



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 15 March 2016

Held at the Swan Hill Town Hall
Council Chambers, McCallum
Street, Swan Hill
Commencing at 2:00 PM

COUNCIL:

Cr LT McPhee – Mayor

Cr JN Katis

Cr CM Adamson

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr JB Crowe

Confirmed 19 April 2016

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

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

- **Acknowledgement of Country**

Mayor, Cr Les McPhee read the Acknowledgement of Country.

- **Prayer**

Cr Gary Norton read the prayer.

- **Apologies**

David Lenton, Director Corporate Services

Recommendations

That the apologies be accepted.

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 16 February 2016

3/16 Motion

MOVED Cr Katis

That the minutes be confirmed.

SECONDED Cr Kiley

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Cr Michael Adamson declared a conflict of interest for item B.16.16 “Planning Scheme Amendments Requests”, due to being a resident of that area.

Cr Jessie Kiley declared a conflict of interest for the In Camera item being discussed due to a relationship with one of the parties involved.

Cr Cruickshank declared a conflict of interest for item B.16.19 “Draft Swan Hill Car Park Management Strategy” due to being a business owner.

Cr Les McPhee declared a conflict of interest for item B.16.18 “Draft Rural Land Use Strategy” due to having a relation who is looking at subdivision.

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

Nil

- **Public Question Time**

Nil

SECTION B – REPORTS

B.16.11 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 14-12-15
2 S5 Instrument of Delegation to CEO

Declarations of Interest: Officer

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

Summary

Section 98 of the Local Government Act (1989) enables council to delegate to a member of council staff, with specified exemptions, 'any power, duty or function of a council under this Act or any other Act' and delegate the Chief Executive Officer the power to delegate a power of the council, other than power of delegation, to another member of council staff.

Maddocks, in their attached letter, has recommended that council should refresh the Chief Executive Officer's delegations as a matter of course.

Discussion

In order to comply with the various legislative requirements, Council delegates a range of powers to the Chief Executive Officer. These delegations are made in accordance with section 98 of the Local Government Act 1989.

As per letter attached from Maddocks dated 14 December 2015 it has been advised that all Instruments of Delegation should be updated, or refreshed, on a regular basis to ensure that they incorporate all recent legislative developments. This includes the Instrument of Delegation to Council's Chief Executive Officer, even though it is expressed in general terms.

Section 94A of the Act states:

- (1) A Council's Chief Executive Officer is responsible for –
 - (a) Establishing and maintaining an appropriate organizational structure for the Council; and
 - (b) Ensuring that the decisions of the Council are implemented with undue delay; and
 - (c) The day to day management of the Council's operations in accordance with the Council's Corporate Plan; and

- (d) Providing timely advice to the Council.
- (2) The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out his or her functions.
- (3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.

The delegation to the Chief Executive Officer is a 'delegation by exception'.

Consultation

This is a statutory requirement of Council and as such consultation is not part of the process.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council can choose to vary the level of delegations however the efficiency of day to day management of Council would be affected.

Recommendations

That Council:

- 1. Exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer as attached.**
- 2. Delegate to the person holding the position of Chief Executive Officer, or Acting Chief Executive Officer, the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer as attached to the report, subject to the conditions and limitations specified in that Instrument.**
- 3. Affix the common seal of the Council to the Instrument.**

4/16 Motion

MOVED Cr Kiley

That Council:

- 1. Exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer as attached.**
- 2. Delegate to the person holding the position of Chief Executive Officer, or Acting Chief Executive Officer, the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer as attached to the report, subject to the conditions and limitations specified in that Instrument.**
- 3. Affix the common seal of the Council to the Instrument.**

SECONDED Cr Norton

The Motion was put and CARRIED



Maddocks

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Melbourne Victoria 3000 Australia

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DX 259 Melbourne

Email Letter

From Erin Tucker Direct 03 9258 3691 Partner Melanie Olynyk	Date 14 December 2015 Email melanie.olynyk@maddocks.com.au
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Our Ref MSB:628721

Dear subscriber

Delegations and Authorisations Service Update Second Update 2015

We are pleased to provide you with our final update to the Delegations and Authorisations Service for 2015. This update takes into account legislative changes made since our last update in June 2015, which affect councils' powers, functions and duties.

We have set out below a summary of the changes made to the Service in this update.

All of the updates are contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

CHANGES MADE IN THIS UPDATE

1. This update amends our S1, S6, S7, S11, S13 and S14 Instruments. We have outlined some of the changes to each instrument below.

Changes to the S1 Instrument – Explanatory Notes

2. We have amended the S1 Instrument – Explanatory Notes so that it refers to the 5 instruments of delegation included in the Delegations and Authorisation Service (namely, the S5, S6, S7, S13 and S14) and explains the differences between each instrument.

Changes to the S6 Instrument of Delegation from Council to Staff

3. In relation to the S6 Instrument of Delegation from Council to Staff, we note the following in particular:
 - 3.1 we have included new duties and powers which have been inserted into the *Cemeteries and Crematoria Act 2003*, including ss85(2)(b)-(c). These new provisions came into effect on 9 November 2015.

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- 3.2 several new duties and powers have been inserted into to the *Planning and Environment Act 1987*, including ss.46GF- 46GI, s.46GL, s.46GM and s.46QD. These provisions come into effect on 1 June 2016 unless proclaimed earlier. Section 60(1B) has also been added, and came into effect on 12 October 2015.
- 3.3 We have included the updates to the Regulations contained in our mini Update released in October 2015, namely the Cemeteries and Crematoria Regulations 2015, the Planning and Environment (Fees) Interim Regulations 2015 and the Road Management (Works and Infrastructure) Regulations 2015.

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

4. In relation to the S7 Instrument of Sub-Delegation, we note the following in particular:
- 4.1 we have added some new powers under the *Local Government Act 1989* relating to environmental upgrade agreements but note that, while your council's CEO can be delegated the power to enter into an environment upgrade agreement and the power to declare and levy environmental upgrade charges, the CEO does **not** have the power to **sub-delegate** those powers (see new s181H). We recommend that your council re-makes its Instrument of Delegation to its CEO to ensure that the CEO is conferred with these new powers.
- 4.2 we have not included the new duties in the *Local Government Act* of preparing an internal resolution procedure (under new s 81AA) and an election period policy (under new s93B) as these documents will be approved by Council under resolution.
- 4.3 we have included the updates to the Regulations contained in our mini Update released in October 2015, namely the *Local Government (General) Regulations 2015* and the *Subdivision (Fees) Interim Regulations 2015*.

Changes to the S13 Instrument of Delegation of CEO powers, duties and functions

5. As noted in our last update in June 2015, the S13 document now enables a Council CEO to delegate all of his or her statutory duties, functions or powers to a member of Council staff and contains the following features:
- 5.1 it is a template Instrument of Delegation, as opposed to a list that was capable of being turned into an Instrument of Delegation; and
- 5.2 it covers all powers, duties and functions of the CEO under *all* Victorian legislation, not just the *Local Government Act*.
6. As with all our Instruments of Delegation contained in the Service, the S13 Instrument only contains powers, duties and functions which are capable of delegation.
7. It is up to each CEO to consider precisely which (if any) of his or her powers, duties and functions contained in the S13 Instrument to delegate to Council staff. We recommend that any power, duty or function which is not intended to be exercised personally by the CEO is delegated to enable another member of Council staff to validly exercise those powers, duties or functions.
8. Some changes have been made to the S13 instrument in this update, some of which are already in force and others will commence in due course (e.g. on 1 September 2016 unless proclaimed earlier).



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Changes to the S14 Instrument of Delegation from CEO to Staff (VicSmart)

9. Amendments have been made to the S14 Instrument of Delegation from CEO to Staff (for VicSmart) to reflect the:
 - 9.1 introduction of s 60(1B) of the *Planning & Environment Act* (mentioned above); and
 - 9.2 commencement of the *Planning and Environment (Fees) Interim Regulations* (also mentioned above).

LOCAL LAWS

10. While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.
11. Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.

UPDATING YOUR INSTRUMENTS

12. As a final comment, we recommend that you re-make all of your council delegations on a regular basis to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation from Council to the CEO.

Please feel free to contact us if you have any questions regarding the Service or you would like assistance with your council's Instruments of Delegation or Authorisation.

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner



Maddocks

Maddocks Delegations and Authorisations

S5. Instrument of Delegation to Chief Executive Officer

Swan Hill Rural City Council

Instrument of Delegation

to

The Chief Executive Officer



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Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Swan Hill Rural City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on ##[**#date#**];
- 2. the delegation
- 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 2.2 is subject to any conditions and limitations set out in the Schedule;
- 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL OF THE SWAN HILL)
 RURAL CITY COUNCIL was hereunto)
 affixed in the presence of:)

.....
 Chief Executive Officer

 (Print Name)

.....
 Councillor

 (Print Name)

.....
 Councillor

 (Print Name)



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SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$1,000,000;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or



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- 7.2 strategy
adopted by Council; or
- 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

B.16.12 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 14-12-15
2 S6 Instrument of Delegation Members of Council Staff

Declarations of Interest:

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

Summary

In order to deliver services to the community and discharge obligations placed on Council by legislation in an efficient and effective manner, Council has in place a range of delegations to members of Council staff. Periodically these delegations need to be reviewed and, if appropriate, updated. This report recommends changes to some delegations made by Council to members of Council staff.

The changes are the result of legislative changes to the relevant Acts, changes to position titles and organisational structure.

The vast majority of the delegations have not changed.

Some new Acts have come into force. Delegations of power for these Acts are also included in the attached document.

Discussion

In order to comply with the various legislative requirements, Council delegates a range of powers and accountabilities to appropriately qualified and experienced members of Council staff. These delegations are made in accordance with section 98 of the Local Government Act 1989. A delegation may be made subject to limitations on these powers, such as the need to inform Council of a determination.

The powers and obligations delegated are mostly procedural in nature, allowing the delivery of services in accordance with Council policy, adopted strategies and plans, the authorized budget, and discharging Council obligations in accordance with legislative requirements.

The delegation of powers and obligations to Council staff by Council is managed by the Maddocks 'delegations and authorizations service'. Maddocks monitors changes to state legislation, and every six months provides a listing of the sections of

legislation that a municipality could delegate to enable efficient and effective delivery of services.

The six monthly review of legislative changes has resulted in the recommended amendments in the attached document which are summarized in the attached letter from Maddocks.

Council delegations are made to positions in the organisation rather than to individual members of staff to avoid the need to change the delegation upon the departure of a staff member or the staff member taking up a different position in the Council.

Consultation

Community consultation is not appropriate for the subject of this report.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council can choose to vary the delegations however the efficiency of Council operations would be affected.

Recommendations

That Council:

- 1. Amend the schedule of delegated authorities, duties and functions of the various officers as detailed in the attached document.**
- 2.**
 - a) Delegate to the members of Council staff holding or acting in the officer's position referred to in the Instrument of Delegation to members of Council staff, the powers, duties and functions once amended by the attached changes, subject to the conditions and limitations specified in that amended Instrument effective from the date that the Common Seal of Council is affixed to the instrument.**
 - b) Revoke all the previous delegations related to the amended instrument on the coming into force of the amended instrument.**

5/16 Motion

MOVED Cr Kiley

That Council:

- 1. Amend the schedule of delegated authorities, duties and functions of the various officers as detailed in the attached document.**
- 2.**
 - a) Delegate to the members of Council staff holding or acting in the officer's position referred to in the Instrument of Delegation to members of Council staff, the powers, duties and functions once amended by the attached changes, subject to the conditions and limitations specified in that amended Instrument effective from the date that the Common Seal of Council is affixed to the instrument.**
 - b) Revoke all the previous delegations related to the amended instrument on the coming into force of the amended instrument.**

SECONDED Cr Katis

The Motion was put and CARRIED



Maddocks

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Email Letter

From Erin Tucker	Date 14 December 2015
Direct 03 9258 3691	Email melanie.olynyk@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:628721

Dear subscriber

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- 3.2 several new duties and powers have been inserted into to the *Planning and Environment Act 1987*, including ss.46GF- 46GI, s.46GL, s.46GM and s.46QD. These provisions come into effect on 1 June 2016 unless proclaimed earlier. Section 60(1B) has also been added, and came into effect on 12 October 2015.
- 3.3 We have included the updates to the Regulations contained in our mini Update released in October 2015, namely the Cemeteries and Crematoria Regulations 2015, the Planning and Environment (Fees) Interim Regulations 2015 and the Road Management (Works and Infrastructure) Regulations 2015.

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

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- 4.2 we have not included the new duties in the *Local Government Act* of preparing an internal resolution procedure (under new s 81AA) and an election period policy (under new s93B) as these documents will be approved by Council under resolution.
- 4.3 we have included the updates to the Regulations contained in our mini Update released in October 2015, namely the *Local Government (General) Regulations 2015* and the *Subdivision (Fees) Interim Regulations 2015*.

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- 5.2 it covers all powers, duties and functions of the CEO under *all* Victorian legislation, not just the *Local Government Act*.
6. As with all our Instruments of Delegation contained in the Service, the S13 Instrument only contains powers, duties and functions which are capable of delegation.
7. It is up to each CEO to consider precisely which (if any) of his or her powers, duties and functions contained in the S13 Instrument to delegate to Council staff. We recommend that any power, duty or function which is not intended to be exercised personally by the CEO is delegated to enable another member of Council staff to validly exercise those powers, duties or functions.
8. Some changes have been made to the S13 instrument in this update, some of which are already in force and others will commence in due course (e.g. on 1 September 2016 unless proclaimed earlier).



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Changes to the S14 Instrument of Delegation from CEO to Staff (VicSmart)

9. Amendments have been made to the S14 Instrument of Delegation from CEO to Staff (for VicSmart) to reflect the:
 - 9.1 introduction of s 60(1B) of the *Planning & Environment Act* (mentioned above); and
 - 9.2 commencement of the *Planning and Environment (Fees) Interim Regulations* (also mentioned above).

LOCAL LAWS

10. While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.
11. Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.

UPDATING YOUR INSTRUMENTS

12. As a final comment, we recommend that you re-make all of your council delegations on a regular basis to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation from Council to the CEO.

Please feel free to contact us if you have any questions regarding the Service or you would like assistance with your council's Instruments of Delegation or Authorisation.

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner

Attachment

- S6 instrument of Delegation to Members of Council Staff

B.16.13 MOTION TO LIFT A REPORT OFF THE TABLE - MEDIA POLICY

Responsible Officer: Director Corporate Services
File Number: 22-42-00
Attachments: Nil

Declarations of Interest:

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

Summary

At the Ordinary Meeting of Council held on 16 February 2016 it was moved that the report on the Media Policy lay on the table.

The Draft Media Policy was discussed at the Councillor Assembly on 23 February 2016 and is now ready for Council consideration.

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 - Effective and efficient utilisation of resources.

Recommendation

That Council lift the report on the Media Policy off the table.

6/16 Motion

MOVED Cr Katis

That Council lift the report on the Media Policy off the table.

SECONDED Cr Norton

The Motion was put and CARRIED

B.16.14 MEDIA POLICY AND PROCEDURE

Responsible Officer: Director Corporate Services
File Number: 22-42-00
Attachments: 1 Media Policy

Declarations of Interest:

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

Summary

Council's Media Policy and Procedure provides guidance and processes for managing communication between Council and the media.

A review of the Media Policy and Procedure has been conducted. The attached document includes the changes to the policy.

Discussion

The Media Policy ensures that procedures are in place so that communication between Council and the media is managed appropriately. The Policy will:

- Ensure that the appropriate spokesperson has the authority and knowledge to speak on behalf of Council.
- Ensure that staff approached by the media follow appropriate procedure.
- Provide Councillors with procedures regarding the media, including during the election period.
- Ensure that communication between Council and the media is managed effectively and in a timely way.
- Ensure that staff conduct advertising through the Media Unit.
- Provide staff and Councillors with guidelines on emergency management communication.
- Provide guidelines on the release of information during Caretaker Period.

Council adopted the current Media Policy in 2013. As part of the review process, minor changes have been made to the Media Policy and Procedure by the Executive Leadership Team and Councillors following an Assembly on the 23 February. This includes comments to the media by Councillors and the authorisation of officers to make comment to the media if the relevant Director of Chief Executive Officer authorises them to do so. The reviewed procedure also acknowledges that media releases may be published on Council's social media accounts.

Consultation

Members of the Executive Leadership Team have reviewed the policy.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The media policy will ensure appropriate procedures are in place when responding to media enquires.

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Options

Nil

Recommendation

That Council adopt the Media Policy as presented.

7/16 Motion

MOVED Cr Kiley

That Council adopt the Media Policy as presented.

SECONDED Cr Adamson

The Motion was put and CARRIED

POLICY TITLE **MEDIA**
POLICY NUMBER **POL/GOV003D**

PURPOSE

To establish protocols for managing communication between Council and the media.

SCOPE

This policy applies at all times to all employees and Councillors. During the election caretaker period, employees and Councillors should also refer to the Swan Hill Rural City Council Caretaker Directive and Procedure in conjunction with this policy.

POLICY

All Councillors and employees will comply with Council’s media procedures to ensure communication between Council and media is managed appropriately.

The Mayor and the Chief Executive Officer are the official spokespersons for Swan Hill Rural City Council.

Councillors speaking to the media will clearly indicate whether comments that they are expressing are the official position of Council or represent their own personal views.

Directors can act as authorised spokespersons on issues from their areas of responsibility. Officers may provide comment only if the relevant Director or the Chief Executive Officer authorises them to do so.

RELATED DIRECTIVES/POLICIES

- Website Directive - DIR/CORP225
- Communication Strategy
- Social Media Policy – POL/GOV 017
- Swan Hill Rural City Council Caretaker Directive – DIR/GOV016
- Councillor Code of Conduct
- Swan Hill Rural City Council Staff Code of Conduct
- Swan Hill Rural City Council Business Continuity and Disaster Recovery Plan

RELATED LEGISLATION

- Privacy and Data Protection Act 2014
- Local Government Act 1989

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

B.16.15 AUDIT COMMITTEE REPORT

Responsible Officer: Director Corporate Services
File Number: 42-02-03
Attachments: 1 Audit Committee Confidential Minutes

Declarations of Interest:

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

Summary

Council's Audit Committee met on 11 February 2016 and this report summarises the items that were discussed at the meeting.

Discussion

The Audit Committee met on 11 February 2016 and as well as the usual procedural items the agenda items included:

1. Presentation to the Committee on Heartbeat of the Murray Project
2. Corporate Credit Card Internal Audit Review
3. Animal Control Internal Audit Review
4. IT Disaster Recovery Plan Internal Audit Review
5. Rates Modelling Internal Audit Review
6. Quarterly Report ending 31 December 2015
7. CEO Recruitment Update Process

The Audit Committee were satisfied with all of the reports and responses given by officers to any questions that were raised during discussion.

The Corporate Credit Card Review identified a few process improvements and Policy changes that would improve the controls over credit card use. These recommendations will be implemented by officers over the coming months.

The Animal Control Review will result in a rationalization of firearms owned by Council.

The IT Disaster Recovery Plan is virtually complete other than correction of some minor typographical errors.

The additional training recommended in the Rates modeling Internal Audit has been completed.

The other items on the Agenda were for information.

One question regarding drainage design was taken on notice as it needed to be referred to Engineering staff who were not present at the meeting.

Consultation

Not applicable.

Financial Implications

The sitting fees paid to independent members on the Audit Committees are adjusted annually by CPI. Sitting fees are included in Councils Budget.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The Audit Committee helps to oversee Council's risk management practices. Internal and other audits are routinely done to reduce the risk to Council.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Not applicable.

Recommendation

That Council note the contents of this report.

8/16 Motion

MOVED Cr Katis

That Council note the contents of this report.

SECONDED Cr Crowe

The Motion was put and CARRIED

Attachment

- Audit Committee Confidential Minutes

B.16.16 PLANNING SCHEME AMENDMENT REQUESTS – C58, C60, C61, C62, C63 AND C64 FOR THE SOUTH WEST DEVELOPMENT PRECINCT

Responsible Officer:	Director Development and Planning
File Number:	S22-03-01-01, S22-03-01-02, S22-03-01-03, S22-03-01-04, S22-03-01-05 and S22-03-01-06
Attachments:	1 Panel Report, (9/02/16) Master Plan for the SWDP (Version 8) SH SWDP Drainage Strategy (V2, 23/07/15) SH SWDP Traffic Impact Assess (May 2015) SH SWDP Traffic Impact Assess Appendices Report (May 2015) SH SWDP Traffic Strategy (Feb 2015)

Declarations of Interest: Officer

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:

- Consider the report and recommendations of the independent Planning Panel appointed by the Minister for Planning to review Planning Scheme Amendments C58, C60, C61, C62, C63 and C64 and all submissions;
- To determine whether to adopt Planning Scheme Amendments C58, C60, C61, C62, C63 and C64 (with or without changes) and request Ministerial approval;
- To determine whether to re-adopt the Master Plan for the South West Development Precinct, Version 8 with the changes as recommended by the independent Planning Panel;
- To determine whether to adopt the background documentation, as listed above, as final documents.

Discussion

Council at its meeting of 17 March 2015 resolved to place the amendments on exhibition. Amendment C58 was placed on public exhibition between 26 May and 30 June 2015, with no opposing submissions but a number of changes to the Amendment requested.

Amendments C60-C64 were placed on public exhibition between 13 August and 14 September 2015, with one opposing submission received to each Amendment and a number requesting changes to the Amendments.

On 20 October 2015, Council resolved to refer the submissions to an independent Planning Panel.

A Directions Hearing was held in relation to the Amendments on 10 November 2015. The Panel then met in Swan Hill on 10 and 11 December to hear submissions to the Amendments.

This process is now complete and if Council chooses, the Amendments can now proceed to the final stage in the process, which is for Council to adopt the amendments and forward the amendments to the Minister for Planning for approval and gazettal.

Planning Panel Process

The Panel hearing was held over two days as previously mentioned. Council provided its submission in two parts, with Part A circulated to all parties prior to the hearing and Part B circulated and presented at the hearing. VicRoads provided a written submission and spoke to this submission at the hearing. An additional three (3) submitters also took the opportunity to address the Panel.

The Panel Report was received on 9 February 2016 and is included as an attachment. Overall the Panel has supported the Amendments and recommends adoption. The Panel report was released to the Public on 2 March 2016 and all submitters were directly notified of its release.

Council must now consider the report and recommendations of the Panel, and determine whether to adopt the Amendments (as exhibited or with changes).

Planning Panel Report and Recommendations

The Panel has recommended that Amendments C58, C60, C61, C62, C63 and C64 to the Swan Hill Planning Scheme be adopted as exhibited, subject to the following changes:

1. Retain the existing Schedule 1 to the Development Plan Overlay.
2. Rezone to Road Zone Schedule 2 land indicated as RDZ2 on the exhibited Map 39.
3. Delete exhibited Schedules 6, 7, 8, 9, 10, and 11 to the Development Plan Overlay. Apply a new Schedule 6 to the Development Plan Overlay, as shown in Appendix C.
4. Adopt version 8 of the Master Plan for the South West Development Precinct, revised as recommended as follows:
 - a) Delete the area to be rezoned to Commercial 1 Zone.
 - b) Add the following note:

Subject to retail demand analysis, a lot or lots for the purpose of a commercial area generally in accordance with the area depicted, may be shown in the plan of subdivision for the relevant stage of the development of Sub-Precinct 2. Such lot or lots must not be used for purposes other than for commercial

- purposes, to the satisfaction of the responsible authority. Once identified on a plan of subdivision, such land may be rezoned from the General Residential Zone to a commercial zone.
- c) Delete Note 1 which refers to medical centre, child care centre and aged care facilities.
 - d) Delete Note 2 which refers to open space provision.
 - e) Amend the note 'Buffer width 20m' adjacent to 7 Dead Horse Lane to be 'Buffer width 10m'.
 - f) Amend the note 'Minimum of 1000sqm lots' to say 'Minimum of 800sqm lots' for the land abutting the Low Density Residential Zones and land in the south of areas covered by Amendments C58, C60 C62 and C63 which abuts land designated for further residential use in the Draft Master Plan for the South West Development Precinct.
 - g) Amend the area of land shown in Stage 1 to include land for the alignment of the collector road, which provides connectivity between Amendment areas C60 and C62, land for intersection #12 as set out in the South West Development Precinct Contribution to Infrastructure, and land extended to accommodate a single row of lots to the west of the north south collector road, and to the south of the east-west collector road.
 - h) Include the intersection numbers and locations as set out in the South West Development Precinct Contribution to Infrastructure.
 - i) The six sub-precincts should be delineated and the sub-precinct numbers included.
 - j) Shade the land to the south of the Stage 1 land (which is currently shown as also being included in the General Residential Zone) as Farming Zone, with the note 'Possible future residential development'.
 - k) Include a note associated with all of the lots proposed to be retained in the Farming Zone along the west side of Gray Street as 'Possible future residential development' subject to the requirements of clause 52.10 being met to ensure the on-going operation of the existing industrial land uses to the east of Gray Street.
 - l) Delete Note 3 in relation to the Master Plan implementation. Delete Note 4 in relation to amendments to the Master Plan.
5. Amend the area of land covered by Amendment C60 to include land for the alignment of the collector road which provides connectivity between Amendment areas C60 and C62, land for intersection number 12 as set out in the South West Development Precinct Contribution to Infrastructure, and land to accommodate a single row of lots to the west of the north-south collector road, and to the south of the east-west collector road in the extended area.
6. Adopt Schedule 6 to the Development Plan Overlay as set out in Appendix C and include in it the amended Master Plan for the South West Development Precinct.

In addition to its recommendation, the Panel Report concluded the following with respect to content and approach of Amendments C58, C60, C61, C62, C63 and C64:

SECTION B - REPORTS

15 March 2016

- The Amendments are strategically justified;
- There is a demonstrated need for more residentially zoned land in urban Swan Hill to meet the needs of projected population growth;
- The application of the General Residential Zone to the majority of the land in the Amendment areas is appropriate;
- Planning Practice Notes and Ministerial Directions have been appropriately complied with.

Panel recommendation and officer comments

Rec. No.	Panel Recommendation	Officer Recommendation
1	Retain the existing Schedule 1 to the Development Plan Overlay.	There is no need to change the current Schedule 1, as it does not affect the proposed amendment areas. Recommendation: Accept the change
2	Rezone to Road Zone Schedule 2 land indicated as RDZ2 on the exhibited Map 39.	This amendment request was omitted from the original description of the amendment, but was shown on the exhibited plan for Amendment C61. It is part of the existing alignment of Gray Street and no land holder would be impacted by this. Recommendation: Accept the change
3	Delete exhibited Schedules 6, 7, 8, 9, 10, and 11 to the Development Plan Overlay. Apply a new Schedule 6 to the Development Plan Overlay, as shown in Appendix C	This is a direct change to the original amendment. All parties are in favour of this approach. Recommendation: Accept the change
4	Adopt version 8 of the <i>Master Plan for the South West Development Precinct</i> , revised as recommended as follows:	Only minor changes are proposed and are considered an acceptable outcome. Recommendation: Overall recommendation is to accept the changes to the Master Plan.
4A	a) Delete the area to be rezoned to Commercial 1 Zone.	The Master Plan still makes provision for the inclusion of commercial premises in the future by adding the note at 4B.

SECTION B - REPORTS

15 March 2016

4B	b) Add the following note: Subject to retail demand analysis, a lot or lots for the purpose of a commercial area generally in accordance with the area depicted, may be shown in the plan of subdivision for the relevant stage of the development of Sub-Precinct 2. Such lot or lots must not be used for purposes other than for commercial purposes, to the satisfaction of the responsible authority. Once identified on a plan of subdivision, such land may be rezoned from the General Residential Zone to a commercial zone.	
4C	c) Delete Note 1 which refers to medical centre, child care centre and aged care facilities.	The General Residential Zone provisions provide adequate opportunity for these types of uses to occur within the zone.
4D	d) Delete Note 2 which refers to open space provision.	The Panel has concluded that directing a cash contribution for open space to be used wholly for the Ken Harrison Reserve is not an appropriate or reasonable planning outcome. The Swan Hill Planning Scheme under Clause 56 already requires this contribution and requires provision of a Hierarchy of public open spaces, serving different roles, to serve the residential communities. It is recommended to accept the change proposed by the Panel.
4E	e) Amend the note 'Buffer width 20m' adjacent to 7 Dead Horse Lane to be 'Buffer width 10m'.	This is considered acceptable, given there is a requirement for a 20m buffer inside the 7 Dead Horse Lane property boundaries.
4F	f) Amend the note 'Minimum of 1000sqm lots' to say 'Minimum of 800sqm lots' for the land abutting the Low Density Residential Zones and land in the south of areas covered by Amendments C58, C60 C62 and C63 which abuts land designated for further residential use in the Draft Master Plan for the South West Development Precinct.	The reduction of lots from 1000m ² to 800m ² is acceptable and will still achieve the same outcome to prevent too many lots from backing on to larger low density residential lots.

SECTION B - REPORTS

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4G	g) Amend the area of land shown in Stage 1 to include land for the alignment of the collector road, which provides connectivity between Amendment areas C60 and C62, land for intersection #12 as set out in the <i>South West Development Precinct Contribution to Infrastructure</i> , and land extended to accommodate a single row of lots to the west of the north south collector road, and to the south of the east-west collector road.	This is not an unreasonable request. It seems logical and should be supported.
4H	h) Include the intersection numbers and locations as set out in the <i>South West Development Precinct Contribution to Infrastructure</i> .	There are no concerns with providing this information on the plan.
4I	i) The six sub-precincts should be delineated and the sub-precinct numbers included.	No issues with indicating the sub-precincts on the plan. Sub-precincts replace the separate amendments.
4J	j) Shade the land to the south of the Stage 1 land (which is currently shown as also being included in the General Residential Zone) as Farming Zone, with the note 'Possible future residential development'.	This request is also acceptable and it makes sense to have "stage 2" indicated as Farming Zone as it is not being rezoned at this stage.
4K	k) Include a note associated with all of the lots proposed to be retained in the Farming Zone along the west side of Gray Street as 'Possible future residential development' subject to the requirements of clause 52.10 being met to ensure the on-going operation of the existing industrial land uses to the east of Gray Street.	The inclusion of this note is just to further clarify or state that the Farming Zone land could be rezoned in the future subject to the requirements of Clause 52.10 being met.
4L	l) Delete Note 3 in relation to the Master Plan implementation. Delete Note 4 in relation to amendments to the Master Plan.	No longer required as the Master Plan will be included in only one schedule to the Development Plan Overlay.
5	Amend the area of land covered by Amendment C60 to include land for the alignment of the collector road which provides connectivity between Amendment areas C60 and C62, land for intersection number 12 as set out in the <i>South West Development Precinct Contribution to Infrastructure</i> , and land to accommodate a single row of lots to the west of the north-south collector road, and to the south of the east-west collector road in the extended area.	This is required to facilitate the linkage between the sub-precincts. This change does not alter the outcome of the original amendment request. Recommendation: Accept the change.

6	<p>Adopt Schedule 6 to the Development Plan Overlay as set out in Appendix C and include in it the amended Master Plan for the South West Development Precinct.</p>	<p>This change has been considered as an acceptable outcome and makes sense to have only one Master Plan followed by detailed plans for each sub-precinct.</p> <p>Recommendation: Accept the change.</p>
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Consultation

As previously stated, Public exhibition of the Amendments took place during the months of May and June 2015 and August and September 2015 respectively.

All submitters were advised on 1 March 2016 that the Panel Report for Amendments C58, C60, C61, C62, C63 and C64 was made public, and a copy of the document was provided on Council's website. Hardcopies of the report were also provided to the submitters.

Financial Implications

There are no adverse financial implications. The proponent is required to pay the Planning Scheme Amendment fees and infrastructure costs will be borne by the developers.

Social Implications

The Master Plan informs the rezoning of land within South West Development Precinct (SWDP) to facilitate the supply of residential land to meet the increasing housing needs of the Swan Hill community. Rezoning land is also critical for addressing affordable housing issues. In addition, future developments within the SWDP will offer a variety of residential lots that will meet the diverse housing needs of future communities.

One (1) new Schedule to the Development Plan Overlay encourages that future developments within the SWDP incorporate sustainable design and healthy by design principles. The development infrastructure within SWDP is to be constructed to the standards specified in the Local Government Infrastructure Design Association's Infrastructure Design Manual (adopted by Council in April 2013).

The above requirements are to ensure future development within the SWDP meet community needs and enhance the liveability of the area and the wellbeing of Swan Hill communities.

Economic Implications

The Master Plan approach is not expected to have any negative impact on the local economy. In contrast, facilitating the provision of appropriately zoned residential land will have positive impacts on the economy.

During the construction of future developments there will be direct and indirect job opportunities created for locals, particularly in the areas of real estate and building and construction.

Further, more housing means more people, and more demand, which will boost local businesses and the local economy.

Environmental Implications

Farming and Low Density Residential zoned land within the SWDP are already cleared and have been used for dry land and irrigated agriculture activities and rural residential purposes. As such there are no significant flora and fauna left within the SWDP to be affected by future developments.

As part of the pre-amendment consultations, the former Department of Environment and Primary Industries were consulted. The Department did not have any objection to the Master Plan and agreed that removal of native vegetation to facilitate future developments within the SWDP will have to be assessed as per the requirements of Clause 52.17 of the Swan Hill Planning Scheme.

Goulburn Murray Water requires that future use and developments should not impact detrimentally on the flow and quality of surface water and ground water. The new Schedule to the DPO has been amended to include this requirement.

Further, the new Schedule to the DPO require detailed studies/analysis to be undertaken prior to issuing planning permits for future use and developments. These studies are to identify and minimise negative impacts of future developments on the environment.

SWDP is not located within the designated Bushfire Prone area, nor affected by Bushfire Management Overlay / Wildfire Management Overlay. Any bushfire risk would be addressed at the building permit stage with construction standards enforced through the Building Code of Australia.

Risk Management Implications

There are no known risks in undertaking the master planning process for the SWDP.

Council Plan Strategy Addressed

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

Options

The *Planning and Environment Act 1987* requires Council to formally determine whether to adopt Amendments C58, C60, C61, C62, C63 and C64 and Ministerial Direction No. 15 requires that this determination must be made within 40 business days of receiving the Panel Report, which is Friday 8 April 2016.

In reaching its decision, Council must consider all the Panel's recommendations but it is not obligated to accept them. If in adopting the amendment, Council does not accept one or more of the Panel's recommendations; it must outline the reasons why when submitting the amendment to the Minister for Planning for approval.

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

- Option 1:
 - To adopt Amendments C58, C60, C61, C62, C63 and C64 (with the changes recommended by the Panel);
 - Re-adopt the Master Plan for the South West Development Precinct (Version 8)
 - To adopt the following background documentation as final documents:
 - Swan Hill South West Development Precinct Drainage Strategy (Version 2, 23 July 2015)
 - Swan Hill South West Development Precinct Traffic Impact Assessment (dated May 2015)
 - Swan Hill South West Development Precinct Traffic Impact Assessment Appendices Report (dated May 2015)
 - Swan Hill South West Development Precinct Traffic Strategy (dated February 2015)

- Option 2:
 - To adopt Amendments C58, C60, C61, C62, C63 and C64 as exhibited (without recommended changes);
 - To adopt the following background documentation as final documents:
 - Swan Hill South West Development Precinct Drainage Strategy (Version 2, 23 July 2015)
 - Swan Hill South West Development Precinct Traffic Impact Assessment (dated May 2015)
 - Swan Hill South West Development Precinct Traffic Impact Assessment Appendices Report (dated May 2015)
 - Swan Hill South West Development Precinct Traffic Strategy (dated February 2015)

- Option 3:
 - Decide to abandon the amendment.

Option 1, adoption of the Amendments including re-adopting the Master Plan for the South West Development Precinct with all the changes recommended by the Panel is recommended.

Recommendations

It is recommended that Council:

Having considered the report and recommendations of the independent Planning Panel, adopts Amendments C58, C60, C61, C62, C63 and C64 to the Swan Hill Planning Scheme, pursuant to Section 29 of the *Planning and Environment Act 1987* with the changes contained within the Panel Report;

- 1. Re-adopt the Master Plan for the South West Development Precinct (Version 8)**
- 2. Formally adopt the following amendment background reports:**
 - **Swan Hill South West Development Precinct Drainage Strategy (Version 2, 23 July 2015)**
 - **Swan Hill South West Development Precinct Traffic Impact Assessment (dated May 2015)**
 - **Swan Hill South West Development Precinct Traffic Impact Assessment Appendices Report (dated May 2015)**
 - **Swan Hill South West Development Precinct Traffic Strategy (dated February 2015)**
- 3. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval;**
- 4. Submit the adopted Amendments C58, C60, C61, C62, C63 and C64, together with the prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.**

Cr Michael Adamson left the room due to a conflict of interest at 2.17pm

9/16 Motion

MOVED Cr Cruickshank

It is recommended that Council:

Having considered the report and recommendations of the independent Planning Panel, adopts Amendments C58, C60, C61, C62, C63 and C64 to the Swan Hill Planning Scheme, pursuant to Section 29 of the *Planning and Environment Act 1987* with the changes contained within the Panel Report, with the exception of recommendation 4B;

- 1. Adopt Panel Report Swan Hill Planning Scheme Amendments C58, C60, C61, C62, C63 and C64 dated 9 February 2016 except for recommendation 4B.**
- 2. Adopt correction to Panel Report Swan Hill Planning Scheme Amendments C58, C60, C61, C62, C63 and C64 dated 15 March 2016.**
- 3. Re-adopt the Master Plan for the South West Development Precinct (Version 8), with one change to remove note number 1.**
- 4. Formally adopt the following amendment background reports:**
 - Swan Hill South West Development Precinct Drainage Strategy (Version 2, 23 July 2015)**
 - Swan Hill South West Development Precinct Traffic Impact Assessment (dated May 2015)**
 - Swan Hill South West Development Precinct Traffic Impact Assessment Appendices Report (dated May 2015)**
 - Swan Hill South West Development Precinct Traffic Strategy (dated February 2015)**
- 5. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval;**
- 6. Submit the adopted Amendments C58, C60, C61, C62, C63 and C64, together with the prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.**

SECONDED Cr Norton

The Motion was put and CARRIED

Cr Michael Adamson re-entered the room at 2.32pm

The Mayor advised Cr Michael Adamson of the outcome.

Attachments

- Panel Report, (dated 9 February 2016)
- Master Plan for the South West Development Precinct (Version 8)
- Swan Hill South West Development Precinct Drainage Strategy (Version 2, 23 July 2015)
- Swan Hill South West Development Precinct Traffic Impact Assessment (dated May 2015)
- Swan Hill South West Development Precinct Traffic Impact Assessment Appendices Report (dated May 2015)
- Swan Hill South West Development Precinct Traffic Strategy (dated February 2015)

B.16.17 SWAN HILL TO LAKE BOGA ACTIVE TRAIL

Responsible Officer: Director Development and Planning
File Number: 42-52-249
Attachments: 1 Swan Hill to Lake Boga Active Trail

Declarations of Interest:

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

Summary

This report seeks Council support for the proposed Swan Hill to Lake Boga Active Trail final report.

Discussion

In July 2014 the Swan Hill Rural City Council received funding from Regional Development Victoria (RDV) to undertake a feasibility study for a potential trail between Swan Hill and Lake Boga. Incorporated within the scope of this project was to investigate the opportunity to link the active trail around the lake foreshore, from the Lake Boga Yacht Club to the Lake Boga Caravan Park.

The Swan Hill to Lake Boga Active Trail report was undertaken by Heil Engineering Consultants in collaboration with Liesl Malan Landscape Architects, Essential Economics and Fisher Planning. *The study provides a vision for the construction of a 12.6 km sealed walking and bike riding trail that links the city of Swan Hill to the tourist township of Lake Boga. The investigation examined in detail the preferred active trail alignment between Swan Hill and Lake Boga, including the associated social and economic benefits, as well as considering how the trail interacts and enhances existing trails within the vicinity.*

The original plan to construct a trail using the most direct and accessible route from Swan Hill to Lake Boga active path, along the east side of the Murray Valley Highway, had to be modified, due to the inability to cross Victrack and V/Line assets.

Feedback during the public consultation period resulted in the addition of a number of potential river trails along the Little Murray/Marraboor River, to align with existing public road reserves only, including Mahers Road and the Little Murray Weir Road.

The study also provides detailed conceptual designs, costings and recommendations for future implementation, in relation to the path linking the Lake Boga Yacht Club and Lake Boga Caravan Park. This aspect of the study has been through a public consultation process.

Consultation

Two public meetings were conducted to facilitate the development of the project, one in Swan Hill and the other in Lake Boga. A number of consultation processes were utilised to gain input from identified stakeholders during the development of this report including one on one discussions with Vicroads, VicTrack, Goulburn Murray Water, Department of Environment, Land, Water & Planning, Lake Boga Inc as well as community members and local landholders.

These consultations helped form the basis of the Swan Hill to Lake Boga Active trail's (Town Trail) alignment.

Following Council considering the draft report the strategy was then placed on public display from 17 December 2015 to 31 January 2016. During this period there were two written submissions received, one for and one against the proposed active trail. A meeting was also held with local landholders, who own land along the Little Murray/Marraboor River. These landholders requested that the proposed Little Murray/Marraboor River trails, be removed from the Strategy. As these trails were not within the original scope or parameters of this report, it was agreed to remove these trails until such time demand warrants further investigation.

Financial Implications

Any future development of the proposed path would be in line with Council's major projects budget and subject to external State and Federal Government funding.

Social Implications

These proposed projects are expected to increase social inclusion and cohesion of residents in both Swan Hill and Lake Boga, through active participation and active lifestyle living.

Economic Implications

Purpose built active trails derive many economic benefits to both local businesses and community alike. Currently there is significant scope to enhance active trails around our region, and by doing so, tap into the lucrative tourism market of recreational bike users.

Some of these economic benefits include:

- Increase visitors and tourism numbers to the region;
- Increase the number of overnight stays in the region;
- Encourage new business development associated with the trail, such as coffee shop, bike hire etc;

- Support existing businesses associated with recreational bike users;
- Raise Swan Hill and Lake Boga's profile as a tourist destination;
- Raise the profile of Swan Hill and Lake Boga as a place to live;
- Assist future potential land developments around the lake precinct.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

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

Recommendations

That Council adopt the Swan Hill to Lake Boga Active Trail report as presented.

10/16 Motion

MOVED Cr Cruickshank

That Council adopt the Swan Hill to Lake Boga Active Trail report as presented.

SECONDED Cr Katis

The Motion was put and CARRIED

Attachments

- Swan Hill to Lake Boga Active Trail

B.16.18 DRAFT RURAL LAND USE STRATEGY 2016

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

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 consider endorsing the Draft Rural Land Use Strategy for public consultation.

Discussion

Rural land use and development in the municipality is subject to a complex mix of drivers and challenges, the Rural Land Use Strategy (RLUS) aims to develop a robust and defensible document that;

- Considers issues, challenges and opportunities for rural land in the municipality;
- Demonstrates consideration of community and stakeholder views; and
- Provides a clear planning policy framework to ensure the municipality achieves its long term vision.

The municipality supports a diverse and substantial agricultural base, the municipality's economy and future are dependent upon agricultural production. The agricultural sector is a major investor which employs 28% of total jobs in the municipality, that underpins the municipalities economic well being. The major and small towns within the municipality provide support to, and are dependent upon the agricultural sector.

The rural areas of the municipality are divided between the 'irrigated farmland' near the Murray River (and channelled areas) and the larger 'dry land' farming properties in the hinterland areas. Typically the population density is much higher in the irrigated area as is the diversity of production.

The municipality is part of a wider region, which features an extensive agricultural area and one of the most productive areas in the Murray Darling Basin, it is therefore vital that Council promote agricultural enterprises and safe guard agricultural potential in the municipality.

The aim of the strategy is to investigate the existing conditions, explore opportunities and provide clear strategic planning policy recommendations to proactively address rural land use issues in the municipality.

It is anticipated that the final Rural Land Use Strategy will set out a long term vision for the municipalities rural areas that;

- Continues to protect and provide opportunities for productive agriculture;
- Provides protection of key rural landscapes;
- Minimises land use conflicts;
- Provide opportunities for regional growth and development
- Create appropriate opportunities for rural living; and
- Provide a framework for decision making on rural land use issues.

This review has been developed in the context of the Victorian Planning Provisions taking account of broader issues and strategies that may impact on future rural land use and development in the municipality.

Consultation

RMCG were given the contract to provide the tasks outlined in the Project Brief.

RMCG have completed targeted consultation with around 35 representatives from the agriculture sector, including Council's Agribusiness Advisory Committee, tourism and transport agencies and businesses that form part of the agriculture value chain.

Semi structured phone interviews were conducted exploring trends, challenges, opportunities, infrastructure needs, planning policy performance and locations requiring special consideration.

The results of the interviews were used to validate and augment the findings of the Background Report as well as informing preparation of the draft strategy.

The Draft RLUS will be exhibited for a minimum 60 day period, during which time a number of consultation activities are planned, including:

- Media release;
- Summary flyer and briefing paper;
- Feedback form;
- Community Group presentations;
- Drop in sessions during which the public will be able to discuss individually the Draft Strategy. Locations include: Robinvale, Swan Hill, and Manangatang; and
- Request for written submissions.

The public exhibition period is scheduled to commence as soon as practicable.

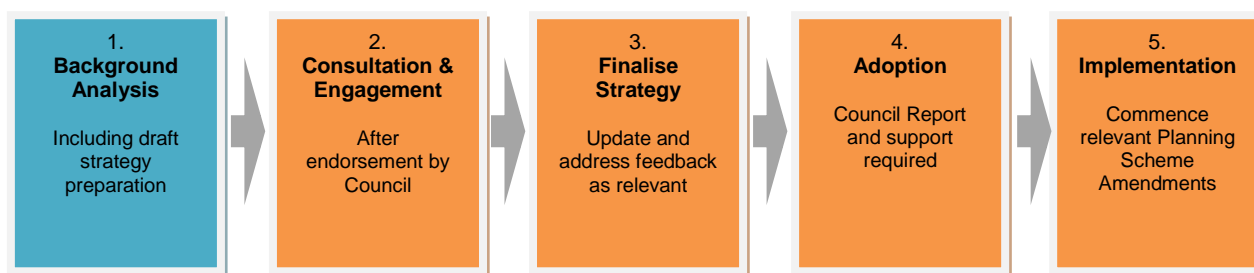


Figure 1: Strategy Implementation Process

The blue box indicates the steps that have been undertaken to date and the orange boxes indicate the steps still required to finalise the strategy.

This report is before Council recommending endorsement of the draft RLUS for the purpose of progressing to Step 2, which involves public consultation.

Financial Implications

There will be on-going costs associated with the implementation of the recommendations contained within the Strategy which will require amendments to the Swan Hill Planning Scheme.

Social Implications

The Rural Land Use Strategy has been developed to guide the future of rural land use planning within the municipality.

Economic Implications

Agriculture is the key economic driver within the Municipality. The Rural Land Use Strategy seeks to protect and grow these industries, through supportive planning provisions.

Environmental Implications

The Rural Land Use Strategy seeks to support the protection of the rural environment.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Council can either present the draft RLUS for public exhibition or lay the draft RLUS on the table.

Recommendations

That Council endorse the Draft Rural Land Use Strategy and place it on display for a minimum 60 day public consultation period.

11/16 Motion

MOVED Cr Norton

That Council endorse the Draft Rural Land Use Strategy and place it on display for a minimum 60 day public consultation period.

SECONDED Cr Katis

The Motion was put and CARRIED

Attachments

- Draft Rural Land Use Strategy

B.16.19 DRAFT SWAN HILL CAR PARK MANAGEMENT STRATEGY

Responsible Officer: Director Development and Planning
File Number: S22-04-03-01
Attachments: 1 Draft Car Park Management Strategy

Declarations of Interest:

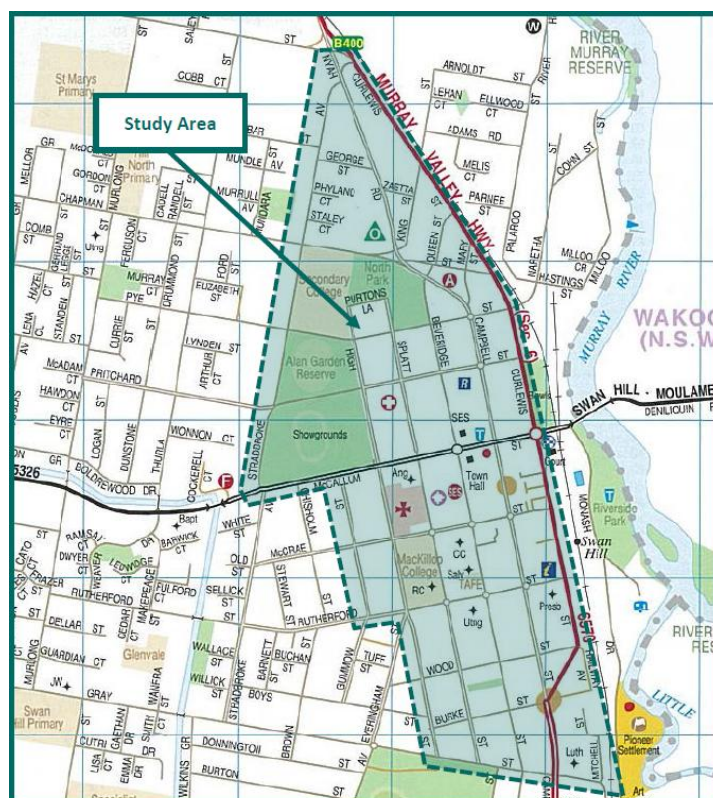
Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report is seeking Council approval to undertake community consultation on the Draft Car Park Management Strategy.

Discussion

In May 2015 Council engaged Traffix Group to complete a Car Park Management Strategy for Swan Hill. Below is the study area that this strategy covers:



Reproduced with Permission of VicRoads Country Street Directory

Figure 1: Study Area

The objectives of this strategy are to:

- Review the current Swan Hill Parking Study 2007 and Car Park Management Plan

- Identify the existing car and other parking demand and supply within the study area
- Identify opportunities to provide additional car parking supply
- Identify the costs of providing additional car parking
- Prepare for inclusion into the Swan Hill Planning Scheme a Car Parking overlay for the Swan Hill CBD
- Review and recommend changes to the existing car parking local policy lan the Swan Hill Planning Scheme

Through the development of this strategy it has been identified that there are a total of 3,578 on-street car parking spaces within the study area and of these a total of 1,099 are located within the Swan Hill CBD.

A car parking demand assessment was completed on Friday 17 July 2015 and Saturday 18 July 2015 to assess the current level of car parking demand in Swan Hill. This assessment found the following:

Time	Location	Study Area			Swan Hill CBD		
		Demand		Vacancy	Demand		Vacancy
		No.	Occupancy Rate		No.	Occupancy Rate	
<i>Friday 17 July, 2015</i>							
2:00pm (Peak Daytime Demand)	On Street	1,405	39%	2,173	870	79%	229
	Off Street	669	78%	187	669	78%	187
	Total	2,074	47%	2,360	1,539	79%	416
6:00pm (Peak Evening Demand)	On Street	468	13%	3,110	294	27%	805
	Off Street	256	30%	600	256	30%	600
	Total	724	16%	3,710	550	28%	1,405
<i>Saturday 18 July, 2015</i>							
12:00pm (Peak Demand)	On Street	710	20%	2,823	469	43%	630
	Off Street	479	56%	377	479	56%	377
	Total	1,189	27%	3,200	948	48%	1,007

The study shows that on Friday the peak daytime parking demand is at 2pm when 79% of on street parking and 78% of off street parking is being utilised. On a Saturday the peak parking demand is at 12pm when 43% of on street and 56% of off street car parking is being utilised.

As these car parking demand assessments were undertaken in the middle of July, Council officers undertook an additional car parking assessment on Friday 26 February. This additional study found a similar level of parking demand with 78% of on street parking being utilised at 2pm.

These parking levels compare similarly with the parking levels identified in the previous 2007 car parking study, however the spread of parking across the CBD and broader Swan Hill City has increased.

The strategy also identifies the opportunity for Council to develop a Car Parking Overlay for the Swan Hill CBD that could be included in the Swan Hill Planning Scheme. This Overlay would then allow Council to charge for the waiver of car parking within this area. The proposed methodology in the draft strategy for undertaking this is:

No of Spaces	Developer Contribution	Council Contribution	Developer Contribution Per Park
1	0%	100%	\$ -
2	0%	100%	\$ -
3	50%	50%	\$5,600
4	50%	50%	\$5,600
5	50%	50%	\$5,600
6	50%	50%	\$5,600
7	50%	50%	\$5,600
8	50%	50%	\$5,600
9	75%	25%	\$8,400
10	75%	25%	\$8,400
11	75%	25%	\$8,400
12	75%	25%	\$8,400
13	75%	25%	\$8,400
14	75%	25%	\$8,400
15	75%	25%	\$8,400
16	75%	25%	\$8,400
17	75%	25%	\$8,400
18	75%	25%	\$8,400
19	75%	25%	\$8,400
20	75%	25%	\$8,400
21	100%	0%	\$11,200
21+	100%	0%	\$11,200

Consultation

Traffix Group with the assistance of Council officers undertook an online survey of Swan Hill businesses. The survey identified the following issues:

- There is a stated need for more parking (short-term) around the post office
- Car parking is hard to find in the central CBD
- Survey respondents were divided on the need for a multi-deck car park
- Survey respondents showed some support for a cash-in-lieu scheme to provide additional parking resources

If the Draft Car Park Management Strategy is approved by consultation to be put out for public consultation then officers will undertake the following:

- Advertise availability of the strategy for comment through Council's website, through Swan Hill Inc, local newspapers and radio
- Host a consultation session (primarily aimed at local business) to present the draft strategy and receive feedback

Financial Implications

The Draft Car Park Management Strategy identifies the establishment of a Car Park Overlay for the Swan Hill CBD. This overlay would allow Council to charge planning applicants that need a waiver as they are unable to provide the required number of car parks. Council would then consolidate this funding in a car parking account and utilise the funding to create more car parks within the CBD.

Social Implications

Not applicable.

Economic Implications

Provision of a suitable number of car parks within close proximity of the Swan Hill CBD is important in order to support the businesses which operate in this area.

The proposed charging structure through the draft Car Parking Overlay provides a balanced approach to charging for car parking by waiving the first two car parks at no cost to the applicant/developer.

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

Nil

Recommendations

That Council endorse the Draft Car Park Management Strategy and place it on display for public consultation.

12/16 Motion

MOVED Cr Kiley

That Council endorse the Draft Car Park Management Strategy and place it on display for public consultation.

SECONDED Cr Norton

The Motion was put and CARRIED

Attachment

- Draft Car Park Management Strategy

B.16.20 ECONOMIC UPDATE

Responsible Officer: Director Development and Planning
File Number: S12-28-01
Attachments: Nil

Declarations of Interest:

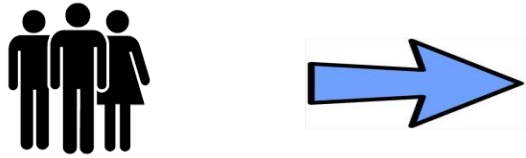



Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report is to provide Council with an economic update for the 2015 calendar year.

Discussion

Across the 2015 calendar year there have been a number of positive economic indicators for the Swan Hill Rural City Council Local Government area. Below is a dashboard report showing a number of key statistics and trends:

<p>Population for the Swan Hill region Slight decrease in growth rate of 1.3% from 2013 to 2014 from 20,865 to 20,580 people living in the municipality.</p>	
<p>Housing Prices Swan Hill region As of 1 January 2016, medium house prices for the Swan Hill region (3585) were \$240,000. Indicative medium house prices 12 months earlier illustrates there has been a 4% or \$10,000 increase over this period.</p>	
<p>Unemployment Rate Swan Hill region Slight increase from 4.9% for the June Quarter 2015 to 5.4 % in the September Quarter 2015. Victoria State average is 6.1%</p>	
<p>Visitation numbers to the Swan Hill region - Sept 2014 to Sept 2015 Domestic overnight stays up 20% to 358,000 Nights spent in the region up 15% to 675,000 Domestic day visitors up 7% to 317,000</p>	

New Businesses in Swan Hill region

There was 16 new businesses registered in our region between 1 October 2015 and 31 December 2015.



SWAN HILL REGION POPULATION TREND 2001 to 2015 (%)

The population of the Swan Hill town is growing, while the populations in the smaller towns are declining. Between 2013 to 2014 the population within the Swan Hill Rural City boundary showed a small decline from 20,865 to 20,580.

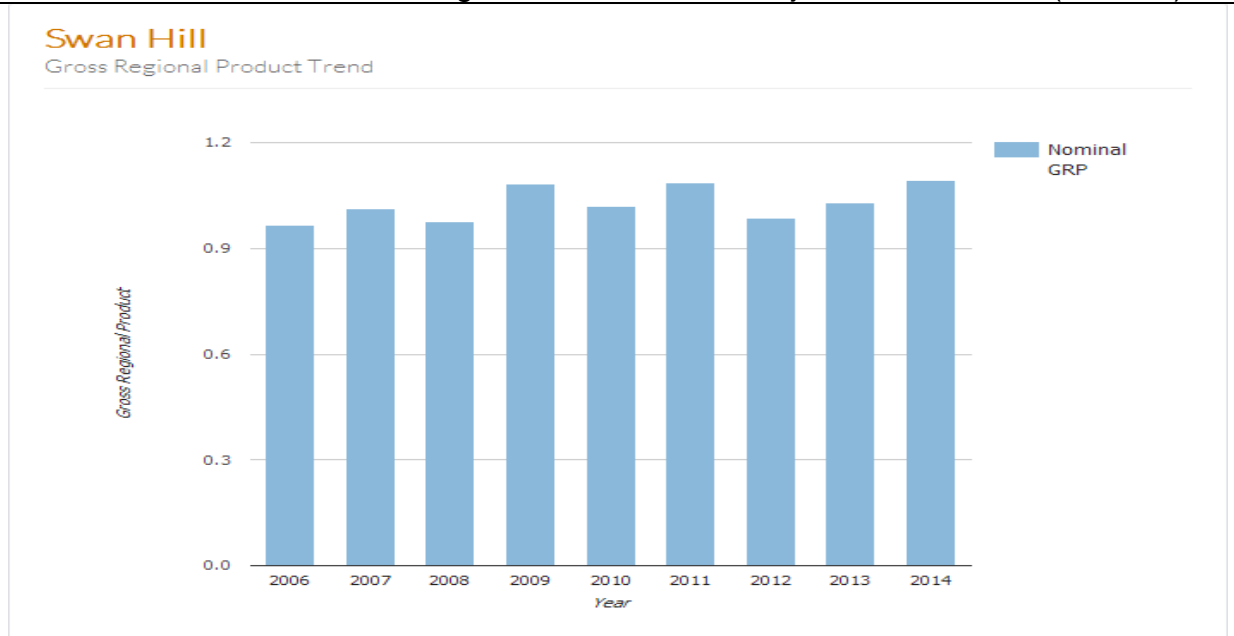
Swan Hill

Population % Change



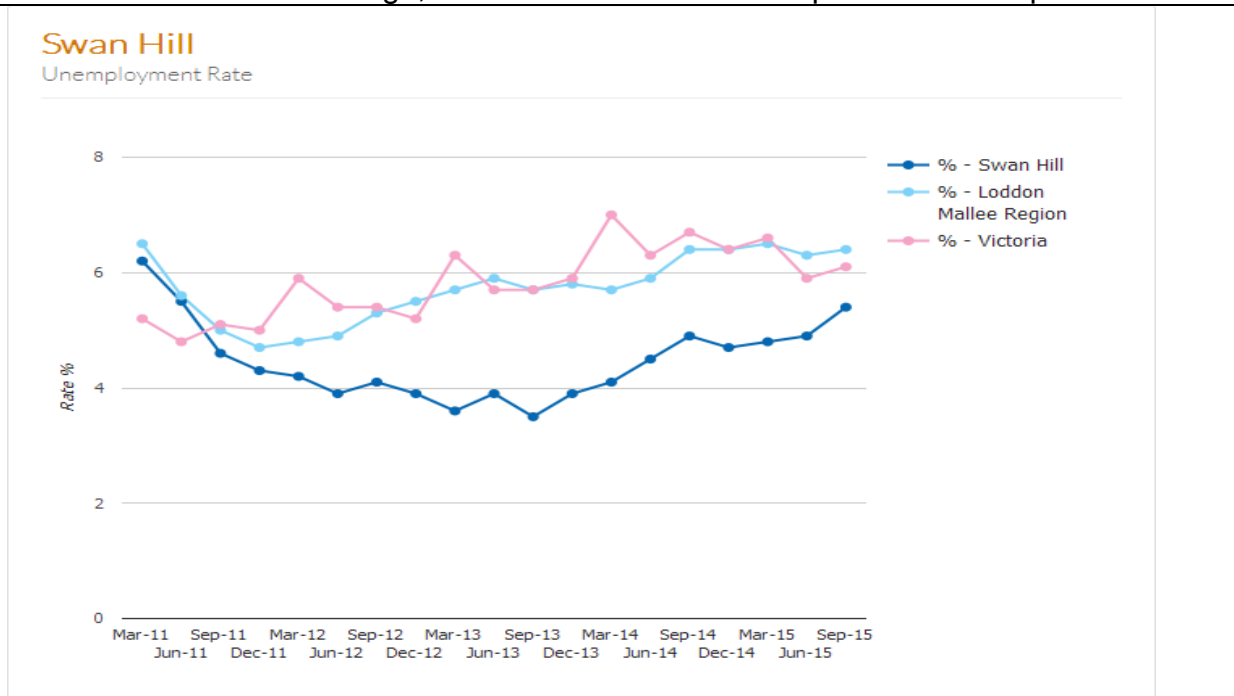
GROSS REGIONAL PRODUCT TREND

GRP is the net measure of wealth generated by the region. Between 2013 to 2015 the GRP within the Swan Hill Rural City boundary showed a small increase from \$1.028 billion to \$1.092 billion. These figures have not been adjusted for inflation (nominal)



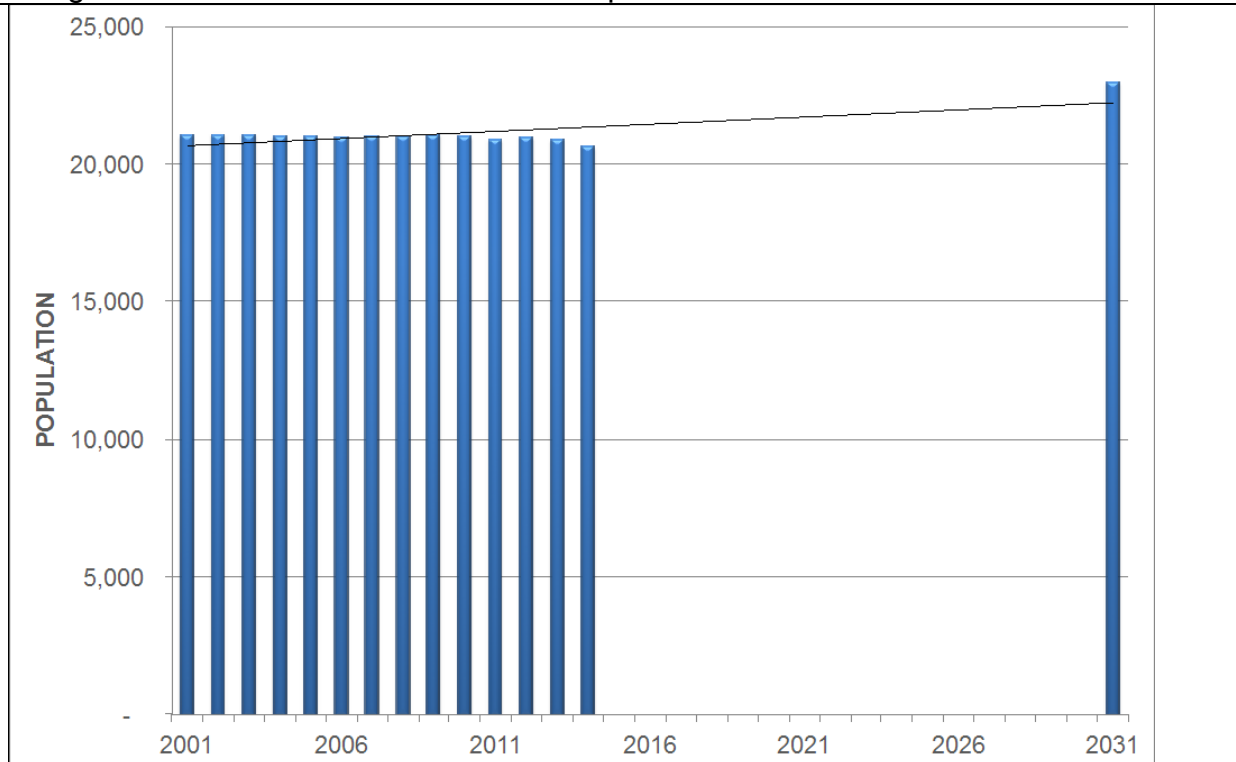
UNEMPLOYMENT RATE 2011 to 2016 (%)

The unemployment rate for the Swan Hill region remained steady on 5.4 % for the September 2015 quarter, up 0.5 % on the September 2014 figures. This rate is still lower than the State average, which was 6.1% for the September 2015 quarter.



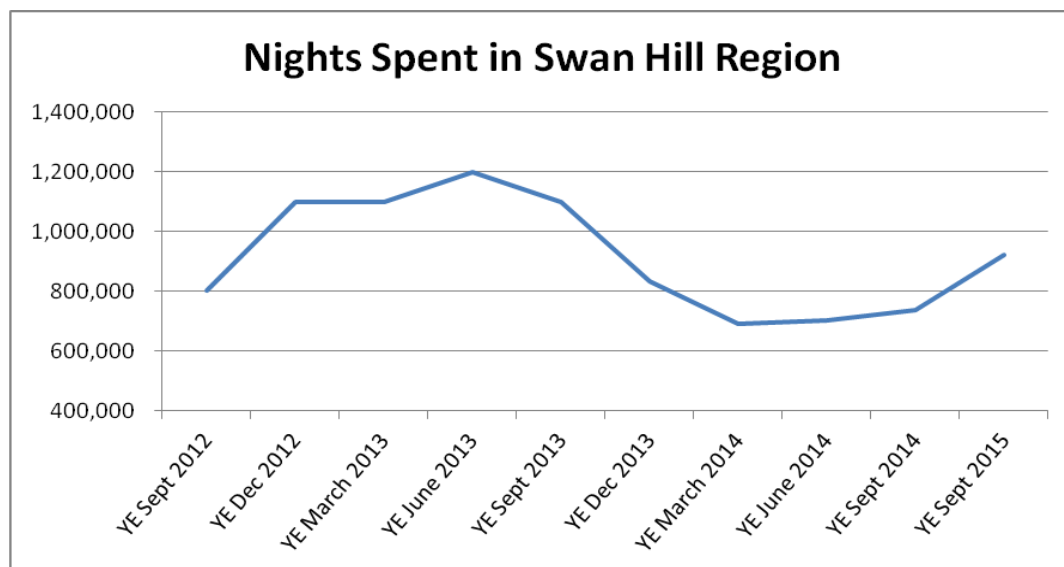
SWAN HILL REGION POPULATION FORECAST 2031

The region's population is expected to grow slowly over the next fifteen years. Most of this growth will be in the Swan Hill township.



SWAN HILL REGION VISITOR NUMBERS

Tourism also plays an important role in our region's economy, attracting around 360,000 domestic visitors each year injecting \$55 million into the local economy. Since 2011, domestic overnight stays have increased by 12%.



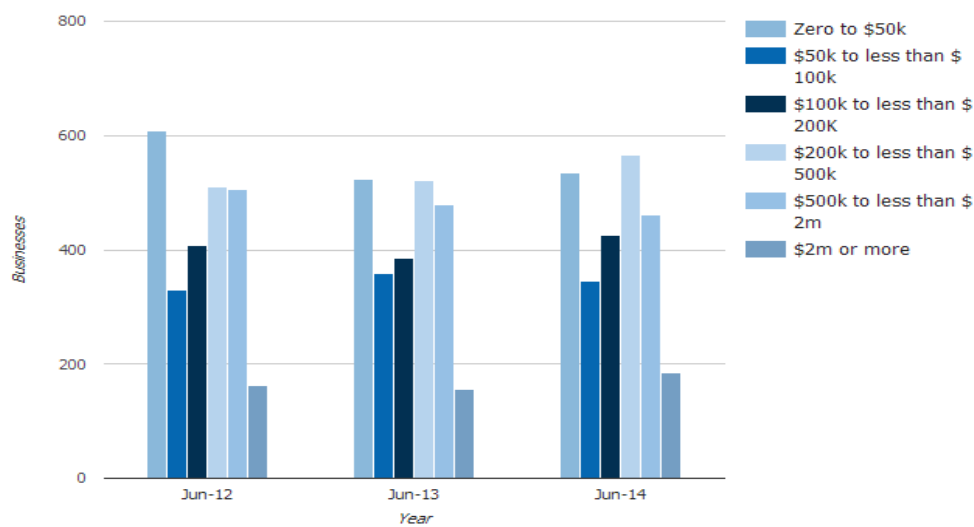
SWAN HILL REGION BUSINESS COUNTS

Since 2012, the number of businesses in the Swan Hill region turning over more than \$2 million has increased by 15% (from 162 to 186)

Swan Hill

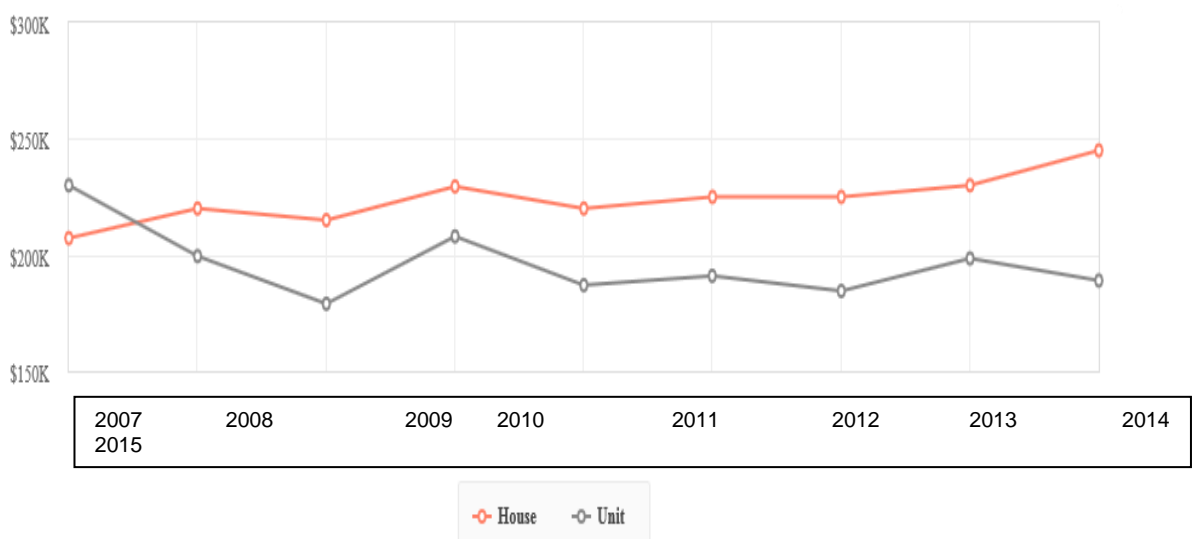
Business Counts (Turnover)

► All Industries



SWAN HILL HOUSE PRICES

As of 1 January 2016, median house prices for the Swan Hill region (3585) was \$245,000, up 11% from 2011 or \$25,000 in 2011. This information was collated by realestate.com.au



SECTION B - REPORTS

15 March 2016

In addition across the 2015 calendar year Council has seen a significant increase in the number of planning permit applications and building permit applications received. Below is a table highlighting the number and value of building permits that Council received across the 2014 and 2015 calendar years.

	2014		2015		% Change	
	No Of	Value	No Of	Value	No Of	Value
Dwellings	63	\$ 17,346,396	64	\$ 18,622,034	2%	7%
Dwelling Additions	69	\$ 2,228,120	82	\$ 3,117,499	19%	40%
Unit Development	1	\$ 30,000	5	\$ 388,500	400%	1195%
Shops	10	\$ 2,398,500	13	\$ 6,131,824	30%	156%
Offices	11	\$ 1,225,876	9	\$ 1,157,500	-18%	-6%
Warehouses	13	\$ 3,168,300	9	\$ 2,682,843	-31%	-15%
Factories	7	\$ 836,309	7	\$ 1,017,288	0%	22%
Public Buildings	10	\$ 4,691,003	17	\$ 14,477,002	70%	209%
OutBuildings	132	\$ 3,265,604	144	\$ 3,263,826	9%	0%
Other	41	\$ 1,107,252	57	\$ 1,816,630	39%	64%
Total No of Permits	357	\$ 36,297,361	407	\$ 52,674,946	14%	45%

The table shows that overall there was a 14% increase in the number of building permit applications received and a 45% increase in the value of building works taking place within the Swan Hill Rural City Council area. Some further analysis of these significant increases is below:

- The total number of building permits issued for 2015 (407) were up by 50 when compared to 2014 (357)
- The total value of building works for 2015 (\$52.67M) was up by approx \$16.38M when compared to 2014 (\$36.29M)
- The number of dwelling permits issued for 2015 (64) with a value (\$18.6M) were comparable with 2014 (63) with a value (\$17.3M)
- The value of 'shop' (commercial) permits for 2015 (\$6.1M) was up by approximately \$3.7M when compared to 2014 (\$2.4M) due mainly to the 'Bunnings' development
- The value of 'public buildings' permit for 2015 (\$14.4M) was up by approximately \$9.7M when compared to 2014 (\$4.7M) due mainly to the new SHDH Aged Care facility

Consultation

Not applicable

Financial Implications

Not applicable

Social Implications

A positive economic environment provides significant social and community benefits. These benefits include increased employment opportunities, pride in the local area and improved visual amenity of the area.

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

Nil

Recommendations

That Council notes the 2015 economic update.

13/16 Motion

MOVED Cr Cruickshank

That Council notes the 2015 economic update.

SECONDED Cr Katis

The Motion was put and CARRIED

B.16.21 MONTHLY BUILDING FIGURES FOR FEBRUARY 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

Monthly Building figures for February 2016.

Discussion

February - Comparisons

TYPE	2015		2016	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	2	550,604	3	2,074,936
Dwelling additions	5	99,933	5	419,640
Unit Developments	1*(1)	163,900	0 *(0)	0
Shops	4	4,756,547	0	0
Offices	1	250,000	0	0
Warehouses	0	0	0	0
Factories	1	260,000	0	0
Public Buildings	1	163,790	1	800,624
OutBuildings	5	56,843	9	155,495
Other	8	198,350	7	110,566
Total	28	\$6,499,967	25	\$3,561,261

*() denotes total number of Dwelling Units

Year to Date – Comparisons

TYPE	1/01/2015 to 28/02/2015		1/01/2016 to 29/02/2016	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	6	2,399,638	8	3,638,263
Dwelling additions	10	280,168	9	622,440
Unit Developments	1*(1)	163,900	1*(0)	410,000
Shops	7	5,054,474	0	0
Offices	2	347,000	0	0
Warehouses	0	0	0	0
Factories	1	260,000	1	1,686,300
Public Buildings	1	163,790	4	866,954
OutBuildings	17	286,678	11	170,795
Other	13	298,335	11	184,566
Total	58	\$9,253,983	45	\$7,579,318

*() denotes total number of Dwelling Units

Planning Department

Type	2016		2015	
	No. Of February	No. Of YTD	No. Of February	No. Of YTD
Planning Permit Applications Received	17	21	20	26
Planning Permit Approvals	4	12	18	23
Notice of Decision to Grant a Planning Permit	0	0	0	0
Refusal to Grant a Planning Permit	0	0	1	1
Application Lapsed or Withdrawn	1	1	1	1

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 Building figures for February and the Year to Date comparisons as reported.

14/16 Motion

MOVED Cr Norton

That Council note the Building figures for February and the Year to Date comparisons as reported.

SECONDED Cr Cruickshank

The Motion was put and CARRIED

B.16.22 LIGHTING THE REGION PROJECT

Responsible Officer: Acting Director Infrastructure
File Number: S14-04-01-02
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks to inform Council of the outcome of the *Lighting the Region Project*. The \$9.5 million project involved the roll out of 22,000 energy efficient LED street lights across 16 municipalities. In Swan Hill Rural City Council 1320 lights were upgraded which will result in estimated savings of 10,800 tonne of CO₂ over the next 20 years and a saving in energy and operational management costs of around \$64,000 per annum.

Discussion

- The street lighting upgrade has been an objective of Central Victorian Councils for over 10 years. The City of Greater Bendigo Council on behalf of a consortium of 16 Councils placed "Lighting up the Regions" proposal for a regional streetlight upgrade application under the Commonwealth Energy Efficiency Program (CEEP) Round 2 on 10 January 2012. An important consideration of the CEEP funding was that it was calibrated specifically to advantage regional and rural Councils and with low socio-economic indicators such as SHRCC.
- Two thirds of the upgrade cost was paid by the federal government.
- Led by Greater Bendigo the Project was facilitated by Central Victoria Greenhouse Alliance (CVGA) and Wimmera-Mallee Sustainability Alliance (WMSA), and it was implemented by Powercor.
- The full cost of an upgrade to 80W MV lights was approximately \$313 per light with a payback period of 7 years.
- Public lighting bill charges from May 2015 reflected the new LED light costs. For Swan Hill Rural City Council there has been an indicative saving equivalent to \$64,000 per annum as a result of the changeover.
- While the project has been completed, Council is yet to receive its final invoice from Greater Bendigo. This was budgeted as \$200,000 and should be received this month.

SECTION B - REPORTS

15 March 2016

- The Table below shows the number of lights changed over as 1320, noting that another 40 lights were not changed over for the reasons shown below.

Number	Type	Status at 17 th December 2015
1320	Standard 80W MVs changed to LED	No further action, Powercor to updated database for billing purposes
1	Identified with access issues	To be changed using alternative truck to reach light fitting
9	Maintenance items logged (including 4 bee hives to be removed)	Maintenance items logged by Powercor. Lights to be changed once resolved.
7	No lights present	To be deleted from Powercor database
23	Listed as standard fittings, but actually decorative heads	Not changed, Powercor database to be updated
1360	Original count from Lighting design	

Consultation

Extensive publicity was provided by Council in relation to the changeover as is listed below:

- Media release distributed 21 November 2014
- Article published up by The Guardian (26/11/2015)
- 3SH radio (25/11 2014)
- Mayor Michael Adamson spoke on ABC and 3SH radio that week
- Council's website
- Brochures were presented in Council offices in Swan Hill and Robinvale, and the Library
- Billboard on the highway into Swan Hill from the south
- Two Facebook posts were put up.
- A small story ran in the Council newsletter

Financial Implications

Following is the breakdown of Council's contribution to the project

Payment	Date	Comments
\$64,000	May 2013	
\$150,000	Aug 2015	
\$200,000 (Budgeted)	Mar 2016	Possible saving of \$14,000
Total	\$414,000	

Based on costs to date the benefit to the municipality of the changeover is a saving of around \$64,000 per year (or \$1.27 million over 20 years) in terms of Council's

electricity consumption and its Operation, Maintenance and Repair (OMR) costs for the lights.

Across the 16 municipalities, the project has seen the replacement of over 22,000 mercury vapour streetlights with LED lights, saving up to \$57 million over the life of the assets.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

The project will reduce Council's carbon footprint, saving approximately 10,800 tonnes of CO2 emission over the next 20 years and will result in a more consistent, higher quality level of street lighting. LED's contain no mercury and street lights are almost 100% recyclable. Over the 16 municipalities that participated in this project, over 22,000 mercury vapour streetlights have been replaced with LED lights, saving 180,000 tonnes of CO2 emissions in the next 20 years.

Risk Management Implications

The risk has already been transferred to the vendor through embedding a funding component to engage Powercor to manage the upgrade process, as the most experienced and best-placed subcontractor for this critical management function.

Council Plan Strategy Addressed

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

Options

Nil.

Recommendations

That Council note the positive outcomes of the Lighting the Region Project for this municipality, namely;

- **A saving of approximately \$64,000 per annum in electricity and Operation, Maintenance and Repair (OMR) costs.**
- **A saving of around 10,800 tonnes of CO2 emissions over the next 20 years.**

15/16 Motion

MOVED Cr Norton

That Council note the positive outcomes of the Lighting the Region Project for this municipality, namely;

- **A saving of approximately \$64,000 per annum in electricity and Operation, Maintenance and Repair (OMR) costs.**
- **A saving of around 10,800 tonnes of CO2 emissions over the next 20 years.**

SECONDED Cr Kiley

The Motion was put and CARRIED

B.16.23 THE ELECTION PERIOD (CARETAKER) POLICY

Responsible Officer:	Acting Chief Executive Officer
File Number:	S16-03-03
Attachments:	1 Final Draft Election Period (Caretaker) Procedure 2 Election Period Caretaker Directive

Declarations of Interest:

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

Summary

As a result of changes to the Local Government Act 1989 arising from the Local Government Amendment (Improved Governance) Act 2015 which was passed by the Parliament in October 2015, Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election. Such a policy must be prepared and adopted by 31 March 2016. Council's previous caretaker Directive has been reviewed and is now presented as a Policy for Council adoption.

Discussion

Council must have an Election Period (Caretaker) Policy.

An election period policy must include:

- (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- (b) limits on public consultation and the scheduling of Council events; and
- (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

A copy of the Election Period policy must:

- (a) be given to each Councillor as soon as practicable after it is adopted; and
- (b) be available for inspection by the public at the Council office and any district offices; and

Inappropriate decisions made by a Council during an Election Period include any of the following:

- (a) decisions that would affect voting in an election
- (b) decisions that could reasonably be made after the election

The Election Period (Caretaker) Procedure was also reviewed and updated in accordance with the Local Government Act 1989 arising from the Local Government Amendment (Improved Governance) Act 2015.

Consultation

The Executive Leadership Team have been consulted on the proposed changes.

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

The Election Period (Caretaker) Policy is an important tool to help ensure Council complies with its obligations during the lead-up to Council Elections.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

The Election Period (Caretaker) Policy is an important tool to help ensure Council complies with its obligations during the lead-up to Council Elections.

Recommendation

That Council adopts the Election Period (Caretaker) Policy

16/16 Motion

MOVED Cr Kiley

That Council adopts the Election Period (Caretaker) Policy, and attached procedure as amended.

SECONDED Cr Norton

The Motion was put and CARRIED



Swan Hill Rural City Council
Election Period (Caretaker) Procedure
21 September to 22 October 2016

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- *All references to Councillors should be read as including the Mayor.*
- *All references to Chief Executive Officer should be read as including his/her delegate.*

CARETAKER PROCEDURE

1 What is this Procedure designed to achieve?

This Procedure applies during the 'Election Period' (see below for definition) and covers:

- (a) decisions that are made by Council, a special committee of the Council, or a delegate of the Council;
- (b) any material that is published by the Council;
- (c) attendance and participation in functions and events;
- (d) the use of Council resources;
- (e) access to Council information; and
- (f) media services.

2 Election Period

Statutory caretaker requirements apply during the "Election Period"; Council must avoid actions and decisions that could be seen to influence voters or which would have a significant impact on the incoming Council.

For the 2016 Swan Hill Rural City Council elections, the Election (Caretaker) Period commences morning (12:01am) on Wednesday 21 September 2016 and continues until 6 pm Saturday 22 October 2016. A period of 32 days. During the election period the Council will be deemed to be in 'election period – caretaker - mode'.

The Procedure will also cover reports presented to Council at the Ordinary Meeting on Tuesday, 18 October 2016.

As soon as possible, and no later than 30 days prior to the commencement of the Caretaker Period, the Chief Executive Officer will ensure that all Councillors, Managers and staff are informed of the requirements of this procedure.

3 Why is a Caretaker Procedure Required?

The Act prohibits Councils from publishing or distributing electoral matter during the election period and the making of defined 'major policy decisions'. These statutory requirements are minimum governance standards only. In addition to providing guidance at an operational level to ensure compliance with those minimum standards, this procedure builds on the minimum statutory standards to enhance the transparency and accountability of the Council, Councillors, special committees and Council staff during the Election Period. For example the procedure expands on the list of matters the Council will treat as major policy decisions and provides a process for dealing with them.

4 Is my proposed action affected by this procedure?

This procedure must be complied with during an Election Period if ANY of the following apply to you:

- You are involved in making a major policy decision If so, refer to Section 6.
- You are involved in making a significant decision that will bind the incoming Council If so, refer to Section 6.
- You are about to publish written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election If so, refer to Section 7.
- You are involved in the creation of any Council publication. If so, refer to Section 7.
- You are involved in any public consultation process. If so, refer to Section 8.
- You are a Councillor who is planning to attend a function or event. If so, refer to Section 9.
- You supply resource support to Councillors If so, refer to Section 11.
- You are a Councillor requesting access to Council information If so, refer to Section 12.
- You are a Councillor requesting media advice or services If so, refer to Section 13.

5 Operation of Procedure

5.1 Start and Finish dates

This procedure applies during the Election Period which:

- STARTS at midnight at the end of the last day of nominations, being Wednesday 21 September, 2016; and
- FINISHES at 6:00pm on "Election Day", 22 October, 2016.

The Procedure will also cover reports presented to Council at Ordinary Meeting on Tuesday, 18 October 2016.

5.2 Election Policy Content

Section 93B (3) LGA makes it mandatory for Councils to include in their Election Period (Caretaker) Policy:

- (a) Procedures preventing Council from making an inappropriate decision or using resources inappropriately;
- (b) Limits on public consultation and scheduling of Council events; and
- (c) Procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

6 Decisions during the Election Period

6.1 Who does this part of the Procedure apply to?

This section of the Caretaker Procedure applies to significant decisions made by the Council, a special committee of the Council, or a delegate of the Council.

In the context of this Procedure, a 'major policy' decision as defined in section 93A (6) of the Act means any decision:

- (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) to terminate the appointment of a Chief Executive Officer under section 94;
- (c) to enter into a contract the total value of which exceeds whichever is the greater of
 - (i) \$100,000 {or such higher amount as may be fixed by Order in Council under section 186(1)} *nb amounts fixed are \$130,000 for goods & services contracts and \$180,000 for works contracts*, or
 - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year and
- (d) to exercise any power under section 193 – entrepreneurial powers - of the sum assessed in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

In the context of this procedure, significant decisions include major policy decisions AND:

- Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- Decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- Decisions of a politically sensitive nature;
- Policy or strategy decisions.

6.2 Scheduling consideration of significant decisions

As a general principle, the Chief Executive Officer should, as far as is practicable, avoid scheduling decisions for the Election Period and instead, ensure that significant decisions are either considered by Council prior to the Election Period; or scheduled for determination by the incoming Council.

6.3 Significant decisions during Election Period

If a significant decision cannot be scheduled prior to or after the Election Period, then you need to refer to the list below to determine whether it is effected by this procedure. If you are unsure of whether a decision does or does not fall within the list below, speak with the Chief Executive Officer or his appointed delegate.

Proposed Decision	Is it allowed?	Source
Employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an action Chief Executive Officer	No	This is prohibited by s93A of the Act
Terminating the appointment of a Chief Executive Officer under section 94	No	This is prohibited by s93A of the Act
Entering into a contract with a total value exceeding either \$130,000 for goods & services	No	This is prohibited by s93A of the Local

Proposed Decision	Is it allowed?	Source
<i>contracts and \$180,000 for works contracts or 1% of Council's revenue from rates and charges levied under section 158 in the preceding financial year, whichever is the greater</i>		Government Act.
Exercising any power under section 193 of the Act (entrepreneurial powers) where the sum assessed under section 193(5A) in respect of the proposal exceeds either \$100,000 or 1% of Council's revenue from rates and charges levied under section 158 in the preceding financial year, whichever is the greater	No	This is prohibited by s93A of the Local Government Act.
A decision that would affect voting in an election.	No	This is an inappropriate decision under section 93B so must be avoided.
A decision that could reasonably be made after the election.	No.	This is an inappropriate decision under section 93B, so must be avoided.
Any other significant decisions not specified above that will bind the incoming Council, including policy or strategy decisions, will need advice from the Chief Executive Officer.	Only with approval from Chief Executive Officer Refer 6.4	This is an internal Council requirement which goes beyond the statutory requirements.

6.4 Considerations for the Chief Executive Officer in giving approval

In the case of a significant decision referred to the Chief Executive Officer which is not expressly prohibited under section 93A of the Act, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:

- (a) whether the decision is 'significant';
- (b) the urgency of the issue (that is, can it wait until after the election?);
- (c) the possibility of financial repercussions if it is deferred;
- (d) whether the decision is likely to be controversial; and
- (e) whether the decision is in the best interests of the Council.

6.5 What about the announcement of decisions made prior to the Election Period?

To avoid doubt, the procedure applies only to the actual making of decisions, not the announcement of decisions that have been made prior to the Election Period. However, as far as practicable such announcements should be made before the Election Period begins.

6.6 Amendments to the Local Government Act in 2015 have incorporated the term “inappropriate decisions” and the Policy must specify process to prevent Council from making such decisions.

“Inappropriate Decisions” made by a Council during an election period includes any of the following:

- (a) decisions that would affect voting in an election; and
- (b) decisions that could reasonably be made after the election.

7 Council publications during the Election Period

7.1 Prohibition on publishing materials during election

It is prohibited under the Act for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the Election Period.

The Act also requires that all Council publications during the election period must be certified in writing by the Chief Executive Officer, in accordance with the Caretaker Period Certification Procedure which is included as part of this Procedure (see page 11).

Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council’s website, and Council program Facebook and Twitter accounts.

The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself. Despite this clause it is recommended that all material relating to the election go through the certification process.

Electoral matter is any matter that is “intended or likely to affect voting in an election” and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.

Material is definitely electoral matter if it:

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council.

Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Swan Hill Rural City Council i.e. by use of Council logos.

7.2 Considerations of Chief Executive Officer in granting publication approval

In considering whether to grant approval for the publication of material during the Election Period, in accordance with the provisions in the Act, the Chief Executive Officer:

- (a) Must not permit any materials to be published which include reference to the following:
 - (i) the election;
 - (ii) a candidate in the election;
 - (iii) a current Councillor; or
 - (iv) an issue before the voters in connection with the election.
- (b) May approve publication of material which only contains information about:
 - (i) the election process itself; or
 - (ii) Council information that does not include any reference to a current Councillor otherwise precluded by this procedure.

7.3 Council Agendas/Reports

During the election period, the Chief Executive Officer will ensure that a “Caretaker Statement” is included in every report submitted to the Council or to a special committee of Council for a decision.

The “Caretaker Statement” will specify one of the following:

- I. “The recommended decision is not a “Major Policy Decision”, as defined in section 93A of the Local Government Act 1989, or a “Significant Decision” within the meaning of the Caretaker Procedure”.
- II. “The recommended decision is not a “Major Policy Decision” as defined in s.93A of the Local Government Act 1989. The recommended decision is a “Significant Decision” within the meaning of the Caretaker Procedure, but an exception should be made for the following reasons [insert reasons for making an exemption]”.
- III. “The recommended decision is to seek an exemption from the Minister because the matter requires a “Major Policy Decision” within the meaning of section 93A of the Local Government Act 1989”.
- IV. “The recommended decision is a “Major Policy Decision”, as defined in section 93A of the Local Government Act 1989, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date]”.

During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

7.4 Swan Hill Rural City Website and Social Media

Social media is fast becoming popular with many Council stakeholders. It is a fast paced and highly interactive media which presents issues in terms of controlling content. This is of particular concern during the Election Period.

Council currently has a number of social media sites, including facebook pages for YouthInc, Performing Arts, the Pioneer Settlement, the Art Gallery, the Library and Pioneers Week, as well as twitter feeds for Performing Arts, the Art Gallery and Fairfax Festival.

Council's social media sites should not be used for election campaigning. Any publication on official Council social media sites during caretaker mode requires certification by the Chief Executive Officer. This excludes publications relating to standard operational requirements, for example, posts promoting community events.

The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the Election Period.

During the Election Period the corporate website will not contain material precluded by this procedure. Any references to the election will only relate to the election process. Information about Councillors will be restricted to titles, names, and contact details. Other information will be removed for the duration of the Election Period.

7.5 Annual Report

If the publication date of the Annual Report occurs during the Election Period, it is affected by the legislative restrictions on publications and therefore may not include information about Councillors beyond what is required by the Local Government Regulations.

7.6 Council Publications

Any Council publication which is potentially affected by this procedure will be reviewed by the Council's Governance department, and then certified in writing by the Chief Executive Officer in accordance with the Caretaker Period Certification Procedure which is included as part of this Procedure, prior to publication. This is to ensure that any circulated, displayed or otherwise publicly available material during the Election Period does not contain material that may be construed as 'electoral matter'.

8 Public consultation during the Election Period

8.1 Prohibition

It is prohibited under this procedure for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.

For the purposes of this clause 9, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

8.2 Public consultations

Will cease to be initiated during the election (caretaker) period.

8.3 An exemption to the requirements of Clause 8.2 (above) relate to

Statutory public consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the Act but only where the matter could not be avoided during election

8.4 Consultations under statutory provisions outlined in Clause 8.3

Shall only proceed after express agreement by the relevant Director in consultation with the Chief Executive Officer and then if it relates solely to the normal day-to-day business of Council.

8.5 Approval for public consultations

Due to the prohibition in section 9.1, it is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.

Where public consultation is approved to occur during the Election Period the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

9 Attendance at functions & events during Election Period

Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

9.1 Public Events Staged by External Bodies

Councillors may continue to attend events and functions during the Election Period.

9.2 Council Events & Functions

Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.

9.3 Speeches/Keynote addresses

Councillors may make speeches at Council organised or sponsored events and functions during the Election Period subject to prior approval of the Chief Executive Officer.

9.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event that will be published or distributed during the Election Period, such preparation must be consistent with the controls under section 7 of this Procedure.

10 Considerations in giving approval under Clause 9 or 10

In the case of a matter referred to the Chief Executive Officer under clause 9 or 10 of this Procedure which is not expressly prohibited under clause 8.2(a) of this Procedure, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:

- (a) whether the decision is 'significant';
- (b) the urgency of the issue (that is, can it wait until after the election?);
- (c) the possibility of financial repercussions if it is deferred;
- (d) whether the decision is likely to be controversial; and
- (e) whether the decision is in the best interests of the Council.

11 Council Resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer.

11.1 Council Resources

Council resources, including officers, support staff, hospitality services, equipment and stationery should be used exclusively for normal Council business during the Election Period, and should not be used in connection with an election campaign.

11.2 Correspondence

General correspondence addressed to councillors will be answered as usual. However, Councillors will sign only the necessary minimum of correspondence during the caretaker period and correspondence in respect to significant, sensitive or controversial matters should be signed by the Chief Executive Officer. Replies will be prepared so as to protect Council staff from perceptions of political bias.

11.3 Expenses Incurred by Councillors

Payment or reimbursement of costs relating to Councillors out-of-pocket expenses incurred during the Election Period should only apply to necessary costs that have been incurred in the performance of normal Council duties not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.

11.4 Council Branding & Stationery

No Council logos, letterheads, or other Swan Hill Rural City Council branding will be used for, or linked in any way to, a candidate's election campaign.

11.5 Purchases, Expenditure & Community Grants

Council Officers must consider whether any item purchased or expended during the Caretaker period may give an unfair advantage to a candidate. Where this may be the case the expenditure item should be referred to a Director or CEO for approval. It is preferable that any such expenditure or purchase is conducted after the Caretaker period.

11.6 Support Staff to the Mayor and Councillors

Support staff for the Mayor and Councillors must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

11.7 Community Meetings

Community Meetings will not be held during the Election Period.

12 Access to Council Information

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the Election Period.

An Information Register will be maintained by Governance commencing on the opening of nominations on Thursday 15 September 2016.

(a) This Register will be a public document (available on Council website) that records all requests for information of a non-election nature by all candidates, and the responses/documentation provided to those requests.

(b) Details to be included within the Register include not only the request and response but also the name of the candidate making the request and the date request is made.

12.1 Information & Briefing Material

Information and briefing material prepared or secured by staff for a Councillor during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

13 Media & Media Services

Council's Public Relations services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

13.1 Media Advice

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Media and Public Relations Coordinator then referred to the Chief Executive Officer or the Director Corporate Services. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

13.2 Media Releases/Spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer or his delegate will determine the appropriate person.

13.3 Publicity Campaigns

During the Election Period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or his delegate must approve it. In any event, Council publicity during the Election Period will be restricted to communicating normal Council activities and initiatives.

13.4 Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

13.5 Council Employees

During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer or the relevant Director.

14 Equity in Assistance to Candidates

The Council affirms that all candidates for the Council election will be treated equally.

14.1 Candidate Assistance & Advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council Election will be provided equally to all candidates.

14.2 Election Process Enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his nominee.

15 Authorisation

This procedure was approved by the CEO on 22 August 2012. The Director Corporate Services has overall responsibility for this Procedure. The Human Resource and Governance Manager has responsibility for Procedure Implementation and Review.

16 Revision Date

These guidelines are to be reviewed by the Director Corporate Services in December 2019, in preparation for the next Council elections which are expected to occur in October 2020.



Caretaker Period Certification Procedure 2016

Operation: This procedure applies during the Election Period or “Caretaker Period” (ie from midnight at the end of Wednesday 21 September 2016 until 6.00pm on Saturday 22 October 2016). The procedure is to be used for certifying any publication, pursuant to s.55D of the Local Government Act 1989.

Background: All requests for advertisements or publications during the Election Period must be certified by the CEO, to confirm that they do not contain election material, prior to being printed or published or distributed.

Definitions: “Publication” means any advertisement, pamphlet, handbill, press release, notice or similar.

Process:

- All publications during the Caretaker Period must be emailed to the Governance Officer, so that arrangements for certification can be made. If there is any doubt about whether the material is subject to the procedure, it should be forwarded to the above officer, for checking.
- The role of Governance is to read the proposed publication and check that no election material is present (unless it is factual election process information).
- Governance will send the proposed publication to the CEO via email with suggested wording as set out below.
- CEO to send back approval and certify in writing (email is acceptable and preferable). CEO to use Corporate signature that is used in emails, certification wording is below.
- When certification is received back from CEO, the email is to be saved into the Council Election 2016 - Caretaker Period Certified Documents folder on Alfresco. This will enable a record to be maintained of all certified publications.

Standard text to accompany Governance email to CEO:

“This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. In accordance with the requirements of s.55D(1) of the Local Government Act 1989 can you please certify in writing that you authorise for this material to be printed, published or distributed.”

Standard certification to be used by the CEO as part of “corporate signature” for certification emails:

“I certify that the attached material is suitable for printing, publishing or distributing on behalf of Swan Hill Rural City Council”

Extract from Local Government Act 1989

s.55D Prohibition on Council

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Penalty: 60 penalty units.

- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

DIRECTIVE TITLE ELECTION PERIOD (CARETAKER) POLICY**DIRECTIVE NUMBER DIR/GOV016****PURPOSE**

The purpose of this Policy is to ensure that the business of Council continues throughout an election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker' conventions.

The Election Period (Caretaker) Policy has been developed in order to ensure that general elections for Swan Hill Rural City Council are conducted in a manner that is fair and equitable to all candidates and is publicly perceived as such.

SCOPE

This Policy applies to all Councillors and Employees of Council.

This Policy applies during the 'Election Period' (The Local Government Act 1989 defines the election period as commencing on the last day of nominations and ending at 6pm on election day) and covers:

- decisions that are made by Council, a special committee of Council, or a delegate of Council
- any material that is published by Council
- attendance and participation in functions and events
- the use of Council resources
- access to Council information, and
- media services.

POLICY

1. Council will establish written procedures for managing the business of Council during an Election Period
2. Councillors and employees must comply with the requirements of the Procedures

The Procedure will ensure that:-

3. Council does not make major or policy decisions during an Election Period
4. Council does not make inappropriate decisions during an Election Period
5. Councillors do not use Council Resources to assist a candidates election campaign
6. Councils public consultation during an Election Period is limited to fulfilling Statutory obligations only
7. During an Election Period Council events will be kept to a minimum and will not include funding announcements or events likely to influence voting intentions
8. During an election period Council media releases and comment will be limited to providing statutory information and information relating to the election process only

DEFINITIONS

Election (Caretaker) Period means the election period as defined by the Local Government Act 1989.

Election Period (Caretaker) Policy means the policy adopted by Council for the election period.

Prior to the commencement of the lead in for the 2016 elections the election period was known as the Caretaker period.

Major Policy Decision as defined in section 93A (6) of the Act and means any decision:

- (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) to terminate the appointment of a Chief Executive Officer under section 94;
- (c) to enter into a contract the total value of which exceeds whichever is the greater of
 - (i) \$100,000 {or such higher amount as may be fixed by Order in Council under section 186(1)} *nb amounts fixed are \$130,000 for goods & services contracts and \$180,000 for works contracts, or*
 - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year and
- (d) to exercise any power under section 193 – entrepreneurial powers - of the sum assessed in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

Inappropriate Decisions (governed by section 93B of the Act); made by a Council during an election period includes any of the following:

- (a) decisions that would affect voting in an election; and
- (b) decisions that could reasonably be made after the election.

RELATED POLICIES/DOCUMENTS

Swan Hill Rural City Council Election Period (Caretaker) Procedure

RELATED LEGISLATION

The Local Government Act 1989

Signed: _____ **MAYOR** Date: _____

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.16.2 SIGN & SEAL REPORT

Responsible Officer: Acting Chief Executive Officer

Attachments: Nil

Declarations of Interest:

Ian Couper- 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
719	Australia Day – Community Event 2015	Citation	19/01/16
720	Australia Day – Citizen of the Year 2015	Citation	19/01/16
721	Australia Day – Young Citizen of the Year 2015	Citation	19/01/16
722	Section 173 Agreement – PS726425T Crown Allotment 62 Section B Parish of Bumbang 35 Damascus Road Robinvale, PS726425T Crown Allotment 56 Section B, Parish of Bumbang, 31 Crete Road Robinvale, PS726425T Crown Allotment 63A, Section B, Parish of Bumbang 46 Damour Road Robinvale.	Between Swan Hill Rural City Council and A.L.Mezzatesta, M & J McDermott, K.A.Rogers and L.K.Rogers	28/01/16
723	Contract of Maximum term employment - CEO	Between Swan Hill Rural City Council and J.B.McLinden	17/02/16
724	Credit Agreement Vegetation Link	Between Swan Hill Rural City Council, Department Environment, Land and Water and Rowe	02/03/16

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.

17/16 Motion

MOVED Cr Katis

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

SECONDED Cr Norton

The Motion was put and CARRIED

C.16.3 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

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

Declarations of Interest:

Ian Couper - 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.

18/16 Motion

MOVED Cr Katis

That Council note the contents of the report.

SECONDED Cr Kiley

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
23 February 2016 at 1.00pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS

AGENDA ITEMS

- VicRoads Update
- S5 & S6 Delegations
- Update and discussions of Section 173 Agreements
- Rural Land Use Strategy
- Council Plan Review discussion
- Media Policy

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Nil

Officers

- Ian Couper, Acting CEO
- Adam McSwain, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Rosanne Kava, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Helen Morris, Organisational Development Manager
- Rachael Blandthorn, Planning Officer
- Stefan Louw, Development Manager

Other

- Mal Kersting, VicRoads
- Sally McGuinness, RM Consulting Group

CONFLICT OF INTEREST

- Cr Les McPhee, Potential conflict of interest with item 4

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

AGENDA ITEMS

- Community Planning
- Pioneer Settlement Day Product review
- Car Park Management Update
- Drag Strip Update
- Capital Works Preview
- Saleyards National Stronger Regions Funding Application
- Possible land purchase
- South West Development Precinct Planning Panel Report

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Jessie Kiley

Officers

- Ian Couper, Acting CEO
- Adam McSwain, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Rosanne Kava, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Muriel Scholz, Senior Economic Development Officer
- Pat Ahern, Fleet Operations and Livestock Exchange Coordinator
- Mazen Aldaghstani, Engineering Projects and Assets Manager
- Shahed Amin, Project Engineer
- Fiona Gormann, Communing Development and Riverfront Coordinator
- Chris Rowlands, Community Planning Officer

Other

- Sally Hirst, Consultant

CONFLICT OF INTEREST

- Cr Michael Adamson, Direct Interest. Item 8.

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
8 March 2016 at 11.00am
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

AGENDA ITEMS

- Review of Draft Budget

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Les McPhee

Officers

- Adam McSwain, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Rosanne Kava, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Ian Couper, Acting CEO
- Warren Snyder, Finance Manager

Other

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

D.16.1 IMPLEMENTING ROAD VEGETATION AND TREE CLEARANCES

Having given due notice, **Councillor Gary Norton MOVED that Council:**

- 1. Start implementing road vegetation and tree clearances on our collector and access roads in broad acre farm district.**
- 2. That the clearance be no less than that which is specified in Councils Road Management Plan.**
- 3. That the clearance levels be reviewed when the Road Management Plan is being reviewed.**

Preamble

This motion has come about after several requests from the Victorian Farmers Federation (VFF) and farmers in these areas.

As we know farms and farm machinery has increased in size over the years and our clearing of road side vegetation has not kept up.

We owe it to our farmers to support them in their endeavour for safety and productivity.

Our farmers add large amounts to our rates and productivity, with what I would say is little return from council.

Initially this may cost a little bit more but in the long run there will be savings. Also, I believe this could be incorporated in our road management plans.

19/16

MOVED Cr Norton

Having given due notice, **Councillor Gary Norton MOVED that Council:**

- 1. Start implementing road vegetation and tree clearances on our collector and access roads in broad acre farm district.**
- 2. That the clearance be no less than that which is specified in Councils Road Management Plan.**
- 3. That the clearance levels be reviewed when the Road Management Plan**

is being reviewed.

SECONDED Cr Katis

The Motion was put and CARRIED

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Cr Jessie Kiley

Nothing to report

Cr John Katis

Meeting with Mayor and CEO at Robinvale
Murray River Group of Councils at Cobram
REBA Meeting
Meeting with Solar Farm Manager for Bannerton Robinvale

Cr Jim Crowe

Chisholm Sports Complex
South West Development Meeting
Netball Meeting
SuniTafe Awards
Pursue options for Netball court seating
Chisholm Reserve User Group
Festival of Sport Meeting

Cr Gary Norton

Local Government Act Review
Piangil Progress Association
Manangatang Improvement Group
North West Municipalities
MAV Strategic Planning Session
VFF Meeting (Manangatang)
MAV Transport and Infrastructure Meeting
MAV Board Meeting
Rural Councils Summit 2016

Cr Michael Adamson

Local Government Act Review

Cr Greg Cruickshank

Nothing to report

Cr Les McPhee

ABC Radio Interview
Robinvale Visit with CEO
Lake Boga Primary School, Captains Badge Presentation
3SH Radio Interview
Mayor/CEO Meeting
Swan Hill Inc Business Boot Camp
Australia Day Breakfast de-brief

Ultima Progress Association Meeting
ABC Radio Interview
Headspace – Tour of Facility
St Marys College Opening School Mass
Official opening of The Truck Specialists
Opening of the Transfer Station at the Swan Hill Landfill
Mayor/CEO Meeting
Lake Boga Land and on Water Management Plan Implementation Working Group Meeting
Presentation of Major Projects to Freemasons
ABC Radio Interview
Community Road Safe Council Bike Education Launch
Municipal Emergency Management Planning Committee Meeting and Workshop
Colour Your Run Event
ABC Radio Interview
Mayor/CEO Meeting
Food and Wine Cruise on Pyap
Mayor/CEO Meeting

SECTION G – IN CAMERA ITEMS

Recommendations

That Council close the meeting to the public on the grounds that the report(s) include legal advice

Officers and public members left the room at 2.32pm for the In Camera item.

B.16.10 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT

Recommendations

That the meeting move out of closed session

MOVED Cr Norton

That the meeting come out on in camera and that the Council reopen the meeting to the public.

SECONDED Cr Cruickshank

The motion was put and CARRIED

SECTION H – DECISIONS MADE IN CAMERA

B.16.10 CONSIDERATION OF CONFIDENTIAL REPORT

There being no further business the meeting was closed at 4.20pm