



# MINUTES

## ORDINARY MEETING OF COUNCIL

Tuesday, 13 September 2016

Held Swan Hill Region  
Information Centre, Downstairs  
Conference Room  
Commencing at 2:00 PM

**COUNCIL:**

Cr LT McPhee – Mayor

Cr JN Katis

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr JB Crowe

Confirmed 18 October 2016

Chairperson.....

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**SECTION A – PROCEDURAL MATTERS**

- **Open**

Mayor, Cr Les McPhee assumed the chair and declared the meeting open at 2.00pm.

- **Acknowledgement of Country**

Mayor, Cr Les McPhee read the Acknowledgement of Country.

- **Prayer**

Cr Crowe read the prayer.

- **Apologies**

Cr John Katis

**89/16 Motion**

**MOVED Cr Kiley**

**That the apologies be accepted.**

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 30 August 2016

**90/16 Motion**

**MOVED Cr Kiley**

**That the minutes be confirmed.**

**SECONDED Cr Crowe**

**The Motion was put and CARRIED**

- **Declarations of Conflict of Interest**

Cr Crowe – Indirect Interest - in camera item

Cr Kiley – Direct Interest - in camera item

Cr McPhee – Indirect conflict - Rural Land Use Strategy

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

- **Public Question Time**

## **SECTION B – REPORTS**

### **B.16.106 APPOINTMENT OF TWO COUNCILLORS TO SIGN ANNUAL FINANCIAL STATEMENTS**

**Responsible Officer:** Director Corporate Services  
**File Number:** 42-01-00  
**Attachments:** Nil

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

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

#### **Summary**

The Local Government Act requires that Council appoint two Councillors as authorised signatories for the Annual Financial Statements and Performance Statement.

#### **Discussion**

The Local Government Act requires that Council appoint two Councillors to be the authorised signatories to the final set of Annual Statements. The signing will occur once the audit process has been completed.

The Annual Statements comprise of the General Purpose Financial Statements prepared in accordance with Australian Accounting Standards, and Performance Statement prepared in accordance with the Act.

The Statements will be reviewed by the Auditor General's office and an Audit opinion issued. The two Councillors can then sign the statements enabling the Annual Report to be finalised.

A formal advertising process will then take place, with the Statements being adopted at a Special Meeting of Council, to be arranged for late October.

#### **Consultation**

Not applicable.

#### **Financial Implications**

Not applicable.

#### **Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

It is a statutory requirement that two Councillors are nominated to sign the Financial and Performance Statements.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Council may choose to appoint any two Councillors to sign the Statements; however, it is preferable that the appointed Councillors are able to attend Council offices at short notice.
2. Past practice has been that the Mayor is one of the appointed signatories.

### **Recommendations**

**That Council nominate and appoint two Councillors to be the authorised signatories to the final set of 2015/16 Annual Financial Statements incorporating the General Purpose Statement and Performance Statement once those statements have been reviewed by Council's Auditor.**

### **91/16 Motion**

#### **MOVED Cr Crowe**

**That Council nominate Councillor Les McPhee and Councillor Gary Norton to be the authorised signatories to the final set of 2015/16 Annual Financial Statements incorporating the General Purpose Statement and Performance Statement once those statements have been reviewed by Council's Auditor.**

#### **SECONDED Cr Cruickshank**

**The Motion was put and CARRIED**

**B.16.107 DISPOSAL OF SURPLUS COUNCIL LAND - 49 HERBERT STREET ROBINVALE**

**Responsible Officer:** Director Corporate Services  
**File Number:** AST-PR-38084  
**Attachments:** 1 Map

**Declarations of Interest:**

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

**Summary**

This report seeks Council approval to dispose of surplus Council owned land at 49 Herbert Street Robinvale.

**Discussion**

Council has received a request from a local business/developer to purchase 49 Herbert Street Robinvale.

The land was originally acquired in October 2009 as a potential site for the relocation of the Robinvale Resource Centre.

The relocation of the Resource Centre is not expected to occur in the near future with alternative sites identified along Bromley Road or potentially existing shop fronts.

The land in its current state is surplus to Councils requirements and should be considered for development.

**Consultation**

Consultation will be via public notice in the local newspaper and Councils website, of Councils intention to sell the land by private treaty, seeking submissions for consideration on the proposed disposal pursuant to S189 & S223 of the Local Government Act 1989.

**Financial Implications**

Additional budget income

**Social Implications**

The land will be released for sale which will promote development and potentially improve the living conditions for the people of Robinvale.

### **Economic Implications**

Potential economic outcomes from the development of a business on the site.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

The disposal of this property will reduce Councils exposure to ongoing maintenance.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Council has the option to proceed with the disposal of this land

Or

2. Retain for a future use to be determined.

### **Recommendations**

**That Council:**

1. **Propose to sell Lot 4 on LP83685, Lot 1 on TP111507, Lot 1 on TP111508, Lot 1 on TP111509 and Lot 5 on LP83685 being 49 Herbert Street Robinvale**
2. **Give public notice to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.**
3. **If no submissions to the sale of the properties are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 4 on LP83685, Lot 1 on TP111507, Lot 1 on TP111508, Lot 1 on TP111509 and Lot 5 on LP83685 being 49 Herbert Street Robinvale by private treaty.**

**92/16 Motion**

**MOVED Cr Norton**

**That Council:**

- 1. Propose to sell Lot 4 on LP83685, Lot 1 on TP111507, Lot 1 on TP111508, Lot 1 on TP111509 and Lot 5 on LP83685 being 49 Herbert Street Robinvale**
- 2. Give public notice to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the properties are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 4 on LP83685, Lot 1 on TP111507, Lot 1 on TP111508, Lot 1 on TP111509 and Lot 5 on LP83685 being 49 Herbert Street Robinvale by private treaty.**

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**



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### SWAN HILL RURAL CITY COUNCIL PROPERTY MAP



**B.16.108 DISPOSAL OF SURPLUS COUNCIL LAND – FORMER WAITCHIE TENNIS COURTS**

**Responsible Officer:** Director Corporate Services  
**File Number:** AST-PR-3747  
**Attachments:** 1 Map

**Declarations of Interest:**

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

**Summary**

This report seeks Council approval to dispose of surplus Council owned land at Waitchie.

**Discussion**

Council has received a request from a local resident to purchase the former Waitchie Tennis courts.

The land has been unused for a number of years as a result of the Tennis club folding and the local CFA purchasing a section of the land to build a new fire station in 2010.

The prospective purchaser has expressed an interest to refurbish and maintain the courts for the benefit of the community.

The same purchaser has previously purchased and restored the former Waitchie and Piangil public halls.

**Consultation**

Consultation will be via public notice in the local newspaper and Councils website, of Councils intention to sell the land by private treaty, seeking submissions for consideration on the proposed disposal pursuant to S189 & S223 of the Local Government Act 1989.

**Financial Implications**

Additional budget income

**Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

The disposal of this property will reduce Councils exposure to ongoing maintenance.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Council has the option to proceed with the disposal of this land

or

2. Retain for a future use to be determined.

### **Recommendations**

#### **That Council:**

- 1. Propose to sell Lot 1 on TP105934 being the former Waitchie Tennis Courts.**
- 2. Give public notice to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the properties are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 1 on TP10593 by private treaty.**

**93/16 Motion**

**MOVED Cr Cruickshank**

**That Council:**

- 1. Propose to sell Lot 1 on TP105934 being the former Waitchie Tennis Courts.**
- 2. Give public notice to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the properties are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 1 on TP10593 by private treaty.**

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

Created by SWANHILL\dienton on Wednesday, 7 September 2016



SWAN HILL RURAL CITY COUNCIL  
PROPERTY MAP



## **B.16.109    PROCUREMENT POLICY**

**Responsible Officer:**            Director Corporate Services  
**File Number:**                    S16-25-03  
**Attachments:**                    1    Procurement Policy

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

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

### **Summary**

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

Council is required to review its procurement policy annually.

The Procurement policy details the guidelines for procurement of goods, services and works.

### **Discussion**

The Procurement policy is presented for the approval of Council. The review has resulted in no changes.

### **Consultation**

All members of the Executive Leadership Team, Organisational Development Manager and Commercial Services Coordinator have reviewed the policy.

The documents were also reviewed at a Councillor Assembly resulting in some minor changes that are reflected in the Directives and Procedures.

### **Financial Implications**

The Policy will ensure Council achieves best value for money throughout its Procurement practices and complies with relevant legislation.

### **Social Implications**

Promote and provide opportunities for social procurement.

### **Economic Implications**

Provide opportunities for the growth of local businesses.

### **Environmental Implications**

Improved environmental outcomes through better use of sustainable products and practices.

### **Risk Management Implications**

The Policy is an important component of Council's risk management processes.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Adopt the policy as presented
2. Suggest further changes

### **Recommendation**

**That Council adopt the Procurement Policy, as presented.**

### **94/16 Motion**

**MOVED Cr Cruickshank**

**That Council adopt the Procurement Policy, as presented.**

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**

Date Adopted	November 2009
Date Reviewed	15 December 2015
To be Reviewed	December 2016

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



**POLICY TITLE**      **PROCUREMENT**

**POLICY NUMBER**    **POL/CORP 229**

### **PURPOSE**

To provide a framework and a consistent approach to Procurement across Council.

### **SCOPE**

This policy applies to all Procurement activities undertaken for or on behalf of Council.

### **POLICY**

Council's Procurement Procedures and Practices will:-

1. Comply with all Legislative Requirements
2. Be aimed at achieving Best Value procurement for Council and the Community
3. Consider the local benefit and effect on the local economy and the municipality
4. Treat all potential suppliers who respond to quotations or tenders in a fair manner
5. Be administratively efficient
6. Be clearly documented and, subject to the need for confidentiality, available for inspection
7. In assessing Best Value for major purchases give preference to Suppliers and products which will enhance achievement of Council objectives such as sustainable and socially responsible procurement; provide bottom-line cost savings, support the Municipal economy and achieve innovation.

Employees are to exercise appropriate care in the expenditure of Council funds in consideration of budget allocations and this Policy.

### **RELATED POLICIES/DOCUMENTS**

Tendering Directive (Corp 217)  
Delegations of Financial Authority Directive (DIR/CORP 206)  
Risk Management Policy (Corp 216)  
Occupational Health and Safety Directive (DIR/STAFF 107)  
Fraud Control Policy (POL/CORP 226)  
Financial Investments Policy (POL/CORP 227)  
Corporate Credit Card Directive (DIR/CORP 203)

### **RELATED LEGISLATION**

Local Government Act 1989  
National Competition & Competitive Neutrality Policy  
Trade Practices Act 1974  
Goods and Services Tax (GST)

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_



Councillor Les McPhee vacated the chair and left the room at 2.13pm due to a declared conflict of interest.

John McLinden asked Councillors for nominations to take the chair. Councillor Kiley nominated Councillor Cruickshank.

Councillor Cruickshank assumed the chair for this item.

### **B.16.110 RURAL LAND USE STRATEGY 2016**

**Responsible Officer:** Director Development and Planning  
**File Number:** S22-04-03-02  
**Attachments:** 1 Rural Land Use Strategy Placeholder

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

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

#### **Summary**

This report is for Council to adopt the Rural Land Use Strategy 2016.

#### **Discussion**

Council determined to place the Rural Land Use Strategy (RLUS) 2016 on public exhibition at its March 2016 Ordinary Council meeting for a minimum period of 60 days.

#### **Consultation**

The Draft Rural Land Use Strategy was formally on exhibition for the months of April and May, noting that further consultation did occur outside of these times. Letters and accompanying RLUS documentation were sent to each of the community representative groups, totaling ten across the municipality. Notice of the RLUS was placed in the Swan Hill Guardian and Robinvale Sentinel and explanatory flyers were also included in the Swan Hill Guardian and a letterbox distribution in the Robinvale area. All information was made available on Council's website and at the Swan Hill and Robinvale Council offices.

Ten community meetings were held throughout the municipality, these sessions provided the community an opportunity to discuss the RLUS and have any questions answered directly by Council staff. Approximately 131 people attended these sessions along with Council staff. After the conclusion of the community information sessions, two additional drop-in sessions were held in Swan Hill and Robinvale to

**SECTION B - REPORTS**

13 September 2016

allow people the opportunity for further discussion with Council officers in a one-on-one setting.

The RLUS was also provided to relevant referral authorities for comment on the document, particularly in relation to the proposed candidate areas for rural living. Comment was received from VicRoads and the Department of Environment, Land, Water and Planning, these comments have been addressed in the RLUS.

Submissions

A total of 33 submissions were received.

The submissions can be summarised into the following categories.

- 23 submissions are site-specific and/or request rezoning of land
- 4 submissions relate to the increase of minimum lot size for a dwelling
- 3 submissions relate to rural industry/rural uses
- 4 submissions raise general issues

The submissions provide a variety of responses to the RLUS 2016. A brief summary of the submissions is contained below.

- Submissions request additional rezoning of land to Rural Living Zone and Low Density Residential Zone, specifically within and around the townships of Swan Hill, Lake Boga and Robinvale.
- Submissions relate to the proposed increase from 20ha to 50ha in the Farm Zone Schedule 2 for an 'as of right' dwelling. Three submissions opposed the increase and one submission was in support of the increase.
- Submissions relate to opposition to limiting first and second stage on-farm processing.
- Submissions relating to 'general issues' include, building on small blocks, promote tourism in Nyah and inability to build on land effected by the Land Subject to Inundation overlay.

Key changes as a result of submissions include:

- The addition of new areas for investigation for rural living in Robinvale, Lake Boga (including the development of an updated Lake Boga Framework Plan) and Swan Hill.
- Nyah north and the most southern section of Nyah candidate areas are to remain as investigation areas with further work required regarding access.
- Deleting the Farming Zone – Schedule 2, second stage processing policy. The uses and/or development associated with second stage processing will be assessed on their merits within the current policies in the planning scheme.
- Farming Zone, Schedule 1 has been amended to provide private diversion irrigators with the as of right to establish a dwelling on land that is at least

50ha in area. This is the same requirement that is allowed for Gazetted irrigation areas. A permit will be required for all dwellings on land under 50ha in the farming zone, whether they are private diversion areas or gazetted irrigation districts.

- The inclusion of an executive summary.

Revisions have been made to the strategy to respond to submissions as appropriate. Two submissions were received requesting land in Lake Boga be considered for rural residential development. These areas were reviewed against the rural living investigation criteria. The nominated areas met the investigation area criteria, but did not meet the Local Areas policy for Lake Boga at Clause 21.10 of the Swan Hill Planning Scheme. This policy specifies that residential development, including low density residential development, is to occur adjacent to existing development and is serviced with reticulated sewerage and town water.

As a result, the RLUS recommends that Council undertake structure planning for Lake Boga through the preparation of either a small settlement or housing strategy. This strategic work presents an opportunity to consider Low Density Residential development in the context of the overall housing supply in Lake Boga and the wider municipality.

The Robinvale candidate area on the eastern side of the town remains as a further investigation area pending further investigation and construction of the flood levee. A section of land at the Western end of Malaya Road has been included as a candidate area for rural residential development.

### **Financial Implications**

The adoption of the RLUS will have ongoing costs in the form of Council officer time to implement the recommendations through amendments to the planning scheme. Council will also be responsible for the statutory fees with any planning scheme amendments.

### **Social Implications**

The RLUS has been developed to guide the future of rural land use planning within the municipality with one of the main objectives being the protection of agricultural activity from conflicting land uses. The relatively small number of submissions is seen as general satisfaction within the community of the impacts of the RLUS 2016.

### **Economic Implications**

Agriculture is a key driver of the economy contributing a large percentage of the municipalities total output. The RLUS 2016 recognises the importance of agriculture and seeks to protect and grow the industry, through supportive planning provisions.

### **Environmental Implications**

The RLUS seeks to support the protection of the rural environment. The strategy also considers the impact of flood and fire risk on future rural development. The strategy upholds a sustainable approach to rural land use planning within the municipality.

### **Risk Management Implications**

Failure to implement robust land use strategies leaves Council vulnerable to inappropriate and adhoc development.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Adopt the Rural Land Use Strategy 2016, with recommended changes outlined in Attachment 1, to address feedback to the draft Rural Land Use Strategy 2016.
2. Not adopt the Rural Land Use Strategy 2016 and recommend changes.

### **Recommendations**

#### **That Council:**

1. **Notes all submissions to the draft Rural Land Use Strategy 2016.**
2. **Adopts the Rural Land Use Strategy 2016 as presented.**
3. **Advise all submitters of Council's decision to adopt the Rural Land Use Strategy 2016.**
4. **Prepare documentation and seek authorisation to exhibit a planning scheme amendment to the Swan Hill Planning Scheme to implement the recommendations of the Rural Land Use Strategy 2016.**

**95/16 Motion**

**MOVED Cr Norton**

**That Council:**

- 1. Notes all submissions to the draft Rural Land Use Strategy 2016.**
- 2. Adopts the Rural Land Use Strategy 2016, as per amendments below:  
Minimum lot size to establish a dwelling as of right for land described in the farming zone schedule 2 to remain at 20 hectares.**
- 3. Advise all submitters of Council's decision to adopt the Rural Land Use Strategy 2016.**
- 4. Prepare documentation and seek authorisation to exhibit a planning scheme amendment to the Swan Hill Planning Scheme to implement the recommendations of the Rural Land Use Strategy 2016.**

**SECONDED Cr Crowe**

**The Motion was put and CARRIED**

Councillor McPhee re-entered the room and resumed in the chair at 2.25pm.

Councillor Cruickshank advised of the outcome.

# **Attachment**

- Rural Land Use Strategy

**B.16.111 PLANNING PERMIT APPLICATION 2016/40  
PROPOSED DEVELOPMENT ASSOCIATED WITH A DWELLING  
AND FRONT FENCE ON A LOT LESS THAN 300SQ M IN THE  
GENERAL RESIDENTIAL ZONE**

**Responsible Officer:** Director Development and Planning  
**File Number:** 2016/40  
**Attachments:** 1 Plans

**Declarations of Interest:**

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

**Summary**

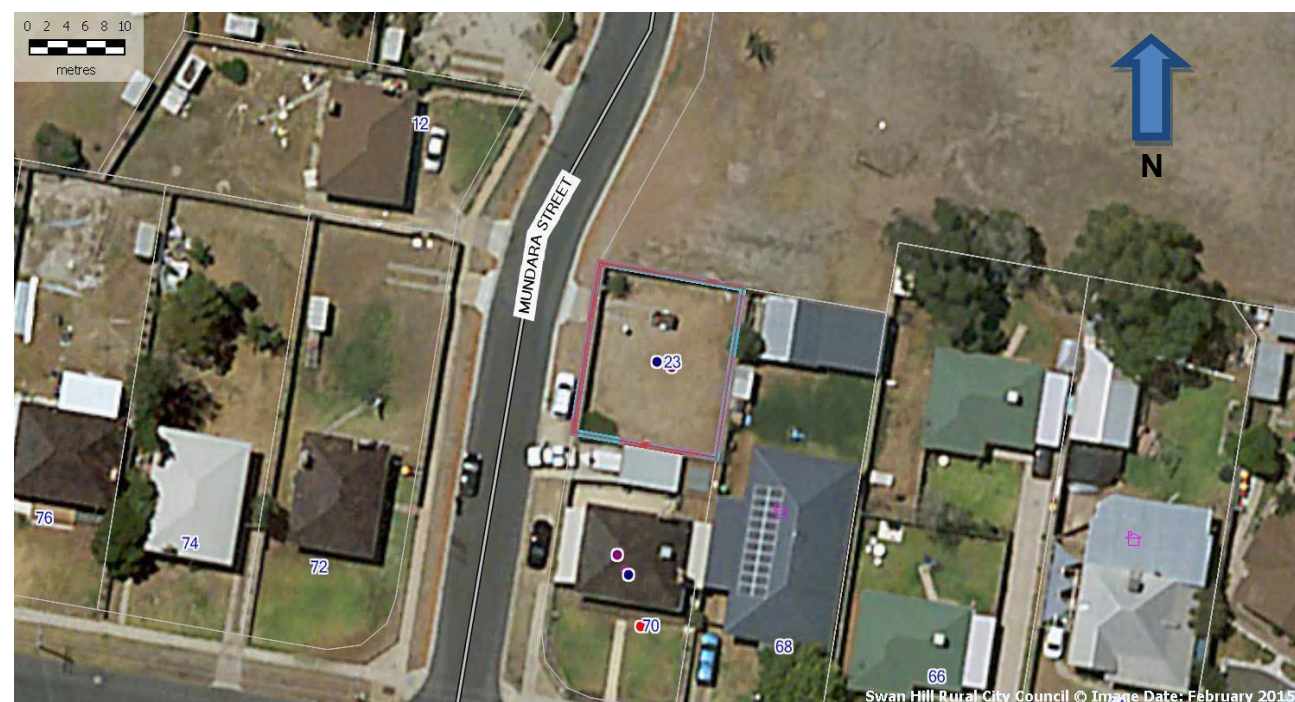
This report seeks a Council resolution to approve a planning permit application with an objection outstanding. The planning application is for the Development associated with a dwelling and front fence on a lot less than 300sq m in the General Residential Zone.

**Discussion**

Location and existing conditions

The subject land, as shown below, is located to the east of Mundara Street and is approximately 900m north-west of the Swan Hill CBD. The subject land is located within the General Residential Zone and contains no overlays. The land is currently undeveloped.

**Map 1 –Location of the subject land**



### Proposal

The proposal involves the development of the lot for a single storey dwelling and associated front fence within 3 meters of a street. The dwelling consists of three bedrooms with a total floor area of 108.64sq m and single carport. Secluded private open space will be located to the north of the dwelling. A 1.8m high colourbond fence will be constructed along the street frontage for a distance of 3m and be within 3m of Mundara Street. The fence is required to enclose the private open space of the dwelling.

### General Residential Zone

The purpose of the General Residential Zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To 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 nonresidential uses to serve local community needs in appropriate locations.*

The proposed development meets the purpose of the Zone in respect of the following:

- The development is considered respectful of the neighbourhood character of the surrounding area through the provision of a considered design.
- The proposed dwelling provides for a diversity in housing type through the provision of a smaller than average sized dwelling in the township in a location that offers good access to services and transport.

### General Residential Zone decision guidelines:

The relevant requirements outlined under the Decision Guidelines for the General Residential Zone within the Swan Hill Planning Scheme, in particular - general issues and the objectives, standards and decision guidelines of Clause 54 have been discussed in various sections of the report below.



### Planning history

Planning Permit 2003/223 was issued in 2004 for a two lot subdivision and removal of easement. This subdivision was completed and created the two lots that currently exist at 23 Mundara Street and 70 Chapman Street. As part of this subdivision, Lower Murray Water required a separate water meter be located on the land at 70 Chapman Street for the land at 23 Mundara Street. The water meter is also covered by a Body Corporate which is registered on the titles.

### Relevant state and local planning policies

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

#### Clause 16.01-1 Integrated housing

##### Objective

*To promote a housing market that meets community needs.*

##### Strategies

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities...*

The proposed development will provide for an increase in the supply of housing within the existing Swan Hill urban area on an un-utilised lot with access to urban infrastructure and services.

#### Clause 16.01-2 Location of residential development

##### Objective

- *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

##### Strategies include:

- *Identify opportunities for increased residential densities to help consolidate urban areas.*

#### Clause 16.01-4 Housing diversity

##### Objective

- *To provide for a range of housing types to meet increasingly diverse needs.*

Strategies include:

- *Encourage the development of well-designed medium-density housing which:*
  - *Respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*

Clause 21.04-2 Orderly growth of towns and settlements

Objective 5

*To accommodate the majority of population growth within urban centres.*

Strategies include:

*Strategy 5.1 Encourage infill and new development in urban areas within town boundaries.*

Clause 54 One Dwelling on a Lot

The application meets the objectives and standards of Clause 54.

## **Consultation**

### Public notification

The application was notified to the affected landowners and occupiers.

### Objection

One objection was received from the land owner of 70 Chapman Street which is located directly south of the subject land.

The reasons for objection are based on the Lower Murray Water water meter for 23 Mundara Street being located on the land at 70 Chapman Street. The objector has future intentions of pursuing the relocation of the water meter from 70 Chapman Street to 23 Mundara Street. The objector has stated that the subject development should not be constructed until the water meter has been moved to "...avoid further costs to both parties involved".

The objection is not considered a valid planning concern given the permit application is for development of a dwelling on the land. The water meter for 23 Mundara Street is legally permitted on the land at 70 Chapman Street and is covered by a Body Corporate registered on both titles.

### Referrals

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

1. Building Department - No objection.
2. Engineering Department – No objection subject to conditions.

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

### Mediation

Mediation was not conducted as the objector was unable to attend due to work commitments.

### Council assembly presentation

## **Financial Implications**

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

## **Social Implications**

It is expected that there would be positive social implications associated with the development of a vacant residential lot within an existing urban area.

## **Economic Implications**

It is expected that there would be positive economic implications associated with the development of the land through temporary construction employment and an increased rates and servicing base.

## **Environmental Implications**

There are no known negative environmental implications.

## **Risk Management Implications**

There are no known risks associated with this proposal.

## **Council Plan Strategy Addressed**

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

### **Options**

1. Council issue a Notice of Decision to grant a planning permit for the Development associated with a dwelling and front fence on a lot less than 300sq m in the General Residential Zone at 23 Mundara Street, Swan Hill subject to conditions and in accordance with the endorsed plan.
2. Council issue a Refusal to grant a Planning Permit for the Development associated with a dwelling and front fence on a lot less than 300sq m in the General Residential Zone at 23 Mundara Street, Swan Hill based on the following grounds of refusal:
  - a. One objection to the application.

However, refusal of the permit application would be inconsistent with the State Planning Policy Framework, the Local Planning Policy Framework, the Municipal Strategic Statement and the purpose of the General Residential Zone given the objection is not valid planning related objection.

### **Recommendation**

**That Council issue a Notice of Decision to grant a planning permit for the Development associated with a dwelling and front fence on a lot less than 300sq m in the General Residential Zone at 23 Mundara Street, Swan Hill subject to conditions and in accordance with the endorsed plans.**

### **96/16 Motion**

#### **MOVED Cr Kiley**

**That Council issue a Notice of Decision to grant a planning permit for the Development associated with a dwelling and front fence on a lot less than 300sq m in the General Residential Zone at 23 Mundara Street, Swan Hill subject to conditions listed below and in accordance with the endorsed plans.**

- 1 **The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
- 2 **Prior to the completion of the development, all redundant vehicle crossings must be removed and (kerb and channel) reinstated to the satisfaction of the Responsible Authority.**
- 3 **Prior to the completion of the development, the internal access driveway must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.**
- 4 **During construction, the permit holder shall restrict sediment**

**discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).**

- 5 Prior to the completion of the development, all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land. It is noted that the drainage must be limited to 1L/sec.**
- 6 Prior to the completion of the development, all drainage works must be completed to the satisfaction of the Responsible Authority.**
- 7 Prior to completion of the development, the dwelling must be connected to a reticulated sewerage system.**
- 8 Prior to completion of the development, the dwelling must be connected to a reticulated potable water supply.**
- 9 Prior to completion of the development, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
- 10 This permit will expire if one of the following circumstances applies:
  - a) The development is not commenced within two (2) years of the date of this permit.**
  - b) The development is not completed within four (4) years of the date of this permit.****

**In accordance with *Section 69 of the Planning and Environment Act, 1987* the Responsible Authority may extend the periods referred to if a request is made in Writing.**

**NOTES FROM THE RESPONSIBLE AUTHORITY:**

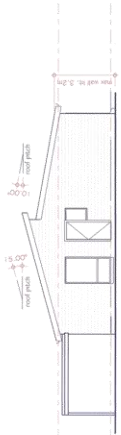
- a) It is noted that the crossover to the north of the site must be wholly removed and only one crossover is allowed to the land as shown on the endorsed plans.**
- b) Prior to any works commencing, a works within the roads reserve permit must be obtained from Council.**

**SECONDED Cr Crowe**

**The Motion was put and CARRIED**



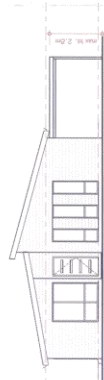
South elevation (1)



East elevation (2)

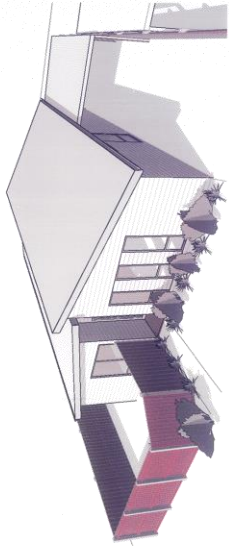
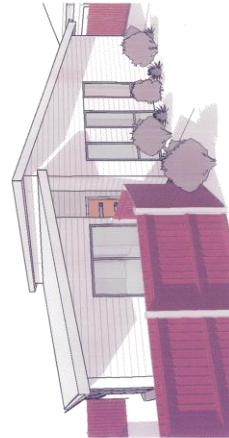


North elevation (3)



West elevation (4)

material / colour schedule	
<b>material</b>	<b>colour</b>
roof	light grey
gutter / fascia	charcoal
cladding	charcoal
ceiling	light grey
floor	charcoal
weatherboard	charcoal
door or metal	charcoal
window frames	charcoal



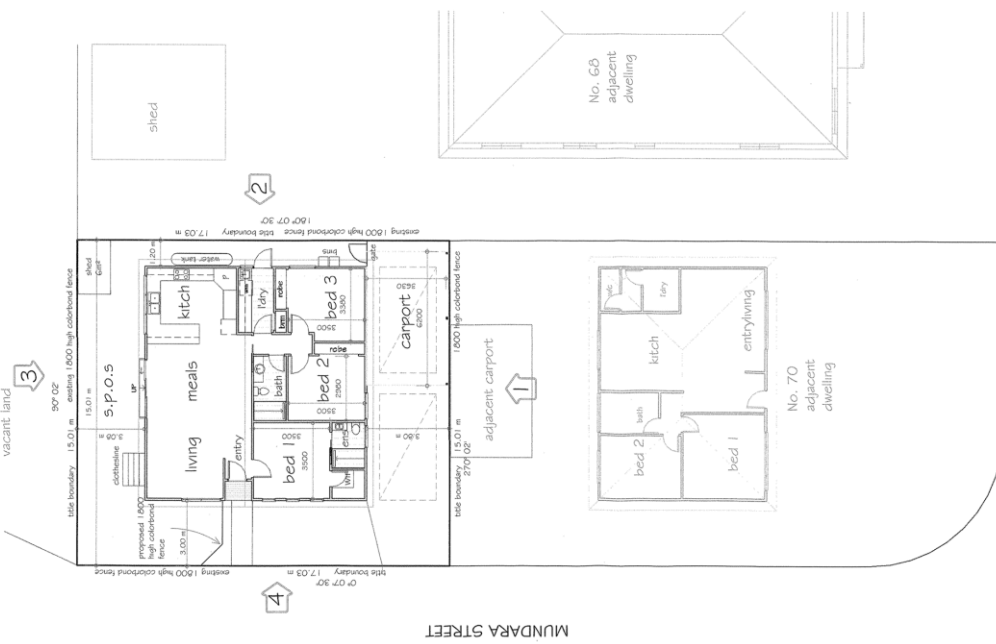
proposed residence  
at 23 Mundara Street, Swan Hill  
for S Sekely

PRELIMINARY ISSUE

project / sheet #: 15 266 a02  
scale: 1 : 100  
project date: 19/11/2015  
date printed: 1:28:18 PM  
drawn by: N Gray  
M Robiker

all dimensions, levels & drawings to be checked & verified on site prior to commencement of work

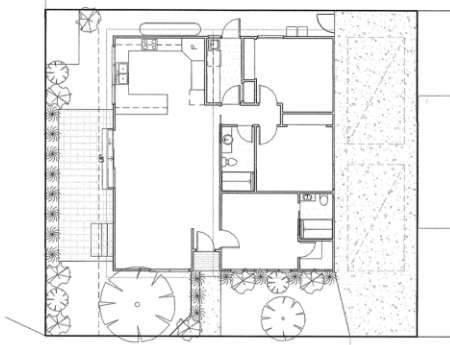




CHAPMAN STREET

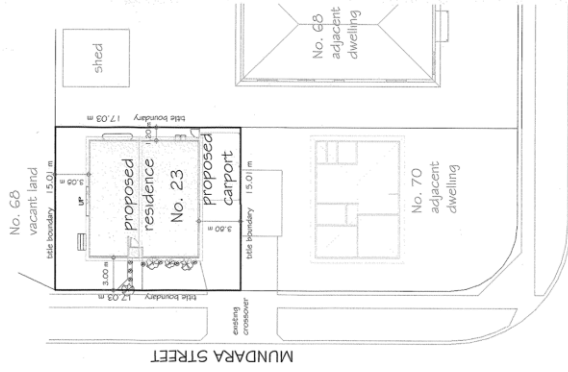
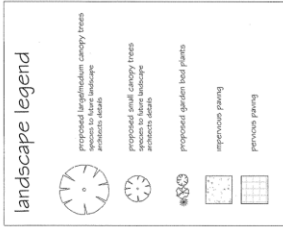
proposed floor plan

proposed residence  
at 23 Mundara Street, Swan Hill  
for S Sekely



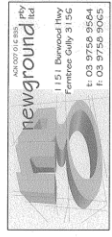
landscape concept plan

area schedule	
unit 2	108.64sqm
carport	23.44sqm
% p.a.o. (incl. shed)	56.12%
% p.a.o. (incl. 3m)	12.10%
% p.a.o.	53.69%
total yard	122.47sqm
site	255.62sqm
total coverage (buildings)	129.08sqm
total coverage (drainways)	32.25sqm
total impervious area (buildings + driveways)	161.33sqm - 64.5%



CHAPMAN STREET

site plan  
scale 1:200



all dimensions, levels & contours shown on this drawing to be checked & verified on site prior to commencement of work

Project / sheet #: 15 266 a01  
scale: As indicated  
Project date: 19/11/2015  
date printed: 1:28:11 PM  
drawn by: N. Gray  
M. Roskier

PRELIMINARY ISSUE



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

Page 1 of 1

VOLUME 10868 FOLIO 806

Security no : 124059633144T  
Produced 23/03/2016 02:55 pm

**LAND DESCRIPTION**

Lot 2 on Plan of Subdivision 523492J.  
PARENT TITLE Volume 08505 Folio 270  
Created by instrument PS523492J 15/04/2005

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
SUSAN SEKELY of 55 BELFAST ROAD MONTROSE VIC 3765  
PS523492J 15/04/2005

**ENCUMBRANCES, CAVEATS AND NOTICES**

COVENANT PS523492J 15/04/2005

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE PS523492J FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)


Street Address: 23 MUNDARA STREET SWAN HILL VIC 3585

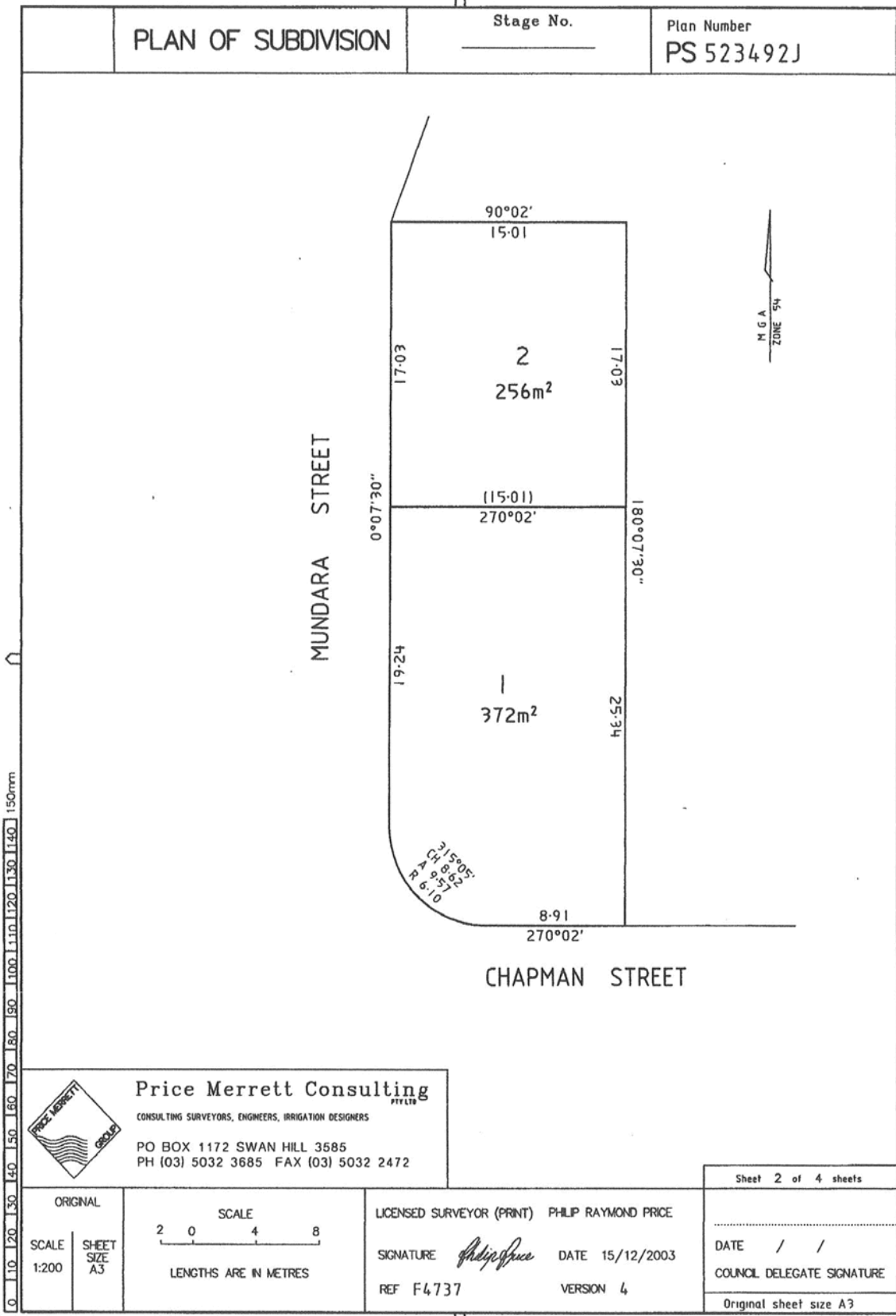
**OWNERS CORPORATIONS**

The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS523492J

DOCUMENT END

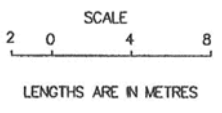




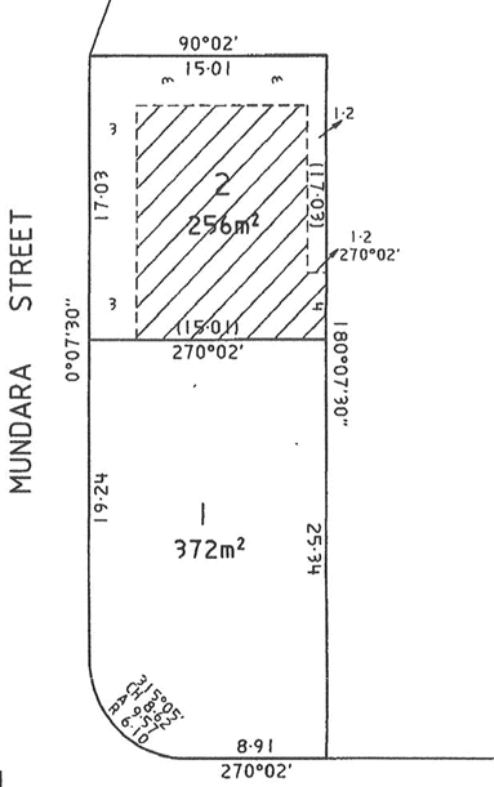

<b>PLAN OF SUBDIVISION</b>		STAGE NO. —	LTO use only <b>EDITION 1</b>	Plan Number <b>PS 523492J</b>
Location of Land Parish: CASTLE DONNINGTON Township: SWAN HILL Section: 5A Crown Allotment: G (PART) Crown Portion: LTO Base Record: VICMAP DIGITAL PROPERTY Title Reference: VOL 8505 FOL.270 Last Plan Reference: LP 50252 LOT 10 Postal Address: 70 CHAPMAN STREET (at time of subdivision) SWAN HILL AMG Co-ordinates (of approx. centre of land in plan) E 731840 N 6087100 Zone. 54		<b>Council Certificate and Endorsement</b> Council Name: SWAN HILL RURAL CITY COUNCIL Ref. <b>PP 03/223</b> 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6: / /</del> 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has</del> /has not been made. (ii) The requirement has been satisfied. <del>(iii) The requirement is to be satisfied in Stage</del> _____ Council delegate <del>Council Sec</del> Date <b>22 / 12 / 04</b> <del>Re-certified under section 11(7) of the Subdivision Act 1988.</del> Council Delegate <del>Council Sec</del> Date / /		
<b>Vesting of Roads and/or Reserves</b>				
Identifier		Council/Body/Person		
NIL		NIL		
<b>Notations</b>				
<b>Staging</b> This is not a staged subdivision Planning Permit No. 03/223				
<b>Depth Limitation</b> DOES NOT APPLY				
EASEMENT E-1 ON LOT 10 ON LP 50252 IS TO REMOVED AS CONDITION ON PLANNING PERMIT 03/223				
<b>Survey</b> This plan is based on survey This survey has been connected to permanent marks no(s) in Proclaimed Survey Area No.				
<b>Easement Information</b>				LTO use only
<b>Legend</b> E-Encumbering Easement or Condition in the Nature of an Easement A-Appurtenant Easement R-Encumbering Easement (Road)				Statement of Compliance/ Exemption Statement
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES				Received <input checked="" type="checkbox"/>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
				Date <b>4 / 4 / 05</b> LTO use only PLAN REGISTERED TIME 4:02 pm DATE 15 / 4 / 05 GS Neuman Assistant Registrar of Titles Sheet 1 of 4 Sheets
 <b>Price Merrett Consulting</b> CONSULTING SURVEYORS, ENGINEERS, IRRIGATION DESIGNERS PO BOX 1172 SWAN HILL 3585 PH (03) 5032 3685 FAX (03) 5032 2472		LICENSED SURVEYOR (PRINT) PHILIP RAYMOND PRICE SIGNATURE <i>Philip Price</i> DATE 15/12/2003 REF F4737 VERSION 4		DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3



**Price Merrett Consulting**  
CONSULTING SURVEYORS, ENGINEERS, IRRIGATION DESIGNERS  
 PO BOX 1172 SWAN HILL 3585  
 PH (03) 5032 3685 FAX (03) 5032 2472

Sheet 2 of 4 sheets
ORIGINAL SCALE 1:200 SHEET SIZE A3
LICENSED SURVEYOR (PRINT) PHILIP RAYMOND PRICE SIGNATURE <i>Philip Price</i> DATE 15/12/2003 REF F4737 VERSION 4
DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3



<b>PLAN OF SUBDIVISION</b>	Stage No. _____	Plan Number <b>PS 523492J</b>
<p><b>CREATION OF RESTRICTION</b></p> <p>UPON REGISTRATION OF THIS PLAN THE FOLLOWING IS CREATED</p> <p>LAND TO BE BURDENED</p> <p>LOTS 2 ON THIS PLAN</p> <p><b>DESCRIPTION OF RESTRICTION</b></p> <p>THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING LOT 2 ON THIS PLAN OF SUBDIVISION SHALL NOT</p> <p>A. CONSTRUCT ANY DWELLING OR GARAGE OUTSIDE THE AREA SHOWN HATCHED ON THE PLAN IN THE SCHEDULE HEREUNDER.</p> <p>B. CONSTRUCT ANY BUILDINGS OR WORKS OTHER THAN IN ACCORDANCE WITH THE ENDORSED PLANS ATTACHED TO PLANNING PERMIT NUMBER 03/223 ISSUED BY THE SWAN HILL RURAL CITY COUNCIL.</p>		
		
 <p><b>Price Merrett Consulting</b> CONSULTING SURVEYORS, ENGINEERS, IRRIGATION DESIGNERS PO BOX 1172 SWAN HILL 3585 PH (03) 5032 3685 FAX (03) 5032 2472</p>	<p>Sheet 3 of 4 sheets</p> <p>LICENSED SURVEYOR (PRINT) PHILIP RAYMOND PRICE</p> <p>SIGNATURE <i>Philip Raymond Price</i> DATE 15/12/2003</p> <p>REF F4737 VERSION 4</p> <p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>Original sheet size A3</p>	
<p>ORIGINAL</p> <p>SCALE 1:250</p> <p>SHEET SIZE A3</p>	<p>SCALE</p> <p>2.5 0 5 10</p> <p>LENGTHS ARE IN METRES</p>	

PS523492J

FOR CURRENT BODY CORPORATE DETAILS  
SEE BODY CORPORATE SEARCH REPORT

Sheet 3



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

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Produced: 23/03/2016 02:58:50 PM

OWNERS CORPORATION 1  
PLAN NO. PS523492J

The land in PS523492J is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Lots 1, 2.

Limitations on Owners Corporation:

Unlimited

Postal Address for Service of Notices:

70 CHAPMAN STREET SWAN HILL VIC 3585  
PS523492J 15/04/2005

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules.  
See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Notations:

NIL

Entitlement and Liability:

NOTE - Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 1	10.00	10.00
Lot 2	10.00	10.00





## Department of Environment, Land, Water & Planning

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### Owners Corporation Search Report

Total	20.00	20.00
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From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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**B.16.112 DOMESTIC WASTEWATER OPERATIONAL MANAGEMENT POLICY**

**Responsible Officer:** Director Development and Planning  
**File Number:** S33-25-01  
**Attachments:** 1 Domestic Wastewater Operational Management Policy

**Declarations of Interest:**

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

**Summary**

The Wastewater Operational Management Policy has been reviewed and is presented for Council's consideration. The policy details Council's legal obligations with respect to domestic wastewater management.

**Discussion**

No change has been made to the policy; all information is considered relevant as no legislative changes have occurred.

The corresponding procedures have also been reviewed in conjunction with the policy review, with minor formatting changes to the Septic Tank Application Procedure and the Land Capability Assessments Procedure.

Following consultation with Councilors, the Investigation of Domestic Wastewater Complaints and Enforcement Protocols Procedure has been amended to specify that the investigating officer must action the complaint within two business days from receipt.

The Policy is attached to this report.

**Consultation**

No community consultation has been undertaken in relation to this policy.

**Financial Implications**

The proposed Policy will be delivered within the existing budget allocation.

**Social Implications**

If not well managed, wastewater can become a significant community and public health issue. The Policy developed aligns with relevant legislation and provides Council with a safe and effective means to control this issue.

### **Economic Implications**

Safe and effective wastewater management encourages development in unsewered areas.

### **Environmental Implications**

Poorly managed wastewater can have significant environmental impacts. The Policy helps Council and the community to prevent this from happening.

### **Risk Management Implications**

Poorly managed wastewater can have significant health and safety impacts.

### **Council Plan Strategy Addressed**

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

### **Options**

1. Adopt the Domestic Wastewater Operational Management Policy as presented
2. Request further changes

### **Recommendation**

**That Council adopt the Domestic Wastewater Operational Management Policy, as presented.**

### **97/16 Motion**

#### **MOVED Cr Cruickshank**

**That Council adopt the Domestic Wastewater Operational Management Policy, as presented.**

#### **SECONDED Cr Norton**

**The Motion was put and CARRIED**



Date Adopted  
Current as at  
To be Reviewed

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



**POLICY TITLE** DOMESTIC WASTEWATER OPERATIONAL MANAGEMENT POLICY

**POLICY NUMBER** POL/COMM808

**PURPOSE**

Swan Hill Rural City Council’s Public Health Services has a responsibility for ensuring that Council is meeting its legal obligations with respect to domestic wastewater management and the *Environment Protection Act 1970* and the State Environment Protection Policy (*Waters of Victoria*).

**SCOPE**

This policy applies to all Council staff dealing with onsite wastewater management. The policy also applies to all new multi lot subdivisions and all new installations or alterations of onsite wastewater management systems.

**POLICY**

- All septic tank installations within Swan Hill Rural City Council is to be installed in accordance with the *Environment Protection Act 1970* and the State Environment Protection Policy (*Waters of Victoria*).
- All property owners will be made aware of their responsibilities to ensure compliance with the *Environment Protection Act 1970* and the State Environment Protection Policy (*Waters of Victoria*) including requirements to apply for a permit to install or alter a septic tank system and monitor and maintain that septic tank system in accordance with the permit conditions issued by Swan Hill Rural City Council.
- Potential public health or environmental health risks or nuisances associated with failing septic tank systems will be appropriately investigated and immediate action is taken to remedy the risk.

**RELATED POLICIES/DOCUMENTS**

Septic Tank Applications Procedure PRO/COMM810  
Land Capability Assessments Procedure PRO/COMM811  
Investigation of Complaints and Enforcement Protocols Procedure PRO/COMM809  
Domestic Wastewater Management Plan 2013-2016

**RELATED LEGISLATION**

Environment Protection Act 1970  
State Environment Protection Policy (Waters of Victoria)

Signed: \_\_\_\_\_ Mayor Date: \_\_\_\_\_

## **B.16.113 MONTHLY PLANNING AND BUILDING FIGURES - AUGUST 2016**

**Responsible Officer:** Director Development & 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 August 2016.

### **Discussion**

#### **Planning**

<b>Type</b>	<b>2016</b>		<b>2015</b>	
	<b>No. of July</b>	<b>No. Of YTD</b>	<b>No. Of July</b>	<b>No. Of YTD</b>
Planning Permit Applications Received	19	122	11	121
Approvals under delegation	14	89	6	97
Notice of Decision to Grant a Planning Permit	0	3	0	1
Notice of Decision to refuse a Planning Permit	0	0	0	3
Application Lapsed or Withdrawn	1	5	0	1
VCAT upheld Council decision	0	0	1	1
VCAT set aside Council decision	0	0	0	0
<b>Total number of decisions</b>	<b>14</b>	<b>92</b>	<b>7</b>	<b>102</b>

#### **Monthly decision breakdown by town**

	<b>Approved July 2016</b>	<b>Approved YTD</b>	<b>Refused July 2016</b>	<b>Refused YTD</b>
<b>Swan Hill</b>	7	37	0	0
<b>Robinvale</b>	2	26	0	0
<b>Lake Boga</b>	0	4	0	0
<b>Nyah</b>	0	3	0	0
<b>Nyah West</b>	0	1	0	0

**Building  
August – Comparisons**

TYPE	2016		2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	7	2,186,504	7	2,275,093
Dwelling additions	9	577,888	4	162,751
Unit Developments	0 *(0)	0	1*(1)	5,000
Shops	1	5,000	0	0
Offices	0	0	0	0
Warehouses	1	40,000	1	22,500
Factories	2	659,000	0	0
Public Buildings	0	0	1	59,000
OutBuildings	17	401,696	10	156,930
Other	10	183,367	8	176,350
<b>Total</b>	<b>47</b>	<b>\$4,053,455</b>	<b>32</b>	<b>\$2,857,624</b>

\*( ) denotes total number of Dwelling Units

<b>New Dwellings - August</b>			
2016		2015	
Swan Hill	4	Swan Hill	6
Robinvale	3	Robinvale	1

**Year to Date – Comparisons**

TYPE	1/01/2016 to 31/08/2016		1/01/2015 to 31/08/2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	38	12,647,568	43	12,625,289
Dwelling additions	58	3,527,272	55	2,065,593
Unit Developments	3*(11)	1,002,000	3*(3)	178,700
Shops (1)	4	126,000	9	5,057,824
Offices	2	2,213,711	6	812,500
Warehouses (2)	7	1,005,000	7	2,575,584
Factories (3)	13	3,693,819	3	525,000
Public Buildings (4)	6	1,024,654	14	14,332,402
OutBuildings	73	1,591,939	94	2,010,129
Other	33	689,331	42	1,172,899
<b>Total</b>	<b>237</b>	<b>\$27,521,295</b>	<b>276</b>	<b>\$41,355,921</b>

\*( ) denotes total number of Dwelling Units

(1) The majority of the 2015 'Shops' amount relates to the Bunnings Store development valued at \$4.5M (Stage 3);

(2) The majority of the 2016 'Offices' amount relates to the Kyndalyn Park Administration Building at Bannerton valued at \$2.069M

(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 and Kyndalyn Park Factory (Stage 2) valued at \$600,000 and a Factory at 180 Karinie Street, Swan Hill valued at \$619,000;

(5) The majority of the 2015 'Public Buildings' amount relates to the Swan Hill Hospital Aged Care Facility valued at \$9.8M and the SuniTAFE Extensions valued at \$2.16M;

### **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**

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

### **Options**

Not applicable

### **Recommendation**

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

**98/16 Motion**

**MOVED Cr Kiley**

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

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

## **B.16.114 CHISHOLM RESERVE DRAINAGE PLAN AMENDED PRIORITIES**

**Responsible Officer:** Director Infrastructure  
**File Number:** S11-27-05  
**Attachments:** 1 Map

**Declarations of Interest:** Officer

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

### **Summary**

This report seeks to alter the priorities for drainage works at Chisholm Reserve, Swan Hill.

### **Discussion**

At the June 28, 2016 Council Meeting, Council resolved:

*That Council:*

1. *Adopt, in principle, the attached Chisholm Reserve Drainage Plan subject to*
  - a. *further consultation with all of the Motor Sports Clubs at Chisholm Reserve;*
  - b. *the development of final designs; and*
  - c. *staging in line with funds availability.*
  
2. *Agree in principle to fund Projects 1-7 as shown in the attached Draft Drainage Plan to the value of \$193,000 to be funded from*
  - a. *Swan Hill Community Plan (\$120,000)*
  - b. *2015-16 end of year estimated surplus (\$20,000)*
  - c. *Swan Hill Landfill Financial Assurance Reserve (\$53,000), if required.*

Following this decision a series of meetings were held with the various motor sports clubs, to discuss the drainage works as well as other issues relating to the management of Chisholm Reserve.

At a meeting to discuss these items on August 25, 2016 the Drag Racing Club requested that the works identified at location 2 and 3 on the attached plan not to be completed prior to a drag race event on October 8, 2016. This work consists of completing some bored pipe works under the drag strip and a culvert under the drag strip pit area. At this meeting the Motor Cycle Club also asked that Item 8, the pipe running past the Motor Cycle Club pit area, be brought forward and completed as a matter of urgency. This request was discussed at length between the clubs and considered to be a reasonable request. Officers confirmed that they would investigate this option and if the funding allowed for additional works they would discuss further with Council.

Further discussions have been held with the President of the Drag Racing Club and it has been confirmed that they would not object to the bored pipes works under the drag strip to be deferred to a later date.

Current estimates for the drainage works identified at location 2 and 8 are:

- Item 2 - \$24,150
- Item 8 - \$19,000

If item 8 were to be constructed instead of item 2 then the whole project will still be within the budget of \$193,000 previously set by Council. This would enable officers to complete some additional works to stabilise some soft spots adjacent to the drainage works at location 7. These works are important for access for the drag strip event in October.

### **Consultation**

On August 25, 2016 a meeting was held at the Information Center and attended by representatives of the various Chisholm Reserve Motor Sports Clubs, Councillors and Council Officers. Discussions were centered around the drainage works proposed at Chisholm Reserve. This is the meeting where the request was made to review the priority order.

Councilors attended the site at Chisholm Reserve for a briefing on proposed works. This meeting was held on September 6, 2016.

Subsequent to this meeting officers contacted the Drag Racing Club President to confirm that they were satisfied with the proposal to delay the installation of a bored pipe under the drag strip. This was confirmed.

### **Financial Implications**

Projected expenditure for the revised priorities can be completed within the approved budget of \$193,000.

### **Social Implications**

Not applicable

### **Economic Implications**

The completed works and the investment into this facility will assist with all clubs running future events and attracting investment to the community.

### **Environmental Implications**

Not applicable

### **Risk Management Implications**

Not applicable

### **Council Plan Strategy Addressed**

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

### **Options**

#### **Option 1:**

Proceed in accordance with the original Council resolution to construct Items 1 to 7 at an estimated cost of \$193,000, but delaying the construction of Items 2 and 3 until after the Drag Race Meeting in October as requested by the Drag Racing Club. This option would not address the issue of the lack of drainage through the Motor Cycle Clubs pit area.

This option is not recommended.

#### **Option 2:**

Substitute Item 8 for Item 3 and construct Items 1, and 3 to 8 at an estimated cost of \$193,000, delaying Item 3 until after the Drag Race Meeting in October and postponing Item 2 until more funding is available.

This is the recommended option as it addresses all of the concerns raised by the various Motor Sports Clubs.

### **Recommendations**

#### **That Council**

- 1. Approve the amendment to the priority order for drainage works to complete Works identified as item 1 and works identified as items 3-8 outlined within this report.**
- 2. Note that drainage works item 2 will be deferred until a later date.**



**99/16 Motion**

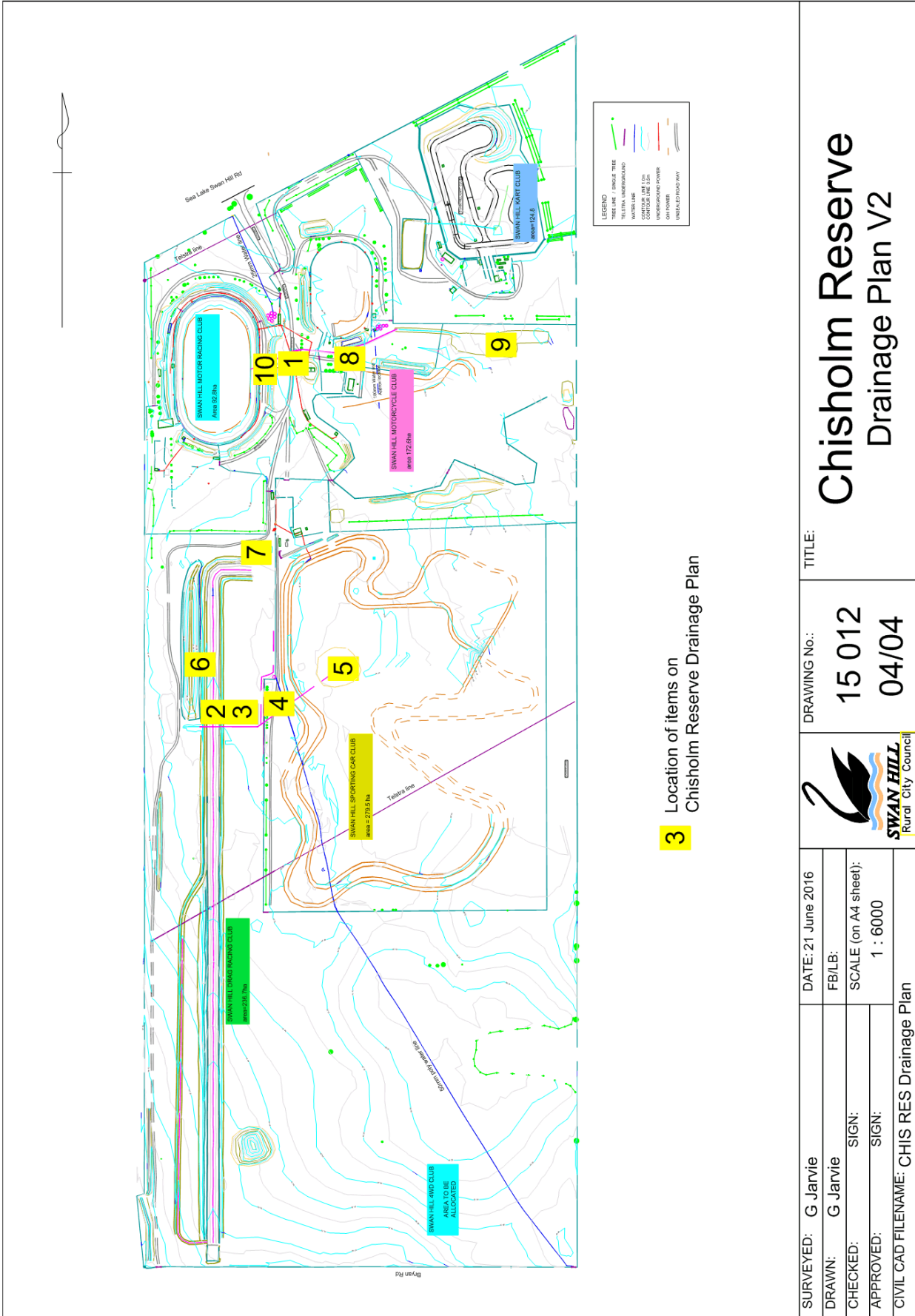
**MOVED Cr Cruickshank**

**That Council**

- 1. Approve the amendment to the priority order for drainage works to complete Works identified as item 1 and works identified as items 3-8 outlined within this report.**
- 2. Note that drainage works item 2 will be deferred until a later date.**

**SECONDED Cr Crowe**

**The Motion was put and CARRIED**



## **B.16.115 CIVIC RECEPTIONS, RECEPTIONS, AND THE PROVISION OF HOSPITALITY POLICY**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S16-25-02  
**Attachments:** 1 Civic Receptions, Receptions, and the Provision of Hospitality Policy

### **Declarations of Interest:**

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

### **Summary**

The Council Policy concerning Civic Receptions, Receptions and the provision of hospitality is due for review. The review process to date has resulted in no change to the intent of the policy.

### **Discussion**

This policy provides guidance and standards of civic functions, ceremonies, receptions and/or provision of hospitality.

### **Consultation**

No community consultation has been undertaken in relation to this policy. All members of the Executive Leadership Team have reviewed the policy. The policy once adopted will be reviewed in two years.

### **Financial Implications**

The budget includes funding to support the implementation of the policy.

### **Social Implications**

The policy should enhance Council representation at civic functions, ceremonies, receptions and/or the provision of hospitality within the community.

### **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**

1. Adopt policy as presented
2. Request amendments to policy

### **Recommendations**

**That Council adopt the Civic Receptions, Receptions and the Provision of Hospitality policy, as presented.**

### **100/16 Motion**

**MOVED Cr Norton**

**That Council adopt the Civic Receptions, Receptions and the Provision of Hospitality policy, as presented.**

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**

Date Adopted	November 2008
Date current as at	May 2016
To be Reviewed	May 2018

Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
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**POLICY TITLE**      **CIVIC RECEPTIONS, RECEPTIONS AND THE PROVISION OF HOSPITALITY**

**POLICY NUMBER**    **POL/GOV014**

**PURPOSE**

This policy provides guidance for the approval and standards of civic functions, ceremonies, receptions and/or the provision of hospitality provided by Council.

The provision of Civic or other receptions and hospitality is an important part of building relationships with other levels of Government and other appropriate authorities.

**SCOPE**

This policy applies to the Councillors and CEO of Swan Hill Rural City Council.

**POLICY**

Council will upon request and at its sole discretion provide a Civic Reception for visiting dignitaries from State or Federal Government when on official visits and when these dignitaries are at Ministerial level or above.

Council will also consider providing Civic Receptions for delegations from Sister Cities or for visitors of national significance or others as determined by the Mayor in consultation with the Chief Executive Officer.

Mayoral receptions may be provided for persons/organisations where recognition is considered appropriate but a full Civic Reception is not justified.

Requests for Civic Receptions will be handled in accordance with the Civic Receptions and the provision of Hospitality Procedure.

**RELATED POLICIES/DOCUMENTS**

Councillor Attendance at Functions – POL/GOV009

**RELATED LEGISLATION**

Nil

**Signed:** \_\_\_\_\_ **Mayor**                      **Date:** \_\_\_\_\_

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

### **C.16.16 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
764	Lease Agreement Railway Lot 41-44 Swan Hill	Between VicTrack and SHRCC	25/8/16
765	Deed of Renewal of Lease	Between SHRCC and Nyah District Swimming Pool Committee	26/8/16
766	S5 Delegation	SHRCC to CEO	1/9/16
767	S6 Delegation	SHRCC to Members of Council Staff	1/9/16
768	Section 173 Agreement	Between SHRCC and Bethune	1/9/16
769	Lease Agreement	Between SHRCC and Manangatang Playgroup	1/9/16

## **Conclusion**

Council authorise the signing and sealing of the above documents.

## **Recommendation**

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

## **101/16 Motion**

### **MOVED Cr Norton**

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

### **SECONDED Cr Kiley**

**The Motion was put and CARRIED**

**C.16.17 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.**

**102/16 Motion**

**MOVED Cr Kiley**

**That Council note the contents of the report.**

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA****6 September 2016 at 1.00pm****Council Chambers, Town Hall****AGENDA ITEMS**

- Councillor site visit to Chisholm Reserve
- Procurement Policy
- Civic Receptions, Receptions and the Provision of Hospitality Policy & Procedure
- Major Events Support Scheme Monthly Update
- Wastewater Policy
- Rural Land Use Strategy
- MDBA – EOI to Host Regional Engagement Officer
- Planning Permit Application
- Update on Pioneer Settlement 50 Year Celebration
- Splatt Street Refurbishment
- Confidential Report
- Nominations of Citizens to attend Government House

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

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

**Apologies**

Nil

**OFFICERS**

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Oliver McNulty, Director Infrastructure
- Adam McSwain, Director Development and Planning
- Ken Symons, Commercial Services Coordinator
- Helen Morris, Organisational Development Manager
- Muriel Scholz, Acting Economic and Community Development Manager
- Trish Ficarra, Public Health and Regulatory Services Coordinator
- Stefan Louw, Development Manager
- Rachael Blandthorn, Planning Officer
- Dallas Free, Works Manager
- Dione Thompson, Senior Properties Officer

Other

- Nil

**CONFLICT OF INTEREST**

- Cr Les McPhee vacated the room for agenda item 6 (Rural Land Use Strategy) as he has an indirect interest due to financial interest.

**SECTION D – NOTICES OF MOTION**

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

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

**Cr Kiley**

Nil

**Cr Noton**

Manangatang VFF  
Chaired MAV Transport and Infrastructure Committee Meeting  
MAV Board Meeting  
Nyah District Action Group  
MDA Meeting (Swan Hill)  
Rural Councils Victoria Conference  
MAV Conference and Dinner  
MAV State Council Meeting

**Cr Crowe -**

Festival of Motor Sports Meeting  
Woorinen Progress Association Meeting  
Chisholm Reserve Meeting  
Swan Hill Bridge Meeting at Swan Hill Club  
Chisholm Reserve Meeting  
Festival of Motor Sports Meeting  
Chisholm Reserve Meeting  
Chisholm Reserve Inspection

**Cr Cruickshank**

Judged S Factor Talent Show

**Cr McPhee -**

Lake Boga Land and on Water Management Plan Committee Meeting  
Dinner with RDV Members James Flintoff, Stan Liacos and Robyn Leslie  
Tour of Riverfront and Livestock Exchange with RDV Members  
Catalina coffee shop meeting to finalise plans  
MDA Meeting at EDU  
Mayor/CEO Meeting  
Robinvale Business Breakfast  
Opening of Croquet Season  
Catalina Committee of Management Meeting  
3SH Radio Interview  
Mayor/CEO Meeting

**SECTION G – IN CAMERA ITEMS**

**103/16 Motion**

**MOVED Cr Norton**

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

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**

Meeting moved to In Camera at 2.46pm

**B.16.116 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**  
**B.16.117 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**  
**B.16.118 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**

**104/16 Motion**

**MOVED Cr Kiley**

**That the meeting move out of closed session**

**SECONDED Cr Crowe**

**The Motion was put and CARRIED**

**SECTION H – DECISIONS MADE IN CAMERA**

**B.16.116 UPDATE ON BONDED FOOTPATH WORKS**

**105/16 Motion**

**MOVED Cr Norton**

**That Council approve an amount of \$63,000 from the renewal and upgrade of footpaths budget, to be applied to the construction of footpaths in Cutri Drive, Swan Hill and Anniversary Drive, Robinvale.**

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**

**B.16.117 PACKAGED CARE TRANSITION**

**106/16 Motion**

**MOVED Cr Cruickshank**

**That Council:**

- 1. Notes the report and recommendations of the Tender Evaluation Group in regards to the tender process for sale of the 273 home care packages held by Council in its capacity as an approved provider under the Aged Care Act 1997 (Cth).**
- 2. Note the report from the Director of Community and Cultural Services in regard to the tender evaluation process.**
- 3. Enter negotiations with a preferred tenderer, The Uniting Church in Australia Property Trust (Victoria) trading as Uniting AgeWell ABN 43**

**887 911 651 (Preferred Tenderer) to conclude a binding transfer agreement and incidental licence agreement (Transaction Agreement), subject to the requirements prescribed in these resolutions.**

- 4. Give notice to other tenderers that negotiation is occurring with a Preferred Tenderer, and at a time considered appropriate by the Chief Executive Officer and once a binding Transaction Agreement is concluded, give notice to the unsuccessful tenderers.**
- 5. Determine that if a Transaction Agreement is not concluded with the Preferred Tenderer within a period of time considered sufficient by the Chief Executive Officer for negotiations to be finalised, to proceed to negotiate with the following next two highest evaluated tenderers to conclude a Transaction Agreement:**

**5.1 mecwa ABN 59 004 927 244; and**

**5.2 VincentCare Victoria ABN 53 094 807 280  
(Alternate Tenderers).**

- 6. Extend delegated authority to the Chief Executive Officer to:**

**6.1 Undertake negotiations with the Preferred Tenderer on behalf of Council in accordance with the parameters set out in the Request For Tender Document.**

**6.2 If applicable, to undertake negotiations with the Alternate Tenderers in accordance with the parameters set out in the Request For Tender Document.**

**6.3 Execute a Transaction Agreement substantially in the form submitted by the Preferred Tenderer or the Alternate Tenderers.**

**6.4 Undertake all things necessary to give effect to the above resolutions including making the decision public and notifying all the relevant stakeholders of Council's decision.**

- 7. Declare the Officer's report, Tender Evaluation Group Report and associated appendices and attachments as confidential information in accordance with section 77 of the Local Government Act 1989 (Vic) on the grounds that it relates to contractual matters.**

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

**B.16.118 CLAIM FOR REIMBURSEMENT OF COUNCILLOR LEGAL COSTS**

**This item was deferred to the a forthcoming Council Meeting.**

There being no further business the meeting was closed at 3.10pm