Heritage Impact Statement

January 2015

### 3.0 Changes to the Heritage Overlay Maps

The re-alignment of the northern boundaries of - 30-24 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West will necessitate a modification of the Heritage Overlay Maps. The Heritage Overlay Maps will need to ensure that the mapping lies over the revised lot (title area). This will prevent a partial application of the heritage control. This is important as the mapping determines the extent of the control and not the statement of significance.

These commensurate changes to the Heritage Overlay mapping (triggered by the changes to the title area) will not materially affect the owners and are essentially fixing an anomalous situation. It will not affect the heritage values. What it will mean is that HO84 and HO75 will need to be remapped. That is a Deletion Map will need to be prepared and new HO maps for both Heritage Overlay areas.

This will not change the controls in any way. Instead the controls that need to apply to HO75 as an Individual Item will be consistent with its title boundaries. HO84 will also then have consistent controls for its title boundaries.

### 4.0 Strategic Assessment of any Impacts on Places of Cultural Heritage Significance

As noted in **3.0 Changes to the Heritage Overlay Maps** the extent of the Heritage Overlay mapping will need to follow the realignment of the title boundaries - where applicable. This change to the title boundaries and to the Heritage Overlay mapping will not affect the cultural heritage significance of the places and it will not compromise the management tools for heritage places (as found in the Swan Hill Planning Scheme). Accepting this conclusion on its *prima facie* basis the following comments have been made on the proposed changes to the zoning.

#### 4.1 The proposed re-zoning will affect two Heritage Overlays:

HO84 Monash Avenue Heritage Precinct, and  
HO75 Former picture theatre

#### 4.2 Potential impact on the cultural heritage values of HO84 Monash Heritage Precinct

The following statement of significance describes the cultural values:

##### Statement of Significance

*The commercial centre at Nyah West, comprising sections of Monash Avenue, Lloyd Street and Station Street as indicated, is of regional historic and aesthetic significance. It is representative and an atypically large example of the type of townships which developed in the municipality of Swan Hill, and in rural Victoria generally, in the first half of the twentieth century. It has the most substantial and most intact commercial centre of inter-war townships in the entire municipality, retaining an unusually large number of early shops from its heyday*

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AMENDMENT C67  
Swan Hill Rural City Council

## Heritage Impact Statement

January 2015

*of commercial development in the early 1920s. Although the individual shops have been variously altered to some degree, there has otherwise been remarkable little intrusion by the new construction in the post World War II era.*

*The long rows of shops along Monash Avenue and Station Street display a consistency in scale style, material and detailing which presents a distinctive streetscape, most notable for its row of individual verandah and timber-framed parapet signboards. The Monash Avenue shopping centre remains as a distinctive landmark on the major thoroughfare within the municipality.*

[Source: 'The Rural City of Swan Hill Heritage Study: Stage Two', (Heritage Overlay Precincts pp36-37)]. Allom Lovell & Associates, July/September 2001.

The changes to the zoning will not compromise the cultural heritage significance of HO84. The changes to the zoning will continue to support a use which will be compatible with the historic and/or aesthetic values of HO84. Any potential impact would be confined to the reserve area. However, as the reserve area maintains its current zoning - PPRZ this will continue to support its cultural values. None of the significant features within this reserve will be affected or compromised by the changes to the zoning.

The proposed changes to the zones are a positive heritage outcome as they will regularise the extent of zoning and align it with the Heritage Overlay mapping. It is important that the zones and Heritage Overlay mapping are consistent with regards to extent and boundaries as this will support orderly planning as well as provide appropriate guidance for any redevelopment of a heritage overlay area.

### **4.3 Potential impact on the cultural heritage values of HO84 to the north of 20 Llyod Street Nyah West**

It is proposed to change the zoning of a public asset [currently zoned PUZ7] to residential uses. While 20 Lloyd Street is not covered by a Heritage Overlay the changes to the boundary of this property and the commensurate changes to the zoning potentially provides an impact on the cultural values of HO84 Monash Precinct. The area affected is part of the reserve. However, the amount of land affected is minimal and there will be no deleterious impact on the cultural values of HO84 Monash Precinct. The regularising of this relatively small area of the reserve and 20 Lloyd Street will support a consistency of planning both from a heritage perspective as well as for general planning considerations.

### **4.4 Potential impact on the cultural heritage values of HO75 -the former picture theatre**

The changes to the zoning for HO75 apply to the northern boundary and adjusted title area of the site. The change to the zoning will ensure that the whole site has the same zoning and therefore supports a compatible use for the whole of the site. These changes will not affect the cultural heritage significance of this place. Instead they will provide the capacity to apply consistent controls. As per above the changes to the title boundaries of HO75 will support the consistency of planning both from a heritage perspective as well as for general planning considerations. It will mean that the C1Z will apply to the whole site.

## **5.0 State Planning Framework Policies**

The following policy statements have been considered as part of this assessment:

### **10.0 Operation of the State Planning Policy Framework**

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AMENDMENT C67  
Swan Hill Rural City Council

## Heritage Impact Statement

January 2015

### **10.02 Goal**

*(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Amendment C67 will assist in the conservation of the places of cultural heritage significance through the application of consistent zoning within the Heritage Overlay areas. This will assist in orderly planning and best practice management of cultural heritage.

The proposed changes to the zoning are compatible with this goal and supported.

### **15 Built Environment and Heritage**

*Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns. Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design...*

The proposed changes to the zoning are supported as they have responded to the cultural values. The proposed zoning will support appropriate land use and enable consistent development planning.

Council has largely satisfied the **SPPF 15.03-1 Heritage Conservation** and its strategies as follows

#### *Objective*

*To ensure the conservation of places of heritage significance.*

#### *Strategies*

*Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*

HO 84 and HO75 are included in the planning scheme as places of cultural heritage significance. The cultural significance of these places has been considered as part of this Amendment.

## **6.0 Clause 43.1 The Heritage Overlay**

The following sets out the purpose (*objectives*) of C143.1 The Heritage Overlay

#### **Purpose**

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

AMENDMENT C67  
Swan Hill Rural City Council

### Heritage Impact Statement

January 2015

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*To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

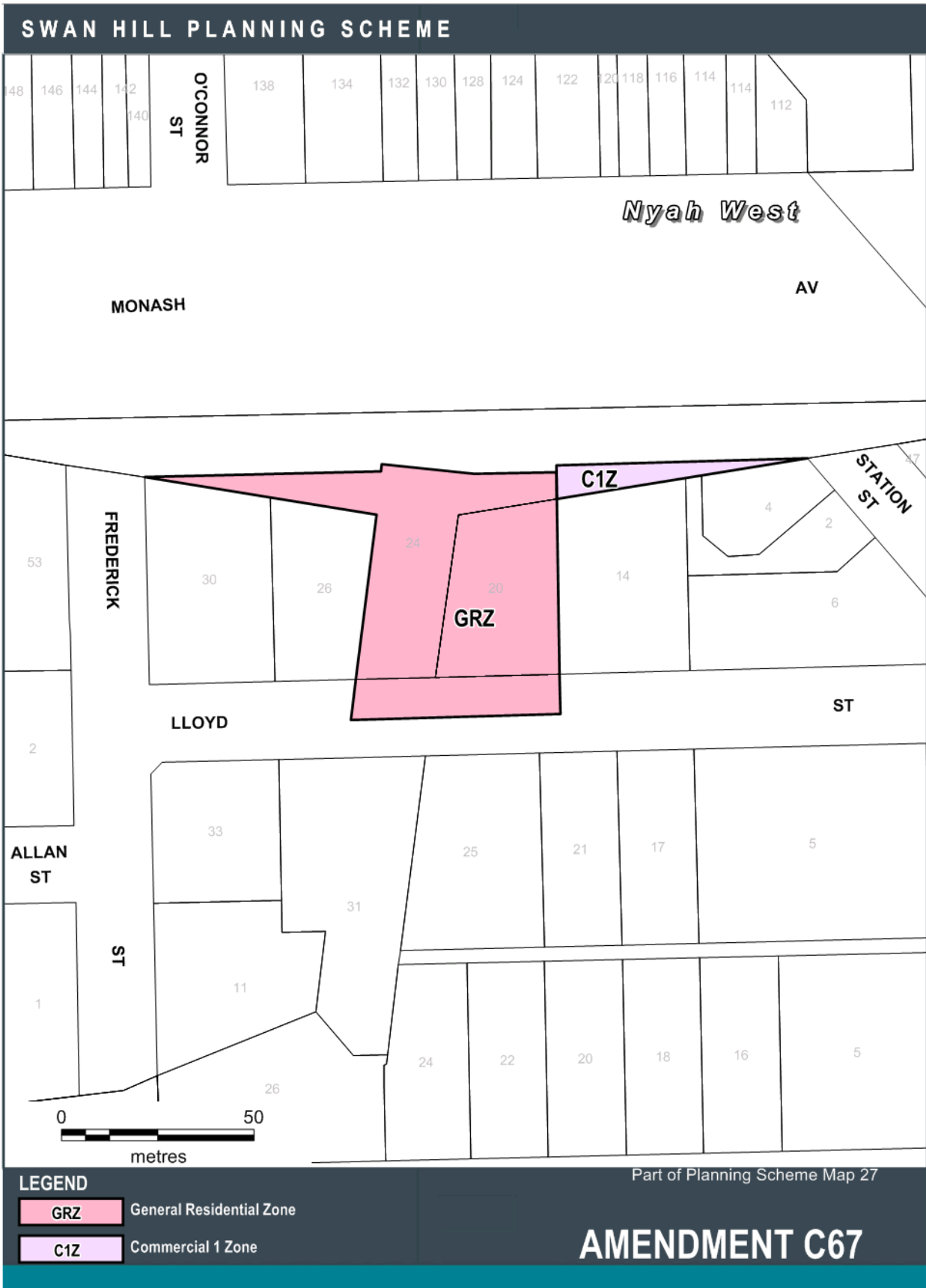
Amendment C67 satisfies the above requirements of *C143.1 The Heritage Overlay*. As noted previously the consistent application of zones and their alignment with the Heritage Overlay Mapping assists in the preservation of cultural values. In addition the uses supported within the proposed zone changes will provide sufficient scope for the retention of the values as well as supporting an economic sustainable use. Use is one of the most important tools when it comes to the management of heritage places. If a place is not used it will not be readily maintained.

#### 7.0 Local Policies

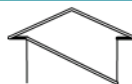
The objectives of the Local Planning Policy Framework – **Clause 21.07 Built Environment and Heritage** and specifically the **Municipal Strategic Statement** are satisfied by Amendment C67. The changes to the zoning will not compromise the cultural heritage significance of HO84 or HO75. The zoning will provide strategic support for the retention of the cultural values. The regularisation of the zoning within the heritage areas supports the management of the cultural values.

#### 8.0 Conclusion

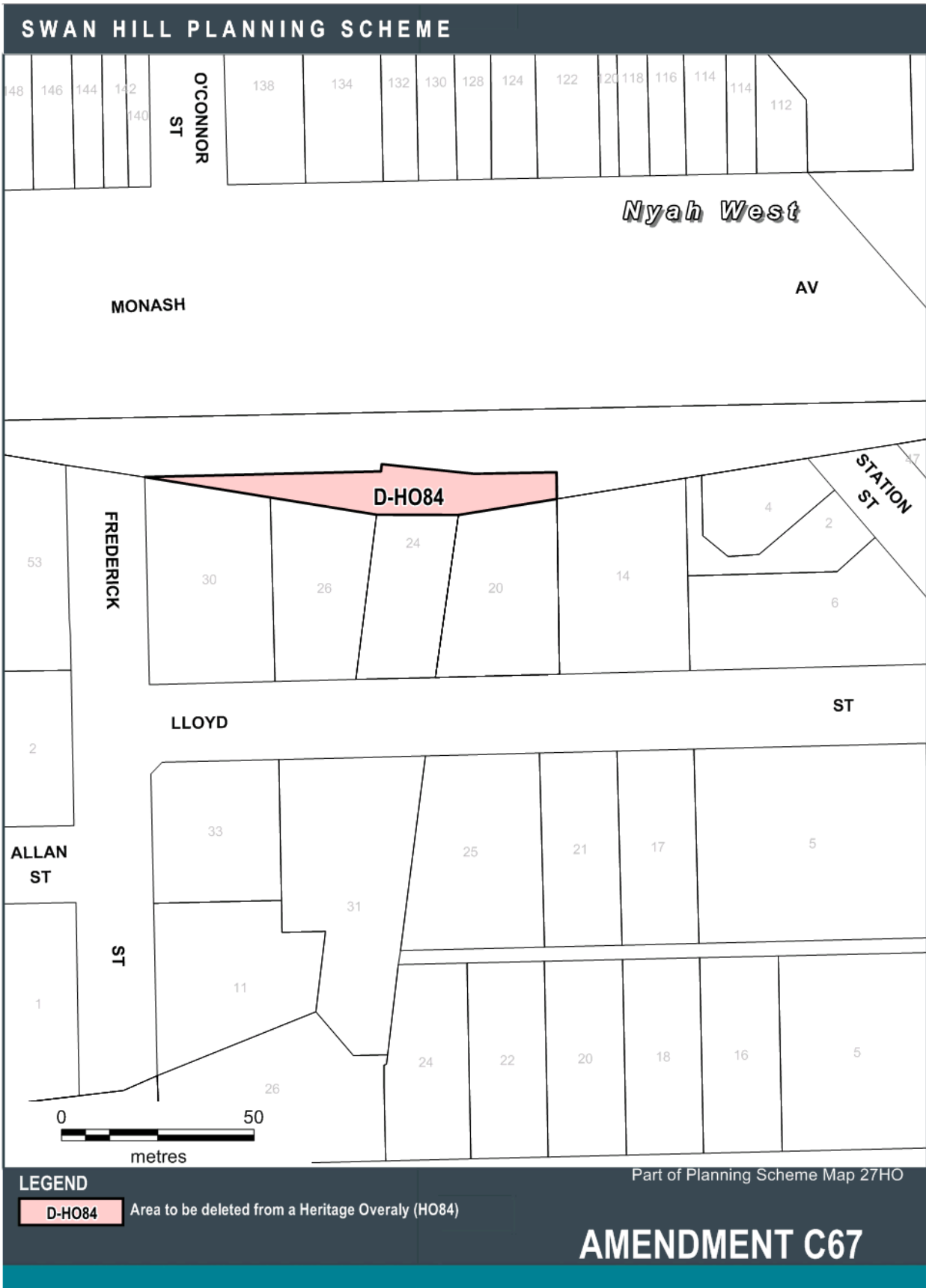
Amendment C67 is providing consistency within the planning scheme through aligning the zoning to the extent of Heritage Overlay maps in conjunction with the proposed changes to the title areas of lots within HO84 and Heritage Overlay 75. The proposed changes to the zoning support the retention of the cultural values through providing a strategic basis for an economic and sustainable use. Use is one of the most important tools when it comes to the management of heritage places. If a place is not used it will not be easily maintained or valued. It is on this basis that Amendment C67 is assessed as supporting the proper management of heritage places HO84 and HO75.



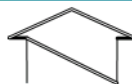
| Planning Mapping Services |  
 | Planning Information Services |  
 | Planning |

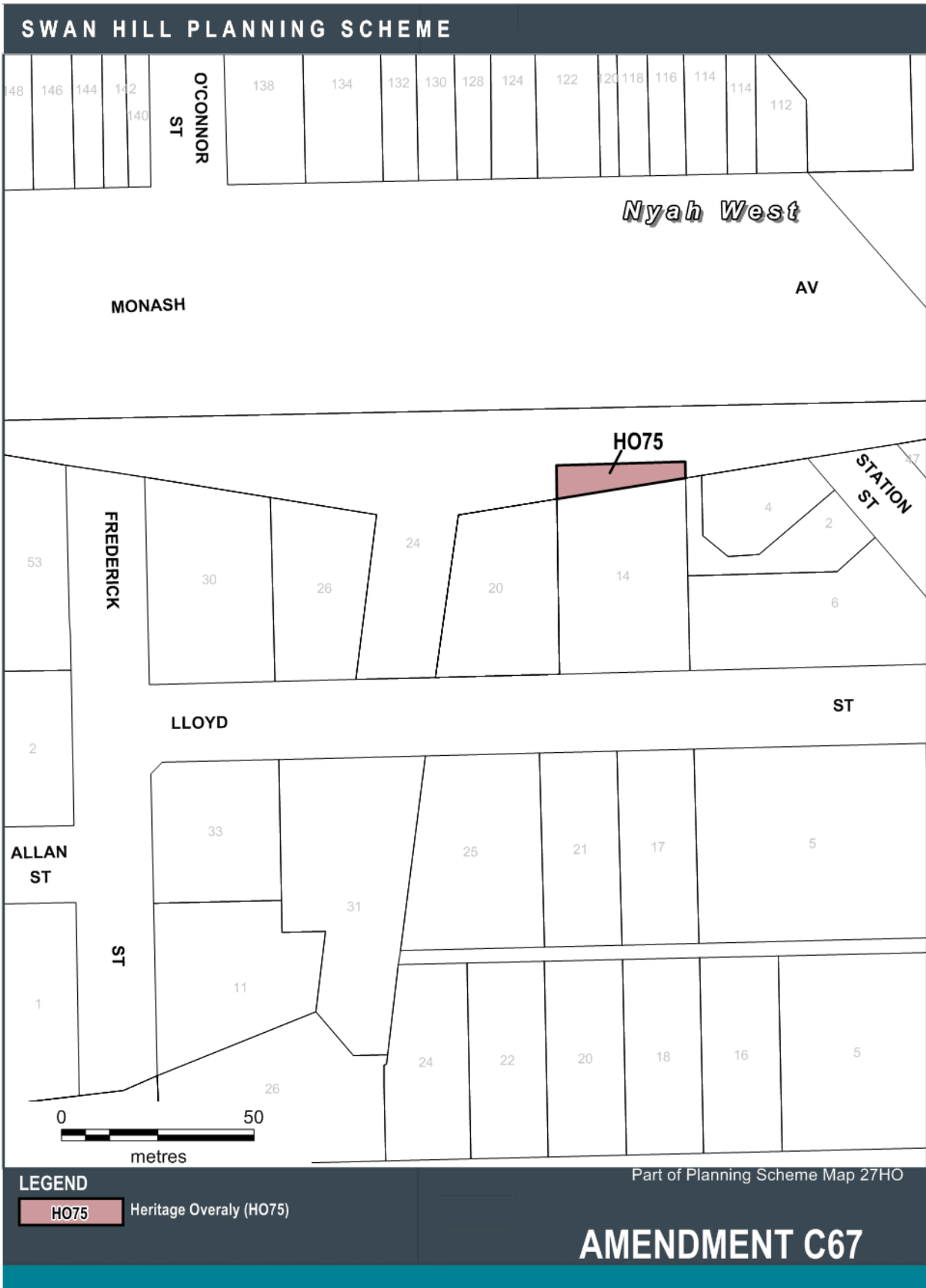


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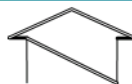


| Planning Mapping Services |  
 | Planning Information Services |  
 | Planning |





| Planning Mapping Services |  
 | Planning Information Services |  
 | Planning |



003



**B.16.44 DEVELOPMENT PLAN APPLICATION IN ACCORDANCE WITH THE DEVELOPMENT PLAN OVERLAY – SCHEDULE 1 FOR GENERAL RESIDENTIAL ZONE, SWAN HILL (WERRIL STREET)**

**Responsible Officer:** Director Development and Planning  
**File Number:** 2015/123  
**Attachments:** 1 Development Plan Overlay Werril Street  
2 Development Plan Overlay - Schedule 1

**Declarations of Interest:**

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

**Summary**

This report seeks a Council resolution to approve a Development Plan as required by the Development Plan Overlay, Schedule 1 for General Residential Zone land in Swan Hill.

This application has been referred to Council as two objections to the proposal have been lodged.

**Discussion**

Location and existing conditions

The subject site is located on the northern side of Werril Street, Swan Hill adjacent an existing low density residential area to the west and general residential area to the north, east and south.

The subject land is located within the General Residential Zone (GRZ), which is affected by the Development Plan Overlay – Schedule 1 (DPO1).

The locality of the land in relation to the existing residential area is shown in Figure 1 below.

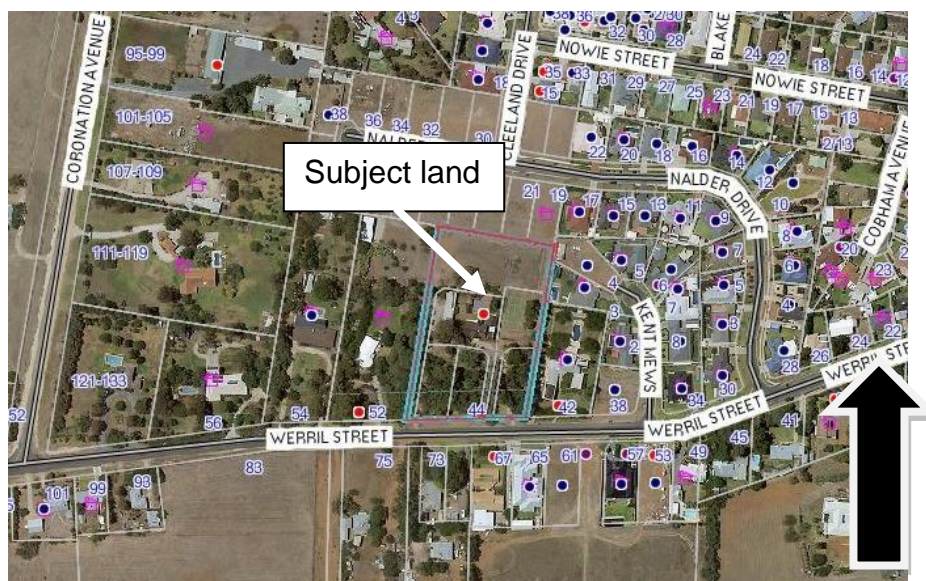


Figure 1

### Proposal

The application for development plan approval was received on 1 October 2015.

The proposal includes the following:

- A development plan showing the existing and proposed lot layout and associated road works in Werril Street.

An amendment to the above proposal was lodged with Council on 26 April 2016, which included the following amendments:

- Revised lot layout for the property at 44 Werril Street reducing the number of lots from six (6) to five (5).

### Purpose of the zone and overlays

The purpose of the General Residential 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 encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The purpose of the Development Plan Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

A permit to subdivide the land is required under the above zone and overlay provisions. However, under the Development Plan Overlay (DPO) a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority.

The application before Council is for the adoption of the development plan pursuant to the requirements under the Development Plan Overlay (DPO) and the schedule to the overlay, Schedule 1 (DPO1). The planning scheme requirement applicable to this application is that of the schedule to the overlay.

The purpose of a DPO is to guide future development of land and allow a coordinated process of land release. The DPO is typically used to:

- Co-ordinate proposed use and development, before a permit under the zone can be granted;
- Provide certainty about the nature of the proposed use or development; and
- Remove notice requirements and third-party review rights from the planning permit applications for proposals that are generally in accordance with the development plan.

The preparation and adoption of a development plan for this area is necessary to provide guidance for the future development of the subject land. The provision of a development plan is a mandatory requirement for the administration of a Development Plan Overlay. Further development and subdivision of the subject land would be subject to the requirements of the relevant provisions of the Swan Hill Planning Scheme.

The proposed Development Plan, Ref. No. 14 1580, dated 5 May 2016, has been prepared in accordance with the requirements for a development plan, as described in the schedule to the overlay (DPO1).

### Requirements for a development plan

*The development plan for this land must describe and assess:*

- *Site assessment and response, including natural features, slope, orientation, views, drainage lines, native vegetation, and impact on neighbouring and nearby land.*

The proposed subdivision plan submitted with the development plan application shows the natural features of the land including existing easements, buildings and vegetation. The proposed lot layout has been designed around these existing features in order to retain the existing dwelling and as much vegetation as possible.

- *Proposed lot layout and density, including building envelopes if appropriate.*

The proposed development plan shows lot layout and density, but does not include building envelopes as the lots are large enough to accommodate a rectangle of 10m by 15m.

- *Internal road layout and external road access, including future road linkages, street lighting, and proposed road surfacing and standards.*

No internal road is proposed. All lots will have access to Werril Street.

- *All servicing, including water, sewerage, drainage and stormwater, electricity and telecommunications.*

All the required services would be provided as part of the subdivision of the land.

- *Existing and future open space, including linkages to and between areas of open space.*

The provision of open space is not practical as part of this proposal. A requirement of a monetary contribution will be imposed on the applicant as part of the subdivision of land.

- *Landscaping, existing native vegetation and streetscape treatment.*

The subject land contains many large trees. The applicant has stated that he wants to retain as many as possible in the front setback of the lots fronting Werril Street. No native vegetation is present on the land.

- *The stages, if any, in which the land is to be subdivided and developed.*

One stage is proposed.

The requirements for a development plan as set out in Schedule 1 of the DPO have been satisfactorily addressed in the application submitted by the applicant.

### Subdivision Planning Permit

Further to the development plan application, a planning permit application to subdivide the land into 5 lots has also been received. This subdivision application is considered to be in accordance with the proposed development plan and once the development plan is approved, the subdivision application would be exempted from

the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

The proposed subdivision plan, as part of the original subdivision planning permit application, has been discussed previously at a Council Assembly. Please note that the original subdivision layout has been amended by the applicant by reducing the number of lots from 6 to 5.

#### State and Local Planning Policy

There are no specific State and local planning policies applicable to the adoption of a development plan.

#### **Consultation**

Please note that Council is not required to advertise such applications, as there are no statutory public notification requirements in the planning scheme associated with development plan applications. However, due to the nature of this particular application it was decided to refer and advertise as usual.

#### Referrals

Referrals/Notice	Advice/Response/Conditions
External Referrals	Lower Murray Water- Consent subject to conditions on the planning permit.  Powercor – Consent subject to conditions on the planning permit.  Country Fire Authority – Consent subject to conditions on the planning permit.

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection subject to conditions on the permit
Building	No requirements
Environment	No requirements

### Public Notification

The original proposal was advertised to surrounding land owners and occupiers as well as displaying a sign on the property and placing an advertisement in The Guardian newspaper.

Following notification, two objections were received against the proposed layout affecting the property at 44 Werril Street, Swan Hill. The objectors' main concerns are summarised as follows:

- The affect of the subdivision on the neighbourhood character and streetscape.

The original objectors were notified of the amended proposal and no additional objections have been received.

### Response to objections

The objections were put to the permit applicant. The permit applicant responded by saying that the land is zoned general residential, which is capable of being subdivided into much smaller lots and that they are proposing a "transitional zone" between the higher density established residential development to the east, and the low density residential properties to the west.

Council's planning officers have also been negotiating with the permit applicant on a more suitable development plan layout than what was originally proposed. One option was to reduce the number of lots to five (5) lots thereby reducing the number of battle axe lots. The other option was to look at the site as a greenfield site and propose a public road in the form of a court bowl with lots arranged around the road. However, this option was considered the least practical given the location of the existing dwelling on the land.

### Assessment

Given the information provided by the permit applicant, the location and condition of the existing dwelling located on the property at 44 Werril Street, the lack of policy around creation of battle axe lots and the fact that in-fill development is strongly supported in the Municipal Strategic Statement of the Swan Hill Planning Scheme; the proposed Development Plan showing the creation of five (5) additional lots is considered acceptable.

### **Financial Implications**

Nil

### **Social Implications**

Battle axe lots do not address the street network and creates hidden properties with poor surveillance from the street. Not complying with Safer Design Guidelines for subdivisions.

### **Economic Implications**

In-fill development provides positive economic benefit to Swan Hill and the region.

### **Environmental Implications**

Trees to be removed are non-native.

### **Risk Management Implications**

There are no known risk management implications

### **Council Plan Strategy Addressed**

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

### **Options**

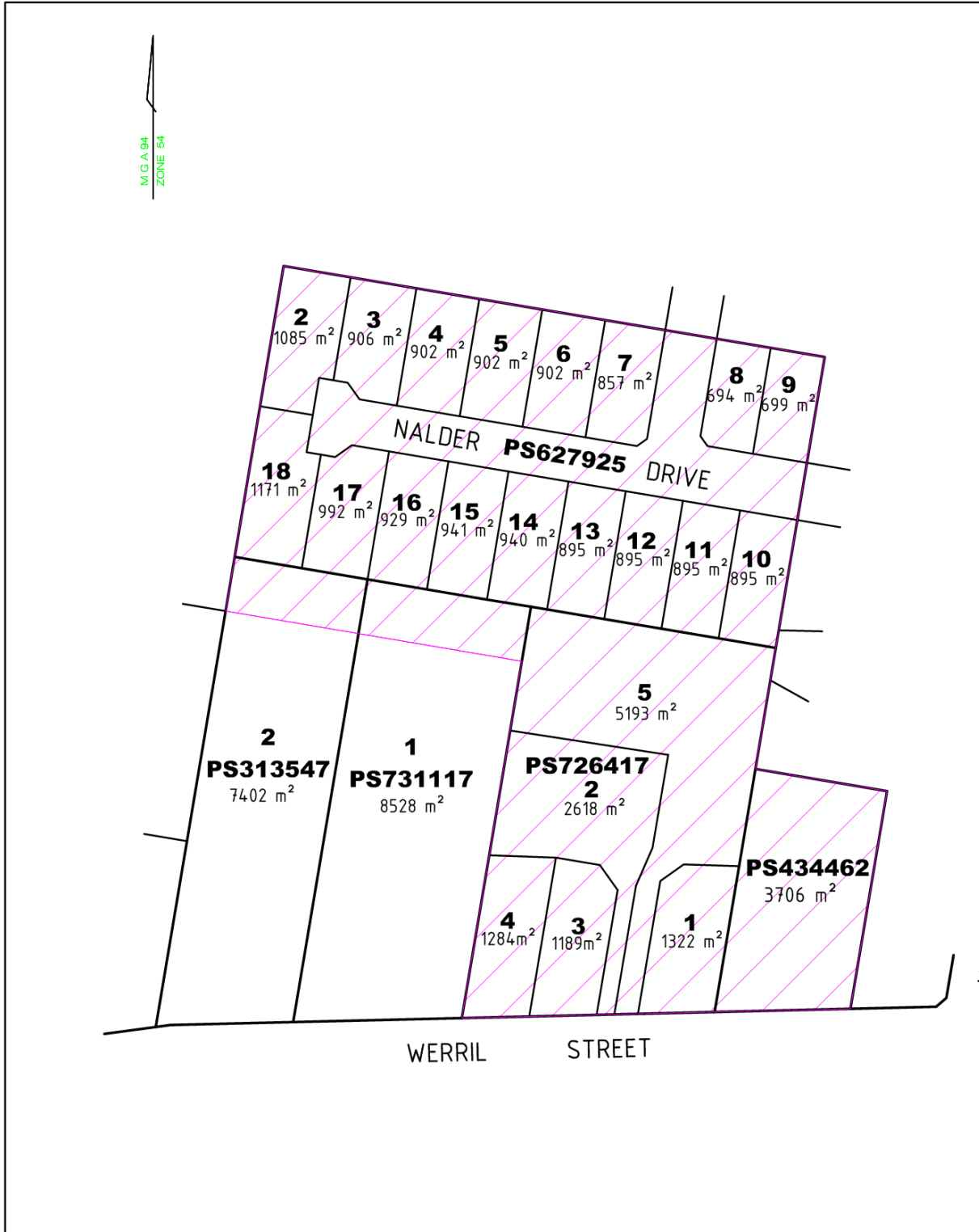
1. That Council resolve to adopt the Development Plan (DPO1)
2. That Council resolve to refuse to adopt the Development Plan (DPO1)

### **Recommendation**

**That Council adopt the Development Plan, Schedule 1 (DPO1) (as attached) for the General Residential Zone land in Swan Hill.**



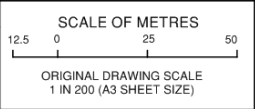




WERRIL STREET, SWAN HILL VIC 3585  
**DEVELOPMENT PLAN OVERLAY**  
 SCHEDULE 1



JOB DETAILS	
DRAWN : C. FITZPATRICK	SCALE OF METRES
DATE : 5/05/2016	12.5 0 25 50
SHEET No. 1 OF 1	ORIGINAL DRAWING SCALE
REFERENCE No. 14 1580	1 IN 200 (A3 SHEET SIZE)



**NORTHERN LAND SOLUTIONS**  
 LICENSED SURVEYORS, PLANNERS, LAND DEVELOPMENT CONSULTANTS  
 P.O. BOX 1056  
 SWAN HILL VIC. 3585  
 P: 03 50 33 00 36 F: 03 50 33 00 36 M: 0409015326  
 EMAIL: [www@northernlandsolutions.com.au](mailto:www@northernlandsolutions.com.au)  
 WEB: [www.northernlandsolutions.com.au](http://www.northernlandsolutions.com.au)

County	TATCHERA
Township	
Parish	CASTLE DONNINGTON
Section	A
Crown Allot.	10 (PART)

## B.16.45 MONTHLY BUILDING FIGURES FOR APRIL 2016

**Responsible Officer:** Director Development and Planning  
**File Number:** 13-05-01  
**Attachments:** Nil.

### Declarations of Interest:

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

### Summary

The purpose of this report is for Council to note the monthly planning and building figures for April 2016.

### Discussion

#### Planning

Type	2016		2015	
	No. of April	No. Of YTD	No. Of April	No. Of YTD
Planning Permit Applications Received	13	46	18	62
Planning Permit Approvals	14	23	15	57
Notice of Decision to Grant a Planning Permit	0	0	0	1
Refusal to Grant a Planning Permit	0	0	1	1
Application Lapsed or Withdrawn	0	0	2	3

#### Building

#### April- Comparisons

TYPE	2016		2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	5	1,440,223	1	271,814
Dwelling additions	10	502,088	9	629,084
Unit Developments	0*(0)	0	0*(0)	0
Shops	0	0	0	0
Offices	0	0	0	0
Warehouses	1	250,000	2	82,544
Factories	1	175,219	0	0
Public Buildings	0	0	4	1,367,732
OutBuildings	11	271,864	8	123,453
Other	1	11,000	3	68,590
<b>Total</b>	<b>29</b>	<b>\$2,650,394</b>	<b>27</b>	<b>\$2,543,217</b>

\*( ) denotes total number of Dwelling Units

## Year to Date – Comparisons

TYPE	1/01/2016 to 30/04/2016		1/01/2015 to 30/04/2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling <sup>(1)</sup>	21	7,304,288	14	4,380,034
Dwelling additions	30	1,380,328	24	1,013,627
Unit Developments	2*(9)	430,000	2*(2)	173,700
Shops <sup>(2)</sup>	0	0	8	5,054,824
Offices	0	0	3	350,500
Warehouses <sup>(3)</sup>	1	250,000	4	1,667,544
Factories <sup>(4)</sup>	4	2,086,119	2	365,000
Public Buildings <sup>(5)</sup>	4	866,954	7	11,400,615
OutBuildings	30	634,253	37	684,720
Other	16	331,686	21	510,875
<b>Total</b>	<b>108</b>	<b>\$13,283,628</b>	<b>122</b>	<b>\$25,529,440</b>

\*( ) denotes total number of Dwelling Units per 'Unit Development'

- (1) No. Of Dwellings for 2016 YTD are up by 7 and by approx. value of \$2.9M
- (2) The majority of the 2015 'Shops' amount relates to the Bunnings Store development valued at \$4.5M (Stage 3);
- (3) The majority of the 2015 'Warehouses' amount relates to Workshop at 18 Aerodrome Road, Swan Hill at \$1.5M;
- (4) The majority of the 2016 'Factories' amount relates to Kyndalyn Park Factory (Stage 1) at Bannerton valued at \$1.68M;
- (5) The majority of the 2015 'Public Buildings' amount relates to the Swan Hill Hospital Aged Care Facility valued at \$9.8M

### Financial Implications

Not applicable.

### Social Implications

Not applicable.

### Economic Implications

Not applicable.

### Environmental Implications

Not applicable.

### **Risk Management Implications**

Not applicable.

### **Council Plan Strategy Addressed**

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

### **Recommendation**

**That Council note the Planning and Building figures for April and the Year to Date comparisons as reported.**

## **B.16.46 PUBLIC HEALTH AND WELLBING PLAN, ACTIVE TRANSPORT STRATEGY AND RIVERFRONT MASTERPLAN 2015 REVIEW**

<b>Responsible Officer:</b>	Director Development and Planning
<b>File Number:</b>	S28-24-03
<b>Attachments:</b>	1 Public Health and Wellbeing Plan Review 2 Active Transport Strategy Review 3 Swan Hill Riverfront Review

### **Declarations of Interest:**

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

### **Summary**

The purpose of this report is to consider the annual review of the Public Health and Wellbeing Plan 2013-2017, the Active Transport Strategy and the Riverfront Masterplan and to provide an update on the achievements against these plans.

### **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 no changes proposed to the Swan Hill Rural City Council Public Health and Wellbeing Plan 2013-2017 (PHWP).

As indicated in the Council Plan, a regular update on the implementation of the PHWP is required. Incorporated into the review of the Public Health and Wellbeing Plan, is an update on the implementation of the Active Transport Strategy and Riverfront Masterplan.

The Public Health and Wellbeing Plan 2015 Review indicates the various achievements that have taken place under each objective of the PHWP.

#### **2015 Key Achievements for the Public Health and Wellbeing Plan**

- A total of 18 media releases, newsletter articles and social media updates occurred during 2015 which related to health and wellbeing. The use of different forms of social media has allowed different members of the community to make decisions about their own health and wellbeing through access of information.

- Healthy by Design Principles have been incorporated into the 2015 Jaycee Park Development to ensure the park is accessible and promotes the health of community.
- Council completed 100% of the statutory requirement of the Food Act 1984 to conduct food safety assessments at all registered food businesses.

The Active Transport Strategy and Riverfront Masterplan Reports outline the completed achievements from 2015 and the programs that are currently being undertaken.

#### 2015 Key Achievements for the Active Transport Strategy

- Boundary Bend walking path loop (Stage 1) along the river within the reserve received State Funding for construction.
- A feasibility study and development design work completed for the trail from Swan Hill to Lake Boga.
- Traffic lights installed on McCallum and Campbell Streets, bike lane installed.

#### 2015 Key Achievements for the Riverfront Masterplan

- Realignment of the path under the bridge.
- Six Fitness Stations Installed (Outdoor Gym Equipment).
- Four Water Drinking Fountains installed.
- Five new designer recycle bins installed in park.
- The pond in Riverside Park has been cleaned and has had new lights installed on the water fountain feature.
- 23 light poles and lights, 12 tree up-lights and 5 solar lights have all been installed along the riverfront from the wetlands to Brian Street and are working.

### **Consultation**

Detailed community consultation was undertaken in the development of each of these strategies. Community consultation is undertaken on individual projects/initiatives, as and when required.

### **Financial Implications**

The Public Health and Wellbeing Plan, the Active Transport Strategy and the Riverfront Masterplan assist Council as well as other agencies with funding applications to implement actions relating to improving public health within our municipality.

### **Social Implications**

The Public Health and Wellbeing Plan, the Active Transport Strategy and the Riverfront Masterplan will contribute to improving the health and wellbeing of communities.

### **Economic Implications**

Each of these Strategies contribute to a strong economy across the Municipality by supporting and attracting new business and additional visitors.

### **Environmental Implications**

The Public Health and Wellbeing Plan, the Active Transport Strategy and the Riverfront Masterplan all provide positive environmental benefits through encouraging people to be more active and reduce the use of vehicles.

### **Risk Management Implications**

Projects/initiatives have risk management plans developed and implemented as required

### **Council Plan Strategy Addressed**

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

### **Options**

1. That Council having reviewed the Public Health and Wellbeing Plan, the Active Transport Strategy and Riverfront Masterplan 2015, agree to make no changes to these plans.
2. That Council request amendments to one or more of the abovementioned plans.

### **Recommendation**

**That Council having reviewed the Public Health and Wellbeing Plan, the Active Transport Strategy and Riverfront Masterplan 2015, agree to make no changes to these plans.**

## Public Health & Wellbeing Plan 2015 Review

### 4.0 Public Health and Wellbeing Priorities

The aim of the Public Health and Wellbeing Plan 2013-2017 will be achieved through two approaches – continuation of current programs, plans and services and through specific initiatives relating to the following identified priorities arising from Council planning processes:

#### Priority 1 Promoting healthier, safer and sustainable communities

##### Objective 1 - To promote and encourage healthier lifestyles

**Desired Outcome:** Healthier and more active communities.

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p>1.1. Continue to provide new, upgrade and maintain passive recreation facilities and infrastructure that enhances physical activity and active transport.</p>	<p>Continue to implement the Active Transport Strategy.</p> <p>Continue to implement activities from the Riverfront Master Plan.</p> <p>Number of new or improved facilities such as footpaths, playgrounds, parks, recreation reserves, leisure centres and aquatic facilities</p>	<p>Economic and Community Development Engineering Services and Works Departments</p> <p><b>Partners:</b> Swan Hill District Health Robinvale District Health Service Regional Development Victoria</p>	<p><b>New and/or Improved Facilities:</b></p> <ul style="list-style-type: none"> <li>Upgrade of Ultima and Lake Boga FNC netball courts.</li> <li>Upgrade of Swan Hill lawn Tennis and Croquet Club tennis hard courts.</li> <li>Construction of Swan Hill Speedway Club room/scrutineers facility.</li> <li>Erection of ground lighting at the Swan Hill Showgrounds Reserve, Nyah Recreation Reserve and the Robinvale Robinswood Oval.</li> </ul> <p><b>Footpaths</b></p> <ul style="list-style-type: none"> <li>Yana Street Stage 2 - 500m of new path.</li> <li>Beveridge Street Stage 3 – 250m path widening.</li> <li>McCallum Street - 200m new path at the show grounds.</li> <li>Pedestrian crossings upgraded on Campbell Street (north and south).</li> </ul>



Swan Hill Rural City Public Health and Wellbeing Plan 2013-2017

<p><b>1.2.</b> Promote healthier lifestyles – focusing on physical activity, nutrition and mental health and wellbeing and be actively engaged in initiatives that support healthy lifestyles.</p>	<p>Continue to implement the Active Transport Strategy. Continue to implement activities from the Riverfront Master Plan.</p>	<p>Economic and Community Development Engineering Services and Works Departments <b>Partners:</b> Swan Hill District Health Robinvale District Health Service Southern Mallee Primary Care Partnership</p>	<ul style="list-style-type: none"> <li>• Please refer to the Active Transport Strategy review.</li> </ul>
<p><b>1.3.</b> Actively seek external funding or support to deliver healthier lifestyles within the municipality and continue to advocate for funding and resources for local agencies that provide health services or benefits to the community</p>	<p>Number of applications for external funding. Number successful applications for external funding.</p>	<p>Economic and Community Development <b>Partners:</b> Swan Hill District Health Robinvale District Health Service Southern Mallee Primary Care Partnership</p>	<ul style="list-style-type: none"> <li>• 12 applications for external funding were submitted.</li> <li>• 11 applications were successful for external funding in 2015.</li> <li>• The Sport and Recreation Victoria Grant for the Drag Strip Pits project was unsuccessful in 2015 due to being seen as supporting infrastructure rather than a playing surface taht increases participation.</li> </ul>
<p><b>Strategies</b></p> <p><b>1.4.</b> Advocating and negotiating for the inclusion of Healthy by Design Guidelines in developments such as the Swan Hill South West Precinct residential development</p>	<p><b>Measurable Indicators</b></p> <p>Policies and guidelines developed relating to the incorporation of the Healthy by Design principles for internal projects.</p>	<p><b>Responsibility/Partners</b></p> <p>Economic and Community Development Engineering Services and Works Planning Department <b>Partners:</b> Swan Hill District Health Robinvale District Health Service</p>	<p><b>2015 Outcomes</b></p> <ul style="list-style-type: none"> <li>• Council ensure design compliance with the infrastructure design manual (IDM), in relation to grade/width of footpath, the availability of public space.</li> <li>• The South West Precinct residential development incorporated Clause 56.2 of planning scheme.</li> </ul>

Swan Hill Rural City Public Health and Wellbeing Plan 2013-2017

<p><b>1.5.</b> Incorporating the Healthy by Design Guidelines into Council projects</p>	<p>Policies and guidelines developed relating to the incorporation of the Healthy by Design principles for internal projects.</p>	<p>Engineering, Projects and Assets Department Works Department <b>Partners:</b> Swan Hill District Health Robinvale District Health Service Southern Mallee Primary Care Partnership</p>	<ul style="list-style-type: none"> <li>• Healthy by Design Principles have been incorporated into the 2015 Jaycee Park Development.</li> <li>• Council ensure design compliance with the relevant Engineering Standards regarding footpath and pedestrian crossings grades, width and surfaces.</li> <li>• The Heart Foundation Master Class held a workshop in Swan Hill to engage Council planners to include healthy initiatives into the planning scheme review.</li> <li>• The planning scheme currently looks at providing alternative parking such as bicycle parking, footpaths etc, when assessing development.</li> <li>• The current planning scheme does not make reference to the healthy by design and public health and wellbeing plan. However, once Council do a rewrite of the MSS it is planned to be incorporated.</li> </ul>
<p><b>1.6.</b> Continue to work collaboratively with local agencies that provide health services for our communities</p>	<p>Demonstrated council participation at meetings and workshops with key agencies.</p>	<p>Community and Culture Services <b>Partners:</b> Southern Mallee Primary Care Partnership/Swan Hill District Health Robinvale District Health Service</p>	<ul style="list-style-type: none"> <li>• Council is represented and actively participates at Southern Mallee Primary Care Partnership Swan Hill Health and Wellbeing Partnership.</li> </ul>

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<p><b>1.7.</b> Continue to promote a healthy workplace and work/life balance for our staff</p>	<p>Implementation of the Achievement Program.</p>	<p>Public Health Services Department Human Resources Economic and Community Development</p> <p><b>Partners:</b> Swan Hill District Health Robinvale District Health Service</p>	<ul style="list-style-type: none"> <li>• Council are working towards achieving physical activity and smokefree benchmarks.</li> <li>• Council have developed a 'health promotion charter' which recognises that our employees are the priority and their health is a significant asset to both the organisation and the community.</li> </ul> <p>Collectively we have promoted staff to participate in physical activities such as:</p> <ul style="list-style-type: none"> <li>• Walk to school/Then walk to work</li> <li>• Active April</li> <li>• Ride to work</li> <li>• Park and walk</li> <li>• Move more</li> <li>• Colour your run</li> <li>• Triathlons</li> <li>• Harmony day</li> <li>• Council's Bicycle Fleet with 52 staff registered</li> </ul>
<p><b>1.8.</b> Continue to provide services that enable the ongoing improvement of health within our communities.</p>	<p>Develop and implement the actions within the Municipal Early Years plan. Increased or maintained accreditation results in Community Care Services and Children's Services.</p>	<p>Family, Youth and Children's Services Community Care Services</p>	<ul style="list-style-type: none"> <li>• Council provides Maternal Child Health, Family Day Care, Out of School Hours Care (Vacation Care and After School Program), Youth Support Program and Communities for Children activities.</li> <li>• Major redevelopment of Nyah West Preschool to integrate preschool and MCH at the Children's Centre in Nyah West in 2015.</li> </ul>

				<ul style="list-style-type: none"> <li>• Council has worked closely with Department of Education and Training and the Robinvale Advancing Country Towns project and was successful in an application for Children's Services Capital grant to develop an Early Years Centre at the Robinvale P-12 which will also include a MCH consultation room. This project is still in the planning phase.</li> <li>• The new Piangil Community Centre has been built and contains a MCH consultation room.</li> <li>• Council has supported private investment in long day care with a new long day care centre in Swan Hill opening in 2015 and a second long day care centre under construction in 2016.</li> <li>• Council's Family Day Care Service and Out of School Hours Program have both been assessed and rated against the National Quality Standard and achieved a rating level "Exceeds National Quality Standard."</li> </ul>
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Swan Hill Rural City Public Health and Wellbeing Plan 2013-2017

**Objective 2 - To improve personal and community safety**

**Desired Outcome:** Communities that are safe.

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p><b>2.1.</b> Continue to be prepared and keep our community safe by undertaking and implementing the Emergency Management Planning</p>	<p>Emergency Management Plans are kept up to date, including the Heat Wave Plan and Pandemic Influenza Plan</p>	<p>Works Departments Economic and Community Development Public Health Services</p>	<ul style="list-style-type: none"> <li>Heat Wave Plan and Pandemic Influenza Plan are Sub Plans of the Municipal Emergency Management Plan which are reviewed annually.</li> </ul>
<p><b>2.2.</b> Incorporate the Safer Design Guidelines in public and private developments</p>	<p>Reduction in crime activities</p>	<p>Economic and Community Development Engineering, Projects and Assets Department Works Departments Planning Department</p> <p><b>Partners:</b> Swan Hill District Health</p>	<ul style="list-style-type: none"> <li>23 light poles and 12 up lights have been installed along the Swan Hill Riverfront from the caravan park to the boat ramp on Milloo Street.</li> <li>Solar lights have been placed at designated area such as the boat ramp, wetland and Brian Street car park.</li> <li>Jaycee Park redevelopment is engaging the local residents in its design in the hope to reduce vandalism in the park and address inappropriate behaviours.</li> <li>Rose Street Robinvale residential park undergoing upgrades to promote safety of residents.</li> </ul>

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<p><b>2.3.</b> Public health protection through local law, food safety and infectious disease management and control, including ongoing implementation of the Mosquito Monitoring and Control Program.</p>	<p>Immunisation coverage remains above the state average. Improved or maintained compliance with public health regulations and local laws.</p>	<p>Public Health Services Department  <b>Partners:</b> Department of Health and Human Services</p>	<p><b>Immunisation Coverage Rates:</b></p> <table border="1" data-bbox="304 315 547 707"> <thead> <tr> <th></th> <th>Swan Hill Average</th> <th>Victorian Average</th> </tr> </thead> <tbody> <tr> <td>12-&lt;15 Months</td> <td>90.16%</td> <td>92.90%</td> </tr> <tr> <td>24-&lt;27 Months</td> <td>95.95%</td> <td>90.50%</td> </tr> <tr> <td>60-&lt;63 Months</td> <td>92.86%</td> <td>93.70%</td> </tr> </tbody> </table> <ul data-bbox="580 300 995 674" style="list-style-type: none"> <li>• Low numbers of mosquito's were trapped and no disease was detected for the 2015 Mosquito season.</li> <li>• No gastrointestinal outbreaks were recorded in 2015 for the municipality.</li> <li>• Council completed 100% of the statutory requirement of the Food Act 1984 to conduct food safety assessments at all registered food businesses.</li> </ul>		Swan Hill Average	Victorian Average	12-<15 Months	90.16%	92.90%	24-<27 Months	95.95%	90.50%	60-<63 Months	92.86%	93.70%
	Swan Hill Average	Victorian Average													
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24-<27 Months	95.95%	90.50%													
60-<63 Months	92.86%	93.70%													
<p><b>Strategies</b></p> <p><b>2.4.</b> Implementing building controls and enforcement to keep our community and individuals safe.</p>	<p><b>Measurable Indicators</b></p> <p>Number of building compliance inspections conducted, particularly relating to essential safety measures and swimming pool safety</p>	<p><b>Responsibility/Partners</b></p> <p>Building Department</p>	<p><b>2015 Outcomes</b></p> <ul data-bbox="1091 293 1235 674" style="list-style-type: none"> <li>• 14 proactive pool safety audits completed in 2015.</li> <li>• 6 proactive essential safety audits completed in 2015.</li> </ul>												

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<p><b>2.5.</b> Minimising harm from tobacco, alcohol and other drugs through implementation of programs and local laws.</p>	<p>Monitoring and enforcement of the Tobacco Act 1987. Monitoring and enforcement of Local Laws.</p>	<p>Public Health Services Department Family, Youth and Children's Services <b>Partners:</b> Department of Health and Human Services Victoria Police</p>	<ul style="list-style-type: none"> <li>In 2015 Council conducted 46 Tobacco inspections at tobacco retailers, eating establishments and licensed premises.</li> <li>In 2015 state wide smoking bans were extended to schools and kindergartens, childcare centre's, public hospitals and registered community health centre's, courts and police stations.</li> <li>Smoking is now also prohibited within 10 metres of outdoor recreational areas where children play, including playgrounds, skate parks, public swimming pools, and sporting venues during under-18s events.</li> <li>Council has erected signage at the new banned areas.</li> </ul>
<p><b>2.6.</b> Active enforcement and education about tobacco legislation and reforms within the community.</p>	<p>Decrease in the percentage of persons 18+ who are current smokers</p>	<p>Public Health Services Department <b>Partners:</b> Department of Health and Human Services Victoria Police</p>	<ul style="list-style-type: none"> <li>18 retail premises were randomly targeted as part of Council's sale to minors program. Of those 18 premises, 1 made a positive sale to a minor. That premises received an official warning.</li> <li>During the Maternal Child Health Home Visit parents are asked if they or anyone in the family smokes and are offered information on QUIT.</li> </ul>

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<p>2.7. Continue to explore issues relating to tobacco, alcohol and other drugs in our community, particularly among our youth.</p>		<p>Youth Services Economic and Community Planning</p> <p><b>Partners:</b> Swan Hill District Health Service Robinvale District Health Service Southern Mallee Primary Care Partnership Victoria Police</p>	<ul style="list-style-type: none"> <li>All Freeza events are drug, alcohol &amp; smoke free and actively promote the health effects of tobacco, alcohol and other drugs.</li> </ul>
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**Objective 3 - To promote a sustainable economy that supports healthier communities.**

**Desired Outcome:** Healthier communities with a sustained economy.

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p>3.1. Continue to improve our local economy through implementation of the Economic Development Strategy and localised plans</p>	<p>Implement actions within the Economic Development Strategy and Plans</p>	<p>Economic and Community Development</p> <p><b>Partners:</b> Swan Hill Inc. Regional Development Victoria</p>	<p>The following actions were implemented:</p> <ul style="list-style-type: none"> <li>Bromley Road Master Plan developed</li> <li>Roll out of Natural Gas underway</li> <li>Delivering recommendations of the Swan Hill Riverfront Master Plan</li> <li>Development/Funding of Catalina Museum cafe/wine bar</li> <li>Funding for Boundary Bend Revitalisation</li> <li>Plan for Lake Boga to Swan Hill Active Trail</li> <li>Supported construction of ¼ mile drag strip</li> <li>Developed Investment Attraction Policy</li> <li>Assisted with Planning Approval of Solar projects</li> </ul>



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<p><b>3.2.</b> Implement the Workforce Development Strategy in association with key stakeholders.</p>	<p>Implement actions within the Workforce Development Strategy</p>	<p>Economic and Community Development <b>Partners:</b> Regional Development Victoria</p>	<ul style="list-style-type: none"> <li>• Upgraded guide for new residents</li> <li>• Provided business training and development opportunities for local business</li> <li>• Assisted with Fruit Fly control program</li> <li>• Established Agri Business Advisory Group Assisted with development of new tourism based website</li> <li>• Reviewed Major Events Support Scheme</li> </ul>
<p><b>3.3.</b> Continue to provide and maintain facilities and services that provide economic benefits for the community</p>	<p>Number of Council owned public facilities maintained or upgraded</p>	<p>Economic and Community Development Engineering, Projects and Assets Department Works Departments <b>Partners:</b> Regional Development Victoria</p>	<ul style="list-style-type: none"> <li>• Actions implemented include the provision of greater flexibility in the development of accommodation options for farm workers on rural properties.</li> <li>• 103 Council owned public facilities maintained or upgraded in 2015.</li> </ul>

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**Objective 4 - To promote environmental sustainability that nurtures our communities.**

**Desired Outcome: A sustained natural environment for future generations to enjoy.**

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p><b>4.1.</b> Promoting the reduction in usage of private motor vehicles through the implementation of the Active Transport Strategy.</p>	<p>Number of footpaths, trails and bicycle tracks installed or maintained. Implementation of the Riverfront Master Plan</p>	<p>Economic and Community Development Human Resources</p>	<ul style="list-style-type: none"> <li>Please refer the Riverfront Master Plan review.</li> </ul>
<p><b>4.2.</b> Continue to encourage and educate the community to reduce their environmental footprint through ongoing programs and information sharing.</p>	<p>Implementation of Council's Sustainable Living Strategy, Waste Management Plan, Sustainable Water Use Plan.</p>	<p>Economic and Community Development Planning and Environment Department <b>Partners:</b> SLIM</p>	<ul style="list-style-type: none"> <li>The Draft Rural Land Use Strategy is assisting to inform residents about the environmental impacts of protecting farmland to be managed and also the environmental impacts the restructuring of irrigation infrastructure is having on the municipality in terms of environment and land use.</li> <li>Youth Leading the World was hosted and provided education to over 200 school aged children about sustainability.</li> <li>The Active Transport Strategy continues to educate and promote a reduction in the use of motor vehicles reducing the environmental impact of our residents.</li> </ul>

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<p><b>4.3.</b> Council continues to reduce its environmental footprint by ongoing improvement of waste management, recycling, reduced energy consumption and sustainability practices within Council.</p>	<p>Implementation of the Smarter Buildings and Revegetation Projects Implementation of Council's Sustainable Living Strategy, Waste Management Plan, Sustainable Water Use Plan.</p>	<p>Planning and Environment Department Economic and Community Development <b>Partners:</b> SLIM</p>	<ul style="list-style-type: none"> <li>Council projects continue to place a high importance on Water Sensitive Urban Design and utilising drought tolerant plants. Watering systems are also more efficient via watering at correct times and levels.</li> </ul>
<p><b>4.4.</b> Continue to improve Council's waste and recycling facilities.</p>	<p>Implementation of Council's Sustainable Living Strategy, Waste Management Plan, Sustainable Water Use Plan</p>	<p>Engineering, Projects and Assets Department Economic and Community Development <b>Partners:</b> SLIM</p>	<ul style="list-style-type: none"> <li>Council's Waste Management Strategy, advocates for the theme of avoid, reduce and Re-use. It also addresses best practice land filling, kerbside collection and recycling.</li> <li>Energy audits were undertaken for Splatt Street, Beveridge Street and Robinvale offices which found HVAC (air-conditioning) and IT computer and server equipment as the biggest consumers of electricity followed by lighting.</li> <li>Recent construction of the Swan Hill Landfill transfer station will encourage waste separation, recycling and reduce amount of waste going to the landfill cells.</li> </ul>

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**Priority 2 Enhancing our communities wellbeing, connectivity and participation**

**Objective 1 - To contribute to better mental health and wellbeing through more connected and resilient communities.**

**Desired Outcome: Healthier communities that are connected and resilient.**

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p><b>1.1.</b> Continue to maintain and create well utilised open spaces and facilities that encourage communities to interact, including parks, playgrounds, recreation reserves, leisure centres and aquatic facilities.</p>	<p>Continue to implement the Active Transport Strategy.</p> <p>Continue to implement activities from the Riverfront Master Plan.</p> <p>Number of new or improved facilities such as footpaths, playgrounds, parks, recreation reserves, leisure centres and aquatic facilities</p>	<p>Economic and Community Development Engineering, Projects and Assets Department Works Departments</p>	<p>Please refer the Active Transport and Riverfront Master Plan reviews.</p>
<p><b>1.2.</b> Continue to engage the community, particularly the youth, in the design of open spaces</p>	<p>Continue to implement the Active Transport Strategy.</p> <p>Continue to implement activities from the Riverfront Master Plan.</p>	<p>Economic and Community Development Engineering Services and Works Departments</p> <p><b>Partners:</b> Community Plan Focus Groups Youth Council NOVO Schools</p>	<ul style="list-style-type: none"> <li>• Manangatang walking path routes have been entirely decided by the Manangatang community via the community planning and active transport strategy processes.</li> <li>• Jaycee Park has involved extensive consultation including Swan Hill Primary School children and local residents to establish inclusions for the complete redevelopment of the park.</li> <li>• Planning for the upgrade of the Ultima Skate Park has begun and this will involve young people influencing the outcomes of this space for their community.</li> </ul>

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			<ul style="list-style-type: none"> <li>Ongoing consultations with young people within the municipality as each stage of river front master plan is rolled out eg, Skate park location, active play precinct.</li> </ul> <p>SHRCC Youth Strategy</p> <ul style="list-style-type: none"> <li>A total of 1202 people shared their thoughts and ideas:</li> <li>840 young people completed the survey</li> <li>112 service providers completed a survey</li> <li>161 parents/community members completed survey; and</li> <li>89 young people/service providers/parents/community members attended small discussion groups</li> <li>800+ Young People participated in consultation for the riverfront redevelopment master plan.</li> </ul>
<p><b>1.3.</b> Continue to provide grant contributions to community groups to assist with the improvement of community facilities</p>	<p>Number of applications for external funding.</p> <p>Number successful applications for external funding.</p> <p>Number of grants provided to Community Groups by Council.</p>	<p>Economic and Community Development</p>	<ul style="list-style-type: none"> <li>68 grants provided to Community Groups by Council in 2015.</li> <li>12 applications for external funding were submitted, 11 applications were successful for external funding.</li> </ul>
<p><b>Strategies</b></p> <p><b>1.4.</b> Continue to provide services, advice and education to assist and empower the community to make decisions about their</p>	<p><b>Measurable Indicators</b></p> <p>Number of media releases and Facebook/Twitter updates.</p>	<p><b>Responsibility/Partners</b></p> <p>Media Department</p>	<p><b>2015 Outcomes</b></p> <p>A total of 18 media releases, newsletter articles and social media updates occurred during 2015 related to health and wellbeing.</p> <p>This includes five social media posts, eight media releases and five articles in three SHRCC municipal newsletters.</p>

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<p>own health and wellbeing and improve access to information through media and technology.</p>			<ul style="list-style-type: none"> <li>• Walk to School campaign (August to October – media releases, radio and print advertising)</li> <li>• Immunisation sessions</li> <li>• Other promotion (Riverfront works, Swan Hill to Lake Boga bike paths, Lake Boga foreshore activation, etc).</li> </ul> <p>This total does not include media enquiries received (as a result of a media release or a general enquiry) resulting in articles or nor news grabs/interviews with broadcast media (i.e. weekly Mayoral Minute on ABC radio, 3SH monthly interviews, other radio/television interviews).</p>
<p><b>1.5.</b> Continue to run programs that provide opportunities for social interaction within the community</p>		<p>Economic and Community Development Community and Culture Services</p>	<p><b>Programs and Events that provide opportunities for social interaction within the community:</b></p> <ul style="list-style-type: none"> <li>• Farmers Market (monthly)</li> <li>• Triathlon 400 participants</li> <li>• Colour your run 1200 participants</li> <li>• Australia Day Breakfast 2000 participants</li> <li>• Bootcamps</li> </ul>
<p><b>1.6.</b> Continue to promote community involvement and ownership of projects that provide facilities and services for the community</p>		<p>Economic and Community Development</p> <p><b>Partners:</b> Town Representative Groups Youth Council NOVO</p>	<ul style="list-style-type: none"> <li>• An application has been submitted to upgrade facilities at the Swan Hill Boat Ramp off Millloo Street.</li> <li>• Four Water Drinking Fountains, bike racks and a shared path has been installed along the river front.</li> <li>• Jaycee Park Redevelopment has enabled many residents to have their first experiences in having some form of ownership over their built environment. The Jaycee Park Meeting Place Project will provide a community facility and asset for years to come.</li> </ul>

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			<ul style="list-style-type: none"> <li>In built mechanisms to Council's community planning process ensures that young people of each town have their chance to have input and lead aspects of their community plan with assistance from the Youth Support Program.</li> <li>In partnership with Swan Hill Primary School each morning they operate Breakfast Club for students and families.</li> <li>Conduct Stay and Play playgroup for children 0-6 years and their families at Swan Hill Primary School.</li> <li>In partnership with Eloquent Speech Pathology conduct Bringing up Great Kids parenting program.</li> <li>Council is a member of the Communities for Children Transition Projects Steering Team established to guide and support the delivery of three funded Communities for Children Projects in the Swan Hill community.</li> <li>SHRCC successfully applied for a MCH Service Innovation Grant in 2015 to undertake a Southern Mallee Early Years Together project which aims to improve collaborative practice between MCH services and other services integral in providing antenatal, birth and postnatal care for families and babies.</li> </ul>
<p><b>1.7.</b> Continue to expand youth leadership and</p>	<p>Implementation of the Youth Strategy</p>	<p>Family, Youth and Children's Services</p>	<ul style="list-style-type: none"> <li>Council has recently been refunded to deliver the FReeZA program for the next 3 years with a strong focus on youth leadership and the up</li> </ul>

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<p>engagement opportunities</p>		<p><b>Partners:</b> Youth Council NOVO</p>	<p>skilling of young people across the LGA.</p> <ul style="list-style-type: none"> <li>• FReeZA programs, activities and events from January 2013 to December 2015 is 73 events with 6,486 young people participating across a range of leadership, music and drug, smoke and Alcohol free events.</li> <li>• 2015- Council worked with 397 young people in group settings and 34 individual one to one students.</li> </ul>
<p>1.8. Continue to advocate and collaborate with groups and agencies to improve mental health and wellbeing, including support for the Healthy Minds Network.</p>		<p>Community and Culture Services</p> <p><b>Partners:</b> Southern Mallee Primary Care Partnership</p>	<ul style="list-style-type: none"> <li>• Regional Arts Victoria's Creative Arts Facilitator supported Multicultural Arts Victoria to run song writing and radio presenter workshops for local youth from different cultural backgrounds. The workshops developed participants' skills and confidence and brought marginalised youth together. The local community radio station was also a partner in this project.</li> </ul>
<p><b>Strategies</b></p> <p>1.9. Planning for inclusive and attractive local areas including the investigation of including Healthy by Design Guidelines in the local Municipal Strategic Statement</p>	<p><b>Measurable Indicators</b></p> <p>Number of new or improved public spaces.</p>	<p><b>Responsibility/Partners</b></p> <p>Economic and Community Development</p> <p><b>Partners:</b> Town Representative Groups Youth Council NOVO</p>	<p><b>2015 Outcomes</b></p> <ul style="list-style-type: none"> <li>• Yana Street Stage 2 - 500m</li> <li>• Beveridge Street Stage 3 – 250m</li> <li>• McCallum Street - 200m</li> <li>• pedestrian crossings upgraded on Campbell Street (north and south)</li> <li>• Riverside Park</li> <li>• Tower Hill Walk (seat installed)</li> <li>• Jaycee Park Redevelopment.</li> <li>• Manangatang Walking</li> </ul>
<p>1.10. Continue to provide</p>	<p>- Number of people accessing Library Services</p>	<p>Library and Cultural Services</p>	<p>The library service continues being well utilised by the community. Programs run in the library provide</p>



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<p>and improve library services and lifelong learning opportunities</p>	<p>- Number of changes/improvements to library services</p>		<p>opportunities for learning for all ages. Programs include early year's literacy sessions, school holiday activities, youth events, talks and displays for adults and Broadband for seniors.</p> <p>Online resources including YourTutor and IELTS are available to assist students and migrants.</p> <ul style="list-style-type: none"> <li>• 89,461 visits to library service points</li> <li>• 140,831 loans of physical library items</li> <li>• 4186 loans from the e-collection. (i.e. e-mags, eBooks, e-audio books)</li> <li>• Weekly Lego and Minecraft sessions commenced in 2015</li> <li>• The library was used as a meeting space by groups such as U3A, local writers, book club, scrabble and mah-jong groups.</li> <li>• Early years literacy development programs are run weekly with regular attendance at Move and Groove ranging between 20 to 40 people</li> </ul>
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**Objective 2 - To improve social connections and respect for cultural diversity.**

**Desired Outcome:** Socially connected and culturally inclusive communities.

Strategies	Measurable Indicators	Responsibility/Partners	2015 Outcomes
<p>2.1. Continue to promote art and cultural activities and make available facilities for these opportunities.</p>	<p>- Increase in the participation of Arts and Cultural Activities</p>	<p>Family and Children's Services Community Care Services Library and Cultural Services</p> <p><b>Partners:</b> Regional Development Victoria MASH</p>	<ul style="list-style-type: none"> <li>• Approximately 2000 people attended Harmony Day which included performances by a diverse cross section of the community.</li> <li>• 10 young local musical acts performed at Loud@theLibrary.</li> <li>• The Cultural Services programs organised a range of activities for various age groups including author talks, children's performances, school holiday activities, art workshops, morning melodies and a variety of touring performances.</li> </ul> <p>The Swan Hill Regional Art Gallery is a versatile venue catering for both concerts and art exhibitions. In 2015</p> <ul style="list-style-type: none"> <li>• 10,741 people visited Swan Hill Regional Art Gallery</li> <li>• 659 people attended 8 exhibition openings</li> <li>• 10 concerts held with 599 attendees</li> <li>• 5 school holiday programs</li> <li>• 11 exhibitions in the Access Gallery</li> <li>• 8 exhibitions in the main gallery</li> <li>• 10 exhibitions featured local or</li> </ul>

<p>regional artists</p> <ul style="list-style-type: none"> <li>• 5 exhibitions were group shows with over 20 artists in each show</li> <li>• Outreach programs included 4 Playmakers group for pre-schoolers with 60 children and parents attending</li> <li>• Several local exhibitions were sent to Robinvale, Kerang and Cohuna</li> </ul>			
<p>Performing Arts program presented a broad variety of shows including drama, musical, children's shows, dance workshops, comedy and cabaret.</p>			
<p>Council has a partnership with Regional Arts Victoria whose Creative Arts Facilitator</p> <ul style="list-style-type: none"> <li>• supported Multicultural Arts Victoria to run song writing and radio presenter workshops for local Youth of diverse cultural backgrounds</li> <li>• Organised weaving workshop with local aboriginal women. The workshop was run in Swan Hill Town Hall PACC</li> <li>• Liaised with community members and supported several community projects including the Nyah District School's centenary celebrations and film</li> </ul>			
<p>Swan Hill Town Hall PACC was utilised well for both local and touring events. 15,500 people attended cultural events at the Town Hall PACC in 2015.</p>			

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<p><b>2.2.</b> Continue to advocate for improved health and wellbeing of indigenous communities.</p>	<p>- Review and implement the Aboriginal Community Plan</p>	<p>Economic and Community Development <b>Partners:</b> Department of Health and Human Services MDAS</p>	<ul style="list-style-type: none"> <li>• Aboriginal Community Partnership Plan reviewed in 2015.</li> <li>• Draft to be presented to Council in June 2016.</li> </ul>
<p><b>2.3.</b> Advocate for the co-location of services to enhance sustainability of services, social groups and connect the community</p>	<p>- Continue to implement the Aboriginal Employment Strategy  - Participation in the Local Indigenous Network</p>	<p>Economic and Community Development Human Resources <b>Partners:</b> LIN Robinvale LIN Swan Hill</p>	<ul style="list-style-type: none"> <li>• Continue to support and receive funding to implement the jobseekers program.</li> <li>• Commenced attending LAN meetings.</li> </ul>
<p><b>2.4.</b> Improve and promote inclusive access to facilities and services</p>	<p>- Implementation of the Disability Access Plan 2012-2015.</p>	<p>Economic and Community Development <b>Partners:</b> Department of Health and Human Services Mallee Family Care PUSH</p>	<p>The Disability Access Plan completed 43 of 45 actions; the remaining actions will be rolled into the next action plan. The new strategy and plan are currently in development.</p>

These priorities form a core component for achieving the overall aim of the Plan. The specific results anticipated from the implementation of the above strategies will be the main performance measure used for this Plan, however, both the community wellbeing indicators provided by Community Indicators Victoria and the indicators of community strength provided by the Department Transport Planning and Local Infrastructure will also be used as part of the evaluation and re-development of the Plan.

**ACTIVE TRANSPORT STRATEGY  
REVIEW APRIL 2016**

**Projects that have been achieved through the active transport strategy implementation plan:**

**Priority projects**

**Strategy 1 – Increase the provision of quality on-road and off-road bicycle and pedestrian infrastructure across the municipality**

**1.1 Improving the provision of a walking and bicycle network both on and off road.**

The Project Control Group Sponsor for the decommissioning of the number 9 channel within Council. The Director of Development and Planning has been advised that the Active Transport Strategy Goal 1.1 seeks to explore bike/walking lanes with the closer of the channel nine channel.

A reprint of the Bike Trail Booklet supports the potential to increase recreational use and tourism.

SwanHill3585 a Face Book page is promoting mountain bike tracks that have been organically created through use by riders.

Links have been improved between the CBD and Tower Hill (including the TAFE) Shared paths on McCallum Street near the Swan Hill Showgrounds and improved pedestrian and cycling signage. The Community U Committee purchased a seat installed by Council near Steagall Park. The seat created a pause stop for people walking to and from the Tower Hill estate. Trees run parallel to the paths and once established will create a canopy to shade the area in the hotter months. This will make the journey on foot more pleasant.

Over the past year Council has focused on creating Project Control Groups which involve all departments with expertise on a project working collaborative. This has resulted in triggers to explore the incorporation of bicycle and pedestrian infrastructure into road upgrades. Examples are the shared paths on Beveridge Street, Yana Street and Monash Drive. Bromley Road Robinvale road designs has included improved pedestrian and bicycle paths.

**1.2 Increase the length of off road bicycle routes that are safe, accessible, convenient, comfortable and attractive.**

The shared path along the Swan Hill riverfront from the Big4 caravan park to the Milloo Street Wetlands 1.5km has been completed. Successful funding application received for stage 2 which will see improved shared path from the GEM Paddle Steamer joining the levee bank along the Little Murray. Scoping and design work has commenced for Sculpture Park making up the final section of the Riverwalk.

Boundary Bend walking path loop (Stage 1) along the river within the reserve received State Funding to construct.

A feasibility study and development design work completed for the trail from Swan Hill to Lake Boga.

Shared path on Yana Street connecting and enable children to walk or cycle to school off road 1 KM completed.

Shared path in Tower Hill estate from Borre Street to the Sea Lake Swan Hill Road; which links to an Aged Care residential facility to the CBD have been constructed.

Shared path Beveridge Street connecting the town people to the Swan Hill Colleges off road 750m completed.

### **1.3 Address gaps in connections and facilitate the creation of loops.**

Design work completed for the construction of a path from the Manangatang Community Centre to the Manangatang Pool.

### **1.4 Improved the level of safety for cyclist/pedestrians during infrastructure upgrades.**

Traffic lights installed on McCallum and Campbell Streets, bike lane installed. Council's Works and Engineer departments are aware of the issue for cyclist and continue to modify drainage grates.

Council matched funding received to graded two pedestrian crossings on Campbell Street to create better visuals for motor vehicles and a safer environment which encourages more people to walk.

Council also matched funding to upgrade 10 footpaths to road intersections by removing lips/kerbs to promote wheel friendly intersections.

## **Strategy 2 – Ensure Council's bicycle and walking networks are maintained**

### **2.1 Improve maintenance of current active transport infrastructure**

The Weed Warrior projects continues to be supported.

## **Strategy-3 Align Council Planning Scheme and Council policies to embed Healthy by Design Principles**

### **3.1 Embed the ATS and Healthy by Design values into Council's strategic objectives**

The current planning scheme does not make reference to the Healthy by Design and Public Health and Wellbeing Plan; However, once a rewrite is completed of the MSS it will.

The current planning scheme already looks at providing alternate parking such as bicycle parking, etc. when assessing development.

Clause 52.06 in the planning scheme has particular provision for bicycle parking as well.

Heart Foundation Masterclass held in Swan Hill to identify how healthy initiatives could be better incorporated into the Planning Scheme. This Class was attended by 16 LGA officers with 7 from our Council.

## **Strategy 4 – Improving the environment for walking, cycling and public transport use, both in transit and end of trip facilities**

### **4.1 Visible increase the pedestrian and bicycle amenities (i.e. bicycle racks and water stations)**

Bike racks designed in the shape of a cod bike has been installed in Riverside Park Swan Hill.

- Addition bike racks have been installed in
- Woorinen – penny farthings
- Ultima – penny farthings

- Manangatang - penny farthings
- Nyah west – penny farthings

There are further plans to install bike racks in Lake Boga (pelicans) Riverside Park Swan Hill, Piangil and Robinvale (Cod bike racks).

Community Bike Pumps have been installed in Manangatang and Ultima and are used consistently.

Break points or pause stops have been created in Manangatang (2 bench seats).

#### **4.2 Create interesting aspects along walking tracks**

Artist map displayed on the new water drinking fountains in Riverside Park Swan Hill. These were designed by the Swan Hill Health Services in partnership with Council through the Hearts and Minds Strategy.

#### **4.3 Improved access to public transport**

Bus shelters have been installed at Tower Hill near Alcheringa Aged Care facility and on Coronation Street. Other bus shelters are planned in Yana Street and near the Medical Centre on McCrae Street.

### **Strategy 5 – Raise the profile and increase the prestige of walking, skating and cycling**

#### **5.1 Make people aware of places to ride**

Bicycle fleet implemented and 52 staff members have registered.

#### **5.2 Promote the benefits of walking and cycling**

The Hearts and Minds Strategy Charter signed by three CEOs located at Swan Hill Rural City Council and the Health Services in Swan Hill and Robinvale.

The Hearts and Mind Strategy committee meet on a needs basis to plan and implement projects to support; healthy initiatives such as walk to school, ride to work, Active April and other events.

#### **5.3 Support events, activities and infrastructure upgrades that will promote walking, cycling and skate and scooting.**

A number of events have been held in Riverside Park Swan Hill

- Triathlon 400 participants
- Colour your Run 1200 participants
- 40 people participated in a 6 week 4km/6km walk

Consultants have been engaged to design a new skate park for Swan Hill Riverside Park.

The Community Planning and Youth Support officers are working together to upgrade the Ultima Stake Park.

Bike rack designs to be features within all rural towns.

#### **5.4 Develop leadership from key organisation and community members**

Working in partnership with health services to deliver projects

Promotion of activities such as:

- Walk to School
- Active April
- Ride to Work
- Drive to Park - Park and walk
- Move More 6 week project

### **Strategy 6 – Enable more people to maintain a bicycle and confidently walk and cycle**

#### **6.1 Increase the level of cycling and knowledge on road rules**

The Hearts and Minds Strategy committee have undertaken a number of activities in partnership as listed below:

- Ride to Work
- Information published in organisation newsletters
- Window display at the Regional Information Centre

#### **6.2 Reduce barriers to walking and cycling**

The fear of magpies has been addressed through the Guardian Newspaper publishing the streets to avoid nesting magpies so people can alter their routes.

The Enhance Swan Hill Light – Light Strategy developed. The first stage of the Riverfront lights installed with tree 12 up lights and 23 light poles located along the shared path from the public toilets in Riverside Park to the boat ramp on Milloo Street. Three solar lights have been installed at the boat ramp with another near the wetlands and two on the riverfront just off Brian Street.

### **Strategy 7- Enable cyclist, pedestrians and motorist to interact more considerately and safely**

#### **7.1 Promote mutual respect between cyclist, pedestrians and motorist**

Through the Heart and Mind Strategy an education program is being implemented

- Walk safely to school May 20
- Walk to work Nov 11
- Ride to Work October
- 1000 steps October
- Seeking funding to run a Change to Walking program (May to November 2016)
- Promotional Campaign on Roundabouts October
- For Bikes riders 1 meter matters

### **Strategy 8 – Monitor and report walking and cycling levels within Council**

#### **8.1 Monitor the levels of walking and cycling within the Municipality as an indicator of the ATS impact.**

Two trackers to count walkers and cyclist have been purchased and will be installed along walking paths to collect number of people using new shared paths.



**Swan Hill Riverfront Masterplan Report  
Review April 2016**

**This report provides a list of projects which have commenced or have been completed through the implementation of the Swan Hill Riverfront Masterplan.**

<b>Completed</b>
------------------

1. Swan Hill Rail Station Precinct Strategy
2. Enhancing Swan Hill Lights - Swan Hill Light Strategy
3. Traffic Management Plan for Car Park developments within the ten precincts
  - a. Design work completed for Car park on Monash Drive near the sound shell
  - b. Design work completed for Car park including vehicles with boat trailers off Milloo Street near the Swan Hill boat ramp
4. Realignment of the path under the bridge
5. Cultural Heritage Management Plan with Riverbank Restoration Guidelines
6. Historic Cultural Heritage Assessment 4395
7. Six Fitness Stations Installed (Outdoor Gym Equipment)
8. Four Water Drinking Fountains installed
9. Five new designer recycle bins installed in park
10. The pond in Riverside Park has been cleaned and has had new lights installed on the water fountain feature.
11. The willow trees have been removed from the riverbank north and south sides of the bridge
12. The willow tree have been removed from the riverbank located near the wetlands
13. Work for the Dole River Health Work Crew commenced in September 2015 and worked for 6mths. They painted the Skate Park and new timber furniture along the river and minor riverfront re-vegetation activities.
14. The Sugar Gums on Monash Drive have been removed due to a disease which made them unsafe to have in a public area. An off road car park will be constructed after Harmony Day, 9 April 2016. The new car park will cater for up to 30 vehicles.
15. A bike rack designed in the shape of a cod and made by a local manufacturer has been installed in Riverside Park, near the 10 Steps.
16. The Enhancement Shared Path - Stage one from the caravan park in Riverside Park to the Milloo Wetlands has been constructed.
17. 23 light poles and lights, 12 tree up-lights and 5 solar lights have all been installed along the riverfront from the wetlands to Brian Street and are working.
18. A number of events have been held in Riverside Park which has made full use of the shared path, new outdoor gym equipment and water drinking fountains. These events include
  - Farmers Market - monthly
  - Triathlon 400

- Colour your run 1200
- 40 people signed up to a 6 week 4/6km walk/run along riverside shared path

<b>Commenced</b>
------------------

1. Commercial Development Strategy application to seek funding has been submitted.
2. Commercial Development Strategy brief and tender documentation to submit EOI opened March 2016.
3. EOI to purchase the GainCorp Site, waiting on an valuation report to commence further discussions and negotiations to purchase site.
4. Fuel depot sites continue to work towards remediation of sites, meetings held on a needs bases
5. Development of a Japanese 'Yamagata Garden' - location identified, site unveiled and soil testing completed.
6. Preparation of the Enhanced Shared Path -Stage two have commence, waiting on a successful funding announcement prior to works being able to commence.
7. Swan Hill Boat Ramp extension project will include an asphalted car park, vehicle with boat trailer parking, public toilet and extensions to the boat ramp. Total project cost \$360,000. The first application for \$50,000 was successful with the second application to be submitted in June 2016.
8. Meeting held with Viva/Shell Former Fuel dept site are ongoing - Further discussions to be held with VicTrack.
9. Active play precinct plan - design tender awarded to Jeavons landscape Architects. Design to be completed by June 30.
10. Seeking advise on Statements of Environment Effects for projects that involve the Murray Riverfront bed and banks. There are 8 projects in total.

## **B.16.47 INTERSTATE AND OVERSEAS TRAVEL**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 22-69-03  
**Attachments:** Nil

### **Declarations of Interest:**

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

### **Summary**

This report proposes that Council be represented at the ALGA Conference in Canberra by the Mayor, Chief Executive Officer and one other Councillor.

A number of appointments will be sought with various Ministers and Shadow Ministers, or their Senior Advisors to advocate on issues pertaining to the Swan Hill Rural City Council.

### **Discussion**

The annual ALGA Conference in Canberra is the only opportunity that Local Government has to bring all Mayors; CEO's and key decision makers together at the one event.

At previous events Swan Hill Rural City Council has taken the opportunity to meet with Federal Ministers and Shadow Ministers to communicate the major projects and issues that are affecting the people of the municipality. Joint advocacy meetings with the Murray River Group of Councils have been extremely effective on topics such as the Basin Plan.

It is suggested that Council agree to send the Mayor, CEO and one other Councillor as its delegation to ensure that maximum benefit can be gained from the 3 days.

### **Consultation**

During Murray River Group of Councils meetings in 2016 an advocacy document has been created to guide the regional approach to be taken when meeting Ministers and Shadow Ministers on a regional basis. This document has been communicated to all member Councils and each municipality has taken ownership of a part of the plan. The focus for 2016 will be to advocate for support for irrigated agriculture and projects that support the tourism potential of the region.

### **Financial Implications**

Accommodation and travel costs are associated with attending this conference.

### **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 and efficient utilisation of resources.

### **Options**

Council can choose to change the number of representatives attending the conference.

### **Recommendations**

#### **That Council:**

- 1. Authorise the travel of the Mayor – Cr Les McPhee, Cr Gary Norton and The Chief Executive Officer – Mr John McLinden to represent Council at the ALGA Conference in Canberra from 19 June 2016 to 22 June 2016.**
- 2. Request all participants to submit reports to Council upon return from the conference.**

## **B.16.48 INCORPORATION OF RURAL COUNCILS VICTORIA**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 12-22-05  
**Attachments:** 1 Draft Rules for RCV Incorporated

### **Declarations of Interest:**

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

### **Summary**

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which Swan Hill Rural City Council is one. RCV is not a legal entity and so conducts its activities through a secretariat. The RCV board feels that this limits the effectiveness of RCV.

This report seeks Councils support for the incorporation of RCV and also asks that Cr Norton be authorised to exercise a vote on behalf of Swan Hill Rural City Council.

### **Discussion**

The RCV's work includes:

1. providing opportunities for networking and professional development for Councillors and senior staff;
2. activities directed at ensuring the sustainability of rural councils; and
3. activities to assist rural communities to remain sustainable.

This work is delivered via a number of mechanisms, including:

1. organisation of forums and conferences for member councils;
2. engagement of consultants to undertake project work; and
3. applying for Government grants, particularly through Regional Development Victoria.

Given that RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a Council Member to act as its agent, providing administrative support and entering into contracts on its behalf.

As RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable RCV to operate with greater independence and ease, it is proposed to incorporate RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the Draft Rules, attached to this report as 'Attachment 1'.

The effect of RCV being incorporated include that it:

1. is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
2. has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
3. cannot distribute profit to its members;
4. must operate in accordance with a set of rules, including a statement of purpose – being the Draft Rules attached to this report as 'Attachment 1'; and
5. is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

It is not expected that the manner in which RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the Draft Rules attached to this report as 'Attachment 1'.

#### Exercise of Entrepreneurial Powers

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required, in accordance with Section 193 of the *Local Government Act 1989* (LG Act), to have regard to the risks involved and comply with Section 193(5A) and (5B) of the LG Act.

Council is advised that:

1. the total monetary investment involved in Council's participation in the formation of Rural Councils Victoria Limited is nil. Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and
2. the total financial risk involved in Council's participation in the formation of Rural Councils Victoria Limited is nil.

Any liability for the activities of Rural Councils Victoria Limited will attach to it, not to the individual members.

The total investment and risk exposure will be \$0, meaning that Council is not required to take any further action in relation to this matter under Section 193(5C) of the LG Act.

If RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf – instead relying on the Secretariat council to do so.

#### Next Steps

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of RCV being incorporated on the basis of the Draft Rules attached to this report as 'Attachment 1'.

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the Registrar of Incorporated Associations for the incorporation of RCV and approve the Draft Rules.

#### **Consultation**

Not Applicable

#### **Financial Implications**

Not Applicable

#### **Social Implications**

Not Applicable

#### **Economic Implications**

Not Applicable

### **Environmental Implications**

Not Applicable

### **Risk Management Implications**

As discussed above

### **Council Plan Strategy Addressed**

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

### **Options**

1. Support the recommendations of RCV. This will create a level of independence from Government for RCV and will allow it to seek funding from many sources.
2. Reject the recommendations of RCV. This will result in the status quo.

### **Recommendations**

#### **That Council:**

- 1. Note that the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in Section 193(5C) of the *Local Government Act 1989*;**
- 2. Votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;**
- 3. Council approves the Draft Rules attached to this report as 'Attachment 1' as the Rules for Rural Councils Victoria Incorporated; and**
- 4. Council authorises Cr Norton to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of RCV to be held on 10 June 2016.**



## Associations Incorporation Reform Act 2012

### RURAL COUNCILS VICTORIA INCORPORATED RULES

#### Associations Incorporation Reform Regulations 2012

##### Part 3

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## Model Rules for an Incorporated Association

### Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the Associations Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between the Association and its members.

## PART 1 — PRELIMINARY

### 1 Name

The name of the incorporated association is "Rural Councils Victoria Incorporated".

#### Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

### 2 Purposes

The purposes of the association are to—

- (1) heighten awareness and understanding of issues that impact on rural communities;
- (2) assist with building the capacity of rural councils to face challenges;
- (3) provide leadership on local governance;
- (4) develop and support rural councils; and
- (5) develop policy and advocate for rural councils.

### 3 Financial year

The financial year of the Association is each period of 12 months ending on 30 June.

### 4 Definitions

In these Rules—

**absolute majority** of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

**associate member** means a member referred to in rule 14(1);

**CEO** means the Chief Executive Officer of each member which is not an associate member;

**Chairperson** of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

**Chairperson appointment meeting** means a meeting of all of the CEOs, in accordance with rule 54;

**Committee** means the Committee having management of the business of the Association;

**committee meeting** means a meeting of the Committee held in accordance with these Rules;

**committee member** means a member of the Committee elected or appointed under Division 3 of PART 5;

**Council** has the same meaning as it has in section 3(1) of the *Local Government Act 1989* (Vic);

**Councillor** means a person who hold the office of a member of each member which is not an associate member;

**disciplinary appeal meeting** means a meeting of the members of the Association convened under rule 23(3);

**disciplinary meeting** means a meeting of the Committee convened for the purposes of rule 22;

**disciplinary subcommittee** means the subcommittee appointed under rule 20;

**Election Day** has the same meaning as it has in section 3(1) of the *Local Government Act 1989* (Vic);

**financial year** means the 12 month period specified in rule 3;

**general meeting** means a general meeting of the members of the Association convened in accordance with PART 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

**member** means a member of the Association;

**member entitled to vote** means a member who under rule 13(2) is entitled to vote at a general meeting;

**special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**Schedule** means a schedule to these Rules;

**the Act** means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

**the Registrar** means the Registrar of Incorporated Associations.

## PART 2 — POWERS OF ASSOCIATION

### 5 Powers of Association

(1) Subject to the Act, the Association has power to do all things incidental or

conducive to achieve its purposes.

- (2) Without limiting subrule (1), the Association may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

## **6 Not for profit organisation**

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member—
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

### **Note**

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

## **PART 3 — MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1 — Membership**

#### **7 Minimum number of members**

The Association must have at least 5 members

#### **8 Who is eligible to be a member**

- (1) Subject to subrule (2), only Councils located in the State of Victoria and listed in Schedule 1 are eligible for membership.

- (2) Any other person who is approved by the Committee (at its absolute discretion) in accordance with rule 63 is eligible for associate membership.

## **9 Application for membership**

- (1) To apply to become a member or associate member of the Association, a person must submit a written application to a committee member stating that the person—
  - (a) wishes to become a member or associate member of the Association; and
  - (b) supports the purposes of the Association; and
  - (c) agrees to comply with these Rules.
- (2) The application—
  - (a) must be signed by the applicant; and
  - (b) may be accompanied by the joining fee (if any).

### **Note**

The joining fee is the fee (if any) determined by the Association under rule 12(3).

## **10 Consideration of application**

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

## **11 New membership**

- (1) If an application for membership is approved by the Committee—
  - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
  - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
  - (a) the Committee approves the person's membership; or



- (b) the person pays the joining fee (if any).

## **12 Annual subscription and fee on joining**

- (1) At each annual general meeting, the Association must determine—
  - (a) the amount of the annual subscription (if any) for the following financial year; and
  - (b) the date for payment of the annual subscription.
- (2) The Association may determine that a higher or lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
  - (a) the full annual subscription; or
  - (b) a pro rata annual subscription based on the remaining part of the financial year; or
  - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

## **13 General rights of members**

- (1) A member of the Association who is entitled to vote has the right—
  - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and
  - (c) to attend and be heard at general meetings; and
  - (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
  - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
  - (a) the member is a member other than an associate member; and
  - (b) more than 10 business days have passed since he or she became a member of the Association; and
  - (c) the member's membership rights are not suspended for any reason.

**14 Associate members**

- (1) Associate members of the Association include any members who are not listed in Schedule 1 to these Rules.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

**15 Rights not transferable**

The rights of a member are not transferable and end when membership ceases.

**16 Ceasing membership**

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

**17 Resigning as a member**

- (1) A member may resign by notice in writing given to the Association.

**Note**

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
  - (a) the member's annual subscription is more than 12 months in arrears; or
  - (b) where no annual subscription is payable—
    - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
    - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

**18 Register of members**

- (1) The Secretary must keep and maintain a register of members that includes—
  - (a) for each current member—
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) if the member is an associate member, a note to that effect;
    - (v) any other information determined by the Committee; and

- (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

**Note**

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

## **Division 2 — Disciplinary action**

### **19 Grounds for taking disciplinary action**

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (1) has failed to comply with these Rules; or
- (2) refuses to support the purposes of the Association; or
- (3) has engaged in conduct prejudicial to the Association.

### **20 Disciplinary subcommittee**

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
  - (a) may be Committee members, members of the Association or anyone else; but
  - (b) must not be biased against, or in favour of, the member concerned.

### **21 Notice to member**

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
  - (a) stating that the Association proposes to take disciplinary action against the member; and
  - (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the **disciplinary meeting**); and
  - (d) advising the member that he or she may do one or both of the following—
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

- (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **22 Decision of subcommittee**

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
  - (a) give the member an opportunity to be heard; and
  - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
  - (a) take no further action against the member; or
  - (b) subject to subrule (3)—
    - (i) reprimand the member; or
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## **23 Appeal rights**

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
  - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

- (a) specify the date, time and place of the meeting; and
- (b) state—
  - (i) the name of the person against whom the disciplinary action has been taken; and
  - (ii) the grounds for taking that action; and
  - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

#### **24 Conduct of disciplinary appeal meeting**

- (1) At a disciplinary appeal meeting—
  - (a) no business other than the question of the appeal may be conducted; and
  - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

### **Division 3 — Grievance procedure**

#### **25 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

#### **26 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves

within 14 days of the dispute coming to the attention of each party.

## **27 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## **28 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## **29 Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

**PART 4 — GENERAL MEETINGS OF THE ASSOCIATION****30 Annual general meetings**

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with PART 7 of the Act;
  - (c) to elect the members of the Committee;
  - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

**31 Special general meetings**

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit, but must do so at least once a year.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

**Note**

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

**32 Special general meeting held at request of members**

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of

members.

- (2) A request for a special general meeting must—
  - (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
  - (a) must be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

### **33 Notice of general meetings**

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a special resolution is to be proposed—
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with rule 34(7).



- (3) This rule does not apply to a disciplinary appeal meeting.

**Note**

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

### **34 Delegates**

- (1) A member must appoint a Councillor or employee of that Council as his or her delegate to vote and speak on its behalf at a general meeting.
- (2) Appointment of a delegate must be notified to the Committee at least 24 hours before a general meeting.
- (3) A delegate, once appointed, will remain as the delegate until a member appoints a new delegate and notifies the Committee of that appointment.
- (4) A member may appoint another Councillor or employee of that Council as an alternate delegate to vote and speak on its behalf at a general meeting.
- (5) The appointment of an alternate delegate must be in writing and signed by the CEO member making the appointment.
- (6) The member appointing the alternate delegate may give specific directions as to how the alternate delegate is to vote on his or her behalf, otherwise the alternate delegate may vote on behalf of the member in any matter as he or she sees fit.
- (7) If the Committee has approved a form for the appointment of an alternate delegate, the member may use any other form that clearly identifies the person appointed as the member's alternate delegate and that has been signed by the member.
- (8) Notice of a general meeting given to a member under rule 33 must—
  - (a) state that the member may appoint another member as an alternate delegate for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of an alternate delegate.
- (9) A form appointing an alternate delegate must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (10) A form appointing an alternate delegate sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.
- (11) Notice of appointment of an alternative delegate does not affect the continued appointment of the delegate originally notified to the Committee.

### **35 Use of technology**

- (1) A member not physically present at a general meeting may not participate in the meeting by the use of technology.

**36 Quorum at general meetings**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by delegate or alternate delegate of over 50% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
  - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

**Note**

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- (b) in any other case—
  - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
  - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (c) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

**37 Adjournment of general meeting**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.

**Example**

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the

meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### **38 Voting at general meeting**

- (1) On any question arising at a general meeting—
  - (a) subject to subrule (3), each member who is entitled to vote has one vote; and
  - (b) members may vote by their delegates or by alternate delegate; and
  - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### **39 Special resolutions**

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by alternate delegate) vote in favour of the resolution.

#### **Note**

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

### **40 Determining whether resolution carried**

- (1) Subject to subrule (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
  - (a) carried; or
  - (b) carried unanimously; or
  - (c) carried by a particular majority; or
  - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—

- (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

#### **41 Minutes of general meeting**

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
- (a) the names of the members attending the meeting; and
  - (b) alternate delegate forms given to the Chairperson of the meeting under rule 34(8); and
  - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
  - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

### **PART 5 — COMMITTEE**

#### **Division 1 — Powers of Committee**

#### **42 Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
- (a) appoint and remove staff; and

- (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

#### **43 Delegation**

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

#### **Division 2 — Composition of Committee and duties of members**

#### **44 Composition of Committee**

The Committee consists of—

- (1) a Chairperson; and
- (2) a Deputy Chairperson; and
- (3) a Secretary; and
- (4) a Treasurer; and
- (5) ordinary committee members elected under rule 52.

#### **45 General Duties**

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
  - (a) in good faith in the best interests of the Association; and
  - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—

- (a) their position; or
- (b) information acquired by virtue of holding their position—

so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

**Note**

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

**46 Chairperson**

- (1) Subject to subrule (2), the Chairperson or, in the Chairperson's absence, the Deputy Chairperson is the Chairperson for any general meetings and for any committee meetings.
- (2) If the Chairperson and the Deputy Chairperson are both absent, or are unable to preside, the Chairperson of the meeting must be—
  - (a) in the case of a general meeting—a member elected by the other members present; or
  - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

**47 Deputy Chairperson**

- (1) The Deputy Chairperson must:
  - (a) act as the Chairperson for any meeting from which the Chairperson is absent; and
  - (b) assist the Chairperson in furthering the purpose of the Association.

**Example**

The Deputy Chairperson might accompany the Chairperson when attending stakeholder meetings with Ministers or others responsible for furthering the interests of the members.

**48 Secretary**

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

**Example**

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
  - (a) maintain the register of members in accordance with rule 18; and

- (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
  - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

#### **49 Treasurer**

- (1) The Treasurer must—
- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
  - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
  - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
  - (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
  - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

#### **Division 3 — Election of Committee members and tenure of office**

#### **50 Committee member composition and term**

- (1) The Committee is to be made up of:
- (a) six CEOs ('**CEO member**'); and
  - (b) six Councillors ('**Councillor member**').
- (2) A CEO member holds office from the date of their election, to the date upon which the election of the next CEO members is completed, in accordance with rule 52.

- (3) A Councillor member holds office until they cease to be a Councillor or until the date upon which the election of the next Councillors members is completed, in accordance with rule 51, whichever is earlier.
- (4) For the time between each Election Day and the appointment of new Councillor members, in accordance with rule 52, the Committee is made up of only the CEO members and those Councillor members who remain eligible under rule 49(3).

#### **51 Committee members based upon region**

- (1) One CEO member and one Councillor member will be elected from each of the six Municipal Association of Victoria Regions ('**Regions**') listed in Schedule 2 by the Councils in that Region, in accordance with the process set out in rule 52.
- (2) The CEO member and Councillor member appointed by each Region must hold their relevant position at a Council which is listed in the same Region.

#### **52 Committee member elections**

- (1) Within 10 weeks after each Election Day, the Committee must call for members listed in Schedule 1 to nominate eligible persons for election as CEO and Councillor members.
- (2) Each member may only nominate CEOs and Councillors who hold an office of that member.
- (3) On the date 10 business days after the date on which nominations are called for in accordance with subrule (1), the time during which members may nominate persons for election as CEO and Councillor members closes.
- (4) If, after the nominations close, there is only one CEO and one Councillor nominated for a Region, those persons are elected to the relevant position on the Committee.
- (5) If the number of CEOs and/or Councillors nominated for a particular Region is greater than one, a ballot must be conducted for that Region, in accordance with rule 53.

#### **53 Ballot**

- (1) If a ballot is required for the election for a CEO Member or a Councillor member position in a particular Region, the Committee, within 3 business days of nominations closing, must send to each of the members listed under that Region, a ballot paper.
- (2) The ballot paper must list each of the nominated persons for the relevant Committee position in that Region.
- (3) Each member provided with a ballot paper must within 10 business days, mark it, indicating the single person for whom they wish to vote, and return the ballot paper to the Association.
- (4) Ballot papers that do not comply with subrule (3) are not to be counted.



- (5) Each ballot paper on which the name of a candidate has been marked counts as one vote for that candidate.
- (6) The Committee must declare elected the candidate who received the most votes.
- (7) If the returning officer is unable to declare the result of an election under subrule (6) because 2 or more candidates received the same number of votes, the Committee must decide by lot which of them is to be declared elected.

**Examples**

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

**54 Chairperson appointment meeting**

- (1) Within one month of the completion of the election of Committee members, a Chairperson appointment meeting must be held.
- (2) At the Committee appointment meeting separate elections must be held for each of the following positions—
  - (a) Chairperson; and
  - (b) Deputy Chairperson; and
  - (c) Secretary; and
  - (d) Treasurer.
- (3) Only Councillor members may be elected as Chairperson or Deputy Chairperson.
- (4) Only CEO members may be elected as Secretary.
- (5) If only one member is nominated for the position, that person is elected to the position.
- (6) If more than one member is nominated, a vote must be held, in accordance with this rule.
- (7) The vote is to be conducted by a show of hands of all the committee members present at the meeting, each of whom is entitled to one vote.
- (8) The committee member for whom the most votes are cast will be elected to the relevant position.
- (9) If the vote does not produce a result of an election under subrule (8) because 2 or more candidates received the same number of votes, it will be decided by lot which of them is to be declared elected.

**Examples**

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

**55 Vacation of office**

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
  - (a) ceases to be a CEO or Councillor of a member of the Association; or
  - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 66; or
  - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

**Note**

A Committee member may not hold the office of secretary if they do not reside in Australia.

**56 Filling casual vacancies**

- (1) The Committee may appoint an eligible person under rule 50 to fill a position on the Committee that has become vacant under rule 55.
- (2) If the position of Chairperson, Deputy Chairperson Secretary or Treasurer becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 50 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

**Division 4 — Meetings of Committee****57 Meetings of Committee**

- (1) The Committee must endeavour to meet once every month or with such other frequency as the Committee determines from time to time, provided that it meets at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the Chairperson or by any 4 members of the Committee.

**58 Notice of meetings**

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.

- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

#### **59 Urgent meetings**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 58 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

#### **60 Procedure and order of business**

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

#### **61 Use of technology**

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

#### **62 Quorum**

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 61) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
  - (a) in the case of a special meeting—the meeting lapses;

- (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 58.

### 63 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) A committee member may appoint another person as a proxy to vote and speak on its behalf at a general meeting, provided that a committee member who is a:
  - (a) Councillor member may only appoint another Councillor of that member of the Association as a proxy; and
  - (b) CEO member may only appoint another employee of that member of the Association as a proxy.

### 64 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
  - (a) must not be present while the matter is being considered at the meeting; and
  - (b) must not vote on the matter.

#### Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
  - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

**65 Minutes of meeting**

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 64.

**66 Leave of absence**

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

**67 Committee Resolution Outside Meeting**

- (1) Where an urgent matter arises for decision and cannot be the subject of a Special Committee meeting, the wording of the proposed resolution may be circulated to all committee members by email.
- (2) The resolution is made by a majority of the committee members replying to that email indicating that they are in favour of it.
- (3) Such a resolution must be ratified by votes in person at the next committee meeting.
- (4) This rule should not be relied upon except in cases of urgency, where the Chairperson forms the view that the matter cannot properly be left until the next committee meeting.

**PART 6 — FINANCIAL MATTERS****68 Source of funds**

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

**69 Management of funds**

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Secretary to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- (6) The Committee may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

#### **70 Financial records**

- (1) The Association must keep financial records that—
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

#### **71 Financial statements**

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
  - (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the Association;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

**PART 7 — GENERAL MATTERS****72 Common seal**

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
  - (a) the name of the Association must appear in legible characters on the common seal;
  - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
  - (c) the common seal must be kept in the custody of the Secretary.

**73 Registered address**

The registered address of the Association is—

- (1) the address determined from time to time by resolution of the Committee; or
- (2) if the Committee has not determined an address to be the registered address— the postal address of the Secretary.

**74 Notice requirements**

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
  - (a) by handing the notice to the delegate of a member personally; or
  - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (c) by email or facsimile transmission to the delegate of the member.
- (2) Subrule (1) does not apply to notice given under rule 59.
- (3) Any notice required to be given to the Association or the Committee may be given—
  - (a) by handing the notice to a member of the Committee; or
  - (b) by sending the notice by post to the registered address; or
  - (c) by leaving the notice at the registered address; or
  - (d) if the Committee determines that it is appropriate in the circumstances—
    - (i) by email to the email address of the Association or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of the Association.

## 75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
  - (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

### Note

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—

**relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

  - (a) its membership records;
  - (b) its financial statements;
  - (c) its financial records;
  - (d) records and documents relating to transactions, dealings, business or property of the Association.

## 76 Winding up and cancellation

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.



- (4) The body to which the surplus assets are to be given must be decided by special resolution.

**77 Alteration of Rules**

These Rules may only be altered by special resolution of a general meeting of the Association.

**Note**

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

**Schedule 1 — Eligible Members**

Alpine Shire Council  
Ararat Rural City Council  
Bass Coast Shire Council  
Baw Baw Shire Council  
Benalla Rural City Council  
Buloke Shire Council  
Campaspe Shire Council  
Central Goldfields Shire Council  
Colac Otway Shire Council  
Corangamite Shire Council  
East Gippsland Shire Council  
Gannawarra Shire Council  
Glenelg Shire Council  
Golden Plains Shire Council  
Hepburn Shire Council  
Hindmarsh Shire Council  
Indigo Shire Council  
Loddon Shire Council  
Macedon Ranges Shire Council  
Mansfield Shire Council  
Mitchell Shire Council  
Moirā Shire Council  
Moorabool Shire Council  
Mount Alexander Shire Council  
Moyne Shire Council  
Murrindindi Shire Council  
Northern Grampians Shire Council  
Pyrenees Shire Council  
Borough of Queenscliffe  
South Gippsland Shire Council  
Southern Grampians Shire Council  
Strathbogie Shire Council  
Surf Coast Shire Council  
Swan Hill Rural City Council  
Towong Shire Council

Wellington Shire Council  
West Wimmera Shire Council  
Yarriambiack Shire Council

**Schedule 2 — Municipal Association of Victoria Regions**

**Rural south-west:**

Ararat Rural City Council  
Colac Otway Shire Council  
Corangamite Shire Council  
Glenelg Shire Council  
Moyne Shire Council  
Southern Grampians Shire Council

**Rural north-central:**

Campaspe Shire Council  
Central Goldfields Shire Council  
Gannawarra Shire Council  
Loddon Shire Council  
Macedon Ranges Shire Council  
Mount Alexander Shire Council

**Rural south-central:**

Golden Plains Shire Council  
Hepburn Shire Council  
Moorabool Shire Council  
Pyrenees Shire Council  
Borough of Queenscliffe  
Surf Coast Shire Council

**Rural north-west:**

Buloke Shire Council  
Hindmarsh Shire Council  
Northern Grampians Shire Council  
Swan Hill Rural City Council  
West Wimmera Shire Council  
Yarriambiack Shire Council

**Gippsland:**

Bass Coast Shire Council  
Baw Baw Shire Council  
East Gippsland Shire Council  
South Gippsland Shire Council  
Wellington Shire Council

**Rural north-east:**

Alpine Shire Council  
Benalla Rural City Council  
Indigo Shire Council  
Mansfield Shire Council  
Mitchell Shire Council  
Moirā Shire Council  
Murrindindi Shire Council  
Strathbogie Shire Council  
Towong Shire Council

## **SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION**

### **C.16.6 SIGN & SEAL REPORT**

**Responsible Officer:** Chief Executive Officer

**Attachments:** Nil.

**Declarations of Interest:**

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

**Summary**

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

**Discussion**

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

**Consultation**

Not Applicable

**Financial Implications**

Not applicable

**Social Implications**

Not applicable

**Economic Implications**

Not applicable

**Environmental Implications**

Not applicable

**Risk Management Implications**

Not applicable

## Background

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

## Issues

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/sealed
733	Transfer of Land Vol 11643 Folio 229	Between SHRCC and Marra and Squire	14/4/16
734	Transfer of Land Title 1 – Vol 11643 Folio 217 Title 2 – Vol 11643 Folio 218	Between SHRCC and Tindele Pty Ltd	14/4/16
735	Transfer of Land Vol 11643 Folio 227	Between SHRCC, Paul Walsh Nominees and Kate Balkin	21/4/16
736	Occupancy Lease Agreement 95 Curlewis Street, Swan Hill	SHRCC and BR and C Agents	21/4/16
737	Transfer of Land Vol 11648 Folio 303	Between C and L Genis and SHRCC	5/5/16
738	Council Loan Agreement – Local Government Funding Vehicle	Between SHRCC and National Australia Trustees (LGFV Program Trust)	9/5/16

## Conclusion

Council authorise the signing and sealing of the above documents.

## Recommendations

**That Council note the actions of signing and sealing the documents under delegation as scheduled.**

**C.16.7 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 22-13-12  
**Attachments:** 1 Councillor Record of Attendance

**Declarations of Interest:**

John McLinden - 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**

Not applicable.

**Financial Implications**

Not applicable.

**Social Implications**

Not applicable.



**Economic Implications**

Not applicable.

**Environmental Implications**

Not applicable.

**Risk Management Implications**

Not applicable.

**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 April 2016 at 12.00pm**  
**RIVERSIDE RECEPTION CENTRE, MURRAY STREET, BARHAM**

**AGENDA ITEMS**

- Joint meeting with Wakool Shire Council (Barham)
  - Swan Hill/Murray Downs Bridge
  - Opportunities for resource sharing
  - Opportunities for economic development in Murray Downs
  - Current situation regarding possible amalgamation between Wakool and Murray Shires and future impacts for Swan Hill. Can Swan Hill assist Wakool in any way to remain a stand alone Council.

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

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

Apologies

- Cr John Katis
- Cr Jessie Kiley

Officers

- John McLinden, Chief Executive Officer
- Adam McSwain, Director Development and Planning
- Rosanne Kava, Acting Director Infrastructure

Other

- Lea Rosser, Acting General Manager, Wakool
- Cr Neil Gorey, Wakool Shire Council
- Cr Ann Crowe, Wakool Shire Council
- Cr Lois Lockhart, Wakool Shire Council
- Cr Alan Mathers, Wakool Shire Council
- Cr David Landini, Wakool Shire Council
- Peter Arthur, Director Corporate Services, Wakool Shire Council
- Sunil Prakash, Director Technical Services, Wakool Shire Council

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**26 April 2016 at 3.00pm**  
**SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

**AGENDA ITEMS**

- Active Play Precinct Plan Riverfront
- Economic Development Strategy Update
- Quarterly Report - Capital Works and Major Projects

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

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

Apologies

- Cr John Katis
- Cr Jessie Kiley

Officers

- John McLinden, Chief Executive Officer
- Adam McSwain, Director Development and Planning
- Rosanne Kava, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Fiona Gormann, Community Planning and Riverfront Coordinator
- Steve Matthews, Economic and Community Development Manager
- Nathan Keighran, Economic Development Officer
- Muriel Scholz, Senior Economic Development Officer
- Amanda Young, Economic Development Officer
- Mazen Aldaghstani, Engineering Projects and Assets Manager

Other

- Nil

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
3 May 2016 at 1.00pm  
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

**AGENDA ITEMS**

- Natural Gas Update
- Swan Hill Bridge Working Party and Terms of Reference
- Procedure of Conflict of Interest Declarations
- Councillor Code of Conduct and Local Government Arbiters Panel
- Tooleybuc Bridge
- Community Planning Projects Updates

**ADDITIONAL ITEMS DISCUSSED**

- Lower Murray Water Meeting
- ALGA Ministerial Meetings

**ATTENDANCE**

Councillors

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

Apologies

- Cr Gary Norton
- Cr Jessie Kiley

Officers

- John McLinden, Chief Executive Officer
- Rosanne Kava, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Helen Morris, Organisational Development Manager
- Chris Rowlands, Community Planning Officer
- Fiona Gormann, Community Planning and Riverfront Coordinator
- Muriel Scholz, Senior Economic Development Officer

Other

- Todd Henderson, Brookfield Energy Australia
- Mark Yates, Brookfield Energy Australia

**CONFLICT OF INTEREST**

- Nil

## **SECTION D – NOTICES OF MOTION**

### **D.16.2 YOUTH SUPPORT PROGRAM**

Having given due notice, **Councillor Michael Adamson MOVED that:**

#### **Council:**

- 1. Cease funding of the current Youth Program**
- 2. Allocate \$10,000 for Council staff to support the Youth Council**
- 3. Provide funds of \$20,000 to support youth events, training and youth development with the allocation of these funds to be approved by Council on the advice of the Youth Council**
- 4. Establish a youth grants program that will be available upon application by community groups that specifically provide youth friendly activities, events and programs and that Council provide \$60,000 in year 1 of that program from the 2016/17 budget**
- 5. Provide \$10,000 for Council staff to advocate for, or partner with other organisations to improve the general wellbeing and engagement with youth.**

#### ***Preamble***

Following the adoption of the Swan Hill Rural City Council Youth Strategic Plan 2015 - 2019 which identifies 5 key strategy areas for youth, there is evidence of considerable engagement with youth in the areas identified. This engagement is occurring by organisations in our community who are highly skilled experts in their field. They employ professional staff and provide a professional service to youth.

For example, Loddon Mallee Community Leadership Program develop leadership and civic engagement, Headspace and the Health Promotions unit of SH Hospital address the area of preventative health and wellbeing, Youth Council, the Art Gallery and our Performing Arts Department support youth friendly activities and events, the LLEN are primarily tasked with developing education and training opportunities, and the local schools and the Youth Affairs Council of Victoria (YACVIC) develop partnerships and advocacy.

In addition, YACVIC has recognised Swan Hill as an area to invest in and have created a Rural Development Coordinator position to be based here. This is a boost to youth services and will make a significant difference within the Swan Hill Region.

Additionally Robinvale is looking to address some of their youth issues by transforming the High School into an integrated learning centre.

These are significant initiatives that are occurring within our municipality and are addressing the key youth challenges we have been concerned about for a long time.

Swan Hill Rural City Council do not need to spend ratepayers contributions to duplicate already existing services. This proposal recommends reallocating youth resources to support community groups and organisations that are positively addressing youth issues.

**SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA**

**SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS**

## **SECTION G – IN CAMERA ITEMS**

### **Recommendation**

**That Council close the meeting to the public on the grounds that the following report(s) include personnel matters**

#### **B.16.50 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**