



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 17 September 2019

Held at the Swan Hill Visitor
Information Centre,
corner McCrae & Curlewis
Streets, Swan Hill
Commenced at 4pm

COUNCIL:

Cr A Young – Mayor

Cr LT McPhee

Cr J Benham

Cr C Jeffery

Cr L Johnson

Cr B Moar

Cr N McKay

Confirmed 15 October 2019

Chairperson.....

SECTION A – PROCEDURAL MATTERS	4
SECTION B – REPORTS.....	6
B.19.92 IN-PRINCIPLE ADOPTION OF FINANCIAL AND PERFORMANCE STATEMENTS.....	6
B.19.93 PROPOSED SALE OF COUNCIL PROPERTY- CHILLINGOLAH	77
B.19.94 MARKETING AND BUSINESS SPECIAL RATE SCHEME AGREEMENT BETWEEN COUNCIL AND SWAN HILL INCORPORATED.....	80
B.19.95 REQUESTS FOR EVENT GRANTS OR SPONSORSHIP	103
B.19.96 PROPOSAL TO ESTABLISH AN EQUESTRIAN FACILITY AT THE LAKE BOGA SPORTING COMPLEX.....	110
B.19.97 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 6 & 103 NADZAB ROAD, ROBINVALE.....	120
B.19.98 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 65 LAKE ROAD, WOORINEN SOUTH	136
B.19.99 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 24 & 168 VAINS ROAD FISH POINT	154
B.19.100 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 73 LETTE LANE AND 103 MCCOY LANE LAKE BOGA	169
B.19.101 PLANNING PERMIT 2017/98 USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDING, WILLOX ROAD, MURRAWEE	184
B.19.102 ‘OUR PLACE’ CONCEPT DESIGN DECISION	205
B.19.103 RECEIVE AND HEAR SUBMISSIONS TO THE GILLESPIE STREET SPECIAL CHARGE SCHEME AND NOTICE OF INTENTION TO LEVY	236
B.19.104 PROPOSED STRADBROKE AVENUE BUS STOP AND SHELTER	249
B.19.105 PROPOSED MAV STATE COUNCIL MOTIONS	308
SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION	319
C.19.15 SIGN & SEAL REPORT	319
C.19.16 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS	321
SECTION D – NOTICES OF MOTION.....	328
SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA.....	328
SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS	328

SECTION G – IN CAMERA ITEMS329

SECTION A – PROCEDURAL MATTERS

- **Open**

Mayor, Councillor Ann Young assumed the chair and declared the meeting open at 4.00pm.

- **Acknowledgement of Country**

Mayor, Councillor Ann Young read the Acknowledgement of Country.

- **Prayer**

Cr Bill Moar read the prayer.

- **Apologies**

Cr Nicole McKay lodged an apology and requested a leave of absence due to a work commitment.

117/19 Motion

MOVED Cr McPhee

1. That the apologies be accepted.
2. That Cr McKay be granted a leave of absence.

SECONDED Cr Johnson

The Motion was put and CARRIED

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 20 August 2019
- 2) Extraordinary Council Meeting held on 30 August 2019

118/19 Motion

MOVED Cr Jeffery

That the minutes be confirmed.

SECONDED Cr Benham

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Cr Les McPhee stated that he had recently been made aware that some Councillors and a member of the public, have concerns that he has a conflict of interest in relation to the decision around the relocation of the pony club to Lake Boga.

Cr Les McPhee said “Firstly I am disappointed that the Councillors have not approached me in the first instance to discuss this perceived conflict. Also it is interesting that we have discussed this matter on a number of occasions and it is only now that this perceived conflict has arisen. I take the Conflict of Interest issue very seriously as should every Councillor. I have declared a Conflict of Interest on a number of other issues before Council that I believed I had a conflict in. This shows I am prepared to declare a conflict when a conflict is appropriate as per Section “77A Direct and indirect interests” and Section “77B Direct interest” of the Local Government Act 1989.

I believe there will be no conflict just because I have an Equestrian Centre. The clubs involved in this relocation have been in existence prior to my facility being built, and will have no impact on my facility whether this relocation is allowed or disallowed.

I considered stepping out of the decision due to the perceived conflict by others. But, this goes against my role as a Councillor to make decisions in the best interest of all ratepayers. Also ultimately it is my decision as to whether I believe there is a conflict. As such I will not be stepping aside when a decision is required for this issue.”

Cr Bill Moar declared an indirect interest in item B19.94 – MARKETING AND BUSINESS SPECIAL RATE SCHEME AGREEMENT BETWEEN COUNCIL AND SWAN HILL INCORPORATED due to a close association with his sister being on the board of Swan Hill Inc.

Cr Lea Johnson declared an indirect interest in items B19.99 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 24 & 168 VAINS ROAD FISH POINT and B19.100 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 73 LETTE LANE AND 103 MCCOY LANE LAKE BOGA because of conflicting duties due to her real estate position at LJ Hooker.

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

Nil

- **Public Question Time**

Nil

SECTION B – REPORTS

B.19.92 IN-PRINCIPLE ADOPTION OF FINANCIAL AND PERFORMANCE STATEMENTS

Responsible Officer: Director Corporate Services
File Number: 42-01-00
Attachments: 1 Annual Financial Report 2018/19
2 Performance Statement

Declarations of Interest:

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

Summary

The Local Government Act requires that Council adopt its Annual Statements incorporating the General Purpose Financial Statements, and Performance Statement “in principle” prior to the Auditor General issuing an Audit opinion on the Statements. Officers have prepared a draft set of Statements, ready for “in principle adoption”, and request that Council adopt these Statements “in principle”.

Discussion

Officers have been working for some weeks to prepare Council’s annual Statutory Statements, incorporating the General Purpose Financial Statements and Performance Statement for 2018/19. A draft set of these statements has been prepared and presented for Audit.

Council’s Audit Committee met to review the Draft Statements on 12 September 2019. The Audit Committee recommended that Council adopt the statements “in-principle”. Accordingly, as required under the Local Government Act these draft statements are attached and are presented to Council for “in-principle” adoption.

The Auditor General and Local Government Victoria both accept that adoption is “in-principle” and is therefore not seen as a certification by Council as to the complete accuracy of the information being adopted.

It is anticipated that the final audit process will be completed shortly after Council adopts the Statements in-principle, at which time the Statements will be available for signing by the two appointed Councillors. The Statements can then be included in the Annual Report.

A formal advertising process will then take place, with the Annual Report being adopted at a Special Meeting of Council, to be arranged for late October 2019.

Consultation

The statements form part of the Annual Report which will be advertised prior to adoption.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Failure to adopt the Statement 'in-principle' will contravene the Local Government Act.

Council Plan Strategy Addressed

Effective partnerships and relationships with key stakeholders and staff. - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Options

Failure to adopt the statements "in-principle" will delay the audit of the statements and may put Council outside the deadline for lodgement of the Annual report with the Local Government minister, which is 30 September 2019.

Recommendation

That Council adopt "in-principle" the Draft General Purpose Financial Statement and Performance Statement for the 2018/19 financial year as presented.

119/19 Motion

MOVED Cr McPhee

That Council adopt “in-principle” the Draft General Purpose Financial Statement and Performance Statement for the 2018/19 financial year as presented.

SECONDED Cr Benham

The Motion was put and CARRIED

Swan Hill Rural City Council
ANNUAL FINANCIAL REPORT

For the Year Ended 30 June 2019

**Swan Hill Rural City Council
Financial Report
Table of Contents**

FINANCIAL REPORT	Page
Certification of the Financial Statements	135
Victorian Auditor-General's Office Audit Report	136
Financial Statements	
Comprehensive Income Statement	138
Balance Sheet	139
Statement of Changes in Equity	140
Statement of Cash Flows	141
Statement of Capital Works	142
Overview	143
Notes to Financial Statements	
Note 1 Performance against budget	144
1.1. Income and expenditure	144
1.2. Capital works	146
Note 2.1 Analysis of Council results by program	148
Note 3 Funding for the delivery of our services	150
3.1. Rates and charges	150
3.2. Statutory fees and fines	150
3.3. User fees	150
3.4. Funding from other levels of government	151
3.5. Contributions	152
3.6. Net gain/(loss) on disposal of property, infrastructure, plant and equipment	152
3.7. Other income	152
Note 4 The cost of delivering services	153
4.1. Employee costs	153
4.2. Materials and services	153
4.3. Depreciation and amortisation	153
4.4. Bad and doubtful debts	154
4.5. Borrowing costs	154
4.6. Other expenses	154
Note 5 Our financial position	155
5.1. Financial assets	155
5.2. Non-financial assets	157
5.3. Payables	158
5.4. Interest-bearing liabilities	158
5.5. Provisions	159
5.6. Financing arrangements	161
5.7. Commitments	162
Note 6 Assets we manage	164
6.1. Property, infrastructure plant and equipment	164
Note 7 People and relationships	173
7.1. Council and key management remuneration	173
7.2. Related party disclosure	174
Note 8 Managing uncertainties	175
8.1. Contingent assets and liabilities	175
8.2. Change in accounting standards	176
8.3. Financial instruments	177
8.4. Fair value measurement	178
8.5. Events occurring after balance date	179
Note 9 Other matters	180
9.1. Reserves	181
9.2. Reconciliation of cash flows from operating activities to surplus/(deficit)	182
9.3. Superannuation	182

Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Planning and Reporting) Regulations 2014*, the Australian Accounting Standards and other mandatory professional reporting requirements.

David Lenton CPA
Principal Accounting Officer

Date : 17 September 2019
Swan Hill

In our opinion the accompanying financial statements present fairly the financial transactions of Swan Hill Rural City Council for the year ended 30 June 2019 and the financial position of the Council as at that date.

As at the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify the financial statements in their final form.

Ann Young
Councillor (Mayor)

Date : 17 September 2019
Swan Hill

Lea Johnson
Councillor

Date : 17 September 2019
Swan Hill

John McLinden
Chief Executive Officer

Date : 17 September 2019
Swan Hill

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**Comprehensive Income Statement
For the Year Ended 30 June 2019**

	Note	2019 \$	2018 \$
Income			
Rates and charges	3.1	27,691,421	26,702,822
Statutory fees and fines	3.2	1,036,820	944,039
User fees	3.3	4,517,110	4,583,417
Grants - operating	3.4	10,881,813	10,265,430
Grants - capital	3.4	3,650,527	4,823,938
Contributions - monetary	3.5	264,508	339,453
Contributions - non monetary	3.5	475,683	327,273
Net gain on disposal of property, infrastructure, plant and equipment	3.6	1,004,644	245,312
Other income	3.7	2,636,625	2,568,999
Total income		52,159,151	50,800,683
Expenses			
Employee costs	4.1	19,194,683	18,288,780
Materials and services	4.2	15,136,864	16,014,005
Depreciation and amortisation	4.3	8,534,709	8,244,117
Bad and doubtful debts	4.4	51,072	34,495
Borrowing costs	4.5	332,455	357,303
Other expenses	4.6	1,514,182	2,084,305
Total expenses		44,763,965	45,023,005
Surplus for the year		7,395,186	5,777,678
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment	9.1	7,906,425	6,388,520
Total comprehensive result		15,301,611	12,166,198

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet
As at 30 June 2019

	Note	2019	2018
		\$	\$
Assets			
Current assets			
Cash and cash equivalents	5.1	7,989,911	2,577,351
Trade and other receivables	5.1	2,653,132	1,672,565
Other financial assets	5.1	21,589,437	21,102,583
Inventories	5.2	161,558	94,381
Other assets	5.2	389,015	702,263
Total current assets		32,783,053	26,149,143
Non-current assets			
Trade and other receivables	5.1	60,850	71,358
Other assets	5.2	50,000	50,000
Property, infrastructure, plant and equipment	6.1	458,720,968	448,375,475
Intangible assets	5.2	2,764,800	1,843,200
Total non-current assets		461,596,618	450,340,033
Total assets		494,379,671	476,489,176
Liabilities			
Current liabilities			
Trade and other payables	5.3	2,737,383	1,781,015
Trust funds and deposits	5.3	238,715	147,046
Provisions	5.5	5,130,074	4,850,141
Interest-bearing liabilities	5.4	509,042	483,917
Total current liabilities		8,615,214	7,262,119
Non-current liabilities			
Provisions	5.5	1,371,941	1,389,350
Interest-bearing liabilities	5.4	7,413,170	6,159,972
Total non-current liabilities		8,785,111	7,549,322
Total liabilities		17,400,325	14,811,441
Net assets		476,979,346	461,677,735
Equity			
Accumulated surplus		298,312,667	290,917,481
Reserves	9.1	178,666,679	170,760,254
Total Equity		476,979,346	461,677,735

The above balance sheet should be read in conjunction with the accompanying notes.

**Statement of Changes in Equity
For the Year Ended 30 June 2019**

2019	Note	Total \$	Accumulated Surplus \$	Revaluation Reserve \$
Balance at beginning of the financial year		461,677,735	290,917,481	170,760,254
Surplus for the year		7,395,186	7,395,186	-
Net asset revaluation increment	9.1	7,906,425	-	7,906,425
Balance at end of the financial year		476,979,346	298,312,667	178,666,679

2018		Total \$	Accumulated Surplus \$	Revaluation Reserve \$
Balance at beginning of the financial year		449,511,537	285,139,803	164,371,734
Surplus for the year		5,777,678	5,777,678	-
Net asset revaluation increment	9.1	6,388,520	-	6,388,520
Balance at end of the financial year		461,677,735	290,917,481	170,760,254

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows
For the Year Ended 30 June 2019

	Note	2019 Inflows/ (Outflows) \$	2018 Inflows/ (Outflows) \$
Cash flows from operating activities			
Rates and charges		27,486,617	26,731,182
Statutory fees and fines		1,036,820	944,039
User fees		3,679,894	4,893,357
Grants - operating		10,881,813	10,265,430
Grants - capital		3,650,527	4,823,938
Contributions - monetary		254,358	339,453
Interest received		853,635	696,362
Other receipts		1,814,031	1,872,637
Net GST refund/payment		1,808,368	1,815,209
Employee costs		(19,255,459)	(18,909,138)
Materials and services		(15,560,674)	(18,379,461)
Other payments		(748,425)	(874,562)
Net cash provided by operating activities		15,901,505	14,218,446
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment	6.1	(12,155,369)	(10,747,635)
Proceeds from sale of property, infrastructure, plant and equipment		1,180,290	461,655
Payments for investments		(486,854)	-
Proceeds from sale of investments		-	(6,530,329)
Net cash used in investing activities		(11,461,933)	(16,816,309)
Cash flows from financing activities			
Finance costs		(332,455)	(357,303)
Proceeds from borrowings		1,800,000	-
Repayment of borrowings		(494,557)	(1,001,099)
Net cash provided by/(used in) financing activities		972,988	(1,358,402)
Net increase (decrease) in cash and cash equivalents		5,412,560	(3,956,265)
Cash and cash equivalents at the beginning of the financial year		2,577,351	6,533,616
Cash and cash equivalents at the end of the financial year		7,989,911	2,577,351
Restrictions on cash assets	5.1		
Financing arrangements	5.6		

The above statement of cash flows should be read in conjunction with the accompanying notes.

**Statement of Capital Works
For the Year Ended 30 June 2019**

	Note	2019 \$	2018 \$
Property			
Land		-	152,351
Buildings		1,091,629	583,646
Total property		1,091,629	735,997
Plant and equipment			
Plant, machinery and equipment		1,280,357	1,665,539
Fixtures, fittings and furniture		42,128	75,000
Computers and telecommunications		61,918	29,826
Total plant and equipment		1,384,403	1,770,365
Infrastructure			
Sealed roads		5,017,981	4,397,225
Unsealed roads		1,043,741	1,310,988
Footpaths and cycleways		307,463	408,244
Drainage		376,379	1,091,736
Recreational, leisure and community facilities		245,924	204,281
Parks, open space and streetscapes		263,081	65,748
Other infrastructure		2,134,211	236,855
Total infrastructure		9,388,780	7,715,077
Culture and heritage			
Library books		129,721	140,483
Artworks		2,000	2,945
Pioneer Settlement - buildings		63,188	-
Pioneer Settlement - vehicles and vessels		95,648	382,768
Total plant and equipment		290,557	526,196
Total capital works expenditure		12,155,369	10,747,635
Represented by:			
New asset expenditure		1,077,545	2,575,215
Asset renewal expenditure		9,966,264	7,493,971
Asset expansion expenditure		-	-
Asset upgrade expenditure		1,111,560	678,449
Total capital works expenditure		12,155,369	10,747,635

The above statement of capital works should be read in conjunction with the accompanying notes.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

OVERVIEW**Introduction**

The Swan Hill Rural City Council was established by an Order of the Governor in Council on 20 January 1995 and is a body corporate.

The Council's main office is located at 45 Splatt St Swan Hill.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

Significant accounting policies**(a) Basis of accounting**

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)
- the determination of landfill provisions (refer to Note 5.5)
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 1 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$1,000,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures detailed below are those adopted by Council on 26 June 2018. The Budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for income and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

1.1 Income and expenditure

	Budget 2019 \$	Actual 2019 \$	Variance 2019 \$	Variance %	Ref
Income					
Rates and charges	27,624,000	27,691,421	67,421	0%	
Statutory fees and fines	907,000	1,036,820	129,820	14%	1
User fees	4,694,000	4,517,110	(176,890)	(4%)	
Grants - operating	11,467,000	10,881,813	(585,187)	(5%)	
Grants - capital	3,357,000	3,650,527	293,527	9%	
Contributions - monetary	215,000	264,508	49,508	23%	2
Contributions - non monetary	-	475,683	475,683	100%	3
Net gain on disposal of property, infrastructure, plant and equipment	295,000	1,004,644	709,644	241%	4
Other income	3,688,000	2,636,625	(1,051,375)	(29%)	5
Total income	52,247,000	52,159,151	(87,849)	0%	
Expenses					
Employee costs	19,739,000	19,194,683	544,317	3%	
Materials and services	16,519,000	15,136,864	1,382,136	8%	6
Depreciation and amortisation	9,010,000	8,534,709	475,291	5%	
Bad and doubtful debts	2,000	51,072	(49,072)	(2454%)	7
Borrowing costs	362,000	332,455	29,545	8%	
Other expenses	1,092,000	1,514,182	(422,182)	(39%)	8
Total expenses	46,724,000	44,763,965	1,960,035	4%	
Surplus/(deficit) for the year	5,523,000	7,395,186	(2,047,884)	(37%)	

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(i) Explanation of material variations

Variance Ref	Item	Explanation
1	Statutory fees and fines	Valuation data fees for 2017/18 (\$70,000) were not received until 2018/19 and valuations data income from the Department of Treasury and Finance of \$34,000 had not been forecast.
2	Contributions - monetary	Council received assistance funding of \$60,000 from land owners to upgrade roads under the Local Roads to Market grant funding program which had not been forecast.
3	Contributions - non monetary	Donated assets were not forecast. This income comes from assets Council now controls donated by user groups.
4	Net gain on disposal of property, infrastructure, plant and equipment	This variance is due to the sale of a parcel of land at the Swan Hill Livestock Exchange, forecast to be received in 2017/18 but didn't eventuate until September 2018.
5	Other income	The next stage of the Tower Hill development wasn't available for sale until January 2019, so the result reflects only six months of sales, whereas the forecast was for sales over the year.
6	Materials and services	The budget included contractor payments of \$1.6M for the McCallum St roundabout project. VicRoads undertook this project and Council wasn't required to manage the contractor payments.
7	Bad and doubtful debts	Additional provisions were taken up for the increasing balance of outstanding infringement debtors.
8	Other expenses	Asset write offs and adjustments of \$513,000 had not been budgeted.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 1 Performance against budget (cont'd)

1.2 Capital works

	Budget 2019 \$	Actual 2019 \$	Variance 2019 \$	Variance 2019 %	Ref
Property					
Land	902,000	-	(902,000)	(100%)	1
Buildings	2,305,000	1,091,629	(1,213,371)	(53%)	2
Total property	3,207,000	1,091,629	(2,115,371)	(153%)	
Plant and equipment					
Plant, machinery and equipment	1,156,000	1,280,357	124,357	11%	3
Fixtures, fittings and furniture	-	42,128	42,128	100%	4
Computers and telecommunications	248,000	61,918	(186,082)	(75%)	5
Total plant and equipment	1,404,000	1,384,403	(19,597)	(1%)	
Infrastructure					
Sealed roads	4,473,000	5,017,981	544,981	12%	6
Unsealed roads	1,098,000	1,043,741	(54,259)	(5%)	
Footpaths and cycleways	267,000	307,463	40,463	15%	7
Drainage	911,000	376,379	(534,621)	(59%)	8
Recreational, leisure and community facilities	313,000	245,924	(67,076)	(21%)	9
Waste management	270,000	-	(270,000)	(100%)	10
Parks, open space and streetscapes	3,626,000	263,081	(3,362,919)	(93%)	11
Other infrastructure	1,842,000	2,134,211	292,211	16%	12
Total infrastructure	12,800,000	9,388,780	(3,411,220)	(27%)	
Cultural and heritage					
Library books	147,000	129,721	(17,279)	(12%)	13
Artworks	-	2,000	2,000	100%	
Pioneer Settlement - buildings	-	63,188	63,188	100%	14
Pioneer Settlement - vehicles and vessels	35,000	95,648	60,648	173%	15
Total plant and equipment	182,000	290,557	108,557	60%	
Total capital works expenditure	17,593,000	12,155,369	(5,437,631)	(121%)	
Represented by:					
New asset expenditure	7,786,000	1,077,545	(6,708,455)	(86%)	
Asset renewal expenditure	8,661,000	9,966,264	1,305,264	15%	
Asset upgrade expenditure	1,146,000	1,111,560	(34,440)	(3%)	
Total capital works expenditure	17,593,000	12,155,369	(5,437,631)	(31%)	

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(i) Explanation of material variations

Variance Ref	Item	Explanation
1	Land	\$100,000 was budgeted for land acquisitions but no land purchases were made. \$805,000 was budgeted for Tower Hill Development, but the construction of the next stage won't occur until 2019/20.
2	Buildings	\$520,000 for the Ken Harrison Sporting Complex soccer pavilion and \$400,000 for the group fitness room at the Swan Hill Leisure centre were not undertaken in 2018/19 and will be completed in 2019/20.
3	Plant, machinery and equipment	A tractor and two mowers forecast to be purchased in 2017/18 were acquired in 2018/19 (\$151,000).
4	Fixtures, fittings and furniture	Office alterations and parking meter purchases were budgeted in buildings and plant and equipment.
5	Computers and telecommunications	The majority of the forecast included costs that could not be capitalised. This included software and items that didn't meet capitalisation thresholds.
6	Sealed roads	Grant funding received via the Local Roads to Market program of \$555,000 was received and spent that had not been forecast.
7	Footpaths and cycleways	Works forecast as parks and open space was capitalised as footpath assets.
8	Drainage	Expenditure on the Robinvale Town Levee was \$542,000 below forecast. The majority of these works are yet to occur.
9	Recreational, leisure and community facilities	The Milloo Street boat ramp extensions and upgrade had only \$30,000 of the \$120,000 budget spent to 30 June 2019.
10	Waste management	The transfer station and service road at the Swan Hill Landfill project (\$150,000) was delayed, and construction of a reuse shed to the value of \$188,000 was capitalised to buildings.
11	Parks, open space and streetscapes	\$3,159,000 of the budgeted \$3,626,000 relates to the Swan Hill Riverfront Masterplan. These funds were leveraged in the successful application for the Federal Governments regional growth funding. Council was successful in obtaining grant funding of \$16.8 million for joint infrastructure projects with 6 neighbouring Councils. Of this funding, \$7.7 million will be received by Council and used to undertake \$15.53 million in capital works projects to be delivered over the next two and a half years.
12	Other infrastructure	Expenditure on the Swan Hill Livestock Exchange redevelopment was \$968,000 above forecast, primarily due to \$706,000 worth of works forecast to be undertaken in 2017/18 and carried forward to 2018/19.
13	Library books	Expenditure on library books were below forecast.
14	Pioneer Settlement - buildings	Construction of a toilet at the Paragon Café was carried forward from 2017/18.
15	Pioneer Settlement - vehicles and vessels	Completion of the PS Gem restoration project was forecast to be completed in 2017/18. The final works on the project was carried forward and completed in 2018/19.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 2.1 Analysis of Council results by program

Council delivers its functions and activities through the following programs.

2 (a) Economic growth

Economic growth will encourage new business development, provide support for business expansion and will continuously seek to help our existing businesses to prosper. This function provides, building and planning statutory services, management of caravan parks, economic development programs, regulatory services and parking control, management of the Pioneer Settlement and regional visitor information centre.

Community enrichment

Community enrichment function will provide a range of services to individuals and to the broader community that assist all in our community to live healthy, fulfilling lives. We will embrace our role as a regional centre by providing a range of cultural opportunities. The community enrichment function includes aged care services, maternal and child health, after school and vacation programs, libraries, art gallery and performing arts.

Infrastructure

Infrastructure will provide and maintain publicly accessible infrastructure that is appropriate for the community's needs in the most effective and efficient manner possible. The infrastructure function is responsible for constructing new infrastructure and maintaining existing infrastructure across the municipality.

Governance and leadership

Governance and leadership provides efficient, effective and proactive support services across council to enable the delivery of policy commitments, council vision and mission. The function will plan for our municipality's long term growth and development by committing to a robust program of strategic planning while representing our community's interests and conducting our affairs openly and with integrity, reflecting the high levels of governance our community expects.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 2.1 Analysis of Council results by program

2.1 (b) Summary of revenues, expenses, assets and capital expenses by program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$	\$	\$	\$	\$
2019					
Economic growth	4,479,187	(9,760,775)	(5,281,588)	780,810	7,561,158
Community enrichment	4,451,807	(7,028,927)	(2,577,120)	3,200,417	2,441,398
Infrastructure	10,999,539	(20,754,761)	(9,755,222)	5,817,781	449,569,851
Governance and leadership	32,228,618	(7,219,502)	25,009,116	4,733,330	34,807,262
	<u>52,159,151</u>	<u>(44,763,965)</u>	<u>7,395,186</u>	<u>14,532,338</u>	<u>494,379,669</u>
	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$	\$	\$	\$	\$
2018					
Economic growth	5,517,480	(10,136,590)	(4,619,110)	1,645,488	7,500,649
Community enrichment	4,642,485	(7,076,994)	(2,434,509)	3,055,374	2,500,785
Infrastructure	10,442,806	(18,966,725)	(8,523,919)	5,839,174	437,929,907
Governance and leadership	30,197,912	(8,842,696)	21,355,216	4,549,333	28,557,835
	<u>50,800,683</u>	<u>(45,023,005)</u>	<u>5,777,678</u>	<u>15,089,369</u>	<u>476,489,176</u>

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 3 Funding for the delivery of our services	2019	2018
3.1 Rates and charges	\$	\$

Council uses Capital Improved Value as the basis of valuation of all properties within the municipal district. The Capital Improved Value of a property is the value of its land, buildings and improvements.

The valuation base used to calculate general rates for 2018/19 was \$3,938 million (2017/18 \$3,630 million).

Residential	10,224,264	9,889,446
Commercial	1,741,150	1,774,224
Industrial	741,090	749,189
Farm/rural	11,301,265	10,770,131
Supplementary rates and rate adjustments	167,542	215,287
Garbage charge	3,122,662	2,983,598
Special Marketing Rates	362,347	355,569
Rate agreements - Electricity Industry Act	132,217	-
Other	(86,288)	(7,588)
Abandonments	(14,828)	(27,034)
Total rates and charges	27,691,421	26,702,822

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2018, and the valuation will be first applied in the rating year commencing 1 July 2018.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

Infringements and costs	90,275	103,864
Building and planning fees	512,722	502,518
Valuation data fees	120,516	12,903
Animal registration and release fees	146,306	143,151
Health registration fees	122,612	131,688
Other fees and fines	44,389	49,915
Total statutory fees and fines	1,036,820	944,039

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

3.3 User fees

Aged and health services	648,604	771,924
Administration fees	104,063	36,782
Child care/children's programs	136,621	192,371
Parking	255,497	261,938
Sales - admissions	1,110,595	1,128,720
Sales - merchandise, catering, other sales	540,398	451,050
Hire & leasing fees	731,127	717,903
Livestock exchange	635,366	591,122
Other fees and charges	354,839	431,607
Total user fees	4,517,110	4,583,417

User fees are recognised as revenue when the service has been provided or Council has otherwise earned the income.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
3.4 Funding from other levels of government		
Grants were received in respect of the following:		
Summary of grants		
Commonwealth funded grants	8,414,023	10,507,144
State funded grants	6,118,317	4,582,224
Total grants received	14,532,340	15,089,368
(a) Operating Grants		
Recurrent - Commonwealth Government		
Commonwealth Government - health and aged care	-	1,473,745
Victoria Grants Commission - general purpose	4,732,893	4,523,424
Victoria Grants Commission - local roads	2,266,908	2,124,431
Family day care	222,649	232,796
Out of school hours care	164,353	136,331
Recurrent - State Government		
Employment subsidies	438	25,841
Public health	23,457	25,252
Home and community care	1,526,588	209,672
Art gallery and performing arts	150,000	150,000
School crossing supervisors	48,328	31,732
Economic development	-	(95,753)
Libraries	197,073	194,801
Maternal child health	457,008	360,068
Other	115,569	119,435
Total recurrent operating grants	9,905,264	9,511,775
Non-recurrent - State Government		
Community projects	228,387	213,266
Environmental protection	85,000	106,000
Waste management	800	19,200
Indigenous affairs	5,688	-
Cultural heritage	17,600	96,200
Libraries	4,726	2,345
Economic development	98,750	33,380
Home and community care	181,907	106,907
Family and children	271,182	85,177
Other	82,509	91,180
Total non-recurrent operating grants	976,549	753,655
Total operating grants	10,881,813	10,265,430
(b) Capital Grants		
Recurrent - Commonwealth Government		
Roads to recovery	1,027,220	2,016,417
Total recurrent capital grants	1,027,220	2,016,417
Non-recurrent - State Government		
Roads	679,683	396,545
Drainage	447,980	355,000
Parks playgrounds and street beautification	560,228	401,489
Art and heritage	116,731	1,376,131
Buildings	320,610	27,969
Waste management	60,000	-
Livestock exchange	438,075	-
Other	-	250,387
Total non-recurrent capital grants	2,623,307	2,807,521
Total capital grants	3,650,527	4,823,938

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
(c) Unspent grants received on condition that they be spent in a specific manner		
Balance at start of year	4,769,511	4,282,376
Received during the financial year and remained unspent at balance date	5,265,579	4,244,206
Received in prior years and spent during the financial year	(4,081,556)	(3,757,071)
Balance at year end	<u>5,953,534</u>	<u>4,769,511</u>

Grant income is recognised when Council obtains control of the contribution. Control is normally obtained upon receipt (or acquittal).

3.5 Contributions

Monetary	264,508	339,453
Non-monetary	475,683	327,273
Total contributions	<u>740,191</u>	<u>666,726</u>

Contributions of non-monetary assets were received in relation to the following asset classes.

Artwork	-	71,300
Library books	2,955	10,905
Buildings	220,000	150,000
Sealed roads	-	83,368
Plant and equipment	252,728	-
Other	-	11,700
Total non-monetary contributions	<u>475,683</u>	<u>327,273</u>

Monetary and non-monetary contributions are recognised as revenue when Council obtains control over the contributed asset.

3.6 Net gain on disposal of property, infrastructure, plant and equipment

Proceeds of sale	1,180,290	461,655
Written down value of assets disposed	(175,646)	(216,343)
Total net gain on disposal of property, infrastructure, plant and equipment	<u>1,004,644</u>	<u>245,312</u>

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

3.7 Other income

Interest	853,635	696,362
Reimbursements	461,758	492,812
Tower Hill land sales	1,087,273	1,183,636
Less - Tower Hill costs of goods sold	(24,629)	(28,375)
Other	258,588	224,564
Total other income	<u>2,636,625</u>	<u>2,568,999</u>

Interest is recognised as it is earned.

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
Note 4 The cost of delivering services		
4.1 (a) Employee costs		
Wages and salaries	15,440,504	15,005,177
WorkCover	407,707	384,917
Agency staff	665,688	602,354
Long service leave	657,937	452,467
Staff training	179,382	176,039
Superannuation	1,685,142	1,514,692
Fringe benefits tax	59,504	57,309
Other	98,819	95,825
Total employee costs	19,194,683	18,288,780
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	171,003	197,353
	<u>171,003</u>	<u>197,353</u>
Employer contributions payable at reporting date.	-	-
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	1,421,610	1,295,802
Employer contributions - other funds	-	21,537
	<u>1,421,610</u>	<u>1,317,339</u>
Employer contributions payable at reporting date.	-	-
Refer to note 9.3 for further information relating to Council's superannuation obligations.		
4.2 Materials and services		
Contract payments	5,802,525	7,425,738
Community grants sponsorship and contributions	1,242,166	1,212,299
Building maintenance	794,787	812,776
General maintenance	1,911,679	1,513,483
Utilities	1,561,798	1,489,937
Office administration	817,089	823,069
Information technology	642,198	474,387
Insurance	673,426	603,669
Consultants	494,426	585,846
Other materials and services	1,196,770	1,072,801
Total materials and services	15,136,864	16,014,005
4.3 Depreciation and amortisation		
Property	760,499	820,825
Plant and equipment	1,338,027	1,267,197
Infrastructure	6,204,993	5,927,157
Culture and heritage assets	231,190	228,938
Total depreciation and amortisation	8,534,709	8,244,117
Refer to note 5.2(c) and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.		

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
4.4 Bad and doubtful debts		
Parking fine debtors	53,023	36,308
Rates debtors	(2,816)	6,543
Other debtors	865	(8,356)
Total bad and doubtful debts	51,072	34,495

Movement in provisions for doubtful debts

Balance at the beginning of the year	200,172	174,982
New provisions recognised during the year	75,912	61,837
Amounts already provided for and written off as uncollectible	(10,499)	(9,304)
Amounts provided for but recovered during the year	(24,840)	(27,343)
Balance at end of year	240,745	200,172

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

- Historical rate has been used in the calculations for the rates and other debtor categories.

- A forward looking adjustment rate has been used for parking and infringement debtors. This rate factors the likely collection of continually aging debtors.

4.5 Borrowing costs

Interest - borrowings	326,443	351,291
Interest - finance leases	6,012	6,012
Total borrowing costs	332,455	357,303

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.6 Other expenses

Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	54,300	53,000
Auditors' remuneration - internal	24,848	23,444
Auditors' remuneration - other	-	2,395
Councillors' allowances	236,700	238,625
Operating lease rentals	372,087	424,983
Assets written-off / impaired	513,562	1,050,303
Vehicle registrations	79,836	81,910
Bank charges	52,368	53,309
Legal costs	62,850	34,137
Fire services levy	60,916	67,324
Other	56,715	54,875
Total other expenses	1,514,182	2,084,305

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
Note 5 Our financial position		
5.1 Financial assets		
(a) Cash and cash equivalents		
Cash on hand	11,795	11,795
Cash at bank	2,941,942	2,565,556
Term deposits	5,036,174	-
Total cash and cash equivalents	7,989,911	2,577,351
(b) Other financial assets		
Term deposits - current	21,589,437	21,102,583
Total other financial assets	21,589,437	21,102,583
Total financial assets	29,579,348	23,679,934

Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:

- Trust funds and deposits (Note 5.3)	238,715	147,046
Total restricted funds	238,715	147,046
Total unrestricted cash and cash equivalents	7,751,196	2,430,305

Intended allocations

Although not externally restricted the following amounts have been allocated for specific future purposes by Council:

- unspent conditional grants received	5,953,534	4,769,511
- cash held to fund carried forward capital works	4,224,515	2,479,200
Total funds subject to intended allocations	10,178,049	7,248,711

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of 90 days or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at amortised cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
(c) Trade and other receivables		
Current		
<i>Statutory receivables</i>		
Rates debtors	1,233,077	1,028,273
Provision for doubtful debts - rates debtors	(26,339)	(29,155)
Private scheme debtors	9,834	9,750
Net GST receivable	685,184	258,482
Infringement debtors	216,484	186,736
Provision for doubtful debts - infringements	(205,947)	(158,975)
<i>Non statutory receivables</i>		
Other debtors	749,298	389,496
Provision for doubtful debts - other debtors	(8,459)	(12,042)
Total current trade and other receivables	2,653,132	1,672,565
Non-current		
<i>Non statutory receivables</i>		
Private scheme debtors	8,939	16,599
Loans and advances to community organisations	51,911	54,759
Total non-current trade and other receivables	60,850	71,358
Total trade and other receivables	2,713,982	1,743,923

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

(d) Ageing of receivables

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was:

Current (not yet due)	131,523	209,186
Past due between 31 and 180 days	533,476	108,730
Past due between 181 and 365 days	44,095	21,879
Past due by more than 1 year	40,202	49,701
Total trade and other receivables	749,296	389,496

(e) Ageing of individually impaired receivables

At balance date, other debtors representing financial assets with a nominal value of \$749,296 (2018: \$389,496) were impaired. The amount of the provision raised against these debtors was \$8,459 (2018: \$12,042). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at reporting date was:

Past due between 31 and 180 days	3,867	677
Past due between 181 and 365 days	1,844	2,008
Past due by more than 1 year	2,748	9,357
Total trade and other receivables	8,459	12,042

**Notes to the Financial Report
For the Year Ended 30 June 2019**

5.2 Non-financial assets	2019	2018
(a) Inventories	\$	\$
Inventories held for distribution	30,543	18,464
Inventories held for sale	41,412	30,817
Tower Hill estate	89,603	45,100
Total inventories	161,558	94,381

Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential. All other inventories, including land held for sale, are measured at the lower of cost and net realisable value. Where inventories are acquired for no cost or nominal consideration, they are measured at current replacement cost at the date of acquisition.

(b) Other assets

Current

Prepayments	139,244	570,694
Accrued income	249,771	131,569
Total current other assets	389,015	702,263

Non-current

Other	50,000	50,000
Total non-current other assets	50,000	50,000
Total other assets	439,015	752,263

(c) Intangible assets

Water rights	2,764,800	1,843,200
Total intangible assets	2,764,800	1,843,200

**Water Rights
\$**

Gross carrying amount

Balance at 1 July 2018	1,843,200
Asset revaluations	921,600
Balance at 1 July 2019	<u>2,764,800</u>

Net book value at 30 June 2018	<u>1,843,200</u>
Net book value at 30 June 2019	<u>2,764,800</u>

Water rights are valued at current market rates. The valuation is based on market transactions being the trading of water shares within the relevant water trading region. Prices are sourced from the Victorian Water Register for water traded within trading zone 7 VIC Murray - Barmah to SA.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
5.3 Payables		
(a) Trade and other payables		
Trade payables	201,321	262,734
Salaries and wages	828,923	719,464
Accrued expenses	1,707,139	798,817
Total trade and other payables	2,737,383	1,781,015
(b) Trust funds and deposits		
Refundable deposits	82,177	90,906
Fire services levy	1,333	910
Retention amounts	155,205	55,230
Total trust funds and deposits	238,715	147,046

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Refundable deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the State Government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

5.4 Interest-bearing liabilities

Current		
Borrowings - secured	481,922	456,797
Finance leases	27,120	27,120
	509,042	483,917
Non-current		
Borrowings - secured	7,358,930	6,078,612
Finance leases	54,240	81,360
	7,413,170	6,159,972
Total interest bearing liabilities	7,922,212	6,643,889

Borrowings are secured by Swan Hill Rural City Council General Rates

(a) The maturity profile for Council's borrowings is:

Not later than one year	481,922	456,797
Later than one year and not later than five years	5,930,049	5,578,612
Later than five years	1,428,881	500,000
	7,840,852	6,535,409

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

	2019	2018
	\$	\$
(b) The maturity profile for Council's finance lease liabilities is:		
Not later than one year	27,120	27,120
Later than one year and not later than five years	54,240	81,360
	81,360	108,480
Minimum future lease payments		
Less future finance charges	18,036	24,048
	99,396	132,528

Council has a finance lease agreement for the supply and usage of Multi Function Printers.

The term of the lease is 5 years beginning in July 2017. Lease repayments are fixed for the life of the lease agreement. Repayments are made monthly, with a lease and usage component. There is no option to purchase the assets at the end of the lease.

5.5 Provisions

	Annual leave	Long service	Landfill restoration	Other	Total
	\$	\$	\$	\$	\$
2019					
Balance at beginning of the financial year	1,332,138	3,716,453	1,190,900	-	6,239,491
Additional provisions	1,128,835	380,780	(535)	118,425	1,627,505
Amounts used	(1,133,752)	(283,857)	-	-	(1,417,609)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	1,475	28,111	23,042	-	52,628
Balance at the end of the financial year	1,328,696	3,841,487	1,213,407	118,425	6,502,015
2018					
Balance at beginning of the financial year	1,373,603	3,715,081	1,446,140	-	6,534,824
Additional provisions	1,069,313	312,129	47,845	-	1,429,287
Amounts used	(1,102,826)	(289,830)	(292,373)	-	(1,685,029)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(7,952)	(20,927)	(10,712)	-	(39,591)
Balance at the end of the financial year	1,332,138	3,716,453	1,190,900	-	6,239,491

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
(a) Employee provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	1,106,403	1,057,385
Long service leave	211,866	176,625
	1,318,269	1,234,010
Current provisions expected to be wholly settled after 12 months		
Annual leave	222,293	274,753
Long service leave	3,415,813	3,286,251
	3,638,106	3,561,004
Total current employee provisions	4,956,375	4,795,014
Non-current		
Long service leave	213,808	253,577
Total non-current employee provisions	213,808	253,577
Aggregate carrying amount of employee provisions:		
Current	4,956,375	4,795,014
Non-current	213,808	253,577
Total aggregate carrying amount of employee provisions	5,170,183	5,048,591

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulated sick leave expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. LSL is measured at present value. Unconditional LSL is disclosed as a current liability. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability.

Key assumptions:

- discount rate	0.96% - 1.40%	1.91% - 2.67%
- index rate	2.75%	3.63%

(b) Landfill restoration

Current	55,274	55,127
Non-current	1,158,133	1,135,773
	1,213,407	1,190,900

Council is obligated to restore the Swan Hill and Robinvale landfill sites to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Key assumptions:

- discount rate	0.96% - 1.03%	2.00% - 2.29%
- index rate	1.30%	2.00%

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
	\$	\$
(c) Other provisions		
Current	118,425	-
Non-current	-	-
	118,425	-
Total provisions		
Current	5,130,074	4,850,141
Non-current	1,371,941	1,389,350
	6,502,015	6,239,491

5.6 Financing arrangements

The Council has the following funding arrangements in place as at 30 June 2019.

Credit card facilities	200,000	200,000
Loans and borrowings	7,840,852	6,535,409
Total facilities	8,040,852	6,735,409
Used facilities	7,861,678	6,548,850
Unused facilities	179,174	186,559

**Notes to the Financial Report
For the Year Ended 30 June 2019**

5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

2019	Not later	Later than 1	Later than 2	Total
	than 1 year	year and not later than 2 years	years and not later than 5 years	
	\$	\$	\$	\$
Operating				
Building and property maintenance	642,353	438,572	-	1,080,925
Cleaning - council buildings, public toilets, barbeques	9,239	-	-	9,239
Materials and supplies	1,013,743	481,250	267,500	1,762,493
Office equipment leases	94,048	62,287	94,048	250,383
Professional services	465,468	-	-	465,468
Management & operation of the PS Pyap	185,000	190,550	196,300	571,850
Recreation, leisure and community facilities	1,086,311	1,135,024	7,500	2,228,835
Uniforms	15,215	-	-	15,215
Waste management operation and kerbside collection	1,731,005	1,672,851	77,028	3,480,884
Total	5,242,382	3,980,534	642,376	9,865,292
Capital				
Buildings	64,100	-	-	64,100
Drainage	247,151	-	-	247,151
Plant & equipment	591,211	-	-	591,211
Sealed roads	1,079,959	1,400,000	-	2,479,959
Parks and open space	263,160	-	-	263,160
Waste management	200,000	200,000	-	400,000
Other infrastructure	145,408	-	-	145,408
Cultural and heritage	48,975	-	-	48,975
Total	2,639,964	1,600,000	-	4,239,964
2018	Not later	Later than 1	Later than 2	Total
	than 1 year	year and not later than 2 years	years and not later than 5 years	
	\$	\$	\$	\$
Operating				
Building and property maintenance	145,611	77,847	-	223,458
Cleaning - council buildings, public toilets, barbeques	568,317	-	-	568,317
Environmental management	390,000	390,000	-	780,000
Materials and supplies	621,440	565,000	275,000	1,461,440
Office equipment leases	94,048	94,048	145,748	333,844
Professional services	279,956	-	-	279,956
Management & operation of the PS Pyap	159,848	-	-	159,848
Recreation, leisure and community facilities	1,061,811	1,120,024	-	2,181,835
Strategic planning	60,243	-	-	60,243
Uniforms	13,360	-	-	13,360
Valuations and rating	112,675	6,000	-	118,675
Waste management operation and kerbside collection	1,611,480	1,672,851	421,140	3,705,471
Total	5,118,789	3,925,770	841,888	9,886,447
Capital				
Drainage	231,000	-	-	231,000
Plant & equipment	150,499	-	-	150,499
Sealed roads	2,286,387	-	-	2,286,387
Unsealed roads	154,854	-	-	154,854
Waste management	200,000	200,000	-	400,000
Other infrastructure	69,040	-	-	69,040
Total	3,091,780	200,000	-	3,291,780

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Operating lease commitments

At the reporting date, the Council had the following obligations under non-cancellable operating leases for the lease of equipment and land and buildings for use within Council's activities (these obligations are not recognised as liabilities):

	2019	2018
	\$	\$
Not later than one year	391,690	392,996
Later than one year and not later than five years	1,519,858	1,635,756
Later than five years	767,523	1,224,249
	2,679,071	3,253,001

Lease payments for operating leases are required by the accounting standard to be recognised on a straight line basis, rather than expensed in the years in which they are incurred.

Notes to the Financial Report
For the Year Ended 30 June 2019

Note 6 Assets we manage

6.1 Summary of property, infrastructure, plant and equipment

	At Fair Value 30 June 2018	Additions	Contributions	Revaluation	Depreciation	Disposal	Transfers	At Fair Value 30 June 2019
	\$	\$	\$	\$	\$	\$	\$	\$
Property	100,624,630	996,731	220,000	-	(760,499)	(70,383)	71,984	101,082,463
Plant and equipment	6,171,006	1,351,737	252,728	-	(1,308,027)	(176,022)	-	6,261,422
Infrastructure	330,894,389	8,836,848	-	6,984,825	(6,204,993)	(485,420)	237,870	340,323,319
Culture and heritage assets	9,730,060	290,557	2,955	-	(231,190)	-	-	9,792,382
Work in progress	955,390	679,696	-	-	-	(3,850)	(369,854)	1,261,382
	448,375,475	12,155,369	475,683	6,984,825	(8,534,709)	(735,675)	-	458,720,968

Summary of work in progress

	Opening WIP	Additions	Write-off	Transfers	Closing WIP
	\$	\$	\$	\$	\$
Property	122,420	94,898	(3,850)	(71,984)	141,484
Plant and equipment	-	32,666	-	-	32,666
Infrastructure	832,970	552,132	-	(297,870)	1,087,232
Total	955,390	679,696	(3,850)	(369,854)	1,261,382

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(a) Property

	Land - specialised	Land - non specialised	Total Land	Buildings - specialised	Buildings - non specialised	Total Buildings	Total Property	Work in Progress
	\$	\$	\$	\$	\$	\$	\$	\$
At fair value 1 July 2018	58,587,804	6,426,800	64,994,404	101,244,948	4,284,580	105,529,528	170,523,932	122,420
Accumulated depreciation at 1 July 2018	-	-	-	(69,779,710)	(119,592)	(69,899,302)	(69,899,302)	-
	58,587,804	6,426,800	64,994,404	31,465,238	4,164,988	35,630,226	100,624,630	122,420
Movements in fair value								
Additions	-	-	-	996,731	-	996,731	996,731	94,898
Contributions	-	-	-	220,000	-	220,000	220,000	-
Disposal	-	(69,689)	(69,689)	(5,278)	-	(5,278)	(74,967)	(3,856)
Transfers	(65,406)	65,406	-	71,984	-	71,984	71,984	(71,984)
	(65,406)	(4,283)	69,689	1,283,437	-	1,283,437	1,213,748	19,064
Movements in accumulated depreciation								
Depreciation and amortisation	-	-	-	(683,130)	(77,369)	(760,499)	(760,499)	-
Accumulated depreciation of disposals	-	-	-	4,584	-	4,584	4,584	-
	-	-	-	(678,546)	(77,369)	(755,915)	(755,915)	-
At fair value 30 June 2019	58,502,398	6,422,317	64,924,715	102,528,385	4,284,580	106,812,965	171,737,680	141,484
Accumulated depreciation at 30 June 2019	-	-	-	(70,458,256)	(196,961)	(70,655,217)	(70,655,217)	-
	58,502,398	6,422,317	64,924,715	32,070,129	4,087,619	36,157,748	101,082,463	141,484

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(b) Plant and Equipment

	Plant machinery and equipment	Fixtures and fittings furniture	Computers and telecommis	Total plant and equipment	Work in Progress
	\$	\$	\$	\$	\$
At fair value 1 July 2018	11,226,611	4,184,797	1,250,830	16,662,238	-
Accumulated depreciation at 1 July 2018	(7,701,620)	(1,780,794)	(1,008,818)	(10,491,232)	-
	3,524,991	2,404,003	242,012	6,171,006	-
Movements in fair value					
Additions	1,247,691	42,128	61,918	1,351,737	32,666
Contributions	252,728	-	-	252,728	-
Disposal	(1,004,567)	(1,497)	(18,560)	(1,024,624)	-
	495,852	40,631	43,358	579,841	32,666
Movements in accumulated depreciation					
Depreciation and amortisation	(883,151)	(953,209)	(101,667)	(1,938,027)	-
Accumulated depreciation of disposals	828,919	1,123	18,560	848,602	-
	(54,232)	(352,086)	(83,107)	(489,425)	-
At fair value 30 June 2019	11,722,463	4,225,428	1,294,188	17,242,079	32,666
Accumulated depreciation at 30 June 2019	(7,755,852)	(2,132,880)	(1,091,925)	(10,980,657)	-
	3,966,611	2,092,548	202,263	6,261,422	32,666

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(c) Infrastructure

	Sealed roads	Unsealed roads	Footpaths and cycleways	Drainage	Recreational, leisure and community	Waste Management	Parks open spaces and streetscapes	Other Infrastructure	Total Infrastructure	Work in Progress
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
At fair value 1 July 2018	246,270,149	100,725,235	25,503,959	56,383,850	12,562,135	8,097,092	9,913,388	9,547,036	467,002,844	832,970
Accumulated depreciation at 1 July 2018	(73,608,237)	(7,942,044)	(11,022,094)	(22,609,454)	(6,275,919)	(5,216,778)	(5,482,721)	(2,951,208)	(136,108,455)	-
	172,661,912	92,783,191	14,481,865	33,774,396	6,286,216	880,314	3,430,667	6,595,828	330,894,389	832,970
Movements in fair value										
Additions	4,757,118	1,016,903	265,608	279,883	238,224	-	174,951	2,103,961	8,836,648	552,132
Revaluation	7,798,528	-	4,777,307	-	-	-	-	-	12,575,835	-
Disposal	(784,538)	-	(108,730)	(32,770)	-	-	-	(104,646)	(1,030,684)	-
Transfers	(3,274,981)	-	-	3,182,636	28,267	-	8,287	353,661	297,870	(297,870)
	8,496,127	1,016,903	4,934,185	3,429,749	266,491	-	183,238	2,352,976	20,679,669	254,262
Movements in accumulated depreciation										
Depreciation and amortisation	(2,709,566)	(1,312,144)	(299,660)	(825,547)	(294,121)	(230,584)	(328,204)	(205,167)	(6,204,993)	-
Accumulated depreciation of disposals	406,225	-	57,694	5,795	-	-	-	75,550	545,264	-
Revaluation	(7,303,355)	-	1,712,345	-	-	-	-	-	(5,591,010)	-
Transfers	1,616,366	-	-	(1,492,678)	-	-	-	(123,688)	-	-
	(7,990,330)	(1,312,144)	1,470,379	(2,312,430)	(294,121)	(230,584)	(328,204)	(253,305)	(11,250,739)	-
At fair value 30 June 2019	254,766,276	101,742,138	30,436,144	59,813,599	12,828,626	6,097,092	10,096,626	11,900,012	487,682,513	1,087,232
Accumulated depreciation at 30 June 2019	(81,588,567)	(9,254,188)	(9,551,715)	(24,921,884)	(6,570,040)	(5,447,362)	(6,810,925)	(3,204,513)	(147,359,194)	-
	173,167,709	92,487,950	20,886,429	34,891,715	6,258,586	649,730	3,285,701	8,695,499	340,323,319	1,087,232

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(d) Culture and heritage assets

	Artworks	Library Collection	Pioneer Settlement vehicles & vessels	Pioneer Settlement site exhibits	Pioneer Settlement buildings	Total culture and heritage assets
	\$	\$	\$	\$	\$	\$
At fair value 1 July 2018	1,723,150	1,894,597	4,722,468	2,082,360	7,123,449	17,546,024
Accumulated depreciation at 1 July 2018	-	(1,279,083)	(101,260)	(48,594)	(6,387,027)	(7,815,964)
	1,723,150	615,514	4,621,208	2,033,766	736,422	9,730,060
Movements in fair value						
Additions	2,000	129,721	95,648	-	53,188	290,557
Contributions	-	2,955	-	-	-	2,955
Disposal	-	(58,573)	-	-	-	(58,573)
	2,000	74,103	95,648	-	53,188	234,939
Movements in accumulated depreciation						
Depreciation and amortisation	(17,231)	(121,686)	(47,259)	(20,829)	(24,185)	(231,190)
Accumulated depreciation of disposals	-	58,573	-	-	-	58,573
	(17,231)	(63,113)	(47,259)	(20,829)	(24,185)	(172,617)
At fair value 30 June 2019	1,725,150	1,968,700	4,818,116	2,082,360	7,186,637	17,780,963
Accumulated depreciation at 30 June 2019	(17,231)	(1,342,196)	(148,519)	(69,423)	(6,411,212)	(7,988,581)
	1,707,919	626,504	4,669,597	2,012,937	775,425	9,792,382

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

<i>Asset recognition thresholds and depreciation periods</i>	Depreciation Period	Threshold Limit \$
Land & land improvements		
land	-	1
land under roads	-	1
Buildings		
buildings	30 to 100 years	10,000
building improvements	30 to 100 years	10,000
leasehold improvements	5 to 15 years	10,000
Plant and equipment		
plant machinery and equipment		
large plant	10 years	2,500
small plant	2 to 4 years	2,500
fixtures, fittings and furniture	5 years	2,500
computers and telecommunications	3 to 5 years	1,500
Infrastructure		
sealed road formation	-	10,000
sealed road pavements	60 years	10,000
sealed road seals	15 to 20 years	10,000
road ancillary assets	20 to 25 years	10,000
unsealed road natural surface	-	10,000
unsealed road gravel surface	30 years	10,000
kerb and channel	25 to 50 years	10,000
footpaths and cycleways	20 to 50 years	10,000
drainage	20 to 80 years	10,000
recreation, leisure and community facilities	10 to 60 years	10,000
waste management	10 years	10,000
parks, open space and streetscapes	10 to 100 years	10,000
other infrastructure	10 to 100 years	10,000
Cultural and heritage		
artworks	100 years	1
library books	5 to 100 years	1
Pioneer Settlement		
- vehicles and vessels	100 years	5,000
- site exhibits	100 years	5,000
- buildings	100 years	10,000

Land under roads

Council recognises land under roads it controls at fair value.

Notes to the Financial Report For the Year Ended 30 June 2019

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Finance leases

Leases of assets where substantially all the risks and rewards incidental to ownership of the asset are transferred to the Council are classified as finance leases. Finance leases are capitalised, recording an asset and a liability at the lower of the fair value of the asset and the present value of the minimum lease payments, including any guaranteed residual value. Lease payments are allocated between the reduction of the lease liability and the interest expense. Leased assets are depreciated on a straight line basis over their estimated useful lives to the Council where it is likely that the Council will obtain ownership of the asset or over the term of the lease, whichever is the shorter. Leased assets are currently being amortised over a 5 year period.

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold, the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Leasehold improvements

Leasehold improvements are recognised at cost and are amortised over the unexpired period of the lease or the estimated useful life of the improvement, whichever is the shorter. At balance date, leasehold improvements are amortised over a 5 to 15 year period.

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer Benjamin Sawyer AAPI Reg. 63163. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2019 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Land	-	6,337,417	-	June 2018
Land - specialised	-	-	58,587,298	June 2018
Buildings	-	4,087,619	-	June 2018
Buildings - specialised	-	-	32,070,129	June 2018
Total	-	10,425,036	90,657,427	

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Valuation of infrastructure

Valuation of infrastructure assets has been determined by applying the most recent unit rates as calculated from a sample of internal and external projects.

The date of the current valuation is detailed in the following table.

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2019 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Sealed roads	-	-	173,167,709	June 2019
Unsealed roads	-	-	92,487,950	June 2017
Footpaths and cycleways	-	-	20,886,429	June 2019
Drainage	-	-	34,891,715	June 2015
Recreational, leisure and community facilities	-	-	6,258,586	June 2015
Waste management	-	-	649,730	June 2015
Parks, open space and streetscapes	-	-	3,285,701	June 2015
Other infrastructure	-	-	8,695,499	June 2015
Total	-	-	340,323,319	

Valuation of cultural and heritage assets

Artworks

Valuation of artwork assets has been determined in accordance with an independent valuation undertaken by Warren Joel Auction and Valuation Services. The effective date of the valuation was 30 June 2018.

Valuation of the assets was determined by analysing comparable sales of an artist's work, knowledge of the collections history and condition of the collection.

Pioneer Settlement

Valuation of Pioneer Settlement vehicles and vessels and site exhibit assets was conducted by qualified independent valuer Mr David Freeman, member of Auctioneers and Valuers Association of Australia, and Chief Executive Officer of Amanda Adams Auctions, Bulleen, Victoria. The valuation is based on average market realisation prices that should be obtained if the items were sold via private treaty or auction sales. The effective date of the valuation is 30 June 2016.

Valuation of Pioneer Settlement buildings were undertaken by qualified independent valuer, Benjamin Sawyer AAPI Reg. 63163. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's cultural and heritage assets and information about the fair value hierarchy as at 30 June 2018 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Artworks	-	-	1,707,919	April 2018
Pioneer Settlement vehicles and vessels	-	-	4,669,597	June 2016
Pioneer Settlement site exhibits	-	-	2,012,937	June 2016
Pioneer Settlement buildings	-	-	775,425	June 2018
Total	-	-	9,165,878	

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 25% and 75% for specialised land and between 85% and 95% for land under roads. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$0.10 and \$450 per square metre.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement cost is calculated on a square metre basis. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 10 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend their useful lives.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 0 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

Artwork assets are valued based on the market based direct comparison approach. Significant unobservable inputs include the rarity of the item, historical significance and the history of the artist. If there are events that determine certain pieces of the collection to be of historical significance, if the artist has works that have increased in popularity or the item is considered to be rare and in demand, this would result in a higher fair value.

Pioneer Settlement vehicles and vessels and site exhibit assets are valued based on the market based direct comparison approach. Significant unobservable inputs include the rarity of the item and historical significance. If there are events that determine certain pieces of the collection to be of historical significance or the item is considered to be rare and in demand, this would result in a higher fair value.

Pioneer Settlement buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement cost is calculated on a square metre basis. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 1 year to 54 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend their useful lives.

	2019	2018
	\$	\$
Reconciliation of specialised land		
Land under roads	37,473,698	37,454,203
Crown land	7,826,100	7,826,100
Parks, reserves and land for community use	13,202,600	13,287,501
Total specialised land	58,502,398	58,567,804

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 7 People and relationships**7.1 Council and key management remuneration****(a) Related Parties***Parent entity*

Swan Hill Rural City Council is the parent entity.

Subsidiaries and Associates

Council has no interests in subsidiaries and associates.

(b) Key Management Personnel

Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:

Councillors	Mayor Ann Young	15/11/2016 to 30/06/2019
	Cr Les McPhee	08/12/2008 to 30/06/2019
	Cr John Katis	20/03/1997 to 14/01/2019
	Cr Gary Norton	18/03/2003 to 31/03/2019
	Cr Chris Jeffery	15/11/2016 to 30/06/2019
	Cr Lea Johnson	15/11/2016 to 30/06/2019
	Cr Bill Moar	15/11/2016 to 30/06/2019
	Cr Jade Benham	19/03/2019 to 30/06/2019
	Cr Nicole McKay	16/04/2019 to 30/06/2019
Chief Executive Officer	Mr John McLinden	21/03/2016 to 30/06/2019
Directors	Mr David Lenton	21/12/1992 to 30/06/2019
	Mr Bruce Myers	28/02/1994 to 30/06/2019
	Ms Heather Green	03/07/2017 to 30/06/2019
	Ms Svetla Petkova	11/12/2017 to 30/06/2019

	2019	2018
	No.	No.
Total Number of Councillors	9	7
Total of Chief Executive Officer and other Key Management Personnel	5	6
Total Number of Key Management Personnel	<u>14</u>	<u>13</u>

(c) Remuneration of Key Management Personnel

Total remuneration of key management personnel was as follows:

Short-term benefits	1,158,541	1,169,277
Post-employment benefits	167,369	85,124
Other long-term benefits	35,697	21,140
Termination benefits	-	27,638
Total	<u>1,361,607</u>	<u>1,303,178</u>

The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:

\$0 - \$9,999	2	-
\$10,000 - \$19,999	1	-
\$20,000 - \$29,999	4	5
\$30,000 - \$39,999	-	1
\$40,000 - \$49,999	1	-
\$50,000 - \$59,999	1	-
\$60,000 - \$69,999	-	1
\$70,000 - \$79,999	-	1
\$90,000 - \$99,999	-	1
\$180,000 - \$189,999	1	1
\$200,000 - \$209,999	1	-
\$210,000 - \$219,999	1	1
\$220,000 - \$229,999	-	1
\$230,000 - \$239,999	1	-
\$270,000 - \$279,999	-	1
\$280,000 - \$289,999	1	-
	<u>14</u>	<u>13</u>

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(d) Senior Officer Remuneration

A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$148,000

The number of Senior Officers are shown below in their relevant income bands:

Income Range:	2019 No.	2018 No.
\$145,000 - \$149,999	1	1
\$150,000 - \$159,999	5	4
\$160,000 - \$169,999	3	2
\$170,000 - \$179,999	-	1
	9	8

Total remuneration for the reporting year for Senior Officers included above, amounted to	1,422,183	1,261,326
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7.2 Related party disclosure

(a) Transactions with related parties

There were no transactions with related parties during the 2018/19 year.

\$	\$
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(b) Outstanding balances with related parties

There were no outstanding balances relating to transactions with related parties at 30 June 2019.

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(c) Loans to/from related parties

No loans have been made, guaranteed or secured by Council to a related party during the reporting year.

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(d) Commitments to/from related parties

There are no commitments in existence at balance date that have been made, guaranteed or secured by Council to a related party.

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**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 8 Managing uncertainties**8.1 Contingent assets and liabilities****(a) Contingent assets**

Council has no contingent assets at balance date (2018, \$0).

Operating lease receivables

The Council has entered into commercial property leases on its assets, consisting of surplus freehold office complexes, aerodrome facilities and caravan parks. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 15 years.

Future minimum rentals receivable under non-cancellable operating leases are as follows:

	2019	2018
	\$	\$
Not later than one year	402,344	361,136
Later than one year and not later than five years	1,315,336	1,069,624
Later than five years	885,562	824,767
	<u>2,603,242</u>	<u>2,255,527</u>

(b) Contingent liabilities**Superannuation**

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Future superannuation contributions

In addition to the disclosed contributions, Swan Hill Rural City Council has paid unfunded liability payments to Vision Super totalling \$0 (2017/18 \$0). There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2019. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2020 are \$174,624.

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

Liability Mutual Insurance (where applicable)

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

Swan Hill Drag Strip

Council is aware that part of the surface of the Drag Racing Strip at Chisholm Reserve is becoming uneven. The extent, cause and effect of this unevenness is still being assessed. A full assessment is being arranged but the results are not yet available. Until the assessment is completed it is not possible to reliably estimate what, if any, costs will be incurred by Council to manage or correct the uneven surface. As this matter is yet to be finalised and the financial outcomes are unable to be reliably measured, no allowance for this contingency has been made in the financial report.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

(c) Guarantees for loans to other entities

Council is not the guarantor for any loans.

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised.

8.2 Change in accounting standards

The following new AAS's have been issued that are not mandatory for the 30 June 2019 reporting period. Council has assessed these pending standards and has identified the following potential impacts will flow from the application of these standards in future reporting periods.

Revenue from contracts with customers (AASB 15) (applies 2019/20 for LG sector)

The standard shifts the focus from the transaction-level to a contract-based approach. Recognition is determined based on what the customer expects to be entitled to (rights and obligations), while measurement encompasses estimation by the entity of the amount expected to be entitled for performing under the contract. The full impact of this standard is not known however it is most likely to impact where contracts extend over time, where there are rights and obligations that may vary the timing or amount of the consideration, or where there are multiple performance elements. This has the potential to impact on the recognition of certain grant income.

Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities (AASB 2016-7) (applies 2019/20)

This Standard defers the mandatory effective date of AASB 15 for not-for-profit entities from 1 January 2018 to 1 January 2019.

Leases (AASB 16) (applies 2019/20)

The classification of leases as either finance leases or operating leases is eliminated for lessees. Leases will be recognised in the Balance Sheet by capitalising the present value of the minimum lease payments and showing a 'right-of-use' asset, while future lease payments will be recognised as a financial liability. The nature of the expense recognised in the profit or loss will change. Rather than being shown as rent, or as leasing costs, it will be recognised as depreciation on the 'right-of-use' asset, and an interest charge on the lease liability. The interest charge will be calculated using the effective interest method, which will result in a gradual reduction of interest expense over the lease term.

Council has elected to adopt the modified retrospective approach to the transition to the new lease standard. This will mean that only existing operating leases for non low value assets, with remaining terms greater than 12 months, will be recognised on transition (1 July 2019). Based on our current lease commitments and an assumption of a continuation of the current leasing arrangements Council expects that the transition to the new standard will see the initial recognition of \$2,679,071 in lease related assets and an equivalent liability.

Income of Not-for-Profit Entities (AASB 1058) (applies 2019/20)

This standard is expected to apply to certain transactions currently accounted for under *AASB 1004 Contributions* and establishes revenue recognition principles for transactions where the consideration to acquire an asset is significantly less than fair value to enable a not-for-profit entity to further its objectives.

Notes to the Financial Report For the Year Ended 30 June 2019

8.3 Financial instruments

(a) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk / Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- Council have a policy for establishing credit limits for the entities council deal with;
 - Council may require collateral where appropriate; and
 - Council only invest surplus funds with financial institutions which have a recognised credit rating specified in Council's investment policy.
- Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the Balance Sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

Notes to the Financial Report For the Year Ended 30 June 2019

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1(c), and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of + 1.0% and -0.50% in market interest rates (AUD) from year-end rates of 1.0%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 *Fair value measurement*, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value under AASB 13 is an exit price regardless of whether that price is directly observable or estimated using another valuation technique.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 2 to 5 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Note 9 Other matters

9.1 Reserves	Balance at beginning of reporting period	Increment / (decrement)	Balance at end of reporting period
(a) Asset revaluation reserves	\$	\$	\$
2019			
Property			
Land	19,382,229	-	19,382,229
Buildings	15,889,738	-	15,889,738
	<u>35,271,967</u>	<u>-</u>	<u>35,271,967</u>
Infrastructure			
Sealed roads	83,065,693	495,173	83,560,866
Unsealed roads	15,975,607	-	15,975,607
Footpaths and cycleways	8,792,891	6,489,652	15,282,543
Drainage	15,647,453	-	15,647,453
Recreational, leisure and community facilities	1,912,153	-	1,912,153
Other infrastructure	1,923,169	-	1,923,169
	<u>127,316,966</u>	<u>6,984,825</u>	<u>134,301,791</u>
Culture and heritage assets			
Artworks	1,634,596	-	1,634,596
Pioneer Settlement	5,336,281	-	5,336,281
	<u>6,970,877</u>	<u>-</u>	<u>6,970,877</u>
Water rights	1,200,444	921,600	2,122,044
Total asset revaluation reserves	<u>170,760,254</u>	<u>7,906,425</u>	<u>178,666,679</u>
2018			
Property			
Land	14,372,920	5,009,309	19,382,229
Buildings	14,701,519	1,188,219	15,889,738
	<u>29,074,439</u>	<u>6,197,528</u>	<u>35,271,967</u>
Infrastructure			
Sealed roads	83,065,693	-	83,065,693
Unsealed roads	15,975,607	-	15,975,607
Footpaths and cycleways	8,792,891	-	8,792,891
Drainage	15,647,453	-	15,647,453
Recreational, leisure and community facilities	1,912,153	-	1,912,153
Other infrastructure	1,923,169	-	1,923,169
	<u>127,316,966</u>	<u>-</u>	<u>127,316,966</u>
Culture and heritage assets			
Artworks	1,477,603	156,993	1,634,596
Pioneer Settlement	5,660,682	(324,401)	5,336,281
	<u>7,138,285</u>	<u>(167,408)</u>	<u>6,970,877</u>
Water rights	842,044	358,400	1,200,444
Total asset revaluation reserves	<u>164,371,734</u>	<u>6,388,520</u>	<u>170,760,254</u>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

	2019	2018
9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)	\$	\$
Surplus/(deficit) for the year	7,395,186	5,777,678
Depreciation/amortisation	8,534,709	8,244,117
Profit/(loss) on disposal of property, infrastructure, plant and equipment	(1,004,644)	(245,312)
Assets written off / asset adjustments	513,562	1,050,303
Contributions - Non-monetary assets	(475,683)	(327,273)
Reallocation of borrowing costs to financing activities	332,455	357,303
Other	19,345	(52,793)
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade and other receivables	(970,057)	372,795
(Increase)/decrease in other assets	313,248	(390,217)
Increase/(decrease) in trade and other payables	1,048,037	(296,135)
(Increase)/decrease in inventories	(67,177)	23,313
Increase/(decrease) in provisions	262,524	(295,333)
Net cash provided by/(used in) operating activities	15,901,505	14,218,446

9.3 Superannuation

Council makes all of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has three categories of membership, accumulation and defined benefit, each of which is funded differently. A third category being a clearing house for staff contributing to other funds and/or self managed Super Funds.

Accumulation

The Fund's accumulation categories receive both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2019, this was 9.5% as required under Superannuation Guarantee legislation. The 2018 Staff Enterprise Bargaining Agreement enables staff to elect to have an additional 0.5% in lieu of cash paid into their superannuation. This option commenced on 7 July 2018 and is applicable to the majority of staff.

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan. Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary. For the year ended 30 June 2019, this rate was 9.5% of members' salaries (9.5% in 2017/2018). Council also matches an additional benefits contract of 1.5% for eight of its eighteen staff who commenced prior to 1995 (1.5% in 2017/18).

As at 30 June 2018, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 106.0%. The financial assumptions used to calculate the VBI were:

Net investment returns 6.0% pa
Salary information 3.5% pa
Price inflation (CPI) 2.0% pa.

Vision Super has advised that the estimated VBI at 30 June 2019 was 107.1%.

The VBI is to be used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2018 interim actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

**Notes to the Financial Report
For the Year Ended 30 June 2019**

Defined benefit 2018 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2018 and a full actuarial investigation was conducted as at 30 June 2017.

	2018	2017
	\$m	\$m
A VBI surplus	131.9	69.8
A total service liability surplus	218.3	193.5
A discounted accrued benefits surplus	249.1	228.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2018.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to the investigation date.

Council was notified of the 30 June 2019 VBI during August 2019.

An interim actuarial investigation will be conducted for the Fund's position as at 30 June 2019. It is anticipated that this actuarial investigation will be completed by October 2019.



Part seven

Performance Statement

Description of municipality

Swan Hill Rural City Council covers 6,116 square kilometres and is home to 20,759 people.

It includes the townships of Swan Hill, Robinvale, Lake Boga, Nyah, Nyah West, Piangil, Woorinen, Ultima, Manangatang, Boundary Bend and Tresco.

The Swan Hill Rural City economy is driven by agriculture and manufacturing.

Almost 20 per cent of the total economic output from the region comes from agricultural production.

Irrigated farming (including stone fruit, grapes, nuts, olives and vegetable production) accounts for over 11 per cent of the total economic output for the municipality and more than 18 per cent of all jobs in the city are directly related to agriculture.

Additionally food manufacturing (processing) accounts for almost 10 per cent of the municipality's economic output.

Located along the Murray River, tourism plays an important role in our region's economy. Our climate and natural beauty attracts around 750,000 visitors each year.

Sustainable Capacity Indicator definitions

"adjusted underlying revenue" means total income other than

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which Council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimated by Council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of Council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website.

PERFORMANCE STATEMENT

Sustainable Capacity Indicators

Service/indicator/measure	Results				Material variations
	2016	2017	2018	2019	
Own-source revenue					
<i>Own-source revenue per head of municipal population</i> [Own-source revenue/Municipal population]	\$1,663.09	\$1,736.26	\$1,680.88	\$1,776.90	
Recurrent grants					
<i>Recurrent grants per head of population</i> [Recurrent grants/Municipal population]	\$577.00	\$835.57	\$552.94	\$526.64	
Population					
<i>Expenses per head of population</i> [Total expenses/Municipal population]	\$2,454.26	\$2,311.87	\$2,159.48	\$2,156.36	
<i>Infrastructure per head of municipal population</i> [Value of infrastructure/Municipal population]	\$18,598.85	\$18,679.83	\$18,388.46	\$18,969.90	
<i>Population density per length of road</i> [Municipal population/Kilometres of local roads]	5.84	5.83	5.94	5.92	
Disadvantage					
<i>Relative socio-economic disadvantage</i> [Index of Relative Socio-economic disadvantage by decile]	2.00	2.00	2.00	2.00	

Service Performance Indicators

Service/indicator/measure	Results				Material variations
	2016	2017	2018	2019	
Governance Satisfaction <i>Satisfaction with Council decisions</i> [Community satisfaction rating out of 100 with the performance of Council in making decisions in the interest of the community]	53	53	54	51	
Statutory Planning Decision making <i>Council's planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x 100	0.00%	50.00%	0.00%	0.00%	
Roads Satisfaction <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads]	48	49	50	46	
Libraries Participation <i>Active library members</i> [Number of active library members / Municipal population] x 100	19.24%	19.91%	18.08%	16.90%	

PERFORMANCE STATEMENT

Service Performance Indicators continued

Service/indicator/measure	Results				Material variations
	2016	2017	2018	2019	
Waste collection Waste diversion <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x 100	35.26%	34.53%	30.55%	30.26%	
Aquatic Facilities Utilisation <i>Utilisation of aquatic facilities</i> [Number of visits to aquatic facilities / Municipal population]	6.76	6.15	5.51	5.57	
Animal management Health and safety <i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	6	1	2	0	Council had no animal prosecutions in 2018/19.
Food and safety Health and safety <i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance notifications and major non-compliance notifications about food premises] x 100	84.44%	100.00%	94.74%	81.25%	Follow up inspections in three incidences did not occur. One premise ceased trading after the initial inspection meaning a follow up could not be conducted.

Service/indicator/measure	Results				Material variations
	2016	2017	2018	2019	
Maternal and Child Health					
Participation					
<i>Participation in the MCH service</i> [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x 100	72.91%	73.28%	73.03%	73.14%	
<i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x 100	43.73%	41.88%	62.18%	60.08%	

Service Performance Indicator definitions

“Aboriginal child” means a child who is an Aboriginal person

“Aboriginal person” has the same meaning as in the Aboriginal Heritage Act 2006

“active library member” means a member of a library who has borrowed a book from the library

“annual report” means an annual report prepared by a Council under sections 131, 132 and 133 of the Act

“class 1 food premises” means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

“class 2 food premises” means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

“critical non-compliance outcome notification” means a notification received by Council under section 19N(3) or (4) of the Food Act 1984, or advice given to Council by an authorised officer under that Act, of a deficiency that poses an immediate serious threat to public health

“food premises” has the same meaning as in the Food Act 1984.

“local road” means a sealed or unsealed road for which Council is the responsible road authority under the Road Management Act 2004

“major non-compliance outcome notification” means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to Council by an authorised officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

“MCH” means the Maternal and Child Health Service provided by a Council to support the health and development of children within the municipality from birth until school age

“population” means the resident population estimated by council

“WorkSafe reportable aquatic facility safety incident” means an incident relating to a council aquatic facility that is required to be notified to the Victorian Work-Cover Authority under Part 5 of the Occupational Health and Safety Act 2004.

PERFORMANCE STATEMENT

Financial Performance Indicators

Dimension/ indicator/measure	Results				Forecasts				Material variations
	2016	2017	2018	2019	2020	2021	2022	2023	
Operating position Adjusted underlying result Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100	(7.21%)	11.65%	5.24%	8.38%	5.56%	7.78%	8.03%	7.80%	The actual result for 2019 includes 50% of the 2019 and 50% early payment of 2020 Victoria Grants Commission income. This was the same scenario in 2018, with 50% of the 2018 and 50% early payment of 2019 Victoria Grants Commission income recognised. The 2017 actual had 150% of Victoria Grants Commission income (100% of 2017 and 50% of 2018). A similar advance in 2015 occurred which explains the deficit recorded in 2016. A combination of savings due to reduced borrowings and a return to normal grant receipts from the Victoria Grant Commission is budgeted for our underlying result in the forecast years.

Dimension/ indicator/measure	Results						Forecasts				Material variations	
	2016	2017	2018	2019	2020	2021	2022	2023				
Liquidity												
Working capital												
Current assets compared to current liabilities [Current assets / Current liabilities] x100	189.19%	293.45%	360.07%	380.53%	286.62%	192.23%	266.32%	280.08%				The forecast reduction in 2021 is due to an interest only loan maturing the following year. Once repaid, the ratio recovers in 2022.
Unrestricted cash												
Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	140.43%	205.40%	258.37%	271.46%	249.97%	160.79%	212.73%	230.10%				The forecast reduction in 2021 is due to an interest only loan maturing the following year. Once repaid, the ratio recovers in 2022.

PERFORMANCE STATEMENT

Financial Performance Indicators continued

Dimension/ indicator/	Results						Forecasts			Material variations
	2016	2017	2018	2019	2020	2021	2022	2023		
Obligations Loans and borrowings										
<i>Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x100</i>	33.49%	29.45%	25.22%	28.99%	28.48%	27.40%	9.06%	7.95%		Council deferred \$1.3 million in new borrowings from 2017 and 2018 until 2019. The deferred borrowings of \$1.3M along with new borrowings of \$0.5M were taken up in 2019 and restore the ratio to its previous expected level. An ongoing reduction in borrowings is planned from 2022 onwards.
Loans and borrowings repayments										
<i>Loans and borrowings compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100</i>	4.86%	4.57%	5.16%	3.03%	3.09%	3.29%	18.24%	1.21%		Council is continuing with a strategy to progressively reduce borrowings. This reflects in a reduced loan repayment compared to rates each year. In 2022, the first LGFV interest only loan matures (\$4.795M) and Council will have sufficient cash available to repay this loan principal. The 2018 slight increase in the ratio was due to repayment in full at the eighth year of a loan originally borrowed on a ten year repayment schedule with interest rate renegotiated at the fourth and eighth year.

Dimension/ indicator/ measure	Results					Forecasts				Material variations
	2016	2017	2018	2019	2020	2021	2022	2023		
Indebtedness Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	27.96%	23.30%	21.54%	23.82%	23.40%	10.62%	9.69%	8.78%		Taking up deferred borrowings from 2017 (\$0.5M) and 2018 (\$0.8M) along with new borrowings of \$0.5M budgeted in 2019, has increased the ratio. The ongoing repayment of borrowings over the forecast period will then see a reduction in our interest bearing liabilities and in 2021 our first LGFV interest only loan of \$4.795M will become a current liability, with full repayment in 2022.

PERFORMANCE STATEMENT

Financial Performance Indicators continued

Dimension/ indicator/ measure	Results					Forecasts				Material variations
	2016	2017	2018	2019	2020	2021	2022	2023		
Asset renewal Asset renewal compared to depreciation [Asset renewal expenses / Asset depreciation] x100	74.49%	76.92%	90.90%	116.77%	76.37%	80.10%	76.67%	83.61%	Asset renewal expenditure varies each year depending on the type and amount of renewal works required. Most of Council's assets are long lived and therefore the need to replace them varies considerably each year. Ratio for 2019 is higher than previous years due to increased grant funded works (that remain outstanding at 30/06/2019), while the ratio for 2018 was significantly higher than previous years due to increased asset renewal expenses and decreased depreciation expense.	
Stability Rates concentration Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	52.85%	47.87%	55.45%	55.93%	51.95%	57.45%	57.64%	57.78%		

Dimension/ indicator/ measure	Results					Forecasts			Material variations
	2016	2017	2018	2019	2020	2021	2022	2023	
Rates effort <i>Rates compared to property values</i> [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.74%	0.71%	0.72%	0.69%	0.66%	0.67%	0.69%	0.70%	
Efficiency Expenditure level <i>Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$4,227.28	\$3,966.00	\$3,765.72	\$3,727.22	\$4,231.38	\$3,815.50	\$3,880.32	\$3,965.12	The increase for 2020 is due to Council being the coordinating Council for a regional project. The grant income will be received by Council and passed to other councils as an operational expense.

PERFORMANCE STATEMENT

Financial Performance Indicators continued

Dimension/ indicator/	Results					Forecasts			Material variations
	2016	2017	2018	2019	2020	2021	2022	2023	
Revenue level									
Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$1,596.77	\$1,586.96	\$1,636.84	\$1,690.08	\$1,708.85	\$1,745.08	\$1,785.49	\$1,825.81	
Workforce turnover									
Resignations and terminations compared to average staff [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	9.04%	16.29%	12.97%	12.11%	12.47%	12.53%	12.55%	12.55%	

Financial Performance Indicator definitions

"adjusted underlying revenue" means total income other than—

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"population" means the resident population estimated by Council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant" means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

PERFORMANCE STATEMENT

Other information

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 1989* and Local Government (Planning and Reporting) Regulations 2014.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from Council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by Council's strategic resource plan. The Local Government (Planning and Reporting) Regulations 2014 requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by Council in its strategic resource plan on 25 June 2019 and which forms part of the Council Plan. The strategic resource plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The strategic resource plan can be obtained by contacting Council.

Certification of the performance statement

In my opinion, the accompanying performance statement has been prepared in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

.....

David C Lenton CPA
Principal Accounting Officer

Dated:

In our opinion, the accompanying performance statement of the Swan Hill Rural City Council for the year ended 30 June 2019 presents fairly the results of council's performance in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the Council and by the Local Government (Planning and Reporting) Regulations 2014 to certify this performance statement in its final form.

.....

Cr Ann Young
Councillor

Dated:

.....

Cr Lea Johnson
Councillor Lea Johnson

Dated:

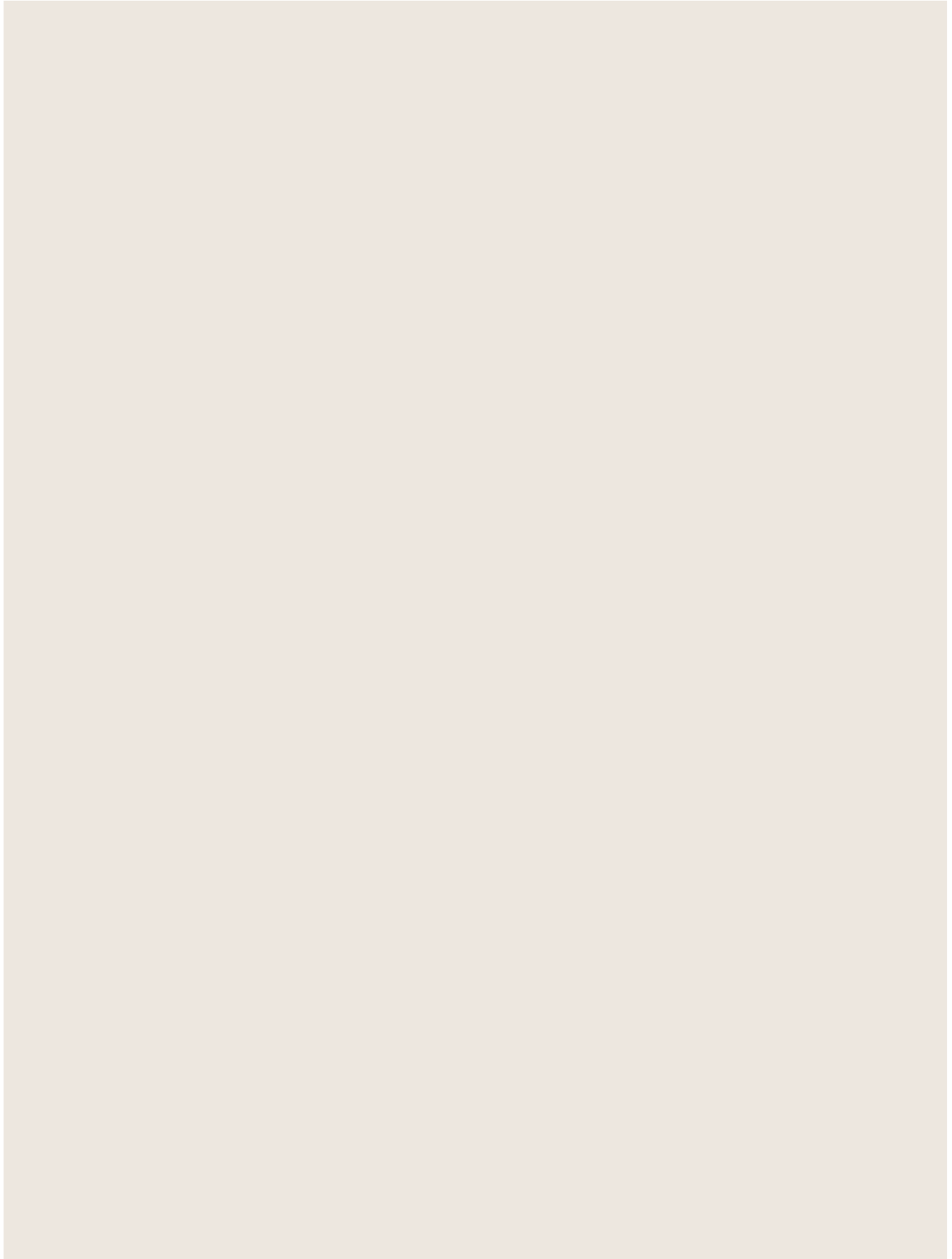
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John McLinden
Chief Executive Officer

Dated:

PERFORMANCE STATEMENT

Auditor General's Report - Performance Statement



B.19.93 PROPOSED SALE OF COUNCIL PROPERTY- CHILLINGOLAH

Responsible Officer: Director Corporate Services
File Number: AST-BU-37165
Attachments: Nil

Declarations of Interest:

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

Summary

This report recommends the sale of the unused Chillingollah Hall.

Discussion

The Chillingollah Hall Committee disbanded several year ago and returned the responsibility for the Hall to council. Since that time the Hall has been unused.

In 2012 a discussion to sell the property was held at Council Assembly; however at that time title had not been transferred to Council. Title has subsequently been transferred.

Interest has now been received to purchase the hall. The prospective purchaser of the hall intends to restore the property. The hall is in a poor state and contains asbestos. The prospective purchaser is aware that the hall has asbestos and is prepared to purchase it in its current state. Selling the hall to the prospective purchaser appears to be the best way to ensure the hall can be maintained and used.

Consultation

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

Financial Implications

The hall will be sold at minimal value which is likely to cover Councils legal costs. All costs to transfer the property will be paid by the purchaser. A valuation will be obtained prior to the sale.

Social Implications

The sale of the hall should improve its physical condition and increase the opportunity for its use.

Economic Implications

Nil

Environmental Implications

Asbestos will be removed as part of the sale and legally disposed of.

Risk Management Implications

The disposal of this property will reduce Councils exposure to ongoing maintenance and asbestos related risks.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Council has the option to proceed with the disposal of this property or to continue paying insurance cover and minimal maintenance on the property.

Recommendations

That Council:

- 1. Propose to sell Lot 1 TP901142 in the Parish of Chillingolah**
- 2. Give public notice to sell the property by private treaty, seeking submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the property are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 1 TP901142 in the Parish of Chillingollah by Private Treaty.**

120/19 Motion

MOVED Cr Jeffery

That Council:

- 1. Propose to sell Lot 1 TP901142 in the Parish of Chillingolah**
- 2. Give public notice to sell the property by private treaty, seeking**

submissions on the proposed sale pursuant to Section 189 of the Local Government Act 1989.

- 3. If no submissions to the sale of the property are received pursuant to Section 223 of the Local Government Act 1989 authorise officers to negotiate with suitable person (s) to sell Lot 1 TP901142 in the Parish of Chillingollah by Private Treaty.**

SECONDED Cr McPhee

The Motion was put and CARRIED

Councillor Moar left the meeting at 4:20 PM.

**B.19.94 MARKETING AND BUSINESS SPECIAL RATE SCHEME
AGREEMENT BETWEEN COUNCIL AND SWAN HILL
INCORPORATED**

Responsible Officer:	Director Development and Planning
File Number:	S29-08-01
Attachments:	<ol style="list-style-type: none">1 Marketing and Business Special Rate Scheme agreement between Council and Swan Hill Incorporated with tracked changes2 Marketing and Business Special Rate Scheme agreement between Council and Swan Hill Incorporated without tracked changes

Declarations of Interest:

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

Summary

This report seeks Council to adopt a new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated.

Discussion

This Special Rate was declared at the April 2019 Ordinary Meeting of Council and takes effect from the 1 July 2019.

Further to this, Council resolved at the June 2019 Ordinary Meeting of Council to develop a new agreement with Swan Hill Incorporated to manage the Special Rate for a period of 7 years, commencing on 1 July 2019 and that the new agreement be presented to Council for adoption at a future Council meeting.

The new agreement has been developed and requires Swan Hill Incorporated to submit a Strategic Plan, Marketing Plan, Communication Plan and Budget to Council for approval on an annual basis.

Consultation

Following the June 2019 Council Meeting Swan Hill Incorporated has been formed. Swan Hill Inc held a Strategic Planning Day on Sunday, 7 July 2019. Members of the Swan Hill Incorporated Board have also worked with Council officers to develop a new Marketing and Business Special Rate Scheme Agreement for Council to consider.

Financial Implications

The current cost for Council to administer the Special Rate under this agreement is estimated at \$6,000 annually. This administration consists primarily of levying the Special Rate, collecting the contribution from property owners or occupiers and forwarding the relevant amounts to Swan Hill Incorporated.

Social Implications

It is anticipated that the activities supported by the Special Rate will increase employment and population, stimulate business activity and attract investment contributing to improved social outcomes for the community.

Economic Implications

It is expected that activities supported by the Special Rate will increase external awareness of the Swan Hill region leading to higher levels of visitation and potential attraction of new residents.

Environmental Implications

Nil.

Risk Management Implications

Swan Hill Incorporated and its sub-committees are well recognised and regarded in the region. They undertake their activities in a voluntary capacity; and have done so for the past 17 years. This new agreement will ensure this former arrangement will continue for the next 7 years or while the Special Rate is in place.

Council Plan Strategy Addressed

Economic growth - Encourage and attract new business to our region.

Options

That Council:

1. Approve, sign and seal the new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated.
2. Approve, sign and seal the new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated with changes.
3. Not approve the new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated.

Recommendation

That Council approve, sign and seal the new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated as attached to this report.

121/19 Motion

MOVED Cr McPhee

That Council approve, sign and seal the new Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated as attached to this report.

SECONDED Cr Jeffery

The Motion was put and CARRIED

Councillor Moar returned to the meeting at 4:27 PM and was informed of the decision.

AN AGREEMENT made on

BETWEEN:

SWAN HILL RURAL CITY COUNCIL
Having a Municipal Office at 45 Splatt Street, Swan Hill, Victoria
("Council")

-and-

Swan Hill Promotion and Development Corporation Incorporated (Swan Hill Incorporated)
Having its Principal Office at Corner of McCrae and Curlewis Streets, Swan Hill, Victoria
("The Association")

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RECITALS

- A. On 18 16 April 20194-Council declared a Special Rate in the terms detailed in the Declaration annexed to this Agreement.
- B. The purpose of the Special Rate is to defray the expenses in relation to the performance of functions within the Swan Hill and Lake Boga regions, which Council considers are necessary and appropriate for the encouragement of business development and commerce through the promotion and development of the region as a place to live, work, invest, shop and visit (as is more particularly defined in the Declaration).
- C. Council has agreed to pay the monies received from the Special Rate to the Association so that the Association may use the monies received in the promotion and development of the Swan Hill region as a place to live, work, invest, shop and visit (as is more particularly defined in the Declaration).
- D. The Association has agreed to perform those activities described in Recital B, and to use the money paid to it by Council (and referable to the Special Rate) to perform such activities.
- E. The parties have agreed to record their agreement in writing.
- F. This agreement will continue for as long as the Special Rate remains in force, subject to the terms of this Agreement.

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OPERATIVE PROVISIONS**1 INTERPRETATION**

In the Agreement, unless the context or subject-matter indicates otherwise, the following words and phrases are defined to mean:

"Financial Year" has the same meaning as in Section 3(1) of the *Local Government Act 1989*.

"Strategic Plan" means the Strategic Plan described in Clause 2.2. ~~Generally the Strategic Plan will be a rolling long-term (fivefour year) Plan~~ describing the marketing aims, objectives and strategies that will guide the delivery of the Annual Marketing Plan and Budget and the likely benefits and beneficiaries of these activities.

"Annual Marketing Plan and Budget" means the Annual Marketing Plan and Budget described in Clause 2.2. At a minimum, the Annual Marketing Plan and Budget should detail the strategies to be engaged, the actions to be undertaken, and the likely expenditure on the various activities.

"Special Rate" means the Special Rate described in the Declaration.

"Annual Communications Plan" means a plan that outlines how the association will engage and communicate with its members, associates and Council.

"Members of the Association" means the same as described in the rules of association for Swan Hill Incorporated.

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2 COUNCIL OBLIGATIONS

2.1 Subject to the Local Government Act 1989, Council will in each year during which the Special Rate is in force, levy the Special Rate on those persons who are liable to pay it.

2.2 On or before 30 November in the first financial year of this agreement and on or before the ~~previous~~ 31 May in each subsequent financial year during which the Special Rate is in force, the Association will submit to Council for its approval a Strategic Plan ~~(covering at least the remaining period of the Special Rate period)~~ and an Annual Marketing Plan, annual Ceommunications Pplan and Budget (covering the period 1 July to 30 June of each year) and specifying how it is proposed to expend the expected total sum raised by the Special Rate.

2.3 If Council approves the Strategic Plan ~~and the~~ Annual Marketing Plan, Annual Ceommunication Pplan and Budget, on or before 31 December in the first financial year of this agreement and on or before the ~~previous~~ 30 June in each subsequent year during which the Special Rate is in force Council will pay to the Association the sum which Council is due to collect by levying the Special Rate on the persons who are liable to pay it, in accordance with the following schedule:

- 30 September – 25% of expected Special Rate receipts
- 30 November – 25% of expected Special Rate receipts
- 28 February – 25% of expected Special Rate receipts
- 31 May – 15% of expected Special Rate receipts
- 30 June – remainder of actual Special Rate receipts

In the first year of the agreement outstanding payments will be paid as soon as Council approves the Strategic Marketing Plan and the Annual Marketing Plan and Budget.

- 2.4 The dates specified in Clauses 2.2 and 2.3 may be varied for any financial year by agreement between Council and the Association.
- 2.5 Provide office accommodation to the Association at no cost to the Association until either the termination of the existing Lease of the Swan Hill Region Visitor Information Centre between the Swan Hill Rural City Council and the owner of the premises or at the termination of this Agreement whichever occurs first.

3 ASSOCIATION OBLIGATIONS

- 3.1 The Association acknowledges that:
 - 3.1.1 Council is not liable or responsible for the activities of the Association or for its debts, liabilities, expenses, losses or deficiencies.
 - 3.1.2 This Agreement does not constitute a partnership agreement or a guarantee or indemnity of the Association or its activities by the Council.
 - 3.1.3 The Association must indemnify, keep indemnified and hold harmless the Council, and its Councillors and staff, from and against all actions, claims, losses, damages, penalties, demands or costs (including, without limitation, all indirect losses, consequential losses and legal costs on a full indemnity basis) consequent upon, occasioned by, arising from or connected with the Association's performance or purported performance of its obligations under this Agreement.

The Indemnity will be limited to the extent of the Associations insurance coverage as detailed in clause 3.1.4 (excluding any claims that are the result of wilful deliberate or fraudulent activities or breaches of the law).

- 3.1.4 The Association shall, at all times, during the term of this Agreement be the holder of current Public Liability, Professional Indemnity insurances policies in respect of activities set out in this Agreement for an amount of not less than ~~\$10million~~\$10,000,000. The said policies shall be affected with an insurer approved by the Council. The pPolicies shall cover such risks and be subject only to such conditions and exclusions approved by Council and shall

extend the cover to Council in respect to claims arising out of the negligence of the Association.

3.2 The Association ~~in its first year shall prepare a 4 year strategic plan, and an annual marketing plan, budget and annual communications plan and submit these to Council for approval by 30 November. In subsequent years the strategic plan, annual marketing plan, budget and annual communication plan are to be prepared and submitted to Council for approval by 30 May. The Association agrees~~ that the sum paid to it will be expended solely in fulfilling the purpose of the attached Special Rate Declaration.

~~3.2~~

3.3 All expenditure shall be in accordance with the Association's "Statement of Purpose" and "Rules of Association". If the Association alters its "Statement of Purpose" and "Rules" in any significant manner, it will advise Council of these changes.

3.4 The Association agrees that in performing (or attempting to perform) the activities described in Clause 3.2, it will

3.4.1 in preparing the Strategic Plan, ~~and~~ Annual Marketing Plan, Communication Plan and Budget provide the opportunity for all ~~members~~persons liable to pay the Special Rate to have input into their preparation;

3.4.2 not substantially deviate from the Annual Marketing Plan and Budget approved by Council unless Council has given its written consent to such deviation;

3.4.3 undertake the activities in a manner which benefits the ~~whole of the~~ Swan Hill and Lake Boga regions, and encourages participation and involvement by all persons liable to pay the Special Rate irrespective of their geographic location or the nature of their business activity.

3.5 As soon as it is reasonably practicable after the end of each half of each financial year during which the Special Rate is in force, the Association must provide to Council a report (through a Director of the Association presenting to a meeting of Council), and must report to ~~members~~persons liable to pay the Special Rate, detailing how the sum paid to it was expended during the half of the financial year.

3.6 As soon as is reasonably practicable after the end of each financial year during which the Special Rate is in force the Association must provide to Council a financial statement:

3.6.1 audited by a person who is:

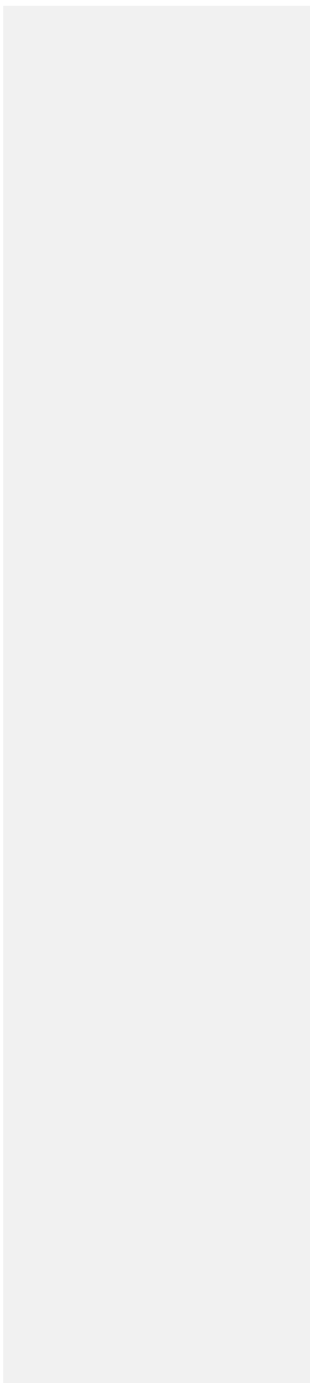
3.6.1.1 registered as a Company Auditor; or

3.6.1.2 a holder of a certificate to practice as an auditor issued by the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia;

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- 3.6.2 detailing how the sum paid to it was expended during the financial year to which the financial statement relates.
- 3.7 If Council appoints a member of its staff or another person to investigate or audit the manner in which the sum paid to the Association is being or has been expended, and the member of staff or other person so appointed requests access to any premises, books of account, documents or other material in the possession of the Association (or in the case of books of account, documents or other material in the care, custody or control of the Association) the Association shall:
 - 3.7.1 forthwith provide the access to the member of staff or person so appointed; and
 - 3.7.2 provide all reasonable co-operation and assistance to the person so appointed, in order that he or she may conduct the investigation or audit.



4 REMEDIES

- 4.1 Subject to paragraph 4.6 and 4.7 hereof if in the option of Council the Association is in breach of its obligations as set out in this agreement the Council may withhold payment of funds to the Association.
- 4.2 The Council shall not be required to restore payment of funds until it is satisfied that the Association is;
 - a) Fulfilling its obligations under the agreement or
 - b) Has stopped any action or activity which is outside the charter and obligations of this agreement or
 - c) Has resumed action or activities to ensure that it fulfils its obligations subject to paragraph 4.7 hereof.
- 4.3 Subject to paragraph 4.6 and 4.7 hereof if in the opinion of Council the Association has without approval substantially deviated from the Annual Marketing Plan and Budget as approved by Council then Council may withhold payment of funds to the Association.
- 4.4 Council shall not be required to resume payment of funds until;
 - a) It is satisfied that the Association has not deviated from the plan and budget or
 - b) An amended plan and or budget is approved by Council or
 - c) The Association undertakes to comply with the approved plan or budget.
- 4.5 Prior to withholding fund payments the Council shall give the Association 14 day's written notice of the breach of the agreement or the deviation from the plan and budget.
- 4.6 The Association may within the 14 day period of notice present submissions to the Council in respect of the alleged breach and /or deviation.
- 4.7 If the Association fails to make submissions or if after consideration of the submissions the Council is not satisfied that the Association has satisfactorily rectified the breach or is satisfied that there has been a substantial deviation it shall withhold funds and will not be required to resume payment of funds except in accordance with clauses 4.2 or 4.4 hereof.
- 4.8 Upon being satisfied that the conditions in 4.2 or 4.4 have been met, the Council shall immediately resume the payment of funds to the Association.
- 4.8
- 4.9 The Association shall within two months of the service of Notice, remedy any breach of the Agreement or in the case of deviation from the plan and budget address the deviation to the satisfaction of Council.

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- 4.10 If the Association fails to remedy the breach or fails to address the deviation within the period of two months, subject to clause 8.1, the parties shall within fourteen days of the expiration of the two months, attend at arbitration in an effort to resolve the outstanding issues.
- 4.11 If at the conclusion of arbitration the outstanding issues have not been resolved, the parties agree that Council may immediately terminate the Agreement.
- 4.12 If the Agreement is terminated pursuant to paragraph 4.11:-
- 4.12.1 No further monies shall be paid to the Association;
- 4.12.2 The Association shall immediately return to Council any funds which it holds to its credit in any of the Association Accounts;
- 4.12.3 The Council shall assume responsibility for the expenditure proceeds of the Special Rate for the purposes which the Declaration was made;
- 4.12.4 The Council shall assume responsibility for any payments for which the Association reasonably contracted prior to the termination of the Agreement.

5 MUTUAL ASSISTANCE

Council and the Association shall, at regular intervals, monitor the operation of this Agreement and the discharge of the parties' obligations under it, and, to this end, shall appoint or nominate persons to liaise and consult, and facilitate implementation of this Agreement.

6 COUNCIL STAFF ASSISTANCE

- 6.1 By mutual agreement Council will provide resources to assist the Association in meeting its obligations under this agreement.

~~6.2 The Association will within seven days of a request by the Council pay to Council a sum equivalent to the amount it has paid to the Project Officer Swan Hill Inc for wages, superannuation entitlements and other entitlements for the period 1 July to 31 December 2014.~~

7. ARBITRATION CLAUSE

- 7.1 The Council and the Association undertake at all times during the Agreement to use their best endeavours to ensure that any disputes or differences arising under this Agreement are resolved informally and in a spirit of mutual co-operation and understanding and that any steps to formally arbitrate a dispute are taken as a last resort.
- 7.2 Should any dispute regarding the operation of any part of this agreement arise either party may exercise its right to refer the matter to an independent arbitrator appointed by the Institute of Arbitrators and Mediators Australia.

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

_____ Councillor

_____ Councillor

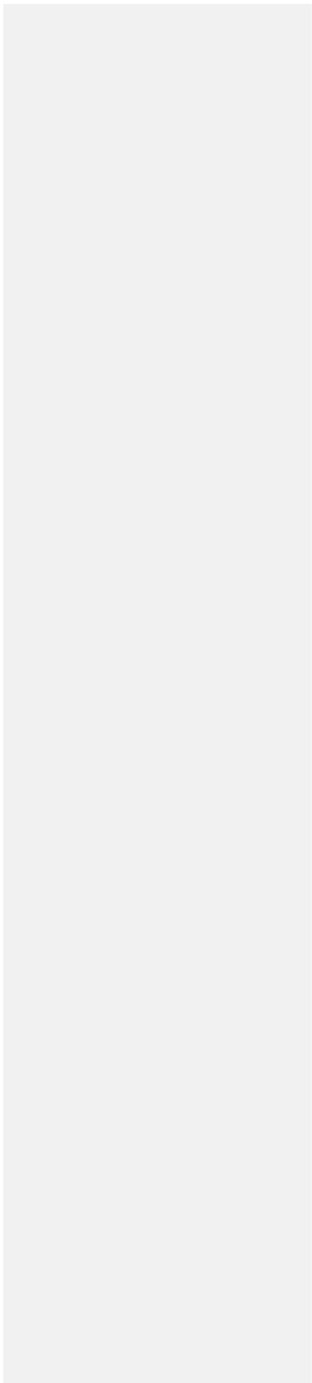
_____ Chief Executive Officer

THE COMMON SEAL OF THE
SWAN HILL ~~PROMOTION AND~~
~~DEVELOPMENT INCORPORATION INC~~~~INCORPORATION~~
~~(SWAN HILL INCORPORATED)~~

Was hereunto affixed in the presence of:

_____ Chairperson

_____ Board Member



AN AGREEMENT made on (insert date)

BETWEEN:

SWAN HILL RURAL CITY COUNCIL

Having a Municipal Office at 45 Splatt Street, Swan Hill, Victoria
("Council")

-and-

SWAN HILL INCORPORATED

Having its Principal Office at Corner of McCrae and Curlewis Streets, Swan Hill, Victoria
("The Association")

RECITALS

- A. On 16 April 2019 Council declared a Special Rate in the terms detailed in the Declaration annexed to this Agreement.
- B. The purpose of the Special Rate is to defray the expenses in relation to the performance of functions within the Swan Hill and Lake Boga regions, which Council considers are necessary and appropriate for the encouragement of business development and commerce through the promotion and development of the region as a place to live, work, invest, shop and visit (as is more particularly defined in the Declaration).
- C. Council has agreed to pay the monies received from the Special Rate to the Association so that the Association may use the monies received in the promotion and development of the Swan Hill region as a place to live, work, invest, shop and visit (as is more particularly defined in the Declaration).
- D. The Association has agreed to perform those activities described in Recital B, and to use the money paid to it by Council (and referable to the Special Rate) to perform such activities.
- E. The parties have agreed to record their agreement in writing.

- F. This agreement will continue for as long as the Special Rate remains in force, subject to the terms of this Agreement.

OPERATIVE PROVISIONS

1 INTERPRETATION

In the Agreement, unless the context or subject-matter indicates otherwise, the following words and phrases are defined to mean:

“Financial Year” has the same meaning as in Section 3(1) of the *Local Government Act 1989*.

“Strategic Plan” means the Strategic Plan described in Clause 2.2. The Strategic Plan will be a four year Plan describing the marketing aims, objectives and strategies that will guide the delivery of the Annual Marketing Plan and Budget and the likely benefits and beneficiaries of these activities.

“Annual Marketing Plan and Budget” means the Annual Marketing Plan and Budget described in Clause 2.2. At a minimum, the Annual Marketing Plan and Budget should detail the strategies to be engaged, the actions to be undertaken, and the likely expenditure on the various activities.

“Special Rate” means the Special Rate described in the Declaration.

“Annual Communications Plan” means a plan that outlines how the association will engage and communicate with its members, and Council.

“Members of the Association” means the same as described in the rules of association for Swan Hill Incorporated.

2 COUNCIL OBLIGATIONS

- 2.1 Subject to the Local Government Act 1989, Council will in each year during which the Special Rate is in force, levy the Special Rate on those persons who are liable to pay it.
- 2.2 On or before 30 November in the first financial year of this agreement and on or before the 31 May in each subsequent financial year during which the Special Rate is in force, the Association will submit to Council for its approval a Strategic Plan and an Annual Marketing Plan, annual Communications Plan and Budget (covering the period 1 July to 30 June of each year) and specifying how it is proposed to expend the expected total sum raised by the Special Rate.
- 2.3 If Council approves the Strategic Plan , Annual Marketing Plan, Annual Communication Plan and Budget, on or before 31 December in the first financial year of this agreement and on or before the 30 June in each subsequent year during which the Special Rate is in force Council will pay to the Association the sum which Council is due to collect by levying the Special Rate on the persons who are liable to pay it, in accordance with the following schedule:

30 September – 25% of expected Special Rate receipts

30 November – 25% of expected Special Rate receipts

- 28 February – 25% of expected Special Rate receipts
- 31 May – 15% of expected Special Rate receipts
- 30 June – remainder of actual Special Rate receipts

In the first year of the agreement outstanding payments will be paid as soon as Council approves the Strategic Plan and the Annual Marketing Plan and Budget.

- 2.4 The dates specified in Clauses 2.2 and 2.3 may be varied for any financial year by agreement between Council and the Association.

- 2.5 Provide office accommodation to the Association at no cost to the Association until either - the termination of the existing Lease of the Swan Hill Region - Information Centre between the Swan Hill Rural City Council and the owner of the premises or at the termination of this Agreement whichever occurs first.

3 ASSOCIATION OBLIGATIONS

- 3.1 The Association acknowledges that:
 - 3.1.1 Council is not liable or responsible for the activities of the Association or for its debts, liabilities, expenses, losses or deficiencies.
 - 3.1.2 This Agreement does not constitute a partnership agreement or a guarantee or indemnity of the Association or its activities by the Council.
 - 3.1.3 The Association must indemnify, keep indemnified and hold harmless the Council, and its Councillors and staff, from and against all actions, claims, losses, damages, penalties, demands or costs (including, without limitation, all indirect losses, consequential losses and legal costs on a full indemnity basis) consequent upon, occasioned by, arising from or connected with the Association's performance or purported performance of its obligations under this Agreement.

The Indemnity will be limited to the extent of the Associations insurance coverage as detailed in clause 3.1.4 (excluding any claims that are the result of wilful deliberate or fraudulent activities or breaches of the law).

- 3.1.4 The Association shall, at all times, during the term of this Agreement be the holder of current Public Liability, Professional Indemnity insurances policies in respect of activities set out in this Agreement for an amount of not less than \$10,000,000. The said policies shall be affected with an insurer approved by the Council. The policies shall cover such risks and be

- subject only to such conditions and exclusions approved by Council and shall extend the cover to Council in respect to claims arising out of the negligence of the Association.
- 3.2 The Association in its first year shall prepare a 4 year strategic plan, and an annual marketing plan, budget and annual communications plan and submit these to Council for approval by 30 November. In subsequent years the Strategic Plan, annual Marketing Plan, Budget and annual Communication Plan are to be prepared and submitted to Council for approval by 30 May. The Association agrees that the sum paid to it will be expended solely in fulfilling the purpose of the attached Special Rate Declaration.
- 3.3 All expenditure shall be in accordance with the Association's "Statement of Purpose" and "Rules of Association". If the Association alters its "Statement of Purpose" and "Rules" in any significant manner, it will advise Council of these changes.
- 3.4 The Association agrees that in performing (or attempting to perform) the activities described in Clause 3.2, it will
- 3.4.1 in preparing the Strategic Plan, Annual Marketing Plan, Communication Plan and Budget provide the opportunity for all members to have input into their preparation;
- 3.4.2 not substantially deviate from the Annual Marketing Plan and Budget approved by Council unless Council has given its written consent to such deviation;
- 3.4.3 undertake the activities in a manner which benefits the Swan Hill and Lake Boga regions, and encourages participation and involvement by all persons liable to pay the Special Rate irrespective of their geographic location or the nature of their business activity.
- 3.5 As soon as it is reasonably practicable after the end of each half of each financial year during which the Special Rate is in force, the Association must provide to Council a report (through a Director of the Association presenting to a meeting of Council), and must report to members, detailing how the sum paid to it was expended during the half of the financial year.
- 3.6 As soon as is reasonably practicable after the end of each financial year during which the Special Rate is in force the Association must provide to Council a financial statement:
- 3.6.1 audited by a person who is:
- 3.6.1.1 registered as a Company Auditor; or

- 3.6.1.2 a holder of a certificate to practice as an auditor issued by the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia;
- 3.6.2 detailing how the sum paid to it was expended during the financial year to which the financial statement relates.
- 3.7 If Council appoints a member of its staff or another person to investigate or audit the manner in which the sum paid to the Association is being or has been expended, and the member of staff or other person so appointed requests access to any premises, books of account, documents or other material in the possession of the Association (or in the case of books of account, documents or other material in the care, custody or control of the Association) the Association shall:
 - 3.7.1 forthwith provide the access to the member of staff or person so appointed; and
 - 3.7.2 provide all reasonable co-operation and assistance to the person so appointed, in order that he or she may conduct the investigation or audit.

4 REMEDIES

- 4.1 Subject to paragraph 4.6 and 4.7 hereof if in the option of Council the Association is in breach of its obligations as set out in this agreement the Council may withhold payment of funds to the Association.
- 4.2 The Council shall not be required to restore payment of funds until it is satisfied that the Association is;
 - 4.2.1 Fulfilling its obligations under the agreement or
 - 4.2.2 Has stopped any action or activity which is outside the charter and obligations of this agreement or
 - 4.2.3 Has resumed action or activities to ensure that it fulfils its obligations subject to paragraph 4.7 hereof.
- 4.3 Subject to paragraph 4.6 and 4.7 hereof if in the opinion of Council the Association has without approval substantially deviated from the Annual Marketing Plan and Budget as approved by Council then Council may withhold payment of funds to the Association.
- 4.4 Council shall not be required to resume payment of funds until;

- a) It is satisfied that the Association has not deviated from the plan and budget or
 - b) An amended plan and or budget is approved by Council or
 - c) The Association undertakes to comply with the approved plan or budget.
- 4.5 Prior to withholding fund payments the Council shall give the Association 14 day's written notice of the breach of the agreement or the deviation from the plan and budget.
- 4.6 The Association may within the 14 day period of notice present submissions to the Council in respect of the alleged breach and /or deviation.
- 4.7 If the Association fails to make submissions or if after consideration of the submissions the Council is not satisfied that the Association has satisfactorily rectified the breach or is satisfied that there has been a substantial deviation it shall withhold funds and will not be required to resume payment of funds except in accordance with clauses 4.2 or 4.4 hereof.
- 4.8 Upon being satisfied that the conditions in 4.2 or 4.4 have been met, the Council shall immediately resume the payment of funds to the Association.
- 4.9 The Association shall within two months of the service of Notice, remedy any breach of the Agreement or in the case of deviation from the plan and budget address the deviation to the satisfaction of Council.
- 4.10 If the Association fails to remedy the breach or fails to address the deviation within the period of two months, subject to clause 8.1, the parties shall within fourteen days of the expiration of the two months, attend at arbitration in an effort to resolve the outstanding issues.
- 4.11 If at the conclusion of arbitration the outstanding issues have not been resolved, the parties agree that Council may immediately terminate the Agreement.
- 4.12 If the Agreement is terminated pursuant to paragraph 4.11:-
- 4.12.1 No further monies shall be paid to the Association;
 - 4.12.2 The Association shall immediately return to Council any funds which it holds to its credit in any of the Association Accounts;
 - 4.12.3 The Council shall assume responsibility for the expenditure proceeds of the Special Rate for the purposes which the Declaration was made;
 - 4.12.4 The Council shall assume responsibility for any payments for which the Association reasonably contracted prior to the termination of the Agreement.

5 MUTUAL ASSISTANCE

Council and the Association shall, at regular intervals, monitor the operation of this Agreement and the discharge of the parities' obligations under it, and, to this end, shall appoint or nominate persons to liaise and consult, and facilitate implementation of this Agreement.

6 COUNCIL STAFF ASSISTANCE

6.1 By mutual agreement Council will provide resources to assist the Association in meeting its obligations under this agreement.

7. ARBITRATION CLAUSE

7.1 The Council and the Association undertake at all times during the Agreement to use their best endeavours to ensure that any disputes or differences arising under this Agreement are resolved informally and in a spirit of mutual cooperation and understanding and that any steps to formally arbitrate a dispute are taken as a last resort.

7.2 Should any dispute regarding the operation of any part of this agreement arise either party may exercise its right to refer the matter to an independent arbitrator appointed by the Institute of Arbitrators and Mediators Australia.

**THE COMMON SEAL OF THE
SWAN HILL RURAL CITY COUNCIL**

Was hereunto affixed in the presence of:

_____Councillor

_____Councillor

_____Chief Executive Officer

**THE COMMON SEAL OF THE
SWAN HILL INCORPORATION**

Was hereunto affixed in the presence of:

_____Chairperson

_____Board Member

Declaration of a Special Rate for the Swan Hill Region

Under Section 163 of the Local Government Act 1989 (the “Act”) Swan Hill Rural City Council (the “Council”) hereby declares a Special Rate for marketing and business development of the Swan Hill region (“region”).

Council specifies:

- (a) The purpose of the Special Rate is to defray the expenses in relation to the performance of functions within the Swan Hill region, which Council considers are necessary and appropriate for the encouragement of business development and commerce through the promotion and development of the region as a place to live, work, invest, shop and visit.
- (b) The area for which the Special Rate is declared is all the rateable properties used for commercial, industrial and tourism and hospitality purposes for the parishes and localities within the Swan Hill Rural City (as detailed on the Map in Attachment One)
- (c) Council considers that the performance of the functions, as outlined in paragraph (a), will assist it in fulfilling the following facilitating objectives of Council which are set out in Section 3C(2) of the Local Government Act:
 - to promote the social, economic and environmental viability and sustainability of the municipal district.
 - to promote appropriate business and employment opportunities.

- (d) The total cost of the performance of the functions is:
- (i) for the first year of the Special Rate -be \$359,187 this figure is inclusive of the Consumer Price Index (CPI*) at September 2018. Council's administrative costs of \$6,000 has been factored into this figure);
 - (ii) for each of the subsequent six years the Special Rate remains in force - the previous year's total amount of the Special Rate plus CPI* or 2%, whichever is the lesser.
- (e) The total amount of the Special Rate to be levied is:
- (i) for the first year of the Special Rate - \$359,187;
 - (ii) for each of the subsequent six years the Special Rate remains in force - the previous year's total amount of the Special Rate plus CPI* or 2%, whichever is the lesser.
- (f) The land in relation to which the Special Rate is declared is all the rateable properties used for commercial, industrial and tourism and hospitality purposes in the parishes and localities within the Swan Hill Rural City (as detailed on the Map in Attachment One).
- (g) The manner in which the Special Rate is assessed (that is, the criteria to be used as the basis for levying the Special Rate) is:

For the first year of the Special Rate:

- for tourism and hospitality properties (based on Australian Valuation Property Classification Codes [AVPCC] as detailed in Attachment Two) a rate in the dollar of each property's Capital Improved Value (CIV), in order to raise a total of \$86,614 with a minimum rate per rateable property of \$50 and a maximum rate per rateable property of \$6,949.74.
- for commercial properties (based on AVPCC as detailed in attachment two) a rate in the dollar of each property's CIV, in order to raise \$234,294 after inclusion of providing a 50% write-off for properties in common occupancy with a residence, with a minimum rate per rateable property of \$50 and a maximum rate per rateable property of \$6,949.74.
- for industrial properties (based on AVPCC as detailed in attachment two) a rate in the dollar of each property's CIV, in order to raise a total of \$38,279 with a minimum rate per rateable property of \$50 and a maximum rate per rateable property of \$347.49.

For each of the subsequent six years the Special Rate remains in force, the rates in the dollar will be adjusted to be in accordance with the previous year's total amount of the Special Rate plus CPI* apportioned over the sectors as follows:

- for tourism and hospitality properties (based on assigned AVPCC) a rate in the dollar of each property's CIV, in order to raise the proportion of the

Special Rate raised from the sector in the previous year adjusted for the relative movements in the proportion of the sector's CIV of the total CIV within the Special Rate area. A minimum rate per rateable property of \$50 p.a. and a maximum rate per rateable property to increase each year by 3% from the maximum set for the first year.

- for commercial properties (based on assigned AVPCC) a rate in the dollar of each property's CIV, in order to raise the proportion of the Special Rate raised from the sector in the previous year adjusted for the relative movements in the proportion of the sector's CIV of the total CIV within the Special Rate area. A minimum rate per rateable property of \$50 p.a. and a maximum rate per rateable property to increase each year by 3% from the maximum set for the first year. A 50% write-off will apply to properties in common occupancy with a residence.
 - for industrial properties (based on assigned AVPCC) a rate in the dollar of each property's CIV, in order to raise the proportion of the Special Rate raised from the sector in the previous year adjusted for the relative movements in the proportion of the sector's CIV of the total CIV within the Special Rate area. A minimum rate per rateable property of \$50 p.a. and a maximum rate per rateable property to increase each year by 3% from the maximum set for the first year.
- (h) The Special Rate is levied by sending a notice in each year the Special Rate remains in force, to the persons liable to pay it, requiring that the Special Rate for that year be paid in four separate instalments, or by all four instalments together, by the dates which are specified in each respective notice.
- (j) The Special Rate commences on 1 July 2019 and remains in force for a period of seven years from that date, until 30 June 2026.
- (j) Should a property included in the Special Rate receive a supplementary valuation that changes its AVPCC to residential land or primary production that property will cease to be included in the Special Rate from the date the supplementary valuation for that property is returned to Council.
- (k) Should a property in the area covered by the Special Rate receive a supplementary or other valuation which includes it as a new or amended rateable property in the Special Rate, that property will be included in the appropriate AVPCC category of the Special Rate from the beginning of the financial year following the date the supplementary or other valuation for that property is returned to Council.
- (l) The Council considers that there will be a special benefit to persons required to pay the Special Rate in that there will be a special benefit over and above that available to persons not the subject of the Special Rate and directly and indirectly, the viability of the Swan Hill region as a commercial, industrial and tourism region will be enhanced through increased commerce and economic activity. Further, the value of the properties included in the scheme, their desirability as letting propositions (where applicable) and their general image and stature, both separately and severally in the context of the area generally, will be maintained or enhanced.

- (m) Council further considers, and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the proposed Special Rate are marketing, promotion and business development related and will accordingly only benefit the owners and occupiers of those properties and businesses included in the scheme.

John McLinden
Chief Executive Officer
Swan Hill Rural City Council

*Based upon the movement in the March quarter annual weighted average of the eight capital cities index as published by the Australian Bureau of Statistics

B.19.95 REQUESTS FOR EVENT GRANTS OR SPONSORSHIP

Responsible Officer: Director Development and Planning
File Number: S17-01-04-06
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks Council to approve three requests for event grants or sponsorship.

The applicants are seeking monetary support to cover venue hire fees, public liability insurance, promotional support throughout the region and other associated costs.

Discussion

Requests for sponsorship have been received from

1. Murray River Bride, to gain support for the Murray River Bride and Debutante Expo, this request included a letter to the Swan Hill Rural City Council and an application.
2. Swan Hill Rotary Clubs to gain support for the Rotary District 9780 Conference Swan Hill in 2020. The clubs are requesting a grant or sponsorship to cover the \$5,000 charge for the hire of the Town Hall.
3. "We Believe in Unicorns" was successful in receiving an in-kind grant of \$2,500 to cover the hire of the Town Hall. This event did not proceed and the funding was not provided. The organisation is now requesting a new grant for their Trick or Treat with Unicorns event to cover venue hire at the Pioneer Settlement of \$2,500.

Murray River Bride and Debutante Expo

The Murray River Bride and Debutante Expo is a commercial event designed for the Swan Hill Region, to showcase the local and surrounding areas, business wedding and debutante ball industries. The organisers anticipate that the event will have 60 stalls and attract 500 to 2000 attendees. The event has been held before in November 2016 and was successful with 40 stalls and over 500 attendees. The 2016 event did not receive any sponsorship from Council. The event raises monies for a local charity, however the charity is not named in the application.

Murray River Bride and Debutante Expo is proposed to be held 24 November 2019, and is requesting \$2,500 to \$3,000. More specifically, it is seeking monetary support to cover venue hire fees, for the hire of the Lower Murray Inn at a value of \$800, as

well as public liability insurance, promotional support throughout the region and other associated costs. The event is charging stallholders \$150 and collecting gold coin donations from the attendees.

In summary the event is of a commercial nature and support of the cost of the venue hire is the only contribution recommended at a total value \$800. Other factors that support the recommendation to partially support the application are:-

- The Pioneer Settlement is well positioned to provide this event with sponsorship for the hire of Lower Murray Inn
- Previous bridal expos have not been subsidised
- Other similar events are organised in the region
- The event is likely to run even without a contribution from Council
- Economic benefits for the region is unknown as a large proportion of attendants will be local or from the immediate region
- The charity that will benefit from the profits is not named and therefore cannot be verified
- There is a limited amount of funding available in the Events Support Fund

Rotary District 9780 Conference Swan Hill in 2020

The Rotary District 9780 is holding this conference in Swan Hill from 20 to 22 March 2020 and has booked the Town Hall, as its conference venue, the Lake Boga Catalina Museum and Foreshore for the conference dinner and a walk and fundraiser for A Good Kitchen at Riverside Park. The two Swan Hill Rotary Clubs organising the event are seeking Council's agreement to provide a grant or sponsorship, to cover the full cost of the Town Hall charges (approximately \$5,000 after discounts). Ultimately, the funding would assist the events' viability and ability to attract a significant audience.

All other costs associated to facilitate the conference, such as activities on the Lake Boga Foreshore, Swan Hill Riverside Park and Lake Boga Catalina Museum, would be funded by the clubs.

The clubs offer to recognise the Swan Hill Rural City Council as the event's major sponsor and would receive up to ten complimentary Conference invitations. An invitation will be extended to the Mayor and Chief Executive Officer to attend the Lake Boga Flying Boat Museum conference dinner.

Rotary District 9780 has 1,700 members and extends from Swan Hill to Mt Gambier in South Australia and back to Torquay, and includes Geelong and Ballarat. It is expected the Conference will be attended by in excess of 300 Rotarians, who will contribute to the local economy in the form of meals, accommodation, shopping, as well as attendance at major attractions including *Heartbeat of the Murray* and the Pioneer Settlement.

The budget has been developed based on a successful application.

In summary it is recommended that Council support the Rotary Conference through a \$5,000 grant towards Town Hall venue hire. This is based on the economic and social benefit generated to the region.

Trick or Treat with Unicorns Event

We Believe in Unicorns were awarded \$2,500 in-kind sponsorship to cover the Town Hall hire for their Black Tie Ball. The events cancellation resulted in the funding being withdrawn. The committee inquired about the possibility of transferring their funding to cover the venue hire of the Lower Murray Inn and Pioneer Settlement, for their upcoming Trick or Treat with Unicorns event on 31 October 2019. The committee was notified that it would need to reapply.

The new venue hire fee amount is \$2,500 and will cover the use of the Lower Murray Inn and Pioneer Settlement.

This charitable event supports sick children and provides the opportunity for a family friendly trick or treating event, within the Lower Murray Inn and Pioneer Settlement grounds. Additional entertainment, food and drink will be provided at a low cost. Funds are to be raised from a \$5.00 admission fee (excluding parents).

It is recommended that Council support the Trick or Treat with Unicorns event through awarding \$2,500 in venue hire for the Lower Murray Inn and Pioneer Settlement. This is based on the events uniqueness, ability to grow and the social benefit to the community.

Consultation

Murray River Bride and Debutante Expo

This request has been generated from initial contact made to Council on the 12 July 2019 and was outside of the Events Support Fund grants period, which closed on the 17 June 2019. Since then, an application for the Event Support Fund has been completed and the reason given for not lodging the application on time was that the event only started being planned recently. Consultation has been undertaken with the Pioneer Settlement and with past organisers of the Bridal Expo.

Rotary District 9780 Conference Swan Hill in 2020

The Rotary request has been generated from initial contact made through email to the Chief Executive Officer on the 17 July 2019. This request is outside of the Event Support Funds Grant Period. The event has not been held before in Swan Hill and the reason behind the late application was due to the clubs not having the necessary information to submit a complete proposal until now.

Trick or Treat with Unicorns Event

SECTION B - REPORTS

17 September 2019

Council, the Pioneer Settlement and the We Believe in Unicorns committee have been in discussion regarding the Halloween Event.

Financial Implications

Please note: The NAIDOC Dreamtime Ball and We Believe in Unicorns Black Tie Ball have been cancelled this Financial Year, resulting in a return of \$3,000 to the Event Support Fund Budget.

Event Support Fund Remaining Budget

Event Support Fund	Amount Remaining
In-kind	\$5,300
Cash Sponsorship	\$2,200
Total	\$7,500*

* Figure inclusive of the \$3,000 returned to the budget from cancelled events

Sponsorship or Grant Requested

Event	Amount requested	Amount recommended
Murray River Bride and Debutante Expo	\$2,500	\$800 – venue hire
Rotary District 9780 Conference 2020	\$5,000	\$4,200 – venue hire
Trick or Treat with Unicorns	\$2,500	\$2,500 – venue hire
Total	\$10,000	\$7,500

The Event Support Fund has a remaining budget of \$7,500. Of this amount, the remaining funds include \$5,300 in-kind/logistical support and \$2,200 event/cash sponsorship. This is a small amount that will only assist events prior to the end of June 2020.

Social Implications

Murray River Bride and Debutante Expo

Bridal expos are popular events and contribute to the liveability of the region. However, this event is not a unique or innovative event and is unlikely to attract many visitors from outside the municipality.

Rotary District 9780 Conference Swan Hill in 2020

The two Swan Hill Rotary clubs contribute charitable services to the community through fundraising, volunteerism and support for events and initiatives. Hosting the District conference is a high-profile recognition of their work. Speakers from the region and elsewhere will be present, attracting great exposure and awareness of

the topics addressed and an opportunity for community attendance. Youth involvement is also promoted.

Trick or Treat with Unicorns Event

This event is a unique and great opportunity for children to trick or treat in a safe environment.

Economic Implications

Murray River Bride and Debutante Expo

Remplan Tourism Impact Modelling indicates that domestic day visitors contribute \$184 per person per day. It is likely that out of the predicted attendees a large proportion will be local, however it is possible that 200 will be visitors, a flow on of \$36,300.

Rotary District 9780 Conference Swan Hill in 2020

Remplan Tourism Impact Modelling based on 300 people staying 2 nights in Swan Hill with an average spend of \$170 per person per night, it is estimated that this would result in a potential spend of \$102,000 in Swan Hill over the weekend.

Trick or Treat with Unicorns Event

Showcases a local venue and provides the community with a safe and fun opportunity to celebrate Halloween.

Environmental Implications

Not applicable to this report.

Risk Management Implications

All major events are required to undertake a risk management process.

Council Plan Strategy Addressed

Community enrichment - Provide services and support initiatives that create a Healthy and Safe Community.

Options

Murray River Bridal and Debutante Expo

That Council:

SECTION B - REPORTS

17 September 2019

1. Request the Pioneer Settlement sponsor the Murray River Bridal and Debutante for \$800 in logistical support to cover the hire of the Lower Murray Inn.
2. Approve an Event Support Fund grant for the Murray River Bridal and Debutante for logistical support to cover the \$800 hire of the Lower Murray Inn.
3. Partially supports an Event Support Fund grant for the Murray River Bridal and Debutante for logistical support to cover the hire of the Lower Murray Inn.
4. Does not approve an Event Support Fund grant for the Murray River Bridal and Debutante for logistical support to cover the hire of the Lower Murray Inn.

Rotary District 9780 Conference Swan Hill 2020

That Council:

1. Approve an Event Support Fund grant to the value \$5,000 for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.
2. Approve an Event Support Fund grant to the value \$4,200 for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.
3. Partially support an Event Support Fund grant for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.
4. Does not approve an Event Support Fund grant for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.

Trick or Treat with Unicorns Event

That Council:

1. Approve an Event Support Fund grant to the value of \$2,500 for the venue hire of the Pioneer Settlement for the Trick or Treat with Unicorns event.
2. Does not approve an Event Support Fund grant to the value of \$2,500 for the venue hire of the Pioneer Settlement for the Trick or Treat with Unicorns event.

Recommendations

That Council:

- 1. Sponsor the Murray River Bridal and Debutante event for \$800 in logistical support to cover the hire of the Lower Murray Inn.**
- 2. Approve an Event Support Fund grant to the value \$4,200 for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.**
- 3. Approve an Event Support Fund grant to the value of \$2,500 for the venue hire of the Pioneer Settlement for the Trick or Treat with Unicorns event.**

122/19 Motion

MOVED Cr Moar

That Council:

- 1. Sponsor the Murray River Bridal and Debutante event for \$800 in logistical support to cover the hire of the Lower Murray Inn.**
- 2. Approve an Event Support Fund grant to the value \$4,200 for multiple hiring of the Town Hall for the Rotary District 9780 Conference Swan Hill 2020.**
- 3. Approve an Event Support Fund grant to the value of \$2,500 for the venue hire of the Pioneer Settlement for the Trick or Treat with Unicorns event.**

SECONDED Cr McPhee

The Motion was put and CARRIED

B.19.96 PROPOSAL TO ESTABLISH AN EQUESTRIAN FACILITY AT THE LAKE BOGA SPORTING COMPLEX

Responsible Officer: Director Development and Planning
File Number: AFT-PR-36474
Attachments: 1 Budget

Declarations of Interest:

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

Summary

This report seeks to inform Council of the options for the establishment of an Equestrian Centre at Lake Boga, incorporating the Swan Hill Pony Club relocation and the creation of a home for the Lake Boga Riding Club and the Northern Rivers Equestrian Club.

Discussion

Background

In May 2015, Council informed the Swan Hill Pony Club (SHPC) that due to the rezoning of land in the south west precinct development project (including the pony club site) from Public Park and Recreation Zone (PPRZ) to General Residential Zone (GRZ), the Pony Club would need to relocate.

Swan Hill Planning Scheme Amendment C58 explanatory report notes that: *"The existing Pony Club from this reserve will be relocated to an appropriate location to allow this land to be developed and used for residential purpose consistent with the surrounding future uses"*.

After a number of sites being considered and not proving suitable, Council Officers and Pony Club members investigated the Lake Boga Sporting Complex site. The site is suitable and presents many advantages.

The site is under Committee of Management of the Crown Land and therefore the infrastructure belongs to Council and has not been utilised for a number of years. The complex comprises a sporting oval with irrigation, a clubhouse, a toilet block, an access road and disused tennis courts.

Tennis has not been played there for approximately 20 years and the sporting oval has not been used for two years since the decision to consolidate junior and adult football and cricket training and games at the Lake Boga Recreation Reserve.

The area is approximately 10 acres and is divided between the sporting oval (grass) and the tennis courts (asphalt). Both of the tennis courts are overgrown and past repair.

Northern Rivers Equestrian Club and Lake Boga Riding Club are interested in sharing the grounds and have been working in partnership with the SHPC to plan and design the new facilities. Pioneer Country Carriage Drivers have also expressed interest in using the premises to hold special events. The renovation of the premises will also benefit the annual Dog Show.

Benefits of establishing an equestrian centre in Lake Boga

A community impact study commissioned by Equestrian Australia in 2016 revealed that Equestrian sport contributes more than \$1.14 billion to the Australian economy each year. The main objective of this project was to determine the contribution of Equestrian to the broader community within Australia across three key areas; Economic, Social and Health benefits.

Key findings were based on data from a wide range of sources including the Australian Bureau of Statistics, Australian Sports Commission & Australian Government Department of Health and members of the equestrian community.

The total economic contribution of Equestrian (excluding all codes of horse racing, polo/ polocrosse, rodeo, western & tent pegging) is \$1.135 billion whilst the annual contribution to physical and mental health is an additional \$12.724 million.

The study also determined that Equestrian sport has a range of social strengths including lifelong participation opportunities and high levels of family & female involvement.

A major point of difference Equestrian has from other sports is the responsibility that goes with the management and care of the horse. This requires commitment, discipline and purpose.

76 per cent of Equestrian Australia members say they are involved with the sport “for the love of horses” and the community spends \$371 million each year on the maintenance and transport of horses.

75 per cent of Members involved in the sport more than four times per week and 78 per cent are involved for more than 10 years which shows a significant level of commitment to the sport.

Equestrian also offers a healthy outdoor lifestyle and is, for many people, a recreational outlet that leads to personal purpose and fulfilment.

Establishing an equestrian centre in Lake Boga, within 15 minutes driving from Swan Hill will contribute to the liveability of the region and be an additional factor to attract

new residents as well as service the residents of the southern part of the municipality.

Results from the Community Consultation

A community consultation meeting was held at the Lake Boga Community Centre on the 4th of December 2018 and was attended by 35 people. A large majority of people in attendance was in favour of developing an equestrian centre at the Lake Boga Sporting Complex. Four clubs were represented: the Swan Hill Pony Club, Northern Rivers Equestrian Club, the Lake Boga Riding Club and the Swan Hill/Lake Boga Kennel Club.

A number of issues were discussed such as removal of manure, preservation of trees and fencing of the facilities. It was agreed by all that the establishment of an equestrian centre will be beneficial to the economy and the social appeal of the municipality and that in particular it would add to the development of Lake Boga, providing that the facilities are not detrimental to the quality of life of the residents.

Lease or licence arrangements

It is required to enter into a lease or licence under the Crown Land (Reserves) Act 1978 with the permission of the Department of Environment Land Water and Planning. A lease is for sole use and a licence is for joint use.

The site consists of three parcels of land and either a Crown Land 17D Lease or Crown Land 17B Licence would be allowable.

A **lease** is the right granted by the owner of land exclusively to another person or entity (club, incorporated body) to have exclusive possession of the premises for a fixed duration in return for rent. Generally, Council can grant a lease where the premises will be occupied exclusively by the one user and Council considers that granting a lease is in the best interests of the community.

A **licence** is the permission granted to a person or entity (club, incorporated body) to occupy the premises on particular conditions. The main feature that distinguishes a licence from a lease is that a licence does not permit exclusive occupancy of the premises. A licence creates greater flexibility to share the premises.

Crown Land 17D lease

Under a lease agreement, premises are leased to a single body. This will allow Council to deal with only one user but provisions under special conditions the tenant can be made to have other users or sub-lessees from other allied clubs. However it is likely that under a lease agreement, sub leases are to be approved by the Department

Terms of 17D Crown Lease state:

PART 12 - ASSIGNMENT AND SUBLETTING

1.1 No disposal of Tenant's interest

The Tenant must not without the prior written consent of the Landlord and the Minister:

(a) assign, transfer, sub-let, grant any licence, mortgage, encumber, charge or part with or share the possession of or otherwise deal with or dispose of the Tenant's estate or interest in the Land or any part of the Land or the Premises;

Option 1: Incorporated body lease

The clubs could form an overarching incorporated body with a Committee with representatives from all clubs (similar to Chisholm Reserve Motor Sports Complex). The committee can also incorporate a Council employee to assist. The lease is issued by Council to that body and that body organises user agreements with the different clubs.

This option is the preferred option of the Department of Environment, Land Water and Planning, as Crown Land Managers.

Option 2: Sole body lease

A lease is given to the Pony Club by Council. The Pony Club then organises subleases or hire agreements to the other clubs. Council can specify special conditions in the lease agreement. A list of possible special conditions for leases or licences is suggested below.

Crown Land 17B licence

Option 3: Licence

Council issues licences to each club, which means all users would have equal rights to the facility and each user would have to book their days and times with the Council booking system

This option can require more administration from Council and an added burden to the booking system. However, Council already has the facility set up in its booking system like all other reserves, so each user would book in their days and times for use. Consultation was held with the front counter staff and they confirmed that the administration was minimal.

Special Conditions would need to be attached to each licence setting out specific terms of use. These special conditions could include:

- The Kennel Club shall have sole use of the facility once a year for the annual dog show
- Each user shall provide a list of dates required for the following year, in December of the previous year. It is the responsibility of the clubs to come to

mutual arrangement regarding conflicting dates. Should this not happen, Council employees will allocate dates.

- Each user shall leave the facility in a clean and tidy manner at the conclusion of each use and ensure that all equipment is packed away and secure.
- Each user shall provide a copy of their current Certificate of Currency for Public Liability Insurance (for not less than \$20 million) to Council at the commencement of the Lease/Licence and each year upon renewal.

Fees

Lease or licensing fees have not been determined for the Lake Boga Sporting Complex as it is currently not leased.

As the Lake Boga Equestrian Centre will not be fully operational for quite some time, while relocation and repairs are being completed, it is suggested to waive lease or licensing fees for a period of time to be determined by Council. Two years are recommended to allow the clubs to be fully operational and the membership to build up.

The lease or licence fee will then be calculated in accordance to Council's lease fees policy at that time.

Planning of facilities

An external company has been appointed to produce scoping documentation and an opinion of probable costs for the outdoor arenas. Council staff has costed repairs to the clubhouse. The attached plans and documentation details the proposed improvements.

The oval is not being constructed on, as it is kept as a community recreation area, when not used by equestrian events. It is envisaged that use of the oval for events will only be a few times a year. The oval will however be fenced to accommodate horses but only locked when organised activities are being held. In the majority of the perimeter, only a horse sighter wire will be needed as the existing fence is deemed sufficient.

Clubs' membership and commitment

The three clubs have been extensively consulted during the planning of this project.

The Swan Hill Pony Club has suffered quite a loss of membership during the last two years due in the main part to the uncertainty surrounding the future of the club pending relocation. The club is determined to rebuild and has already started to receive renewed interest with the possibility of relocating to Lake Boga. The Swan Hill Pony Club will bring a large amount of equipment to use in the new facility such as portable yards, jumps.

The Lake Boga Riding Club has expressed strong enthusiasm for the concept and a detailed response is attached to this report. They have currently 19 members and foresee a growth in membership with the new facility.

Northern Rivers Equestrian Club has 35 fully paid up members and 12 casual members. Ideally they would like to be able to hold official HRCAV competitions with riders travelling from across Vic and southern NSW.

They propose that having a more central home base (currently using Barham) they would hope to have around 60 full members.

Consultation

Community

In addition to the community consultation described in point 1, under the terms of long leases, it is mandatory to publicly advertise Council's intention to lease the land.

Council will place a "Notice of Intention to lease Council property", as per Section 190 of the Local Government Act 1989. Submissions in respect of this notice will be considered in accordance with Section 223 (1) of the Local Government Act 1989.

Clubs

The three equestrian clubs have been consulted regarding the lease options and the configuration of the facilities. All clubs are in agreement on adopting Option 1 as the best lease option and have designed the facilities together.

Financial Implications

The cost of the establishment has been estimated at \$107,000 (GST ex) including the user clubs' contributions. Council's total contribution will be \$61,700 and can be staged as per spreadsheet attached. Initial costs are \$50,550 followed by subsequent contributions depending on viability of the facility of \$7,000 and \$4,000.

Funding can be sourced from the Land Acquisition Reserve.

Social Implications

To provide an alternative outlet for sporting activities in the Lake Boga area.

Economic Implications

To stimulate the town's economy by encouraging visitors and new residents.

Environmental Implications

Potential native vegetation will be examined and appropriate action taken. A site visit was done with Council's Senior Environment Officer who did not flag any problems

on initial inspection. A member of Landcare has been consulted and will be involved in all negotiations regarding removal of vegetation, as the Landcare group planted some trees on the site a few years ago.

Risk Management Implications

- Council will ensure an enforceable lease is drafted to provide security to both parties, to protect Council's interests and prevents misunderstandings that could potentially lead to litigation. The building and property must be fit for purpose and well maintained.
- Council will take out the necessary building insurance. The users will need their own contents insurance
- The club/s will be required to provide Council with current Public Liability Certificates annually.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

Lease

- Council starts the process to issue a Crown Land 17D lease to an incorporated body comprising the Swan Hill Pony Club, the Northern Rivers Equestrian Club and The Lake Boga Riding Club
- Council starts the process to issue a Crown Land 17D lease to the Swan Hill Pony Club with a clause requesting that the Pony Club sublease the facilities to the Northern Rivers Equestrian Club and The Lake Boga Riding Club.
- Council issues licences to each club, which means all users would have equal rights to the facility and each user would have to book their days and times with the Council booking system.
- Council does not issue a lease or licence.

Financing of construction of facilities

The Director of Corporate Services provided a budget of essential components for the start of the facility, attached to this report.

- Allocates a budget of \$50,550 to commence essential works for the establishment of Lake Boga Equestrian Centre followed by \$7,128 for stage two and \$4,021 for stage three being conditional on the facility being well utilised and maintained adequately.

- Council allocates a partial budget to be determined by Council.
- Council does not allocate a budget.

Recommendations

That Council:

- 1. Commences the process for leasing Crown Allotments 27, 27A and 31 subject to Sections 190 and 223 of the Local Government Act 1989 and under the Crown Land (Reserves) Act 1978 with the permission of the Department of Environment Land Water and Planning.**
- 2. Subject to approval of the lease (as above) issue a 17D lease agreement with a user agreement to an incorporated body comprising the Swan Hill Pony Club, Northern Rivers Equestrian Club and Lake Boga Riding Club with provision for other equestrian clubs to be added if the opportunity arises.**
- 3. Waives lease fees for a period of two years from the date of the commencement of the lease**
- 4. Allocates a budget of \$50,550 from the Land Acquisition Reserve to commence essential works for the establishment of Lake Boga Equestrian Centre.**

123/19 Motion

MOVED Cr McPhee

That Council:

- 1. Commences the process for leasing Crown Allotments 27, 27A and 31 subject to Sections 190 and 223 of the Local Government Act 1989 and under the Crown Land (Reserves) Act 1978 with the permission of the Department of Environment Land Water and Planning.**
- 2. Subject to approval of the lease (as above) issue a 17D lease agreement with a user agreement to an incorporated body comprising the Swan Hill Pony Club, Northern Rivers Equestrian Club and Lake Boga Riding Club with provision for other equestrian clubs to be added if the opportunity arises.**
- 3. Waives lease fees for a period of two years from the date of the commencement of the lease.**
- 4. Allocates a budget of \$50,550 from the Land Acquisition Reserve to commence essential works for the establishment of Lake Boga Equestrian**

Centre.

SECONDED Cr Moar

The Motion was put and CARRIED

Suggested Staging Option for Lake Boga Equestrian Facility

Funded By:-

Stage	Item	Council	User Clubs or Donation	Total	Comment
1	Lease and Legals Fees	0	0	0	0 Lease will be prepared in house by Council staff as normal
1	Clearing of old Tennis Courts etc	22,500	0	22,500	
1	Fence Perimeter of Facility	8,150	3,850	12,000	
1	Day Yard Construction	4,250	3,250	7,500	
1	Sand for Jumping Arena	0	9,000	9,000	
1	1st Dressage Arena (60mtrsx30mtrs)	5,400	6,800	12,200	Sand 50mm deep and edging
1	Concrete Wash Bay	750	2,250	3,000	
1	Excement stock pile	0	2,000	2,000	
1	Regrade access and carpark	2,500	0	2,500	
1	Purchase 1 storage container	0	3,500	3,500	
1	Contingency	7,000	3,000	10,000	Contingency only, may not be required.
1	Total Stage 1 (2019/20)	50,550	33,650	84,200	
2	Building Switchboard	4,021	0	4,021	
2	Power Point	213	0	213	
2	Lighting Replacement	2,894	0	2,894	
2	Total Stage 2	7,128	0	7,128	
Future	2nd Dressage Arena	0	2,400	2,400	
Future	Day Dressage Arena	0	2,363	2,363	
Future	2nd Storage Container	0	3,500	3,500	
Future	3rd Storage Container	0	3,500	3,500	
Future	Air Conditioner	4,021	0	4,021	
Future	Total Future Stages	4,021	11,763	15,784	
	Total Project Costs	61,699	45,413	107,112	

B.19.97 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 6 & 103 NADZAB ROAD, ROBINVALE

Responsible Officer: Director Development and Planning
File Number: 2019/50
Attachments: 1 Proposed Plan

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse a planning permit application. The planning application is for the re-subdivision (house excision) of land in the Farming Zone located at 6 and 103 Nadzab Road, Robinvale.

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

Discussion

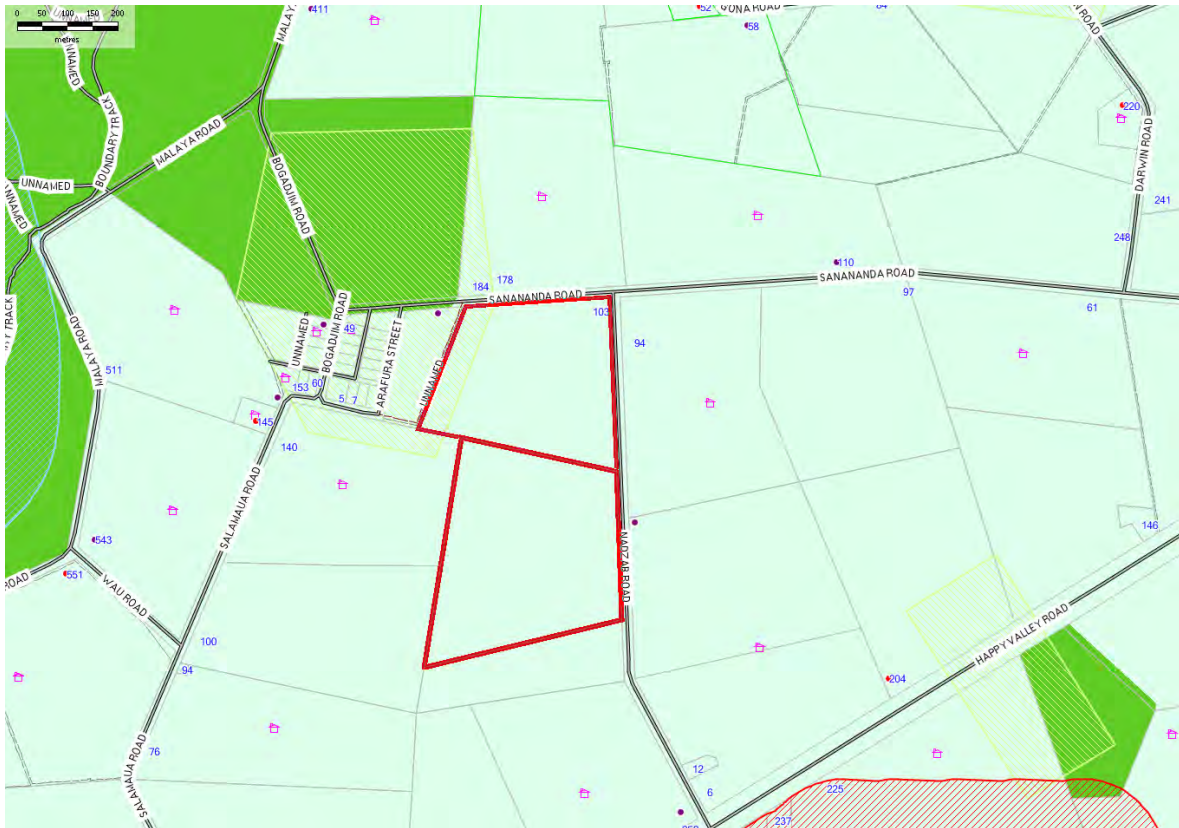
Location and existing conditions

The subject sites, as shown on Map 1, are located within the gazetted irrigation district and are surrounded by predominantly irrigated agriculture with a settlement of dwellings to the west. CA 59, Section C, Parish of Bumbang is approximately 10 ha in size and contains two dwellings and associated outbuildings with the remainder being actively use for irrigated agriculture. CA 60, Section C, Parish of Bumbang is approximately 13.05 ha in size and contains a significant rural store, dwelling and associated outbuildings.

Proposal

The owners of both crown allotments wish to re-align the boundaries to excise off the dwellings on CA 59, Section C, Parish of Bumbang from the agricultural land and consolidate the residue agricultural land with CA 60, Section 2, Parish of Bumbang.

This will reduce the size of proposed lot 1 from approximately 10 ha to 0.72 ha and will contain two dwellings and associated outbuildings. The owners of proposed lot 1 then intend to sell the residual agricultural land of 9.28 ha to the adjoining owner of proposed lot 2 to bring the balance of proposed lot 2 to 22.35 ha.



Map 1 – Zoning and Location of the subject land



Map 2 – Aerial of site and surrounding area

Assessment of the Planning application

Background

Upon assessment of the proposal Council officers contacted the applicant to advise that based on the information provided, the application did not provide sufficient justification to support the proposal. The proposal also did not comply with the purpose of the zone or State and local policy, particularly the justification in regard to Council's Natural Resource Management policy at Clause 21.06-1 of the planning scheme.

The applicant was advised that it was considered unlikely that officers would support the application.

The applicant then provided further information to support the application.

Upon receipt and further assessment of the additional information provided by the applicant, it was concluded that the application still failed to support Council's Natural Resource Management policy, the Farming Zone and State policy as outlined later in the report.

The applicant was provided the opportunity to meet with Councillors to present the case. The applicant in support of the proposal presented a VCAT case and quotes from Councils Rural Land Use Strategy. The following are the extracts in context.

One aspect within the Rural Land Use Strategy that the applicant highlighted was the statement *'to facilitate and encourage restructure, lot consolidation and new horticultural investment, house lot excisions will be considered where it can be demonstrated that there is an overwhelming benefit for agriculture and risk of land use conflict can be minimised.*

It must be noted that a key strategic direction within the Rural Land Use Strategy is to *'protect farmland of strategic significance by strongly discouraging fragmentation and non-productive uses including dwellings unrelated to the agricultural use of the land'*.

In this instance there is no overwhelming benefit for agriculture as the land is currently actively farmed and the risk of land use conflict is high due to the intensity of surrounding farming operations.

The applicant provided comparisons between this proposal and VCAT case Douglas v Campaspe SC [2014] VCAT 421 (11 April 2014). The nexus between the proposal and the VCAT case cannot be substantiated. The VCAT case presented a reduction in titles from 3 titles to two, which provides a significant and measurable benefit, whereas this proposal provides no reduction in titles therefore creating no benefit to agriculture.

Douglas v Campaspe SC also had significant and measurable benefit to the irrigation infrastructure of the area due to the Northern Victoria Irrigation Renewal Project (NVIRP).

Therefore the Douglas v Campaspe SC VCAT case did achieve a net community benefit unlike this proposal.

Policy direction

- State Planning Policy Framework

1. Clause 14.01-1S Protection of agricultural land

Objective: 'To protect the state's agricultural base by preserving productive farmland'.

Relevant Strategies:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

It is also a requirement when considering a proposal to use, subdivide or develop agricultural land, to consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.

Assessment against the policy

Why is the proposal non compliant?

The proposal does not support the above strategies as it will result in the permanent removal of the dwellings from the agricultural land that is required to efficiently operate the agricultural production on the land and potentially other land within the area. It is common within this area to have multiple parcels of land within a farming enterprise.

The proposal also permanently changes the use of the land from the dwellings currently supporting agricultural to becoming a residential use (urban activity) which is incompatible with agriculture.

The proposal does not support the above considerations, as the proposal will permanently remove the land from an agricultural use, and proposed lot 1 will be enjoyed as a rural residential property.

Currently the option exists of another farmer within the area purchasing the lot and using the dwellings to support an existing agricultural operation.

Proposals such as this one directly increase the value of agricultural land by the expectation of farmers excising off dwellings and selling off agricultural land at an increased price. When a dwelling is removed from agricultural land prior to selling, the value of the dwelling increases rather than selling the lot as a whole, therefore making the value too great for other farmers to buy the land for farming purposes.

This has been acknowledged by the applicant stating that *'the purchase of the horticultural land from the northern lot becomes unviable if the cost of the dwelling is included'*. It was also noted by the applicant that *'the dwelling is not required as part of the farming enterprise with a lot size of 22.35ha'*. As previously noted it is not uncommon, rather the norm that farming enterprises within this area operate many parcels of land, therefore the dwelling could support agricultural activity in another area within the Farming Zone. Housing for workers is also in great demand across the municipality.

It is further noted within State policy to 'Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land'. Within areas such as this it is common practice for farmers to own and operate multiple lots within a farming business, and by allowing re-subdivisions such as this the long-term productive capacity of the land is diminished.

2. Clause 14.01-2S Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use.

Relevant strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

- Facilitate ongoing productivity and investment in high value agriculture.

The applicant proposes that 'the existing dwelling and surrounding area is already removed from agricultural production and this application simply seeks to formalise this separation between the rural residential use and the agricultural functions'.

Assessment against the policy

Why is the proposal non compliant?

The proposal to subdivide the subject land to create a smaller lot for existing dwellings, not being used for agricultural purposes, introduces an incompatible use in the farming area that is not consistent with the above objective and strategies.

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

This proposal does not encourage sustainable agricultural land use as the proposal will remove dwellings on irrigated agricultural land that is vital for the sustainable future of the land.

- *Local Planning Policy Framework (including Municipal Strategic Statement)*

1. Clause 21.06-1 - Rural areas

Overview:

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

Key issues:

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

Objective 1:

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

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

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

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

Objective 3:

To avoid land use conflicts between agricultural and non agricultural land uses.

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

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

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

The following paragraph directly supports the above objective:

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

Assessment against the policy

Is the proposal compliant?

It should be noted that the proposal is via realignment of exiting titles thus satisfying strategy 1.3 above.

The application also complies with the 30 metre separation from adjoining farming land, along with the maximum 2ha lot size for the existing dwellings.

Why is the proposal non compliant?

The objective and strategies, clearly discourage proposals such as this. The proposal does not meet majority of these requirements by creating separate lifestyle lot for existing dwellings that are required for the ongoing agricultural production and rural use of the land. Approval of this application would undermine the agricultural significance of the area.

How to balance both the compliant and non compliant aspects of the proposal?

Generally, the resubdivision of farm land to create larger lots is a positive outcome and is supported by the planning scheme, but when that is at the expense of a creating a rural lifestyle lot it is against the intent of the resubdivision provisions of

the planning scheme. The intent behind resubdivisions are to restructure poor lot configurations and not too further fragment lots in the Farming Zone.

The applicant's report states that *"we will not be creating a rural lifestyle lot rather removing one"*. This statement is not correct, currently the dwellings are ancillary to the farming use, in effect supporting the ongoing agricultural use of the land. This statement also contradicts State Planning Policy, that states – *"Protect productive agricultural land from unplanned loss due to permanent changes in land use."*

The owners of proposed lot 1 also provided further information stating that they are within one to two years of retirement and wish to remain in a quiet area away from town with enough room for their hobbies. Unfortunately, all these reasoning's are in direct conflict with the purpose of the zone, State and local planning policy.

The proposed dwelling lot will be surrounded by an agricultural use which is incompatible with a residential use and whilst this may not be an issue for the current owners, future prospective purchasers are likely to expect a peaceful rural living experience. Whereas the reality is that the dwellings are located within a highly intensified irrigated agricultural area with many activities such as spraying and noise from dehydrators occurring regularly significantly disrupting this lifestyle.

2. 21.06-2 Agriculture and horticulture

Overview:

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

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

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

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

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

and that the productive and economic agricultural resource of the municipality is protected, particularly in the irrigated horticultural areas.

Key issues:

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

Assessment against the policy

Why is the proposal non compliant?

The proposed application lacks any valid supporting evidence, such as a farm plan, to suggest it facilitates any of the issues raised above.

Overvaluation of land and reducing capital value of land is not a planning consideration and very little further justification has been presented to support the application.

- *Zone provisions*

Farming Zone

The purpose of the Farming Zone is as follows:

- To implement the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)
- To provide for the use of land for agriculture
- To encourage the retention of productive agricultural land
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- To encourage the retention of employment and population to support rural communities.
- To encourage the use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposed re-subdivision does not meet the purpose of the Farming Zone, because it **does not**:

- Implement the MPS and PPF
- Provide for the use of all land for agriculture
- Encourage the retention of productive agricultural land
- Ensure that non-agricultural related uses do not adversely affect the use of land for agriculture

VCAT Case Comparison

The following VCAT cases are supplementary justification that the proposal should not be supported.

1. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Mt Edgar Pastoral Holdings Pty Ltd v Murrindindi SC VCAT 1200 (30 September 2014)

“House lot excisions refer to the subdivision of an existing dwelling from a larger rural lot. Subdivisions of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any subdivision of an existing dwelling protects productive rural land and does not create a de facto ‘rural living’ subdivision.

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

2. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Douglas v Campaspe SC VCAT 421 (11 April 2014) Bill Sibonis, member states:

‘The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State’s agricultural base, and sound caution in relation to the creation of residential activities within farming areas that are not associated with agriculture’.

On the matter of leasing the land, retiring farmers have the option of leasing out the land they no longer wish to farm whilst remaining in the family dwelling.

3. In Strachan v Latrobe CC[2018] VCAT 1295 (24 September 2018) this options was also discussed by Member, Frank Dawson who stated:

‘I fully understand and appreciate the personal preference of Mr and Mrs Bolton to ‘downsize’ the operation of their farm, however, I find the policy statements concerning the protection of productive agricultural land in the Latrobe Planning Scheme do not support a move toward a resubdivision that may permanently fragment the existing farm. In making this finding, I am conscious, as I am sure the owners, that leasing all or part of the land may be an alternative consideration’.

Life interest is similar to the above but involves the farmer selling the whole property and maintaining an interest (for Life) in the dwelling and immediate surrounds. This option is being further investigated.

4. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Strachan v Latrobe CC [2018] VCAT 1295 (24 September 201) clarifies this point:

'it is often the case that urban growth will herald a transition toward fragmentation of farming land, generally in the form of rural living or hobby farm use'.

It is also noted in this case that:

'a threat to the continued use of the land for agriculture is proximity to urban growth, both existing and planned. In particular, residential development can inhibit the use of agricultural land if the farming practice is intensive'.

Consultation

Consultation occurred through notification to adjoining owners and a sign on the site, as well as with the applicant as part of the planning process.

Financial Implications

As the proposed development is of private nature on private land, no financial implications to Council are foreseen.

Social Implications

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

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for rural lifestyle purposes will have a negative economic impact.

Environmental Implications

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

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

1. **Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located at 6 and 103 Nadzab Road, Robinvale based on the following grounds of refusal:**
 - a. Proposal is not consistent with the State and local planning policies, in particular:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and
 - Clause 21.06-1 Rural areas
 - b. Not consistent with the purpose of the Farming Zone, in particular:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework
 - To provide for the use of land for agriculture
 - To encourage the retention of productive agricultural land, and
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
2. **Council grant a permit for the re- subdivision (dwelling excision) of land located at 6 and 103 Nadzab Road, Robinvale subject to the following conditions and in accordance with the endorsed plans.**
 - 1 The subdivision allowed by this permit and shown on the plans endorsed must not be amended for any reason without the prior written consent of the Responsible Authority.
 - 2 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
 - 3 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
 - 4 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
 - 5 Prior to certification of the Plan of Subdivision, the *owner/s* of the *lot/s* must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:

- a) No further subdivision to create smaller lots for existing dwellings will be permitted
- b) The owner of proposed lot 1 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.

Prior to a Statement of Compliance being issued:

- c) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act.
 - d) The owner/s must be pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.
- 6 The existing vehicle crossings must be upgraded, if required in accordance with the Infrastructure Design Manual (IDM) standards.
- 7 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
- 8 Prior to the issue of Statement of Compliance, the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
- 9 No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

Expiry

- 10 This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

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

Recommendations

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 6 and 103 Nadzab Road, Robinvale, based on the following grounds:

- 1. The proposal is not consistent with the State and local planning policies, in particular:**
 - Clause 14.01-1S Protection of agricultural land**
 - Clause 14.01-2S Sustainable agricultural land use**
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - Clause 21.06-1 Rural areas**

- 2. The Proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - To provide for the use of land for agriculture**
 - To encourage the retention of productive agricultural land, and**
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

124/19 Motion

MOVED Cr McPhee

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 6 and 103 Nadzab Road, Robinvale, based on the following grounds:

- 1. The proposal is not consistent with the State and local planning policies, in particular:**
 - Clause 14.01-1S Protection of agricultural land**
 - Clause 14.01-2S Sustainable agricultural land use**
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - Clause 21.06-1 Rural areas**

- 2. The Proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - To provide for the use of land for agriculture**
 - To encourage the retention of productive agricultural land, and**
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

SECONDED Cr Johnson

The Motion was put and CARRIED



E-6 EASEMENT TO BE CREATED FOR POWERLINE

1. PLAN IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES
2. PLAN IS SUBJECT TO FINAL SURVEY
3. DIMENSIONS ARE APPROXIMATE ONLY



JOHN SZEWCZUK
 PLAN OF PROPOSED SUBDIVISION
 103 NADZAB ROAD, ROBINVALE

JOB DETAILS

DRAWN : G. DUNSTONE
 DATE : 09/07/2019
 SHEET No. 2 OF 2
 VERSION 2

REFERENCE No. F9505

SCALE OF METRES



ORIGINAL DRAWING SCALE
 1 IN 500 (A3 SHEET SIZE)



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 CONSULTING

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FORMAL LOT DESCRIPTION
 CROWN ALLOTMENT 59
 ON TP308328L &
 CROWN ALLOTMENT 60
 ON TP373829T

B.19.98 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 65 LAKE ROAD, WOORINEN SOUTH

Responsible Officer: Director Development and Planning
File Number: 2019/66
Attachments: 1 Proposed Plan

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse a planning permit application. The planning application is for the re-subdivision (house excision) of land in the Farming Zone located at 65 and 87 Lake Road, Woorinen South.

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

Discussion

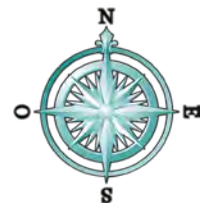
Location and existing conditions

The subject sites, as shown on Map 1, are located within the gazetted irrigation district and are surrounded by predominantly irrigated agriculture. Lots 1 and 2 on PS 643869 are approximately 21.84 ha (approx 10 ha each) in size and each lot contains a dwelling and associated outbuildings and were until recently under one ownership. Lot 1, PS 643869 was sold on 15 July 2019.

Proposal

The applicant proposes to realign two titles, resulting in two titles, one being 1.173 ha in size containing an existing dwelling and associated out building and the other comprising of 20.68 ha in size containing an existing dwelling and associated out building and the balance of the agricultural land.

Map 1 – Zoning and Location of the subject land



Map 1 –Aerial photo of the subject land

Assessment of the Planning application

Background

Until recently both properties were in the one ownership and were being farmed as one operation. The southern lot has recently been purchased and the new owner

wishes to purchase the other lot but not the house. Minimal information was provided that outlined how the subdivision would improve the agricultural outcome for the two properties. The applicant was advised that it was considered unlikely that officers would support the application.

The applicant was provided the opportunity to meet with Councillors to present a case. The applicant in support of the proposal presented a VCAT case and quotes from Councils Rural Land Use Strategy. The following are the extracts in context.

One aspect within the Rural Land Use Strategy that the applicant highlighted was the statement *'to facilitate and encourage restructure, lot consolidation and new horticultural investment, house lot excisions will be considered where it can be demonstrated that there is an overwhelming benefit for agriculture and risk of land use conflict can be minimised.*

It must be noted that a key strategic direction within the Rural Land Use Strategy is to *'protect farmland of strategic significance by strongly discouraging fragmentation and non-productive uses including dwellings unrelated to the agricultural use of the land'*.

In this instance there is no overwhelming benefit for agriculture as the land is currently actively farmed and the risk of land use conflict is high due to the intensity of surrounding farming operations.

The applicant provided comparisons between this proposal and VCAT case Douglas v Campaspe SC [2014] VCAT 421 (11 April 2014). The nexus between the proposal and the VCAT case cannot be substantiated. The VCAT case presented a reduction in titles from 3 titles to two, which provides a significant and measurable benefit, whereas this proposal provides no reduction in titles therefore creating no benefit to agriculture.

Douglas v Campaspe SC also had significant and measurable benefit to the irrigation infrastructure of the area due to the Northern Victoria Irrigation Renewal Project (NVIRP).

Therefore the Douglas v Campaspe SC VCAT case did achieve a net community benefit unlike this proposal.

Policy direction

- State Planning Policy Framework

1.Clause 14.01-1S Protection of agricultural land

Objective: 'To protect the state's agricultural base by preserving productive farmland'.

Strategies

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

It is also a requirement when considering a proposal to use, subdivide or develop agricultural land, to consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.

Assessment against the policy

Why is the proposal non compliant

The proposal does not support the above strategies as it will result in the permanent removal of the dwelling from the agricultural land that is required to efficiently operate the agricultural production on the land and potentially other land within the area. It is common within this area to have multiple parcels of land within a farming enterprise.

The proposal also permanently changes the use of the land from the dwelling currently supporting agricultural to becoming a residential use (urban activity) which is incompatible with agriculture.

The proposal does not support the above considerations, as the proposal will permanently remove the land from an agricultural use, and proposed lot 1 will be enjoyed as a rural residential property.

Currently the option exists of another farmer within the area purchasing the lot and using the dwelling to support an existing agricultural operation.

Proposals such as this one directly increase the value of agricultural land by the expectation of farmers excising off dwellings and selling off agricultural land at an increased price. When a dwelling is removed from agricultural land prior to selling, the value of the dwelling increases rather than selling the lot as a whole, therefore making the value too great for other farmers to buy the land for farming purposes.

As previously noted it is not uncommon, rather the norm that farming enterprises within this area operate many parcels of land, therefore the dwelling could support agricultural activity in another area within the Farming Zone. Housing for workers is also in great demand across the municipality.

It is further noted within State policy to 'Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land'. Within areas such as this it is common practice for farmers to own and operate multiple lots within a farming business, and by allowing re-subdivisions such as this the long-term productive capacity of the land is diminished.

2. Clause 14.01-2S Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use.

Relevant strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Facilitate ongoing productivity and investment in high value agriculture.

The applicant proposes that 'the existing dwelling and surrounding area is already removed from agricultural production and this application simply seeks to formalise this separation between the rural residential use and the agricultural functions'.

Assessment against the policy

Why is the proposal non compliant

The proposal to subdivide the subject land to create a smaller lot for existing dwellings, not being used for agricultural purposes, introduces an incompatible use in the farming area that is not consistent with the above objective and strategies.

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

This proposal does not encourage sustainable agricultural land use as the proposal will remove dwellings on irrigated agricultural land that is vital for the sustainable future of the land.

- *Local Planning Policy Framework (including Municipal Strategic Statement)*

1. Clause 21.06-1 Rural areas

Overview

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

Key issues:

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

Objective 1:

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

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

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

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

Objective 3:

To avoid land use conflicts between agricultural and non agricultural land uses.

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

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

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

The following paragraph directly supports the above objective:

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

Assessment against the policy

Is the proposal compliant?

It should be noted that the proposal is via realignment of exiting titles thus satisfying strategy 1.3 above.

The application also complies with the 30 metre separation from adjoining farming land, along with the maximum 2ha lot size for the existing dwellings.

Why is the proposal non compliant?

The objective and strategies, clearly discourage proposals such as this. The proposal does not meet majority of these requirements by creating separate lifestyle lot for existing dwellings that are required for the ongoing agricultural production and rural use of the land. Approval of this application would undermine the agricultural significance of the area.

How to balance both the compliant and non compliant aspects of the proposal?

Generally, the resubdivision of farm land to create larger lots is a positive outcome and is supported by the planning scheme, but when that is at the expense of a creating a rural lifestyle lot, it is against the intent of the resubdivision provisions of the planning scheme. The intent behind resubdivisions are to restructure poor lot configurations and not too further fragment lots in the Farming Zone.

The applicant's report states that *"we will not be creating a rural lifestyle lot rather removing one"*. This statement is not correct, currently the dwellings are ancillary to the farming use, in effect supporting the ongoing agricultural use of the land. This statement also contradicts State Planning Policy, that states – *"Protect productive agricultural land from unplanned loss due to permanent changes in land use."*

The proposed dwelling lot will be surrounded by an agricultural use which is incompatible with a residential use and whilst this may not be an issue for the current owners, future prospective purchasers are likely to expect a peaceful rural living experience. Whereas the reality is that the dwellings are located within a highly intensified irrigated agricultural area with many activities such as spraying and noise from dehydrators occurring regularly significantly disrupting this lifestyle.

2. Clause 21.06-2 Agriculture and horticulture

Overview

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

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

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

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

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

Key issues

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

Assessment against the policy

Why is the proposal non compliant?

The proposed application lacks any valid supporting evidence, such as a whole farm plan, to suggest it facilitates any of the issues raised above.

Overvaluation of land and reducing capital value of land is not a planning consideration and no further justification has been presented to support the application.

- *Zone provisions*

Farming Zone

The purpose of the Farming Zone is as follows:

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- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposed re-subdivision does not meet the purpose of the Farming Zone, because it **does not**:

- Implement the MPS and PPF
- Provide for the use of all land for agriculture
- Encourage the retention of productive agricultural land
- Ensure that non-agricultural related uses do not adversely affect the use of land for agriculture

- *VCAT Case Comparison*

The following VCAT cases are supplementary justification that the proposal should not be supported.

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

2. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Douglas v Campaspe SC VCAT 421 (11 April 2014) Bill Sibonis, member states:

‘The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State’s agricultural base, and sound caution in relation to the

creation of residential activities within farming areas that are not associated with agriculture’.

On the matter of leasing the land, retiring farmers have the option of leasing out the land they no longer wish to farm whilst remaining in the family dwelling.

3. In *Strachan v Latrobe CC* [2018] VCAT 1295 (24 September 2018) this options was also discussed by Member, Frank Dawson who stated:

‘I fully understand and appreciate the personal preference of Mr and Mrs Bolton to ‘downsize’ the operation of their farm, however, I find the policy statements concerning the protection of productive agricultural land in the Latrobe Planning Scheme do not support a move toward a resubdivision that may permanently fragment the existing farm. In making this finding, I am conscious, as I am sure the owners, that leasing all or part of the land may be an alternative consideration’.

Life interest is similar to the above but involves the farmer selling the whole property and maintaining an interest (for Life) in the dwelling and immediate surrounds. This option is being further investigated.

4. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). *Strachan v Latrobe CC* [2018] VCAT 1295 (24 September 201) clarifies this point:

‘it is often the case that urban growth will herald a transition toward fragmentation of farming land, generally in the form of rural living or hobby farm use’.

It is also noted in this case that:

‘a threat to the continued use of the land for agriculture is proximity to urban growth, both existing and planned. In particular, residential development can inhibit the use of agricultural land if the farming practice is intensive’.

Consultation

Consultation occurred through notification to adjoining owners and a sign on the site, as well as with the applicant as part of the planning process.

Financial Implications

As the proposed development is of private nature on private land, no financial implications to Council are foreseen.

Social Implications

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

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for rural lifestyle purposes will have a negative economic impact.

Environmental Implications

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

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

- 1. Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located at 65 Lake Road, Woorinen South based on the following grounds of refusal:**
 - a. Proposal is not consistent with the State and local planning policies, in particular:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and
 - Clause 21.06-1 Rural areas
 - b. Not consistent with the purpose of the Farming Zone, in particular:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework
 - To provide for the use of land for agriculture
 - To encourage the retention of productive agricultural land, and
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- 2. Council grant a permit for the re- subdivision (dwelling excision) of land located at 65 Lake Road, Woorinen South subject to conditions and in accordance with the endorsed plans.**

- 1 The subdivision allowed by this permit and shown on the plans endorsed must not be amended for any reason without the prior written consent of the Responsible Authority.
- 2 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 3 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 4 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 5 Prior to certification of the Plan of Subdivision, the *owner/s* of the *lot/s* must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) No further subdivision to create smaller lots for existing dwellings will be permitted
 - b) The owner of proposed lot 1 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.

Prior to a Statement of Compliance being issued:

 - c) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act.
 - d) The owner/s must be pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.
- 6 The existing vehicle crossings must be upgraded, if required in accordance with the Infrastructure Design Manual (IDM) standards.
- 7 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
- 8 Prior to the issue of Statement of Compliance, the permit holder must ensure that stormwater runoff from the development/site can be retained

within the boundaries of the lot to the satisfaction of the Responsible Authority.

- 9 No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

Expiry

- 10 This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

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

Recommendations

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 65 Lake Road, Woorinen South, based on the following grounds:

- 1 **The proposal is not consistent with the State and local planning policies, in particular:**
 - **Clause 14.01-1S Protection of agricultural land**
 - **Clause 14.01-2S Sustainable agricultural land use**
 - **Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - **Clause 21.06-1 Rural areas**
- 2 **The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - **To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - **To provide for the use of land for agriculture**
 - **To encourage the retention of productive agricultural land, and**
 - **To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

125/19 Motion

MOVED Cr Jeffery

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 65 Lake Road, Woorinen South, based on the following grounds:

- 1 The proposal is not consistent with the State and local planning policies, in particular:**
 - Clause 14.01-1S Protection of agricultural land**
 - Clause 14.01-2S Sustainable agricultural land use**
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - Clause 21.06-1 Rural areas**

- 2 The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - To provide for the use of land for agriculture**
 - To encourage the retention of productive agricultural land, and**
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

SECONDED Cr Moar

The Motion was put and LOST

126/19 Motion

MOVED Cr McPhee

Council grant a permit for the re-subdivision (dwelling excision) of land located at 65 Lake Road, Woorinen South subject to conditions and in accordance with the endorsed plans.

- 1 The subdivision allowed by this permit and shown on the plans endorsed must not be amended for any reason without the prior written consent of the Responsible Authority.**

- 2 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**

- 3 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**

- 4 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 5 Prior to certification of the Plan of Subdivision, the *owner/s* of the *lot/s* must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) No further subdivision to create smaller lots for existing dwellings will be permitted
 - b) The owner of proposed lot 1 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.

Prior to a Statement of Compliance being issued:

 - c) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act.
 - d) The owner/s must be pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.
- 6 The existing vehicle crossings must be upgraded, if required in accordance with the Infrastructure Design Manual (IDM) standards.
- 7 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
- 8 Prior to the issue of Statement of Compliance, the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
- 9 No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

Expiry

- 10 This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years of the date of this permit.

- b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

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

SECONDED Cr Benham

The Motion was put and CARRIED

Councillor Johnson left the meeting at 5:01 PM.



1. PLAN IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES



ROCKO & MARIA TRINCI
 PLAN OF PROPOSED SUBDIVISION
 65 LAKE ROAD, WOORINEN

JOB DETAILS	
DRAWN BY	FR
DATE	23/07/2015
SHEET	No 2 OF 2
REFERENCE No.	F9552

SCALE OF METRES	
0	16
ORIGINAL DRAWING SCALE 1 IN 800 (A3 SHEET SIZE)	



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 FAX (03) 6522 2472
 EMAIL - pmash@pricemerrett.com.au
 P.O. BOX 3113
 MELBURN VIC. 3570
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 FAX (03) 5452 2566
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Formal Lot Description:
 LOT 1&2 ON PS643869Q

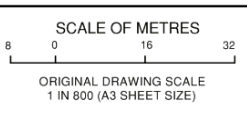


1. PLAN IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES



ROCKO & MARIA TRINCI
 PLAN OF PROPOSED SUBDIVISION
 65 LAKE ROAD, WOORINEN

JOB DETAILS	
DRAWN: RL	DATE: 23/07/2019
SHEET No. 1 OF 2	
REFERENCE No. F9552	



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 FAX (03) 5452 2596
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Formal Lot Description:
 LOT 1&2 ON PS643869Q

B.19.99 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 24 & 168 VAINS ROAD FISH POINT

Responsible Officer: Director Development and Planning
File Number: 2019/50
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse a planning permit application. The planning application is for the re-subdivision (house excision) of land in the Farming Zone and affected by the Land Subject to Inundation Overlay located at 24 & 168 Vains Road, Fish Point.

Discussion

Location and existing conditions

The subject sites, as shown on map 2, are located within the gazetted irrigation district and are surrounded by expansive agricultural uses and no rural living lots are located in the vicinity. CA 1, Section 2, Parish of Boga is approximately 27.98 ha in size and contains a dwelling, associated outbuildings and shedding associated with agriculture with the remainder of the land being used for irrigated agriculture. CA 2, Section 2, Parish of Boga is approximately 129.45 ha in size and used for agriculture. CA 3, Section 2, Parish of Boga is approximately 40.05 ha in size and contains a dwelling and associated outbuildings.

Proposal

The owners of the crown allotments wish to re-align the boundaries to excise off the two dwellings located on CA 1 and CA 3, Section 1, Parish of Boga from the agricultural land and consolidate the remaining agricultural land onto one title, as shown on map 1.

This will create proposed lot 1 containing a dwelling and associated outbuildings being 5.347 ha in size. Proposed lot 2 will contain a dwelling and associated outbuildings being approximately 1.453 ha in size. The residual agricultural land being approximately 129.45 ha in size will create proposed lot 3 and contain shedding associated with agriculture, one being a significant hay shed in close proximity to the south west boundary of proposed lot 2 and the residual balance of the agricultural land.



Map 1 – Proposal



Map 2 – Overlays, Aerial of site and surrounding area

Assessment of the Planning Application

Background

Upon assessment of the proposal Council officers contacted the applicant to advise that based on the information provided, the application did not provide sufficient justification to support the proposal. The proposal also did not comply with the purpose of the zone or State and local policy, particularly the justification in regard to Council's Natural Resource Management policy at Clause 21.06-1 of the planning scheme.

The applicant was advised that it was considered unlikely that officers would support the application. The applicant then provided further information to support the application.

Upon receipt and further assessment of additional information provided by the applicant, it was concluded that the application still failed to support the purpose of the Farming Zone or State planning policy and Council's Natural Resource Management policy, in particularly Strategies 1.1, 1.4, 1.5, 3.2 and 3.3 as outlined later in the report.

The applicant, applicant's representative and a VicSuper employee were provided the opportunity to meet with Councillors to present the case.

The employee of VicSuper gave an overview of VicSuper operations and the modernisations that have occurred to decrease the labour intensity of the operation. VicSuper currently has seven habitable dwellings within the Swan Hill municipality which are surplus to their requirements. Over recent years some of the houses have been tenanted which has lead VicSuper to the conclusion that they no longer wish to tenant the dwellings but rather wish to sell the dwellings and reinvest the money into the farming operation. VicSuper has a five year program and its intentions in the future of the farming operation are unknown in the longer term.

The applicant's representative in support of the proposal presented two VCAT cases and quotes from Councils Rural Land Use Strategy. The VCAT Cases used as examples were:

- Douglas v Campaspe SC [2014] involved the consolidation and re-subdivision of land comprising of three lots into two lots, one being 3.011ha in size and the other 40.48ha in size, therefore providing a benefit.
- Zabdstra v Greater Shepparton CC [2016] is a consolidation and re-subdivision of four lots to create two lots, one lot being .072 ha in size and the other being 46.6 ha in size, also providing a benefit of the reduction in lots.

This proposal is not similar to the above cases as the number of lots will not be reduced, therefore providing no benefit to agriculture whilst also creating two lifestyle lots.

The residual balance of agriculture land is also significantly larger and it is reasonable to conclude that an irrigated agricultural lot of 192.17 ha may require a dwelling on the land to efficiently conduct farming practices. Approving this application will also permanently change the use of the dwellings from supporting and facilitating agriculture to creating 'lifestyle' lots in an area currently unrestricted by rural living lots.

Policy direction – State Planning Policy Framework

1. CLAUSE 14.01-1S – PROTECTION OF AGRICULTURAL LAND

Objective: 'To protect the state's agricultural base by preserving productive farmland'.

Relevant Strategies:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

It is also a requirement when considering a proposal to use, subdivide or develop agricultural land, to consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.

Assessment against the policy

Why is the proposal non compliant?

The proposal does not support the above strategies as it will result in the permanent removal of the dwellings from the agricultural land that is required to efficiently operate the agricultural production on the land and potentially other land within the area.

The proposal will also permanently change the use of the land from the dwellings currently supporting agricultural to becoming a residential use (urban activity) which is incompatible with agriculture and proposed lot 1 and 2 will be enjoyed as a residential properties.

Proposals such as this directly increase the value of agricultural land by the expectation of farmers excising off dwellings and selling off agricultural land at an increased price. When a dwelling is removed from agricultural land prior to selling, the value of the dwelling increases rather than selling the lot as a whole, therefore making the value too great for other farmers to buy the land for farming purposes.

As previously noted it is not uncommon that farming enterprises within this area operate many parcels of land, therefore the dwelling could support agricultural activity in another area within the Farming Zone. Housing for workers is also in great demand across the municipality.

It is further noted within State policy to 'Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land'. Within areas such as this it is common practice for farmers to own and operate multiple lots within a farming business, and by allowing re-subdivisions such as this the long-term productive capacity of the land is diminished.

2. CLAUSE 14.01-2S – SUSTAINABLE AGRICULTURAL LAND USE

Objective: 'To encourage sustainable agricultural land use'.

Relevant strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Facilitate ongoing productivity and investment in high value agriculture.

The applicant proposes that 'no productive agricultural land will be lost to the State's agricultural productive base as proposed lots 1 and 2 do not include any commandable irrigation land'.

Why is the proposal non compliant?

The proposal to re-subdivide the subject land to create two smaller lots for existing dwellings, not being used for agricultural purposes, introduces an incompatible use in the farming area that is not consistent with the above objective and strategies.

There is a direct relationship between the dwellings and the rural activities and agricultural production on the land, the dwellings are required to support these uses, therefore the dwellings are required to support the ongoing rural and agricultural uses on the land and adjoining land.

This proposal does not encourage sustainable agricultural land use as the proposal will removing two dwellings on irrigated agricultural land that is vital for the sustainable future of the land.

Policy Direction - Local Planning Policy Framework (including Municipal Strategic Statement)

1. CLAUSE 21.06-1 – RURAL AREAS

Overview:

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

Key issues:

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

Objective 1:

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

- Strategy 1.1
Discourage any proposed excision of land to create a separate lot for an existing house in irrigated horticultural areas.
- Strategy 1.3
Require any proposed dwelling excision of land to occur via the realignment of existing titles.
- Strategy 1.4
Discourage any proposed excision of land if the existing dwelling is to be excised is required to maintain the ongoing agricultural production and rural use of the land.
- Strategy 1.5
Discourage the subdivision of land at Tyntynder Flats, Pental Island and north west of Lake Boga as shown on Maps 1-6 on pages 8-13 if the subdivision creates a lot of less than 40 hectares.

Objective 3:

To avoid land use conflicts between agricultural and non agricultural land uses.

- Strategy 3.1
Ensure there is an appropriate separation between agricultural and non agricultural land uses by using landscape buffers, orientation and siting of buildings.
- Strategy 3.2
Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.
- Strategy 3.3
Discourage use and development of land that is incompatible with the use of land for agriculture.

The following paragraph directly supports the above objective:

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

Assessment against the policy

Why is the proposal non compliant?

The objective and strategies clearly discourage proposals such as this. The proposal does not meet these requirements by creating two separate lifestyle lots for existing dwellings that are required for the ongoing agricultural production and rural use of the land. It cannot be assumed that irrigated agricultural land in excess of 190 ha in size would not require a dwelling for future operators of the land. Approval of this application would undermine the agricultural significance of the area.

The applicant's report states that *"no productive agricultural land will be lost to the State's agricultural productive base as Lots 1 and 2 do no include any commandable irrigation land"*. This statement is not correct, currently the dwellings are ancillary to the agricultural use, in effect supporting the ongoing agricultural use of the land. This statement also contradicts State Planning Policy, that states;

'Protect productive agricultural land from unplanned loss due to permanent changes in land use'.

The proposed dwelling lots will be surrounded by an agricultural use which is incompatible with a residential use and whilst this may not be an issue for the current

owners, future prospective purchasers are likely to expect a peaceful rural living experience. Whereas the reality is that the dwellings are located within an irrigated agricultural area with many activities possible into the future (such as spraying and noise from livestock occurring regularly) significantly disrupting this perceived lifestyle.

The policy guidelines clearly states that all areas within specific locations of the municipality which this land is within does **not** need to meet the performance measures as stated below.

'When considering applications for rural subdivisions, except for land shown hatched on the attached maps on pages 8-15 in Clause 21.06, consider whether the application meets the following criteria or performance measures:

- A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.
- A minimum area for the residual lot of at least the minimum subdivision size of the zoning that applies to the land.
- A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.'

Therefore the application is not subject to the 30 metre separation from adjoining farming land, along with the maximum 2ha lot size for the existing dwellings as these requirements are not valid for any land within the areas identified in Strategy 1.5 above, therefore meeting this criteria is not relevant for this application.

However, Objective 1, Strategy 1.5 also specifically states that any land within the abovementioned mapped areas should be discouraged from subdivision, that creates a lot of less than 40 ha, this is due to the significant risk of flood and drainage issues.

2. CLAUSE 21.06-2 – AGRICULTURE & HORTICULTURE

Overview:

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

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

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

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

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

Key issues:

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

Assessment against the policy

Why is the proposal non compliant?

The proposed application lacks any valid supporting evidence, and whilst the proposal may see growth of this specific horticultural activity through the reinvestment of the proceeds of the sale of the dwellings, it does not support the horticultural industry as a whole.

It also does not protect the land for agriculture as the dwellings are currently available to support agriculture, when the dwellings are excised there will no longer be a nexus between the dwellings and agriculture.

Overvaluation of land and reducing capital value of land is not a planning consideration and very little further justification has been presented to support the application.

Zone provisions:

The purpose of the Farming Zone is as follows:

- To implement the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposed re-subdivision does not meet the purpose of the Farming Zone, because it **does not**:

- Implement the MPS and PPF
- Provide for the use of all land for agriculture
- Encourage the retention of productive agricultural land
- Ensure that non-agricultural related uses do not adversely affect the use of land for agriculture

VCAT Case Comparison:

The following VCAT cases are supplementary justification that the proposal should not be supported.

1. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Mt Edgar Pastoral Holdings Pty Ltd v Murrindindi SC VCAT 1200 (30 September 2014)

“House lot excisions refer to the subdivision of an existing dwelling from a larger rural lot. Subdivisions of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any subdivision of an existing dwelling protects productive rural land and does not create a de facto ‘rural living’ subdivision.

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

2. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Douglas v Campaspe SC VCAT 421 (11 April 2014) Bill Sibonis, member states:

‘The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State’s agricultural base, and sound caution in relation to the creation of residential activities within farming areas that are not associated with agriculture’.

3. In Strachan v Latrobe CC[2018} VCAT 1295 (24 September 2018) this options was also discussed by Member, Frank Dawson who stated:

‘I fully understand and appreciate the personal preference of Mr and Mrs Bolton to ‘downsize’ the operation of their farm, however, I find the policy statements

concerning the protection of productive agricultural land in the Latrobe Planning Scheme do not support a move toward a resubdivision that may permanently fragment the existing farm. In making this finding, I am conscious, as I am sure the owners, that leasing all or part of the land may be an alternative consideration’.

4. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Strachan v Latrobe CC [2018] VCAT 1295 (24 September 201) clarifies this point:

‘it is often the case that urban growth will herald a transition toward fragmentation of farming land, generally in the form of rural living or hobby farm use’.

It is also noted in this case that:

‘a threat to the continued use of the land for agriculture is proximity to urban growth, both existing and planned. In particular, residential development can inhibit the use of agricultural land if the farming practice is intensive’.

Consultation

Consultation occurred through notification to adjoining owners and a sign on the site, as well as with the applicant as part of the planning process.

Although no objection was received to this application, comment was made by a landowner raising the following issues;

- A number of farmers within the area have multiple dwellings that are mostly a burden to their operation who would love the ability to sell for financial gain.
- Does the above point create an appropriate planning outcome for the community in the long term having small individual house lot owners set amongst traditional farmers.
- The ‘right to farm’ has been a well known issue in the Farming Zone, when lifestyle’s move next door and their expectation of the amenity of the area and Council services does not meet their expectations.
- These issues at some point will have ramifications for the community and Council.
- Approval of the application sets a clear precedence and other farmers will/may wish to follow.

Financial Implications

As the proposed development is of private nature on private land, no financial implications to Council are foreseen.

Social Implications

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

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for rural lifestyle purposes will have a negative economic impact.

Environmental Implications

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

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

- 1. Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located at 24 & 168 Vains Road Fish Point based on the following grounds of refusal:**
 - a. Proposal is not consistent with the State and local planning policies, in particular:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and
 - Clause 21.06-1 Rural areas
 - b. Not consistent with the purpose of the Farming Zone, in particular:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework
 - To provide for the use of land for agriculture
 - To encourage the retention of productive agricultural land, and
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- 2. Council grant a permit for the re- subdivision (dwelling excision) of land located at 24 & 168 Vains Road Fish Point subject to conditions and in accordance with the endorsed plans.**

SECTION B - REPORTS

17 September 2019

- 1 The subdivision allowed by this permit and shown on the plans endorsed must not be amended for any reason without the prior written consent of the Responsible Authority.
- 2 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 3 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 4 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 5 Prior to certification of the Plan of Subdivision, the *owner/s* of the *lot/s* must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) No further dwelling will be permitted on proposed lot 3.
 - b) The owners of proposed lot 1 and 2 acknowledge that the dwellings are located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.

Prior to a Statement of Compliance being issued:

- c) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act.
 - d) The owner/s must be pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.
- 6 The existing vehicle crossings must be upgraded, if required in accordance with the Infrastructure Design Manual (IDM) standards.
 - 7 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
 - 8 Prior to the issue of Statement of Compliance, the permit holder must ensure that stormwater runoff from the development/site can be retained

within the boundaries of the lot to the satisfaction of the Responsible Authority.

- 9 No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

Expiry

- 10 This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

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

Recommendations

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 24 & 168 Vains Road Fish Point, based on the following grounds:

- 1 **The proposal is not consistent with the State and local planning policies, in particular:**
 - **Clause 14.01-1S Protection of agricultural land**
 - **Clause 14.01-2S Sustainable agricultural land use**
 - **Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - **Clause 21.06-1 Rural areas**
- 2 **The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - **To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - **To provide for the use of land for agriculture**
 - **To encourage the retention of productive agricultural land, and**
 - **To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

127/19 Motion

MOVED Cr Moar

That Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 24 & 168 Vains Road Fish Point, based on the following grounds:

- 1 The proposal is not consistent with the State and local planning policies, in particular:**
 - Clause 14.01-1S Protection of agricultural land**
 - Clause 14.01-2S Sustainable agricultural land use**
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - Clause 21.06-1 Rural areas**

- 2 The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - To provide for the use of land for agriculture**
 - To encourage the retention of productive agricultural land, and**
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

SECONDED Cr Benham

The Motion was put and CARRIED

B.19.100 RE-SUBDIVISION (HOUSE EXCISION) OF LAND IN THE FARMING ZONE 73 LETTE LANE AND 103 MCCOY LANE LAKE BOGA

Responsible Officer: Director Development and Planning
File Number: 2019/51
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse a planning permit application. The planning application is for the re-subdivision (house excision) of land in the Farming Zone and affected by the Land Subject to Inundation Overlay located at 73 Lette Lane and 103 McCoy Lane, Lake Boga.

Discussion

Location and existing conditions

The subject sites, as shown on map 2, are located within the gazetted irrigation district and are surrounded by expansive agricultural uses and no rural living lots are located in the vicinity. CA 19, Section 1, Parish of Boga is approximately 128.7 ha in size and contains a dwelling, associated outbuildings and shedding associated with agriculture with the remainder of the land being used for irrigated agriculture. CA 15, Section 1, Parish of Boga is approximately 33.78 ha in size and CA 15A, Section 1, Parish of Boga is approximately 14.4 ha in size, both lots are used for agriculture with a shed located on the north east corner of CA 15.

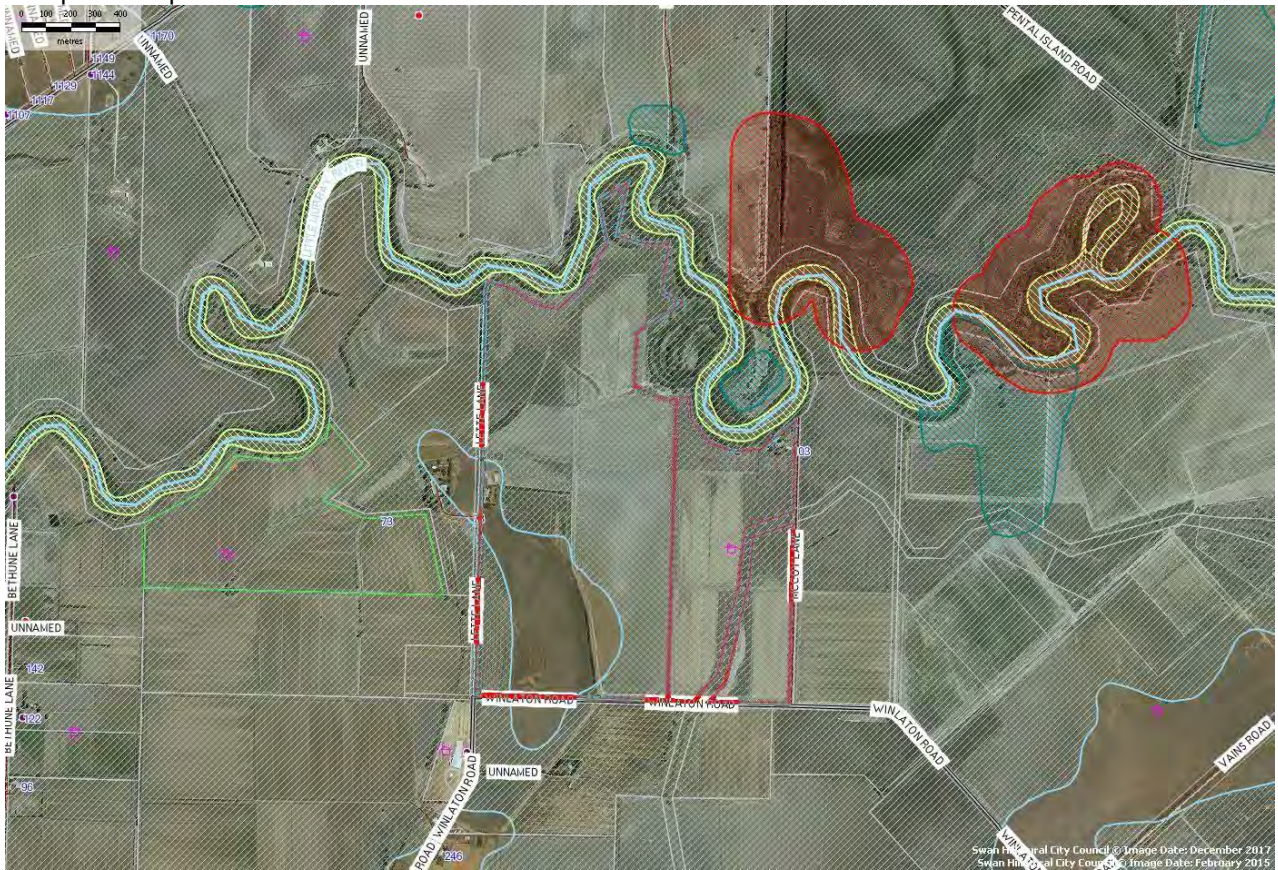
Proposal

The owners of the crown allotments wish to re-align the boundaries to excise off the dwelling on CA 19, Section 1, Parish of Boga from the agricultural land and consolidate the remaining agricultural land onto one title as shown on map 1.

This will create proposed lot 1 containing the dwelling and associated outbuildings being 1.992 ha in size. The residual agricultural land will create proposed lot 2 consisting of approximately 176.39 ha in size.



Map 1 – Proposal



Map 2 – Overlays, Aerial of site and surrounding area

Assessment of the Planning application

Background

Upon assessment of the proposal Council officers contacted the applicant to advise that based on the information provided, the application did not provide sufficient justification to support the proposal. The proposal also did not comply with the purpose of the zone or State and local policy, particularly the justification in regard to Council's Natural Resource Management policy at Clause 21.06-1 of the planning scheme.

The applicant was advised that it was considered unlikely that officers would support the application. The applicant then provided further information to support the application.

Upon receipt and further assessment of additional information provided by the applicant, it was concluded that the application still failed to support the purpose of the Farming Zone or State planning policy and Council's Natural Resource Management policy, in particularly Strategies 1.1, 1.4, 1.5, 3.2 and 3.3 as outlined later in the report.

The applicant, applicant's representative and a VicSuper employee were provided the opportunity to meet with Councillors to present the case.

The employee of VicSuper gave an overview of VicSuper operations and the modernisations that have occurred to decrease the labour intensity of the operation. VicSuper currently has seven habitable dwellings within the Swan Hill municipality which are surplus to their requirements. Over recent years some of the houses have been tenanted, which has lead VicSuper to the conclusion that they no longer wish to tenanthe dwellings but rather wish to sell the dwellings and reinvest the money into the farming operation. VicSuper has a five year program and itsintentions in the future of the farming operation is unknownin the longer term.

The applicant's representative in support of the proposal presented two VCAT cases and quotes from Councils the Rural Land Use Strategy.

VCAT Cases used as examples

Douglas v Campaspe SC [2014] involved the consolidation and re-subdivision of land comprising of three lots into two lots, one being 3.011ha in size and the other 40.48ha in size, therefore providing a benefit. Need to explain why this is a benefit?

Zabdstra v Greater Shepparton CC [2016] is a consolidation and re-subdivision of four lots to create two lots, one lot being .072 ha in size and the other being 46.6 ha in size, also providing a benefit of the reduction in lots. Same same

This proposal is similar to the above cases in that it will reduce the number of lots, however the residual balance of agriculture land is significant larger and it is reasonable to conclude that an irrigated agricultural lot of 129 ha may require a dwelling on the land to efficiently conduct farming practices. Approving this

application will also permanently change the use of the dwelling from supporting and facilitating agriculture to creating a 'rural living' lot in an area currently unrestricted by rural living lots. The proposal will also create the opportunity for another dwelling to be constructed as an "as of right" given proposed lot 2 would be larger than 20ha. With the current lot configuration another dwelling is not an "as of right" possibility, given the land is affected by the Land Subject to Inundation Overlay.

Policy direction

- State Planning Policy Framework

1. Clause 14.01-1S Protection of agricultural land

Objective: 'To protect the state's agricultural base by preserving productive farmland'.

Relevant Strategies:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

It is also a requirement when considering a proposal to use, subdivide or develop agricultural land, to consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.

Assessment against the policy

Why is the proposal non compliant?

The proposal does not support the above strategies as it will result in the permanent removal of the dwelling from the agricultural land that is required to efficiently operate the agricultural production on the land and potentially other land within the area.

The proposal will also permanently change the use of the land from the dwelling currently supporting agricultural to becoming a residential use (urban activity) which

is incompatible with agriculture and proposed lot 1 will be enjoyed as a rural residential property.

Proposals such as this one directly increase the value of agricultural land by the expectation of farmers excising off dwellings and selling off agricultural land at an increased price. When a dwelling is removed from agricultural land prior to selling, the value of the dwelling increases rather than selling the lot as a whole, therefore making the value too great for other farmers to buy the land for farming purposes.

As previously noted it is not uncommon, rather the norm that farming enterprises within this area operate many parcels of land, therefore the dwelling could support agricultural activity in another area within the Farming Zone. Housing for workers is also in great demand across the municipality.

It is further noted within State policy to 'Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land'. Within areas such as this it is common practice for farmers to own and operate multiple lots within a farming business, and by allowing re-subdivisions such as this the long-term productive capacity of the land is diminished.

2. Clause 14.01-2S Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use.

Relevant strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Facilitate ongoing productivity and investment in high value agriculture.

The applicant proposes that 'no productive agricultural land will be lost to the State's agricultural productive base as lot 1 does not include any commandable irrigation land'.

Why is the proposal non compliant?

The proposal to re-subdivide the subject land to create a smaller lot for an existing dwelling, not being used for agricultural purposes, introduces an incompatible use in the farming area that is not consistent with the above objective and strategies.

There is a direct relationship between the dwelling and the rural activities and agricultural production on the land, the dwelling is required to support these uses, therefore the dwelling is required to support the ongoing rural and agricultural uses on the land and adjoining land.

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

- *Local Planning Policy Framework (including Municipal Strategic Statement)*

1. Clause 21.06-1 Rural areas

Overview:

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

Key issues:

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

Objective 1:

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

- Strategy 1.1

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

- Strategy 1.3

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

- Strategy 1.4

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

- Strategy 1.5

Discourage the subdivision of land at Tyntynder Flats, Pental Island and north west of Lake Boga as shown on Maps 1-6 on pages 8-13 if the subdivision creates a lot of less than 40 hectares.

Objective 3:

To avoid land use conflicts between agricultural and non agricultural land uses.

- Strategy 3.1

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

- Strategy 3.2
Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.
- Strategy 3.3
Discourage use and development of land that is incompatible with the use of land for agriculture.

The following paragraph directly supports the above objective:

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

Assessment against the policy

Is the proposal compliant?

It should be noted that the proposal is via realignment of exiting titles thus satisfying strategy 1.3 above.

Why is the proposal non compliant?

The objective and strategies, clearly discourage proposals such as this. The proposal does not meet majority of these requirements by creating a separate lifestyle lot for an existing dwelling that is required for the ongoing agricultural production and rural use of the land. It cannot be assumed that irrigated agricultural land in excess of 120 ha in size would not require a dwelling for future operators of the land. Approval of this application would undermine the agricultural significance of the area.

The applicant's report states that *"the development will not remove any land from agricultural production as Lot 1 contains non-commandable farming land, a garage shed and a dwelling'*. This statement is not correct, currently the dwelling is ancillary to the agricultural use, in effect supporting the ongoing agricultural use of the land. This statement also contradicts State Planning Policy, that states;

'Protect productive agricultural land from unplanned loss due to permanent changes in land use'.

The proposed dwelling lot will be surrounded by an agricultural use which is incompatible with a residential use. It is likely that future owners are likely to expect a peaceful rural living experience. Whereas the reality is that the dwelling is located within an irrigated agricultural area with many activities possible into the future (such as spraying and noise from livestock occurring regularly) significantly disrupting this perceived lifestyle.

The policy guidelines clearly states that all areas within specific locations of the municipality which this land is within does **not** need to meet the performance measures as stated below.

'When considering applications for rural subdivisions, except for land shown hatched on the attached maps on pages 8-15 in Clause 21.06, consider whether the application meets the following criteria or performance measures:

- A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.
- A minimum area for the residual lot of at least the minimum subdivision size of the zoning that applies to the land.
- A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.'

Therefore the application is not subject to the 30 metre separation from adjoining farming land, along with the maximum 2ha lot size for the existing dwellings as these requirements are not valid for any land within the areas identified in Strategy 1.5 above, therefore meeting this criteria is not relevant for this application.

However, Objective 1, Strategy 1.5 also specifically states that any land within the abovementioned mapped areas should be discouraged from subdivision, that creates a lot of less than 40 ha, this is due to the significant risk of flood and drainage issues.

2. 21.06-2 Agriculture and horticulture

Overview:

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

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

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

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

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

Key issues:

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

Why is the proposal non compliant?

The proposed application lacks any valid supporting evidence, and whilst the proposal may see growth of this specific horticultural activity through the reinvestment of the proceeds of the sale of the dwellings, it does not support the horticultural industry as a whole.

It also does not protect the land for agriculture as the dwelling is currently available to support agriculture, when the dwelling is excised there will no longer be a nexus between the dwelling and agriculture.

Overvaluation of land and reducing capital value of land is not a planning consideration and very little further justification has been presented to support the application.

Zone provisions

Farming Zone

The purpose of the Farming Zone is as follows:

- To implement the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposed re-subdivision does not meet the purpose of the Farming Zone, because it **does not**:

- Implement the MPS and PPF
- Provide for the use of all land for agriculture
- Encourage the retention of productive agricultural land
- Ensure that non-agricultural related uses do not adversely affect the use of land for agriculture

VCAT Case Comparison

The following VCAT cases are supplementary justification that the proposal should not be supported.

1. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Mt Edgar Pastoral Holdings Pty Ltd v Murrindindi SC VCAT 1200 (30 September 2014)

“House lot excisions refer to the subdivision of an existing dwelling from a larger rural lot. Subdivisions of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any subdivision of an existing dwelling protects productive rural land and does not create a de facto ‘rural living’ subdivision.

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

2. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). Douglas v Campaspe SC VCAT 421 (11 April 2014) Bill Sibonis, member states:

‘The result of the subdivision will be to create a rural living outcome within an area of the municipality that is designated under the Planning Scheme for farming. The policy frameworks highlight the importance of protecting and maintaining the State’s agricultural base, and sound caution in relation to the creation of residential activities within farming areas that are not associated with agriculture’.

3. In Strachan v Latrobe CC[2018] VCAT 1295 (24 September 2018) this options was also discussed by Member, Frank Dawson who stated:

‘I fully understand and appreciate the personal preference of Mr and Mrs Bolton to ‘downsize’ the operation of their farm, however, I find the policy statements concerning the protection of productive agricultural land in the Latrobe Planning Scheme do not support a move toward a resubdivision that may permanently fragment the existing farm. In making this finding, I am conscious, as I am sure the owners, that leasing all or part of the land may be an alternative consideration’.

4. Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). *Strachan v Latrobe CC* [2018] VCAT 1295 (24 September 201) clarifies this point:

'it is often the case that urban growth will herald a transition toward fragmentation of farming land, generally in the form of rural living or hobby farm use'.

It is also noted in this case that:

'a threat to the continued use of the land for agriculture is proximity to urban growth, both existing and planned. In particular, residential development can inhibit the use of agricultural land if the farming practice is intensive'.

Consultation

Consultation occurred through notification to adjoining owners and a sign on the site, as well as with the applicant as part of the planning process.

Although no objection was received to this application, comment was made by a nearby landowner raising the following issues;

- A number of farmers within the area have multiple dwellings that are mostly a burden to their operation who would love the ability to sell for financial gain.
- Does the above point create an appropriate planning outcome for the community in the long term having small individual house lot owners set amongst traditional farmers.
- The 'right to farm' has been a well known issue in the Farming Zone, when lifestyle's move next door and their expectation of the amenity of the area and Council services does not meet their expectations.
- These issues at some point will have ramifications for the community and Council.
- Approval of the application sets a clear precedence and other farmers will/may wish to follow.

Financial Implications

As the proposed development is of private nature on private land, no financial implications to Council are foreseen.

Social Implications

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

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for rural lifestyle purposes will have a negative economic impact.

Environmental Implications

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

Risk Management Implications

There are no known risks associated with this proposal.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

1. **Council issue a refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located at 73 Lette Land & 103 McCoy Lane Lake Boga based on the following grounds of refusal:**
 - a. Proposal is not consistent with the State and local planning policies, in particular:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and
 - Clause 21.06-1 Rural areas
 - b. Not consistent with the purpose of the Farming Zone, in particular:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework
 - To provide for the use of land for agriculture
 - To encourage the retention of productive agricultural land, and
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
2. **Council grant a permit for the re-subdivision (dwelling excision) of land located at 6 and 73 Lette Land & 103 McCoy Lane Lake Boga subject to the following conditions and in accordance with the endorsed plans.**

- 1 The subdivision allowed by this permit and shown on the plans endorsed must not be amended for any reason without the prior written consent of the Responsible Authority.
- 2 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 3 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 4 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 5 Prior to certification of the Plan of Subdivision, the *owner/s* of the *lot/s* must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) No further dwelling will be permitted on proposed lot 2.
 - b) The owner of proposed lot 1 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.

Prior to a Statement of Compliance being issued:

- c) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act.
 - d) The owner/s must be pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.
- 6 The existing vehicle crossings must be upgraded, if required in accordance with the Infrastructure Design Manual (IDM) standards.
 - 7 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
 - 8 Prior to the issue of Statement of Compliance, the permit holder must ensure that stormwater runoff from the development/site can be retained

within the boundaries of the lot to the satisfaction of the Responsible Authority.

- 9 No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

Expiry

- 10 This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

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

Recommendations

That Council issue a Refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 73 Lette Land & 103 McCoy Lane Lake Boga, based on the following grounds:

- 1 Proposal is not consistent with the State and local planning policies, in particular:**
 - **Clause 14.01-1S Protection of agricultural land**
 - **Clause 14.01-2S Sustainable agricultural land use**
 - **Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - **Clause 21.06-1 Rural areas**
- 2 The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - **To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - **To provide for the use of land for agriculture**
 - **To encourage the retention of productive agricultural land, and**
 - **To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

128/19 Motion

MOVED Cr Jeffery

That Council issue a Refusal to Grant a Planning Permit for the re-subdivision (dwelling excision) of land located 73 Lette Land & 103 McCoy Lane Lake Boga, based on the following grounds:

- 1 Proposal is not consistent with the State and local planning policies, in particular:**
 - Clause 14.01-1S Protection of agricultural land**
 - Clause 14.01-2S Sustainable agricultural land use**
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and**
 - Clause 21.06-1 Rural areas**

- 2 The proposal is not consistent with the purpose of the Farming Zone, in particular:**
 - To implement the Municipal Planning Strategy and the Planning Policy Framework**
 - To provide for the use of land for agriculture**
 - To encourage the retention of productive agricultural land, and**
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture**

SECONDED Cr McPhee

The Motion was put and CARRIED

Councillor Johnson returned to the meeting at 5:04 PM and was informed of the decisions for items B19.99 and B19.100.

B.19.101 PLANNING PERMIT 2017/98 USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDING, WILLOX ROAD, MURRAWEE

Responsible Officer: Director Development and Planning
File Number: 2017/98
Attachments: 1 Application for extension of time
2 December 2017 Council report

Declarations of Interest:

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

Summary

This report seeks a Council decision in relation to the extension of above planning permit.

Discussion

Location and existing conditions

The subject site is located on the north side of Willox Road, at the intersection of Willox Road and Niemann Road. The site has an irregular shape with an overall area of approximately 17.09 hectare and is currently vacant with the provision of native vegetation.

Please see the aerial image below for more details on the site and surrounds.



Planning history

The above permit was approved by Council on 19 December 2017. The officer report recommended a refusal based on the following grounds:

1. The proposal is contrary to the purpose of the Farming Zone, which aims to provide for the use of land for agriculture, retention of productive agricultural land and to ensure that non-agricultural uses (particularly dwellings) do not adversely affect the use of land for agriculture.
2. The proposal is contrary to Clauses 11.05-3, 11.11-3, 14.01 and 16.02-1 of the Swan Hill Planning Scheme as it will lead to an unplanned loss of productive agricultural land due to a permanent land use change.
3. The proposal is contrary to the provisions of the Local Planning Policy Framework, including Council's Municipal Strategic Statement, particularly Clauses 21.02 and 21.06, in that it will encourage further proliferation of residential developments in the Farming Zone, thereby removing land from bona fide agricultural production.
4. The proposal will further solidify the fragmentation of existing farming land and holdings as it will remove the opportunity for consolidation or restructure of allotments to facilitate agricultural activities and will limit the operation and expansion of adjoining and nearby agricultural uses.
5. The proposal is contrary to the orderly planning of the area.

A copy of the Council report is attached.

Proposal

The applicant has applied to extend the permit as it has been 1 year and 9 months since the permit was first issued and no works have commenced.

The applicant has listed the following reason as to why the permit has not been acted on:

- Client had a work accident and was off work for 14 months

Assessment

Matters to be considered as part of any extension application are:

- *Whether the owner is seeking to "warehouse" the permit*

It is considered that the owner is attempting to warehouse the permit, even though it is the first extension request. The reason for this is that the property was put on the market straight after the permit was issued and has not sold yet. It appears it was the intention of the applicant to sell the land with a dwelling permit and not to actually build the dwelling. The applicant Mr. Skelsey advised Council of his intent when he addressed the Council at an assembly in 2017.

- *Intervening circumstances which may have a bearing on the grant or refusal of the extension*

There are no intervening circumstances such as a change to the planning scheme or additional information provided by the applicant that would impact the granting or refusal of the extension.

- *Whether the time limit that was originally imposed was adequate*

The time limit originally imposed was 2 years and is a standard condition for permits and an adequate time for the development to have commenced.

- *The economic burden imposed on the land owner by the permit*

No additional economic burdens have been imposed on the landowner by the permit.

- *The probability of a permit issuing should a fresh application be made*

It is unlikely that the issuing of a permit would be recommended if a fresh application was made, given the State and local planning policy direction.

Consultation

No consultation was required to be undertaken.

Financial Implications

Nil.

Social Implications

Nil.

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for residential purposes will therefore have a negative

economic impact. The use of the land for dwelling will only benefit the owners and will eventually create detriment to the greater agricultural area.

Environmental Implications

Nil.

Risk Management Implications

Nil.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

Option 1

Grant an extension of time for planning permit 2017/98, to commence the development by 19 December 2020 and to complete the development by 19 December 2021;

Or

Option 2

Refuse to extend the expiry date of planning permit 2017/98.

Recommendations

That Council refuse to grant an extension of time to planning permit 2017/98 based on the following grounds:

- 1. The applicant is warehousing the permit.**
- 2. It is unlikely that the issuing of a permit would be recommended if a fresh application was made.**

129/19 Motion

MOVED Cr McPhee

That Council grant an extension of time for planning permit 2017/98, to commence the development by 19 December 2020 and to complete the development by 19 December 2021.

SECONDED Cr Jeffery

The Motion was put and CARRIED



Please return this completed form to:
 PO Box 488, Swan Hill VIC 3585 | DX 30166
 45 Splatt Street, Swan Hill VIC 3585
 Tel: 03 5036 2352 | Fax: 03 5036 2340
 Email: planning@swanhill.vic.gov.au

Application for extension of time

Applicant Details	
Name: <i>Shane Skelsey</i>	
Address: <i>155 Niemann Rd Murraree VIC 3586</i>	
Phone: <i>0409805194</i>	Email: <i>badf-d@yahoo.com.au</i>

Permit Application & Land Details			
Permit / Application No: <i>2017/98</i>		Date Issued: <i>19-12-2017</i>	
Lot:	Plan: <i>PL 372268R</i>	Crown Allotment: <i>1A, 1B, 5B</i>	Section: <i>H</i>
Address: <i>Willow Road Murraree</i>			

Specify Time Sought for Extension	<input type="checkbox"/> 1 year	<input checked="" type="checkbox"/> 2 years	<input type="checkbox"/> Other _____
Is the land currently or about to be for sale?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Reason why the permit has not been acted upon within the time limit
<i>Due to an work accident leaving myself not be able to work for 14 months this was the reason for trying to sell the block and not be able to build at that time. Now im recovered our plans are back on track</i>
List any progress that has been made towards acting on the permit
<i>infrastructure on piped stock and domestic water for house area and the undertaking of Niemann road brought up to all weather condition to driveway</i>
When will the works approved by the permit commence and be completed?
<i>hopefully start early 2020</i>

Declaration

I declare that all the information I have given is true and correct and the owner (if not myself) has been advised of the application. It is against the law to provide false or misleading information.

Signature: *S Skelsey* Date: *22-7-2019*

B.17.129 PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF THE LAND FOR A DWELLING

Responsible Officer: Director Development and Planning
File Number: 2017/98
Attachments: 1 Proposed Site Plan, Floor and Elevation Plans

Declarations of Interest:

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

Summary

The application is for the use and development of the land for a dwelling in the Farming Zone, located at Willox Road, Murrawee. This report seeks a Council resolution to refuse a planning permit application.

Discussion

Location and existing conditions

The subject site is located on the north side of Willox Road, at the intersection of Willox Road and Niemann Road. The site has an irregular shape with an overall area of approximately 17.09 hectare and is currently vacant with the provision of native vegetation.

Please see the aerial image below for more details on the site and surrounds.



Fig. 1 Aerial image of site and surrounds

Proposal

The applicant is seeking approval for the use and development of the site for a dwelling.

The proposed dwelling will be setback approximately 20m from Willox Road and approximately 25m from the western boundary. The proposed dwelling will comprise four bedrooms, family, living and dining areas and kitchen with an overall habitable area of 269m². It will also comprise a double garage and portico with a combined area of approximately 50m².

The proposal also involves construction of an agricultural building which does not require a planning permit. No significant earthworks have been proposed and no native vegetation removal will be required for the development.

The Objectives of Planning in Victoria

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the Planning and Environment Act 1987. The relevant objective to the proposal is:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*

For the reasons explained further in this report, the proposal will result in loss of agricultural land and involves residential development in an agricultural area, therefore, not contributing to the orderly planning of the area.

State Planning Policy Framework (SPPF)

Clause 11.13-3 Agricultural productivity

Objective: „To support and manage rural landscapes”.

Strategies

- *Protect areas of strategic significance for agriculture.*
- *Support adaptation of the agricultural sector to embrace opportunities and respond to the potential risks arising from climate change.*
- *Facilitate ongoing agricultural productivity and investment in high value agriculture.*
- *Protect and maintain productive land and irrigation assets necessary to help grow the region as an important food bowl for domestic and international exports.*

The proposal in its current state does not support agriculture and rural production as it proposes development that appears to be predominantly for residential purposes. Although the proposal involves an agricultural component it failed to demonstrate that the primary use of the land is to support agriculture. No farm plan was provided to support the application, despite a further information request. The proposal has, therefore, the potential to create conflict between rural and residential uses.

Clause 14.01-1 Protection of agricultural land

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

The clause states, that in considering a proposal to develop agricultural land, the following factors must be considered:

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

In response to the above it is noted that:

- Agriculture is an important part of the municipality’s economy and permanent removal of agricultural land for non-agricultural purposes is strongly discouraged.
- Any proposed non-agricultural use and development may give rise to land use conflicts between the agriculture and non-agricultural use.

Collectively, these policies place great emphasis on the importance in protecting existing agricultural land from inappropriate development, which could permanently remove the land from agricultural use.

The subject site is within a Farming Zone and recognised for its productive capacity. Clause 14.01-1 is particularly clear in requiring a nexus between development of farmland and ongoing productive use of agriculture and to protect against loss of agricultural land.

It is further noted that the SPPF contains a clause specifically relating to rural-residential development, with Clause 16.02-1 aiming “to identify land suitable for rural living and rural residential development.” The strategies associated with this objective also aim to:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.*

This policy further reiterates the need to direct rural-residential development to areas that do not impact on the agricultural land resource.

Local Planning Policy Framework (including the Municipal Strategic Statement)

Clause 21.02 – Key issues

Key issues in relation to Natural Resource Management:

- *The need to support dry land agriculture.*
- *The significant potential for adding value to agricultural product including horticulture.*

Any proposal for a dwelling within the Farming Zone must consider this Clause. The Clause details the importance of the agricultural sector within the municipality and provides a framework for decision making regarding subdivision and development.

In this instance the proposal does not address the key issues and does not support the ongoing agricultural industry in the municipality.

Clause 21.06-1 Rural areas

Overview:

The agricultural sector is a significant source of economic activity in the municipality. Subdivision and rural housing in rural areas that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through land use conflict, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and land values exceeding agricultural value. Housing for lifestyle purposes in rural areas has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

Key issues

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

Objective 2:

To ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in irrigated horticultural areas.

Any dwelling proposal in the Farming Zone must also have regard to the following strategies:

Strategies:

- *Strategy 2.1 Ensure any new dwelling has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
- *Strategy 2.2 Ensure any new dwelling is compatible with and will not have an adverse impact on agricultural land and other rural land uses on the land, adjoining land and the general area.*
- *Strategy 2.3 Ensure new dwellings:*
 - *Are set back from neighbouring farm land and do not reduce the potential for agricultural production or other rural uses on surrounding farm land.*
 - *Do not have an adverse effect on existing rural and irrigation infrastructure, and will not reduce the continuing use of this infrastructure for agricultural production.*
- *Strategy 2.4 Encourage the consolidation of land in the same ownership to support applications for new dwellings.*

In relation to the above policy, the subject site is a small lot (less than 20 hectares) in the Farming Zone and therefore its development for the purpose of a single dwelling is not encouraged, noting that planning policies seek to protect productive farmland rather than increasing density and numbers of rural dwellings in a Farming Zone area. In this instance, the proposed dwelling cannot be considered as consistent with or supported by such policy in relation to rural and regional development, particularly where such development is explicitly discouraged.

Objective 3:

To avoid land use conflicts between agricultural and non-agricultural land uses.

Strategies:

- *Strategy 3.1 Ensure there is an appropriate separation between agricultural and non-agricultural land uses by using landscape buffers, orientation and siting of buildings.*
- *Strategy 3.2 Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.*
- *Strategy 3.3 Discourage use and development of land that is incompatible with the use of land for agriculture.*

The above strategies generally encourage the use and management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.

Approval of a dwelling on the subject land, as proposed, will result in a permanent change to the land use of the site. This land use change will limit the ability for agriculture to be facilitated in the context of the wider area and does not support the general principle to support the consolidation and enhancement of rural land. By allowing a dwelling on the lot without a justifiable link to agricultural production of the land will simply result in an increase of land value, and thus compromise the affordability and viability of agricultural activities in the Farming Zone.

Clause 21.06-2 Agriculture and horticulture

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

Agricultural production is the cornerstone of the municipality's regional economy. Swan Hill region has one of the most productive and diverse agricultural sectors in Australia. Considerable opportunities have been identified for expansion and growth of the horticultural industry.

The transfer and trading of water has led to the establishment of intensive agricultural industries on land that was not traditionally used for this purpose, such as at Wemen. There are substantial opportunities to diversify the agricultural and horticultural base by optimising the use of water and irrigation infrastructure and finding opportunities to process local product and develop markets including tourism.

Key issues:

- *Supporting dry land agriculture.*

The proposal also involves the use of land for seed harvesting and production, but adequate justification has not been provided that it will be the primary use of the land. The proposed application therefore lacks information to address the above objective.

Farming Zone

The purpose of the Farming Zone is to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The use of the land for a dwelling is listed as a discretionary use (permit required) within the provisions of Farming Zone for lots that do not meet the minimum lot size specified in the schedule to the Farming Zone (being 100 hectares). This does not imply that a permit for a dwelling should be granted. The key consideration is the appropriateness of the dwelling use, having regard to the purpose of the zone.

As previously discussed, both the State and local planning policies are very clear that dwellings on small lots within the Farming Zone are strongly discouraged, except where the dwelling is demonstrated to provide a genuine benefit to the agricultural use of the land. Specific decision guidelines are provided within the Clause 35.07-4 for when dwellings are proposed, as follows:

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The submission provided with the application states that the primary use of the land will be seed harvesting with no convincing argument/evidence to support the need for the dwelling on the land for agricultural production. It rather demonstrates that the dwelling will be the primary use of the land and the seed harvesting business appears to be the secondary component of the allotment.

It is considered that dwellings on small rural parcels will contribute to the fragmentation of agricultural land, as the land will lose the opportunity to be consolidated with adjoining larger parcels to potentially support productive agricultural uses. A dwelling is also a sensitive use, which may adversely impact the operation of legitimate farming activities, if residents consider they are affected by noise, smell etc. and make complaints.

Council must have regard to the orderly planning of the area and the potential for further proliferation of dwellings should this application be approved. Both State and local planning provisions have strong emphasis on limiting the widespread use of small rural lots in the Farming Zone for hobby farm and rural living purposes. Many rulings by VCAT reinforce that while dwellings may have been constructed in the vicinity, it does not necessarily mean that a new dwelling should be approved on this basis. The argument of the 'horse has bolted' has been widely dismissed by VCAT and one must draw the line in the sand. To this end the Tribunal made these comments in *Mengler v Hepburn SC*¹:

¹ [2007] VCAT 394 (15 March 2007)

It can be said of nearly any permit application that, alone, its impact is negligible in regional or state terms. But a purpose of specific policies and objectives being incorporated into the new format Schemes is to describe how, over time, the Council envisages change occurring and attempts to manage that process. By its inclusion in the Scheme, those ambitions have been endorsed as being consistent with state planning policy. Any change (whether better or worse) will usually happen incrementally. In its own small way, a subdivision and/or development makes a contribution to achieving (or not) the overall strategic goals set out in the Scheme. The principles set out in the relevant planning controls and policies are very clear and it is important they be upheld particularly when there are no strong arguments to justify a departure from, or different approach to the application of, those principles.

In addition, there have been many proceedings before the Tribunal where a proposal for a dwelling has failed because agricultural pursuits have not been sufficiently demonstrated; perhaps otherwise described as speculative, token, doubtful or too uncertain for various reasons. Often the proposals were determined to have attempted to create, or would have created, a rural living lot that is at odds with outcomes sought for farming areas.

In recent years, VCAT has upheld a number of decisions on rural dwellings in the Farming Zone. Of particular relevance to this application is *Ward v Macedon Ranges SC*². In the decision of *Ward*, Member Potts commented:

Planning policy at a state and local level seeks for land to be available for consolidation into larger enterprises consistent with a vision for broad acre agricultural activity. Allowing a dwelling on this land would mean future consolidation into larger land holdings would be unlikely. The effect of the dwelling would be to decouple this land from its agricultural value and hence the purposes of the zone.

Similarly, when the Tribunal upheld refusal on the application for a dwelling on a Farming Zoned land in *Benca v Macedon Ranges SC*³, Member Rundell remarked on setting up a precedent and proliferation of dwellings on existing farming zoned lots:

Some lots in the locality do not have dwellings. There also may be many small lots in the Macedon Ranges Farming Zone which do not have dwellings. Planning applications utilise previous decisions. I have no doubt that should planning approval be granted this case, it will be used to support planning applications for a dwelling on other lots less than 40 hectares. An approval in this situation will form part of the long established pattern of small lots being gradually removed from farming on an ad hoc, incremental basis. Whilst each approval may have a minimal impact, over time the cumulative impact of many approvals is that areas once used for farming are no longer used for that purpose and transition to become rural living precincts. Planning policy is clearly indicating that this incremental process needs to cease.

² [2013] VCAT 1758 (10 October 2013)

³ [2010] VCAT Ref No P2687/2009 (17 March 2010)

Simply because a dwelling can be considered under the zone, does not mean that every application that can meet these requirements should be approved. The application must demonstrate how the purpose of the zone is met and how the guiding policies are addressed for approval to be a real option.

Conclusion

The allotment to the south-western side of the site (west of Niemann Road) is also under the same ownership and contains an existing dwelling occupied by the applicant. The proposed seed harvesting production can be monitored by living on the adjoining dwelling. The proposal lacks the information in relation to the agricultural aspect and no farm management plan was submitted with the application to support the proposal. The proposal in its current state clearly shows that the dwelling will be the primary use of the land.

The site is not connected to water for irrigation purposes and water is only available for stock and domestic purposes to the site. Accordingly, the site currently falls within dry land farming area of the municipality and, therefore, to use the land for dwelling will require 100 hectares of land under the Farming Zone. The subject land can be irrigated in future and Goulburn-Murray Water has confirmed that water can be made available on the land for agricultural purposes. Land can be used for dwelling in the irrigated area if the area of the land is 20 hectares or more. In both cases the site does not meet the minimum lot size requirement under the Farming Zone. By approving the use of land for dwelling without providing adequate justification for agriculture will result in fragmentation of agricultural land.

Consideration of this application has required particular attention to both State and local policies as these sections of the Swan Hill Planning Scheme contain numerous, specific guidelines for development of agricultural land within the municipality. In general, both State and local policies seek to support and enhance agricultural pursuits by ensuring that future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purposes of the Farming Zone.

For these reasons as discussed above, the proposal will incrementally further fragment the agricultural area; lead to a concentration or proliferation of dwellings in the area; impinge the opportunity to use this land for more productive, sustainable agriculture and eventually have an adverse impact on use of the land for agriculture.

Consultation

Notice of the application

The application was not advertised to the surrounding property owners and occupiers.

Referrals

The application was referred under Section 52 of the Act to Goulburn Murray Water and no objections have been raised by the authority subject to conditions.

The application was also referred internally to the Health, Building and Engineering Departments who also approved the proposal subject to conditions.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for residential purposes will therefore have a negative economic impact. The use of the land for dwelling will only benefit the owners and will eventually create detriment to the greater agricultural area.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

1. Issue a Planning Permit for the use and development of the land for a dwelling at Willox Road, Murrawee subject to conditions and in accordance with the endorsed plans; or
2. Issue a Refusal to Grant a Planning Permit for the use and development of the land for a dwelling at Willox Road, Murrawee.

Recommendations

That Council issue a Refusal to Grant a Planning Permit for use and development of the land for a dwelling located at PC 372268R, Willox Road, Murrawee, on the following grounds:

- 1. The proposal is contrary to the purpose of the Farming Zone, which aims to provide for the use of land for agriculture, retention of productive agricultural land and to ensure that non-agricultural uses (particularly dwellings) do not adversely affect the use of land for agriculture.**
- 2. The proposal is contrary to Clauses 11.05-3, 11.11-3, 14.01 and 16.02-1 of the Swan Hill Planning Scheme as it will lead to an unplanned loss of productive agricultural land due to a permanent land use change.**
- 3. The proposal is contrary to the provisions of the Local Planning Policy Framework, including Council's Municipal Strategic Statement, particularly Clauses 21.02 and 21.06, in that it will encourage further proliferation of residential developments in the Farming Zone, thereby removing land from bona fide agricultural production.**
- 4. The proposal will further solidify the fragmentation of existing farming land and holdings as it will remove the opportunity for consolidation or restructure of allotments to facilitate agricultural activities and will limit the operation and expansion of adjoining and nearby agricultural uses.**
- 5. The proposal is contrary to the orderly planning of the area.**

Draft permit conditions if Option 1 applies:

- 1 The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 2 Prior to the commencement of the use of the dwelling, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment. A separate permit must be obtained from Council's Environmental Health Department prior to its installation.
- 3 Prior to the commencement of the use of the dwelling, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) The area has intensive agricultural uses operating in it.
 - b) The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity.

- c) Existing agricultural and rural uses in the area have a „right to farm“ or right to legally continue the use.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the use.

The owner must pay all costs (including Council’s costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- a) 4 Prior to the commencement of the use of the dwelling, an all-weather road, with dimensions adequate to accommodate emergency vehicles must be constructed to the satisfaction of the Responsible Authority.
- b) 5 Prior to the commencement of the use of the dwelling, the dwelling must be connected to a reticulated potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- 6 Prior to the commencement of the use of the dwelling, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- 7 Prior to the commencement of the use of the dwelling, the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
- 8 The applicant/owner must restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
- 9 Prior to the commencement of the use vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority.
- 10 Prior to the commencement of the use, the internal access driveway must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.
- 11 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
- 12 Prior to the commencement of the use, the permit holder must upgrade Niemann Road from the end of seal to the driveway into the property to the satisfaction of the Responsible Authority. Including :

- a) All weather gravel road 4m in width as per the Infrastructure Design Manual standard for a Rural Access road, or payment in lieu.

Goulburn-Murray Water conditions

- 13 All waste water from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
- 14 The wastewater disposal field must be located in accordance with the requirements of Table 5 of the EPA Code of Practice – Onsite Wastewater Management, 891.4, July 2016.
- 15 The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- 16 The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area specific to the proposal and subject land in accordance with the requirements of Council's Environmental Health Officer.
- 17 No buildings are to be constructed within 30 metres of GMW open channels and drains, or within 50 metres of Hollway's Lake.
- 18 All constructed and ongoing activities must be in accordance with sediment control principles outlined in „Construction Techniques for Sediment Pollution Control" (EPA, 1991).

Expiry of Permit

- 19 This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
 - c) The use is not commenced within two (2) years of the completion of the

development.

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

63/17 Motion

MOVED Cr Norton

That Council issue a Planning Permit for the use and development of the land for a dwelling at Willox Road, Murrawee subject to the following conditions and in accordance with the endorsed plans:

Draft permit conditions:

- 1 The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 2 Prior to the commencement of the use of the dwelling, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment. A separate permit must be obtained from Council's Environmental Health Department prior to its installation.
- 3 Prior to the commencement of the use of the dwelling, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) The area has intensive agricultural uses operating in it.
 - b) The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity.
 - c) Existing agricultural and rural uses in the area have a „right to farm“ or right to legally continue the use.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the use.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 4 Prior to the commencement of the use of the dwelling, an all-weather road, with

dimensions adequate to accommodate emergency vehicles must be constructed to the satisfaction of the Responsible Authority.

- 5 Prior to the commencement of the use of the dwelling, the dwelling must be connected to a reticulated potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- 6 Prior to the commencement of the use of the dwelling, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- 7 Prior to the commencement of the use of the dwelling, the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
- 8 The applicant/owner must restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
- 9 Prior to the commencement of the use vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority.
- 10 Prior to the commencement of the use, the internal access driveway must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.
- 11 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
- 12 Prior to the commencement of the use, the permit holder must upgrade Niemann Road from the end of seal to the driveway into the property to the satisfaction of the Responsible Authority. Including :
 - a) All weather gravel road 4m in width as per the Infrastructure Design Manual standard for a Rural Access road, or payment in lieu.

Goulburn-Murray Water conditions

- 13 All waste water from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

SECTION B - REPORTS

19 December 2017

- 14 The wastewater disposal field must be located in accordance with the requirements of Table 5 of the EPA Code of Practice – Onsite Wastewater Management, 891.4, July 2016.
- 15 The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- 16 The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area specific to the proposal and subject land in accordance with the requirements of Council's Environmental Health Officer.
- 17 No buildings are to be constructed within 30 metres of GMW open channels and drains, or within 50 metres of Hollway's Lake.
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Expiry of Permit

- 19 This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
 - c) The use is not commenced within two (2) years of the completion of the development.

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

SECONDED Cr Jeffery**The Motion was put and CARRIED**

B.19.102 'OUR PLACE' CONCEPT DESIGN DECISION

Responsible Officer: Director Development and Planning
File Number: S11-27-19-10578
Attachments: 1 Concept Design

Declarations of Interest:

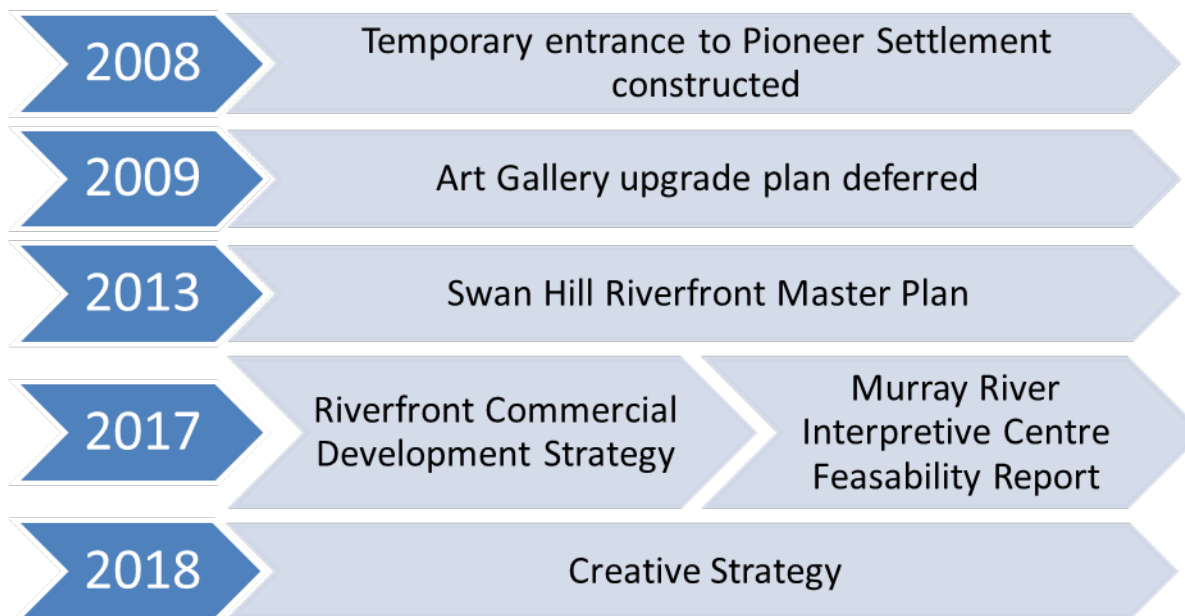
Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution to decide a preferred concept design for the 'Our Place' development (Our Region Our Rivers) for the purpose of progressing the preferred concept design to a detailed design phase.

Discussion

Over the past ten years, Council has been proactive in developing progressive strategies to reinvent the Swan Hill riverfront. During this time, valuable documentation has been delivered, including the Swan Hill Riverfront Masterplan, Commercial Development Strategy and the Council Plan, that have identified strategies that seek to enrich the local community, both socially and economically.



Timeline of planning and strategic development leading to the delivery of the 'Our Place' project.

As a result of this forward thinking strategic approach, Council has been successful in receiving grant funds for planning, feasibility and construction of new

infrastructure; including the walkway, furniture, wetlands, and more recently boat ramp, skate park and regional play precinct.

The Riverfront Masterplan (2013), prepared in consultation with the local community, identified the demand to create an attractive and inclusive public space along the riverfront, where the local community and visitors can meet, play and relax for generations to come.

This development will facilitate the increased use of and visitation to this prime riverfront location, leading to amplified tourism expenditure, while casting a spotlight on opportunities for increased private sector investment in the region.

The 'Our Place' development is part of the larger \$34.5M Our Region Our Rivers project, delivering 29 projects across 7 Local Government Areas in proximity to Swan Hill Rural City Council.

The 'Our Place' project will see the development of an architecturally designed structure that will co-locate the entry to the Pioneer Settlement, Art Gallery, Visitor Information Services and Aboriginal Cultural space; with anticipated delivery to be completed by January 2022. Following extensive assessment of many sites along the river, Council resolved in December 2018 to proceed with this development on a site near the Gem at the Pioneer Settlement. The feasibility study indicated that this site offered the optimal level of economic, social and financial benefit.

Two concept designs have been prepared for the 'Our Place' project by an appointed architect – *refer to attachment for Initial Concept Designs*. The architect was briefed to deliver a functional and iconic contemporary design that would incorporate interpretative information around culture and local history.

Design 'Option 1': A two storey design that hosts the Art Gallery across the first level, with Visitor Information Services, entry to the Pioneer Settlement and Heartbeat of the Murray, Aboriginal cultural space, educational space and merchandise located on the ground level. A roof top terrace will provide extensive views across the precinct and river; with the additional opportunity to host events within this space.

Design 'Option 2': A series of four 'pavilions', with the Art Gallery occupying one pavilion across two levels, while the remaining three pavilions and foyer area host the entry to the Pioneer Settlement and Heartbeat of the Murray, Visitor Information Services, a merchandise area, toilet facilities; and a combined Aboriginal cultural and educational space. A floating roof connecting the various pavilions provides the opportunity for a roof top terrace.

Key stakeholder groups, including Pioneer Settlement, Swan Hill Regional Art Gallery, Wandarrah Action Committee, Swan Hill Visitor Information Services, Executive Leadership Team of Council and Councillors were consulted to identify feedback and preference of the design options. This has included separate briefings by the Architect to all groups.

Key stakeholders representing the occupiers of the building expressed a unanimous preference for design Option 1, with several proposed modifications to the design, primarily to ensure functionality and that the building aesthetically represents an iconic statement of our community and region.

Modifications and improvements will be considered in the final concept design and will continue to be developed in the next phase of 'detailed design'. Modifications proposed to be considered in the final concept design include;

- Entry – softening of the entrance (Option 1). Entry way to incorporate a design to welcome and draw visitors into the building
- Internal materials – to be determined, with consideration to be afforded to acoustics and maintenance requirements
- External materials – samples to be obtained and scrutinised for practicality, aesthetics and functionality; including cladding
- Non-public spaces – function and location to be determined to meet needs
- Aboriginal cultural space – size to be increased and shape to be reconfigured
- Merchandise & customer engagement – As the operating plan for the new facility advances, the detailed design will be modified to meet the requirements for this space, including how customers will be attracted to and flow through the space to take maximum advantage of potential sales

These modifications take into account feedback provided by Councillors at the three sessions held to discuss the two options on 23rd and 27th August; and 3rd September 2019.

A decision of a preferred design Option will allow the development to progress to the detailed design phase, keeping the project on track to meet funding commitments.

The following table highlights the key milestones that must be achieved to ensure this project is delivered on time and on budget; while also adhering to the requirements of the grant funding.

Item	Deadline
Approval of preferred concept design	September 2019
Tender - Detailed Design	October 2019
Award Contract – Detailed Design	November 2019
Detailed Design Completed	March 2020
Approval of Detailed Design	March 2020
Tender – Construction	April 2020
Award Contract – Construction	June 2020
Construction Commencement	September 2020
Construction Complete	December 2021
New Building Opened	January 2022

Next Steps:

The Project team will continue to seek Council and Key Stakeholder feedback as the project progresses to the detailed design phase to ensure that the building meets functionality and aesthetic expectations.

Consultation

Consultation with Key Stakeholder Groups has taken place. Key Stakeholder groups include Pioneer Settlement, Swan Hill Regional Art Gallery, Wandarrah Action Committee and Swan Hill Visitor Information Services and included staff, volunteers and advisory committees.

All feedback, including initial feedback by Councillors and Executive Leadership Team of Council of the design options has been shared with the design architect for consideration in the final concept design.

Financial Implications

This project was identified as a 'high priority' in the Swan Hill Rural City Council Plan 2017-2021. The 'Our Place' project is 50% funded by the Regional Growth Fund grant, with the remaining 50% sourced by the Swan Hill Council.

There will be the opportunity to repurpose the existing Swan Hill Regional Art Gallery site, with the potential to increase economic activity within the precinct; while also providing an ongoing financial benefit to Council.

It is anticipated that the net operating costs for the new facility will be no greater than the combined costs of the existing facilities.

Social Implications

Facilitates the opportunity to deliver a diverse range of cultural experiences unique to the Swan Hill region.

Provides a spectacular place for local community to engage with, evoking a sense a pride and ownership in the building and the services that it offers.

Strengthens entrepreneurship, creative and cultural arts; particularly with and in the Aboriginal community.

Economic Implications

Demonstrates Council's confidence in development of the riverfront that will reflect favourably to relay confidence in increased private sector investment.

Supports existing businesses and services to increase patronage by providing a gateway to Swan Hill tourism while capitalising on the riverfront location.

Identifies Swan Hill as a destination that supports a rich and diverse tourism offering.

Supports liveability for the region which is an important aspect in attracting new residents.

Environmental Implications

The design and position of the building will consider its environmental impact and incorporate energy efficiency in the operation of the building.

Risk Management Implications

The key identified risks relate to project delivery on time and on budget. These risks will be mitigated by having a dedicated project team to manage the development.

Council Plan Strategy Addressed

Community enrichment - Develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.

Options

1. **Approval of concept Option 1, incorporating modifications**, as detailed above.
2. **Approval of concept Option 2, incorporating modifications**, as detailed above.
3. **Don't approve concept options 1 or 2 – seek development of alternate concepts.**

Recommendations

That Council approves concept Option 1 (two storey building with the art gallery located across the upper level) – with the following modifications to be incorporated in final concept;

- **Entry – softening of the entrance. Entry way to incorporate a design to welcome and draw visitors into the building.**
- **Internal materials – to be determined, with consideration to be afforded to acoustics and maintenance requirements.**
- **External materials – samples to be obtained and scrutinised for practicality, aesthetics and functionality; including cladding.**
- **Non-public spaces – function and location to be determined to meet needs.**
- **Aboriginal cultural space – size to be increased and shape to be reconfigured.**
- **Merchandise & customer engagement – As the operating plan for the new facility advances, the detailed design will be tweaked to meet the requirements for this space, including how customers will be attracted**

to and flow through the space to take maximum advantage of potential sales.

130/19 Motion

MOVED Cr Benham

That Council approves concept Option 1 (two storey building with the art gallery located across the upper level) – with the following modifications to be incorporated in final concept;

- **Entry – softening of the entrance. Entry way to incorporate a design to welcome and draw visitors into the building.**
- **Internal materials – to be determined, with consideration to be afforded to acoustics and maintenance requirements.**
- **External materials – samples to be obtained and scrutinised for practicality, aesthetics and functionality; including cladding.**
- **Non-public spaces – function and location to be determined to meet needs.**
- **Aboriginal cultural space – size to be increased and shape to be reconfigured.**
- **Merchandise & customer engagement – As the operating plan for the new facility advances, the detailed design will be tweaked to meet the requirements for this space, including how customers will be attracted to and flow through the space to take maximum advantage of potential sales.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

'Our Place' Swan Hill

Initial Concept Designs



This report prepared by NAAU, for Swan Hill Rural City Council, presents two initial concept design options for the 'Our Place' project to be located at Horseshoe Bend, Swan Hill, reflecting Item 2 of our engagement for the Conceptual Design Development of this project.

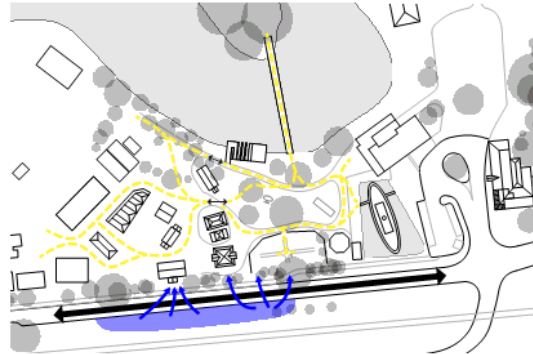
These options have been prepared following Key Stakeholder Consultation and circulation of a Return Brief (dated 30th of June 2019) for the project. The two options presented below broadly meet the objectives and detailed requirements of the approved project brief, however are substantially different in form, organisational, and spatial characters in order to adequately test different possible configurations of the project brief on the project site.

It is anticipated that Council feedback from the review of the two options presented will further develop the project brief and lead to a single consolidated Concept Design for the project, prior to preparation of a Concept Design Cost Plan and Cost Benefit Analysis for Council review.

Site and Urban Strategies



Site edges & View Corridors



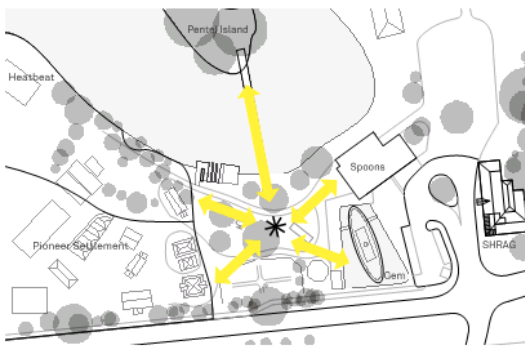
Vehicle & Pedestrian Circulation



Public/Private Thresholds



Proposed Demolition



Pentel Island Indigenous Trails



River Bank Interpretive Trail

Proposed Area Schedule

ELEMENT	AREA/UNIT
Internal Areas (public)	
Main Foyer, Information/Reception Desk and POS	180m ²
Heartbeat Pre-Show Gathering Area	100m ²
Merchandise/Showcase of regional produce	100m ²
Multipurpose/Educational Program Space	100m ²
Dedicated Indigenous community cultural space	25m ²
Temporary (Touring) Exhibition Space	300m ²
Permanent Exhibition Space	200m ²
Gallery Foyer/Event Space	75m ²
Public Toilets	50m ²
Internal Areas (back of house)	
Staff Offices	50m ²
Cash Photocopier Room	10m ²
Staff Breakroom	10m ²
Staff Toilets	4m ²
Gallery Storage and Workshop	160m ²
Semi-Commercial Kitchen	20m ²
Loading Dock	20m ²
Refuse Store	5m ²
Circulation, Loading & General Back of House	75m ²
Total Internal Areas	1 484m²
External Areas	
Large gatehring/Performance Space	300m ²
Outdoor Education/gathering spaces, x4	160m ²
Roof top terrace	150m ²

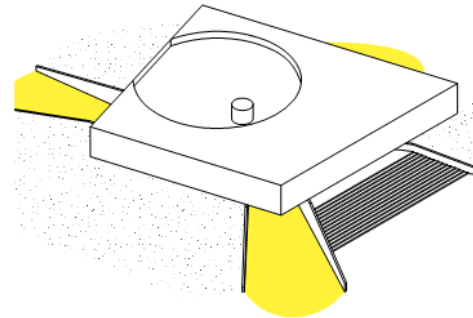
Option 1

Architectural Strategies

Formal Strategy

The proposed building form lifts the gallery volumes as a floating element, providing large areas of covered and shaded space around the perimeter of the building.

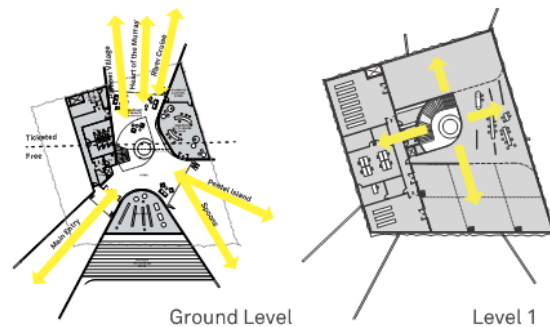
These spaces are like a public ‘veranda’ providing sheltered spaces for public activities, gatherings and events to occur when weather permits. The activated landscape extends through the building, guiding visitors to the various locations within the precinct, as an active way finding device. The elevated gallery volume is finished in a metallic material, capturing reflections of the landscape surrounding the building and visually lifting the floating gallery volume.



Arrival and Visitor Circulation

The building is arranged on two levels with the main foyer/visitor information point on ground level, surrounded by merchandise, education, Heartbeat of the Murray pre-show waiting area and multi-purpose activities. The plan is arranged to reflect the flow of visitors through the building, from the main entry to the key destinations in around the precinct, including the heartbeat of the Murray, Pioneer settlement, Spoons Restaurant and the Gem Paddle Steamer. The layout is configured to clearly separate ticketed and non-ticketed zones without barriers. This arrangement allows for a central reception desk providing ticketing to the shows, visitor information, and POS for the merchandise & regional produce showcase. The concentration of these activities in a single space enhances the sense of liveliness for the facility as a whole and offers opportunity for organisational efficiency with customer facing staff potentially fulfilling multiple roles.

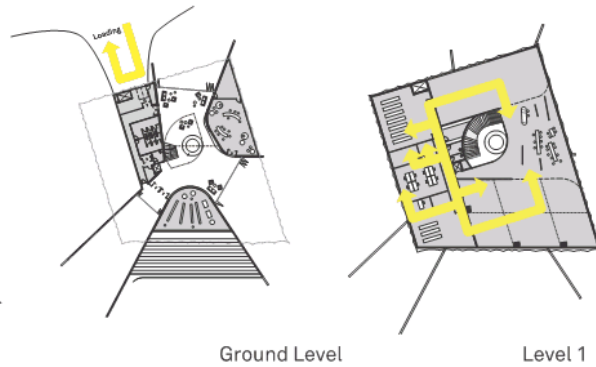
The upper level provides temporary and permanent gallery spaces arranged around a flexible foyer space.



Architectural Strategies

Services and Back of House Circulation

Servicing and loading are screened from the public and are located to the North-West of the proposed site, accessed via an existing service gate to the Pioneer Settlement site. A loading dock and small storage area is provided on the ground level for the Visitor Information, Mechanise, Educational and Multi-purpose activities. A goods lift is provided for servicing the upper level gallery, providing efficient movement of art works. A large storage area and workshop area are provided on the upper level connecting the main exhibition spaces, allowing for the gallery to remain open, during bump in and out of exhibitions in one of the two galleries.



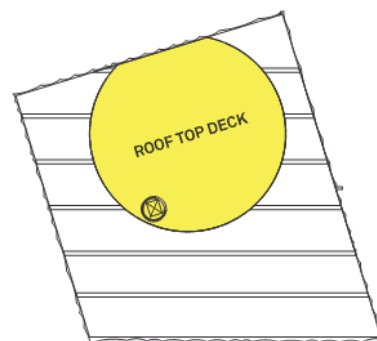
Local & Indigenous Stories Embedded in Landscape

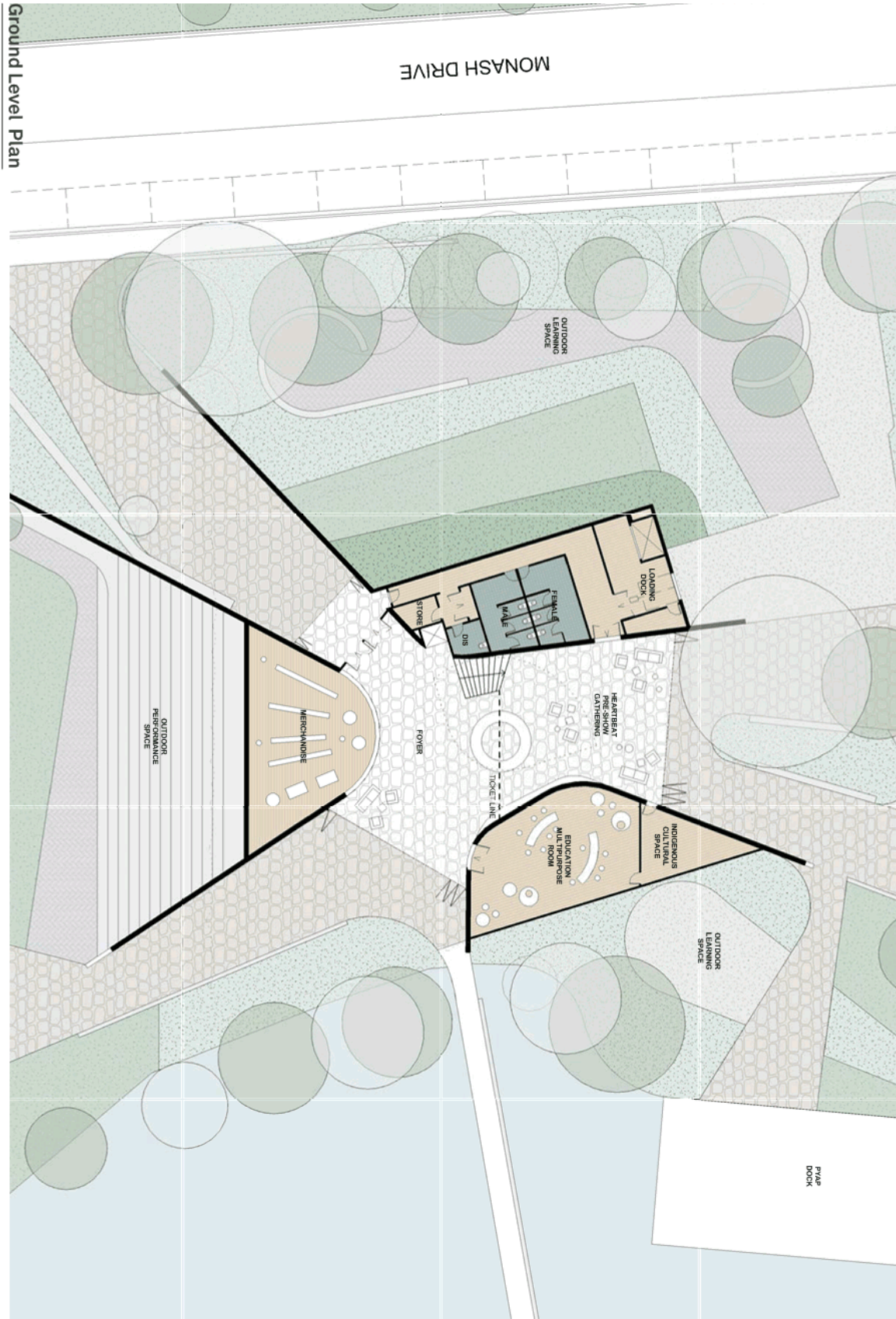
A key landscape and architectural strategy for this option is to integrate elements of indigenous and local stories with in the fabric of the building and hard landscape elements. It is anticipated that this could take the form of text or images inlaid in paving or wall surfaces. This mode of place-making embeds place and cultural specific information about the place in legible way, that acts that act as catalysts for or markers along cultural trails within the building and the wider precinct.



Roof Terrace

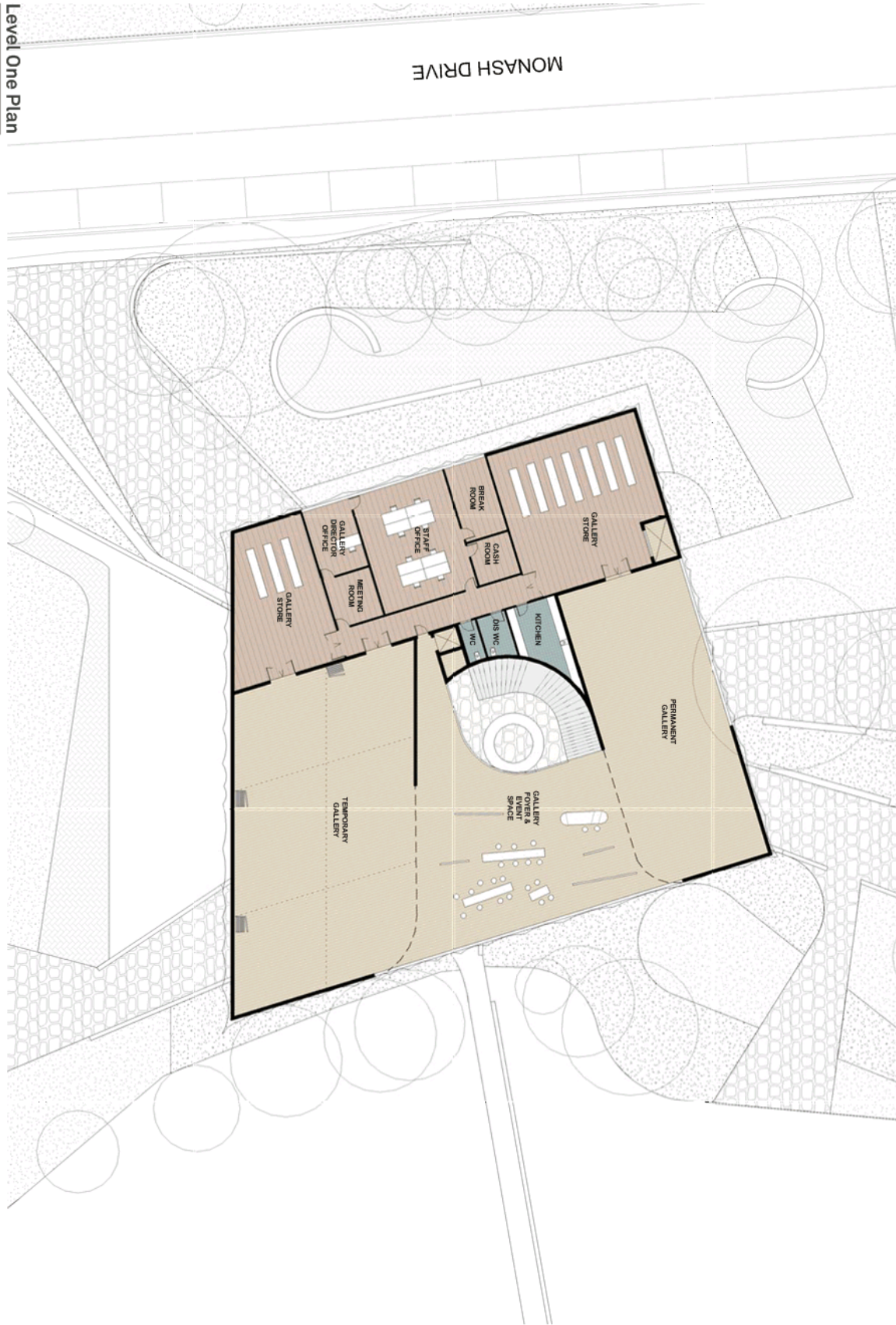
The rooftop of the gallery provides opportunity for a roof deck with expansive views across the surrounding precinct and river. This space can be used for Council events and/or potentially hired out for community functions.



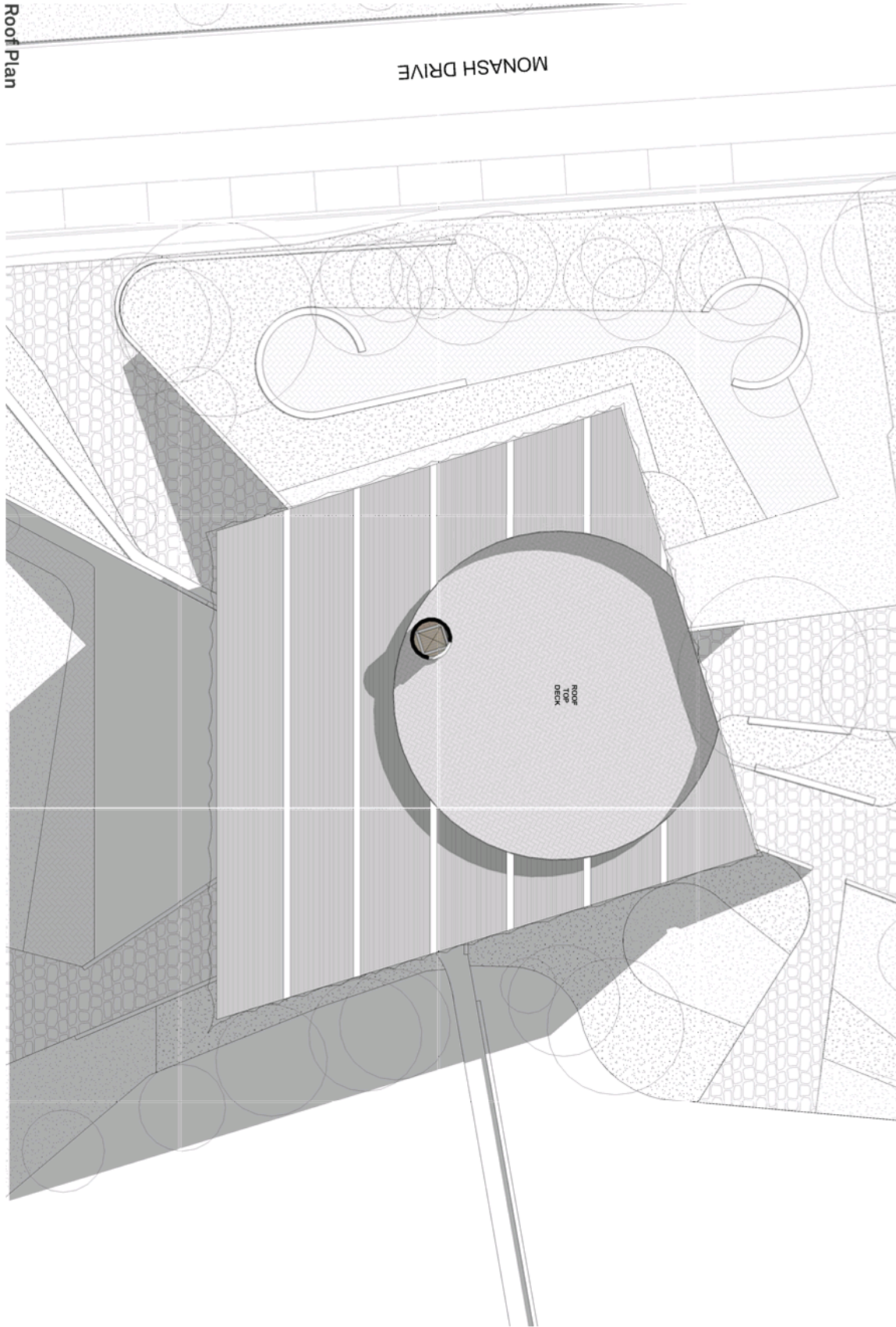


Ground Level Plan

Level One Plan



Roof Plan



External Visualisation



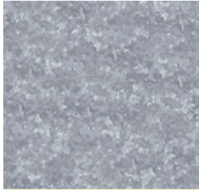
NAAU Studio



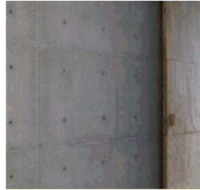
Internal Visualisation

NAAU Studio

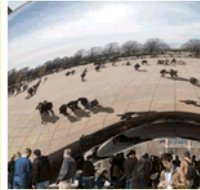
Key Materials



Heritage Z600



Precast Concrete



Stainless Steel



Vic Ash Lining



Narative Stone Paving



Federation Square
Melbourne



Rebel House
Netherlands



Cloud Gate
Chicago

Assessment

Advantages

- Clear visitor way finding, and orientation towards all of the elements surrounding the horseshoe bend site (Pioneer Settlement, Pentel Island, Spoons restaurant etc.)
- Central reception/service point, providing central point of contact for all visitors and operational efficiency benefits.
- Clear demarcation of ticketed and non-ticketed zones.
- Reduced building foot print (in comparison to Option 2), occupying less of the site overall.
- Increased spatial separation of gallery function, potentially leading to increased perception of separate identity.
- Gallery all on one level, providing increased flexibility and operational efficiency.
- Increased elevation of roof top terrace providing higher level views to surrounding landscape.

Disadvantages

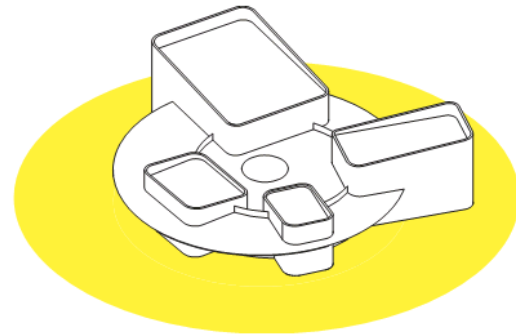
- Potentially more expensive due to increased cost of upper level construction. However, this will be subject to further investigation in particular with regards to the structural design and any fire compartmentalisation required.
- Elevation of all gallery functions may reduce casual visitation to the gallery.

Option 2

Architectural Strategies

Formal Strategy

The proposed building form separates the key elements of the project brief into a series of 'pavilions' connected by a floating roof. The arrangement of these pavilions in plan guiding visitors to the various locations within the precinct, as an active way finding device. The separation of the project brief into pavilions reduces the visual mass of the development as a whole.

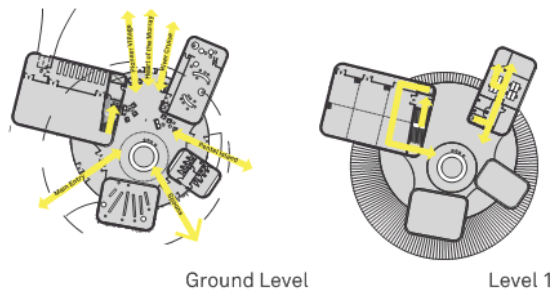


The floating roof, connecting the pavilions, providing large areas of covered and shaded space around the perimeter of the building. Similar to option 1 these spaces are like a public 'veranda' providing sheltered spaces for public activities, gatherings and events to occur when weather permits.

The pavilion elements are finished in precast concrete with a vertical 'boarded' finish providing a robust and durable finish that will weather gracefully and develop a patina over time. The floating roof element is finished in local timbers, providing warmth and complementary contrast to the masonry finish of the pavilions.

Arrival and Visitor Circulation

The building is arranged principally on one level, with the central main foyer/reception, surrounded by merchandise, education, dedicated indigenous cultural space and permanent gallery exhibition spaces. Second levels are provided within the Gallery and Educational/Administration Pavilions, housing the Temporary Exhibition Gallery and Administration/Office functions.



The ground level plan is arranged to guide the flow of visitors through the building, from the main entry to the key destinations in around the precinct, including the heartbeat of the Murray, Pioneer settlement, Spoons Restaurant and the Pyap cruise dock. This configuration of visitor flow (in comparison to option 1) allows for separation of Pyap cruise ticket holders from general Pioneer settlement visitors if required.

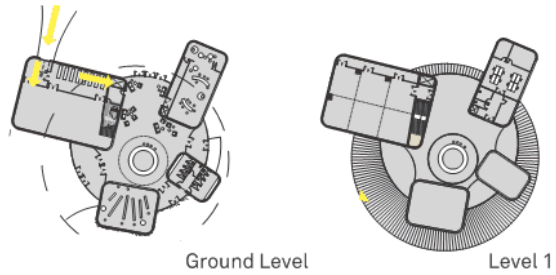
The layout is configured to clearly separate ticketed and non-ticketed zones without barriers. This arrangement allows for a central reception desk providing ticking to the shows, visitor information, and POS for the merchandise & regional produce showcase. The concentration of these activities in a single space enhances the sense of liveliness for the facility as a whole and offers opportunity for organisational efficiency with customer facing staff potentially fulfilling multiple roles.

Architectural Strategies

Services and Back of House Circulation

Servicing and loading are screened from the public and is located to the North-West of the proposed site, accessed via an existing service gate to the Pioneer Settlement site.

A loading dock and large gallery storage area/workshop is provided on the ground level, along with back of house access to the semi-commercial kitchen. A goods lift is provided for servicing the upper level temporary gallery for back of house movement of art works, allowing for the gallery to remain open, during bump in and out of exhibitions in one of the two galleries.



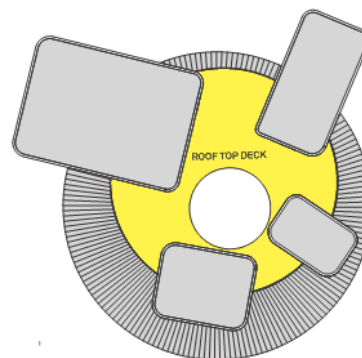
Local & Indigenous Stories Embedded in Landscape

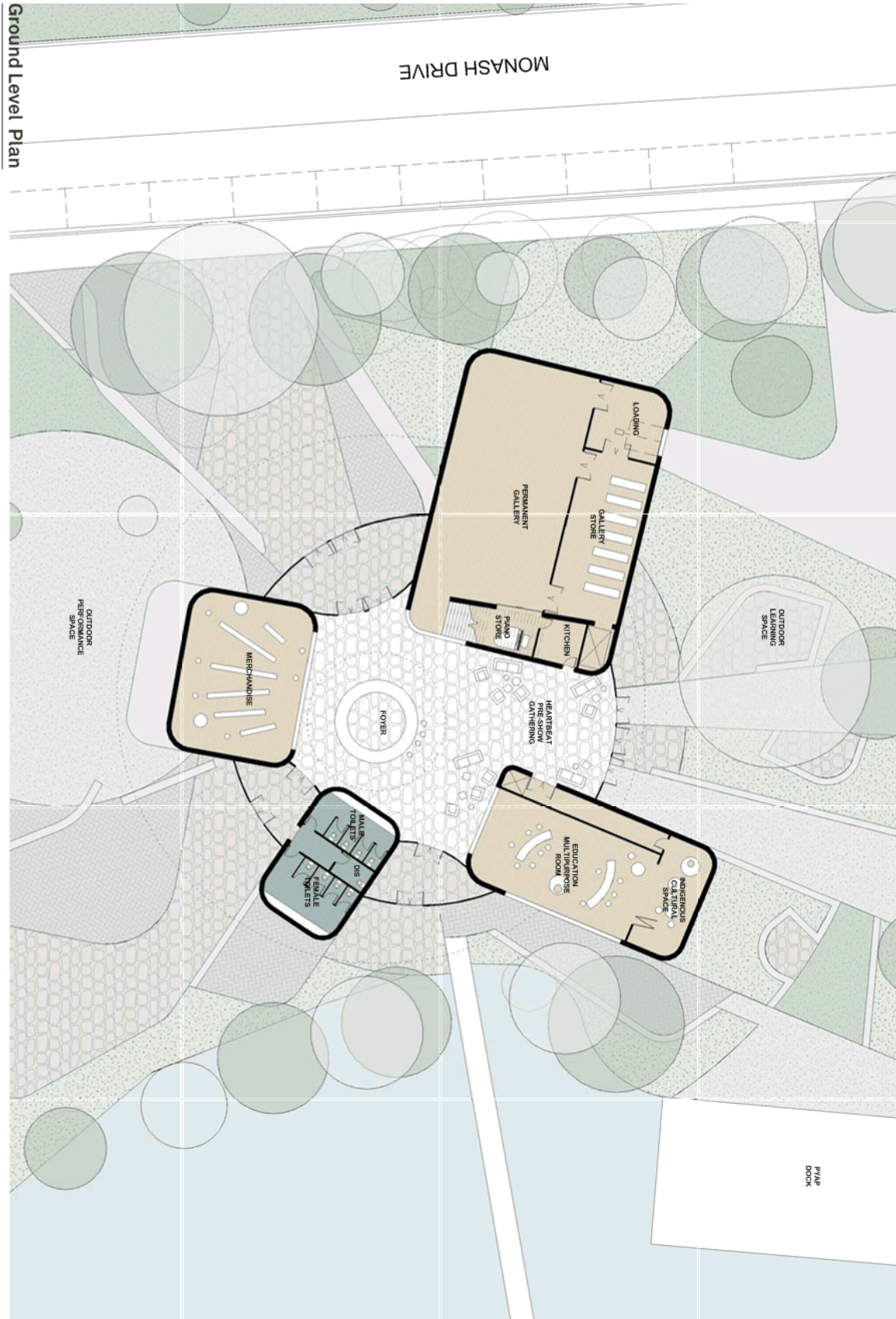
Similar to Option 1, a key landscape and architectural strategy for this option is to integrate elements of indigenous and local stories with in the fabric of the building and hard landscape elements. It is anticipated that this could take the form of text or images inlaid in paving or wall surfaces. This mode of place-making embeds place and culturally specific information about the place in legible way, that acts that act as catalysts for or markers along cultural trails within the building and the wider precinct.



Roof Terrace

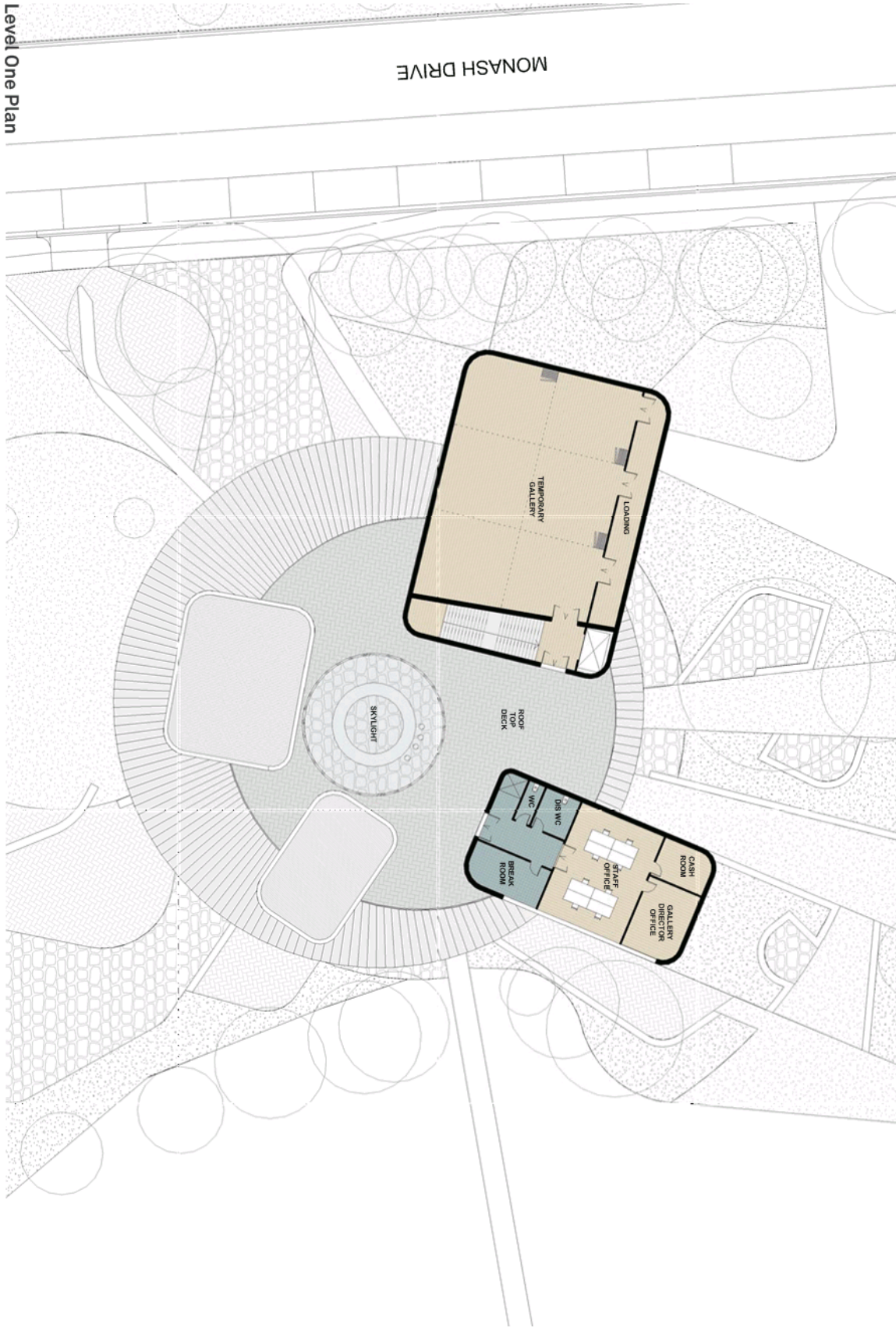
The floating roof element connecting the various pavilions, provides opportunity for a roof deck with expansive views across the surrounding precinct and river. In contrast with option 1, the roof top deck is larger and provides 'framed' views across the surrounding landscape. Access to the roof top deck is via the temporary gallery lobby and is more fully integrated into the facility more broadly than in Option 1. This space can be used for Council events and/or potentially hired out for community functions.



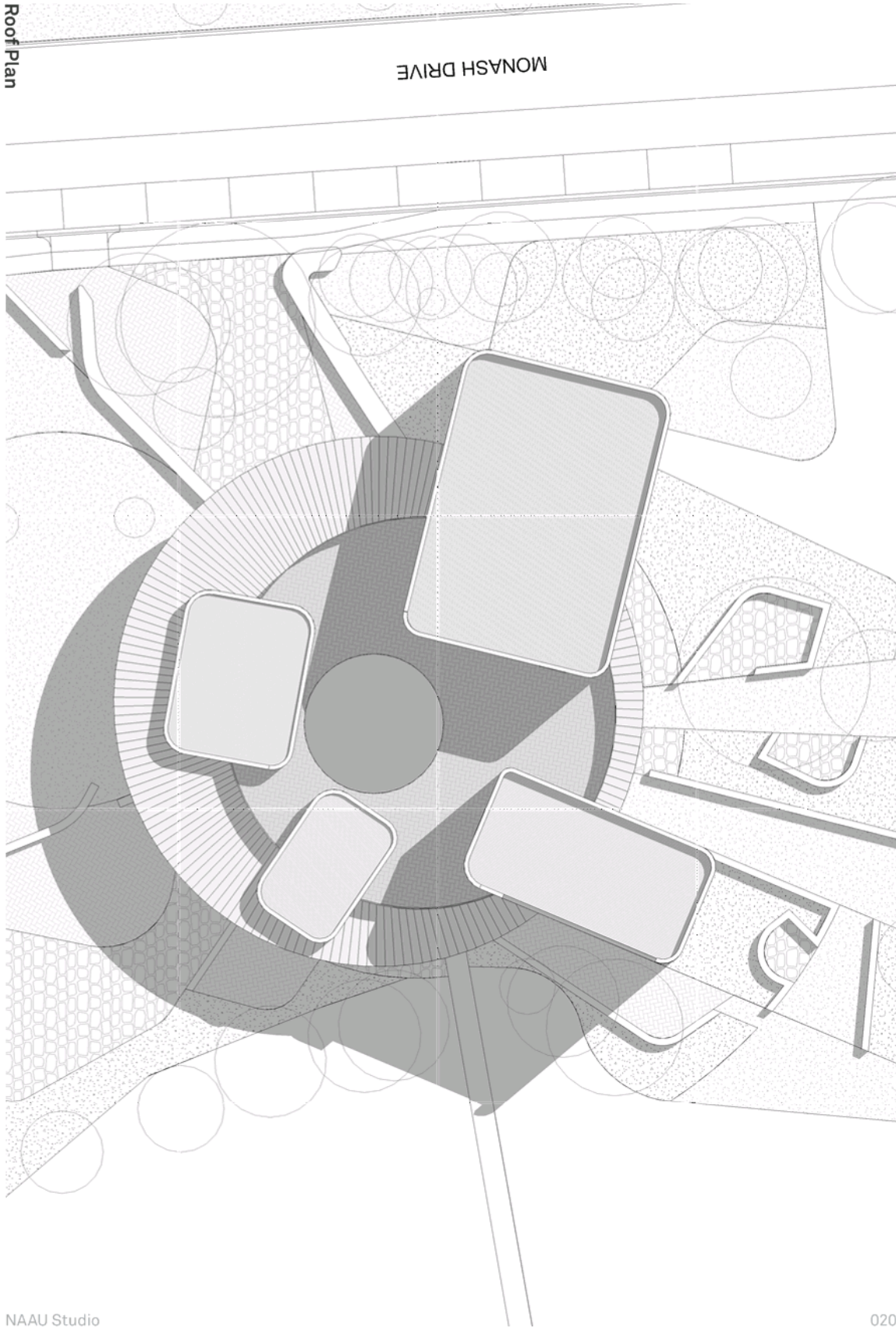


Ground Level Plan

Level One Plan



Roof Plan



External Visualisation



NAAU Studio



Internal Visualisation

NAAU Studio

Key Materials



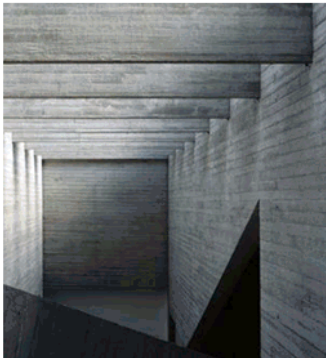
Vic Ash Batten

Boarded Concrete

Black Steel Frames

Vic Ash Lining

Narative Stone Paving



Mostyn Gallery
Wales



National Assembly for Wales
Wales



Federation Square
Melbourne

Assessment

Advantages

- Clear visitor way finding, and orientation towards all of the elements surrounding the horseshoe bend site (Pioneer Settlement, Pentel Island, Pyap Cruise dock, Spoons restaurant etc.)
- Central reception/service point, providing central point of contact for all visitors and operational efficiency benefits.
- Potential for separation of movement of Pyap Cruise ticket holders, from general Pioneer Settlement ticket holders.
- Clear demarcation of ticketed and non-ticketed zones.
- Reduced elevation of roof top terrace provides improved access to the roof top deck and integration within the broader facility.
- Incorporation of some Gallery Functions on the ground level with direct access from the lobby may increase casual visitation.
- Potentially lower cost due to reduced amount of upper level construction, however subject to further investigation this may be offset by increased cost of masonry construction in comparison to light weight construction proposed for Option 1.

Disadvantages

- Increased building foot print (in comparison to Option 2), occupying more of the site overall.
- Splitting gallery over two levels may reduce flexibility and operational efficiency.

NAAU Studio
36 Cobden Street
North Melbourne VIC 3051

T 03 9018 8187
E us@naaustudio.com
www.naaustudio.com

ΠΛΛΛ

B.19.103 RECEIVE AND HEAR SUBMISSIONS TO THE GILLESPIE STREET SPECIAL CHARGE SCHEME AND NOTICE OF INTENTION TO LEVY

Responsible Officer: Director Infrastructure
File Number: S32-02-01, AST-RD-22072
Attachments: 1 Notice of Intention Response Forms

Declarations of Interest:

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

Summary

The purpose of this report is to enable Council to receive and hear submissions in relation to the Notice of Intention to Declare a Special Charge Scheme for the upgrade to sealed road for Gillespie Street, Swan Hill.

At the close of submissions on 9 August 2019, Council had received nine Notice of Intention Response submissions, with an additional late submission also received.

All submissions received were on Council's provided proforma.

Discussion

Council advertised for submissions to its Notice of Intention to declare a Special Charge Scheme in the Guardian on the 8 July 2019, in accordance with Section 163 of the Local Government Act 1989.

The Statutory period for making submissions has now passed. As required under the Local Government Act 1989, Council must now formally receive, hear and consider all submissions.

Summary of Submissions

At the close of the submission period on 9 August 2019, Council had received nine Notice of Intention Response Forms, with an additional late submission received on 15 August 2019. All submissions received were on Council's provided proforma.

Of the ten submissions received by Council, four responses supported the Special Charge Scheme. Of those four responses received in support of the Scheme, only two submissions indicated that the property owners were happy to pay the financial contribution as outlined by the Scheme in the Intention to Levy.

Support Scheme	Opposed to Scheme	
4	6	Total

Support Contribution	Opposed to Contribution	
2	8	Total

None of the submitters have requested to speak to their submission.

Consultation

As part of this process, Council gave notice in the Guardian on 8 July 2019, inviting submissions in accordance with statutory obligations.

Financial Implications

To this date Council has contributed \$3162.50 towards the cost of the project in the form of consultant design fees.

Notification of Intention to implement the proposed Street Scheme was placed in the Guardian at a cost of \$308.

Staff costs have not been included in this calculation.

Social Implications

Not applicable.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

Nil

Recommendations

That Council:

- 1. Receive and hear the submissions to the Notice of Intention for the Special Charge Scheme for the upgrade to a sealed road for Gillespie Street, Swan Hill.**
- 2. Refer this matter to the October Council Meeting for consideration.**

131/19 Motion

MOVED Cr McPhee


That Council:

- 1. Receive and hear the submissions to the Notice of Intention for the Special Charge Scheme for the upgrade to a sealed road for Gillespie Street, Swan Hill.**
- 2. Refer this matter to the October Council Meeting for consideration.**

SECONDED Cr Johnson

The Motion was put and CARRIED

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

File #:	532-02-02
Workflow:	EAD
Copies:	Security:
BW / Col:	
Comments:	

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme? Yes No

If yes, are you happy to pay the contribution outlined in the letter?
Yes No

Additional comments:

As previously advised, part of
the road is already sealed

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.


Date: 9-7-19

Signature(s) _____

Note:

Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Sale rec'd		File #:	S320202
Workflow:	EPO	Doc #:	
Copies:		Security:	
BW / Col:			
Comments:			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme?

Yes

No

If yes, are you happy to pay the contribution outlined in the letter?

Yes

No

Additional comments:

_____ Please send correspondence to _____

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.


Date: 30/7/2019

Signature(s) _____

Note:

Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

File #	532-02-02
Doc #	
Copies	Security
BW / Col	
Comments	

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme? Yes No
 NO.

If yes, are you happy to pay the contribution outlined in the letter?
Yes No
 NO

Additional comments: (Costs to individuals to great)

Gillespie st - A Natural street and environment that I would like to keep as it is.

Please - maintain its current state

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.

Date: _____


Signature:

22.07.2019

Note:

Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Rec'd	26 JUL 2019	File #	932-62-02
Workflow:	Robyn	Doc #:	
Copies:	D1	Security:	
BW / Col:			
Comments			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme? Yes No

If yes, are you happy to pay the contribution outlined in the letter?
Yes No

Additional comments:
We would like the street done,
we think the council should do it,
without us as ratepayers paying for it.
We have been here over 40 years and we
think we have payed big rates.


Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.

Date: 19/7/19.

Signature(s) _____

Note:
Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Rec'd		File #:	S3202-02
Workflow:	EAO	Doc #:	
Copies:		Security:	
SW / Col:			
Comments			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, are you happy to pay the contribution outlined in the letter?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional comments:


Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.

Date: 10/07/19

Signature(s) _____

Note:
Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Rec'd		File #:	S32-0202
Worklow	EAO	Doc #	
Copies		Security:	
SW / Col:			
Comments			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme?

Yes

No

If yes, are you happy to pay the contribution outlined in the letter?

Yes

No

Additional comments:

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.


Date: 31-7-19

Signature(s) _____

Note:

Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Recd	15 AUG 2019	Doc #	53202-02
Workflow	TO-RP	Doc #	
Copies		Security	
BW / Col			
Comments			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme?

Yes

No

If yes, are you happy to pay the contribution outlined in the letter?

Yes

No

Additional comments:

We would like to pay less. None of the residents living in the street were original builders, now responsible for development of st. We pay rates that are not commensurate with living

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.

Date: 14/8/19


Signature(s) _____

Note:

Please return to Council by **9 August 2019**. No postage is required

on a dirt road and the rates seem hefty. Many of the residents are get-needs, maybe will find it a burden. Thank-you.

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Recd	26 JUL 2019	File	SB2-02-02
Workflow	Robyn	Doc #	
Copies	21	Security	
BW / Col.			
Comments			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, are you happy to pay the contribution outlined in the letter?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional comments:

Based on the cost established for properties to contribute we strongly feel, as stated previously, that it is too high and too much of an extra burden for households to pay.

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.


Date: 19/7/19

Signature(s) _____

Note:

Please return to Council by **9 August 2019**. No postage is required

Swan Hill Rural City Council
Attention : Ms Svetla Petkova
Reply Paid 488
SWAN HILL VIC 3585

Date Rec'd:	26 JUL 2019	File #	832-02-02
Workflow:	Robyn	Doc #	
Copies:	D1	Security	
BW / Col:			
Comments:			

Dear Property Owner

GILLESPIE STREET SCHEME – NOTICE OF INTENTION RESPONSE FORM

Do you support the Special Charge Scheme? Yes No

If yes, are you happy to pay the contribution outlined in the letter? Yes No

Additional comments: Too expensive

Should you wish to provide a detailed written submission to Council please attach your comments with this form and return in the supplied replied paid envelope.

Date: 18/7/19

Signature(s) _____

Note:
Please return to Council by **9 August 2019**. No postage is required

B.19.104 PROPOSED STRADBROKE AVENUE BUS STOP AND SHELTER

Responsible Officer:	Director Infrastructure
File Number:	AST-RD-33153-08
Attachments:	<ol style="list-style-type: none">1 Proposed relocation Pye Street-Street view of Stradbroke Ave location2 Swan Hill Bus Town Service Route 123 MAP - location of new bus shelter and redirection of route4 Ordinary Council Meeting MINUTES 16 July 20195 Letter of Support - Emma Pickering6 Letter of Support - Peter Walsh

Declarations of Interest:

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

Summary

This report seeks a Council resolution for the implementation of a bus stop and shelter to be installed at 110-112 Stradbroke Avenue Swan Hill.

Discussion

This was brought to Councils attention following a submission of a letter and petition to Council from the residents of the Royal Freemason Retirement Living - Murray Gardens Court and the residents from surrounding properties.

The bus stop and shelter were requested by the residents of Royal Freemason Retirement Living - Murray Gardens Court and the residents from surrounding properties, who presented Council with a petition containing over 500 signatures in support of a new bus stop. At the Council Meeting – 16 July 2019, Council requested information be provided in relation to the possibility of installing a bus stop/shelter at this location.

After discussions with Public Transport Victoria (PTV) and Swan Hill Bus Lines, three options have been raised for consideration.

Option 1. - A new bus stop and shelter installed in front of the Royal Freemasons Retirement Living on the western side of Stradbroke Avenue and the Pye Street bus stop moved further along Pye Street to outside the front of the Swan Hill College.

Option 2. - A new bus stop and shelter installed on the Eastern side of Stradbroke Avenue backing onto the Tyntynder Football Grounds, which is the opposite side of the road to the Royal Freemasons Retirement Living.

Option 3. - Council decide not to proceed with installation of bus stop and shelter in Stradbroke Avenue.

Consultation

Consultation has taken place with Public Transport Victoria (PTV) who is happy to look at a possible new bus stop for Stradbroke Avenue and redirection of route. More information has been requested so that it can be accessed by its planning team to make an informed decision.

Swan Hill Bus Lines has been consulted; it is supportive and happy to redirect the bus route, if required, once approval is given by PTV.

The Swan Hill College is happy for the Pye Street bus stop to be moved as it would mean the school students using the town bus service to travel to school would be dropped off and picked up directly in front of the school. This would also assist with the congestion of students around the front of residential properties near the current bus stop and the corner shop. The school has also requested that Council consider installing a disabled carpark at the same time the bus stop is moved, as there is no disabled car parking at the school. (A letter will be forwarded to Council highlighting this issue)

Financial Implications

Option 1. To install a bus stop and shelter at Stradbroke Ave would be approximately \$25,000

An estimated cost for the installation of a concrete stop to PTV standards at the Swan Hill College would be approximately \$5,500.

Option 2. To install a bus stop and shelter on the eastern side of Stradbroke Avenue backing onto the Tyntynder football ground would be approximately \$43,500.

Revised quotations for works will be obtained once Council has made a considered decision of which option they would like Council Officers to undertake.

Social Implications

The access to bus services means that residents are able to maintain a degree of independence and a feeling of self-worth. Some residents that require walking frames/wheelchairs with limited mobility have difficulty getting to the current bus stops. Due to not holding a licence or age and/or medical issues, some residents have had to hand in their licenses and need access to public transport to attend medical and other vital services.

The ability to travel on public transport to work, do shopping, attend events and meet with others will provide much needed social contact. The access to bus services means that residents are able to maintain a degree of independence and a feeling of self worth.

Economic Implications

Supporting locally owned bus service by increasing numbers of patrons travelling on bus service.

Environmental Implications

Nil

Risk Management Implications

Installing the bus stop on the Eastern side of the road will mean residents would need to cross the busy road to access the bus stop.

Reduces the risks of elderly residents being involved in a traffic accident if installing the bus stop as proposed in option 1.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. Install a new bus stop and shelter in front of the Royal Freemasons Retirement Living on the western side of Stradbroke Avenue. This option would also provide access to the Leisure Centre and sporting facilities that are currently not part of the bus route.

Relocate the Pye Street bus stop further along Pye Street to outside the front of the Swan Hill College. This is a move supported by both the Swan Hill Bus Lines and the Swan Hill College. Moving the bus stop would see a minor change to the current bus route, but would allow residents to access the bus stop without having to cross Stradbroke Avenue. It will also eliminate the congregation of people outside the private property where the current bus stop is located.

Works would involve the construction of two concrete bus stops to PTV standards, the purchase and installation of a bus shelter at the Stradbroke location with line marking and signage. One bus stop/shelter is budgeted for in the current Council 2019/2020 budget.

2. Installed a new bus stop and shelter on the Eastern side of Stradbroke Avenue backing onto the Tyntynder Football Grounds, which is the opposite side of the road to the Royal Freemasons Retirement Living. This option would require the users of the bus service to cross one of Swan Hill's busiest streets, increasing the risk of incident and does not support the initial request from the elderly residents of the area.
 - Construction of a footpath and pedestrian crossovers on both sides of the intersection would need to be installed from the corner of Pritchard Street to the proposed new bus stop on the eastern side of Stradbroke Avenue.
 - The boundary fence of the oval would also need to be moved back to make room for the installation of the bus stop.

This option would increase the financial cost to Council as the proposed new footpath works and movement of the fence line are not budgeted for and would

need to be added to the missing links program which is not set to be allocated funds for two to three years and as a result would delay the project.

This option would have no impact on existing route or other bus stops and is the preferred option of PTV.

3. Council decide not to proceed with installation of bus stop and shelter in Stradbroke Avenue.

This is not the preferred option although it would see a saving to Council of funds that could be allocated to other projects; it is not the desired outcome of residents and supporters of the new bus stop. This option would maintain the status quo eg: lack of public transport to this area. It is in Council's best interest to pursue this project, support further expansion of the bus route which also supports the need to review Swan Hill's public transport system that currently only services a small percentage of the township.

Recommendation

That Council proceeds with option 1:

Install a new bus stop and shelter in front of the Royal Freemasons Retirement Living on the western side of Stradbroke Avenue. This option would also provide access to the Leisure Centre and sporting facilities that are currently not part of the bus route.

- **Relocate the Pye Street bus stop further along Pye Street to outside the front of the Swan Hill College. This is a move supported by both the Swan Hill Bus Lines and the Swan Hill College. Moving the bus stop would see a minor change to the current bus route, but would allow residents to access the bus stop without having to cross Stradbroke Avenue. It will also eliminate the congregation of people outside the private property where the current bus stop is located.**

Works would involve the construction of two concrete bus stops to PTV standards, the purchase and installation of a bus shelter at the Stradbroke location with line marking and signage. One bus stop/shelter is budgeted for in the current Council 2019/2020 budget.

132/19 Motion

MOVED Cr Jeffery

That Council not make a decision on this today and that further consultation with Swan Hill Bus Lines and Swan Hill College be had before the report is brought back to Council for consideration.

SECONDED Cr Johnson

The Motion was put and CARRIED

- 1. Royal Freemason Retirement Living - Murray Gardens Court**
110-112 Stradbroke Avenue Swan Hill
View of front of property



Proposed location of new bus stop/shelter outside Royal Freemasons Retirement Living



2. Pye Street Swan Hill

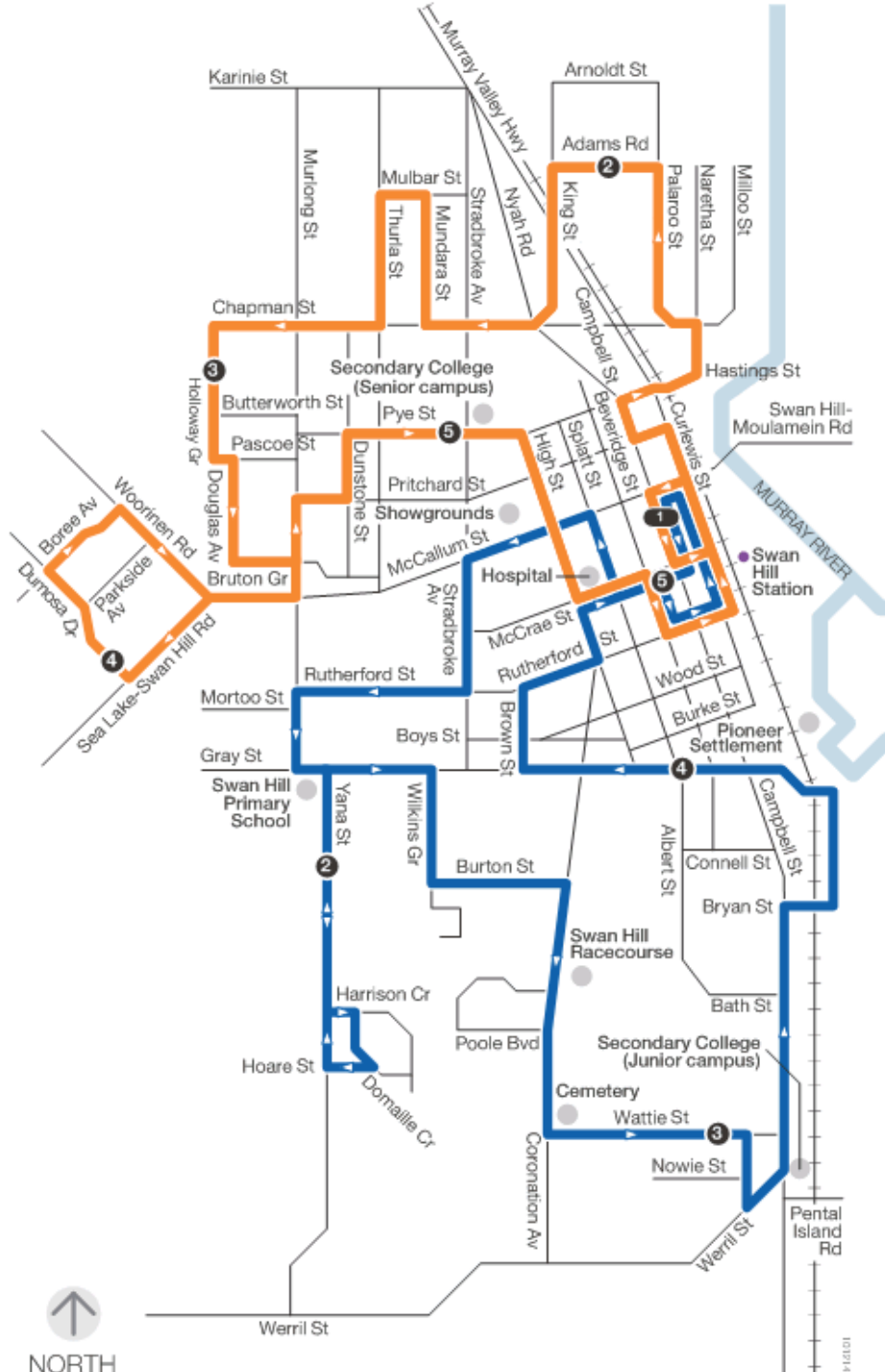
Relocate existing bus stop to the front of the Swan Hill College








Swan Hill town service

Route 1	North via Chapman St > Pye St
Route 2	South via Yana St > Wattie St



						
Bus route	V/Line train station	V/Line coach stop	Connecting bus	Train line	Terminus	Major stop

For more information visit ptv.vic.gov.au or call 1800 800 007 (6am – midnight)
 MAP NOT TO SCALE
 © Public Transport Victoria 2014

MAP – Showing North Swan Hill Route 1.

Option 1.

It is proposed that the Pye Street Bus Stop be moved further along Pye Street to outside the school. Redirect route down Thurla Street to Prichard Street and back up to Stradbroke Avenue. This would allow for the bus stop to be installed on the western side of the street in front of the Royal Freemason Residential Living as requested by the residents.

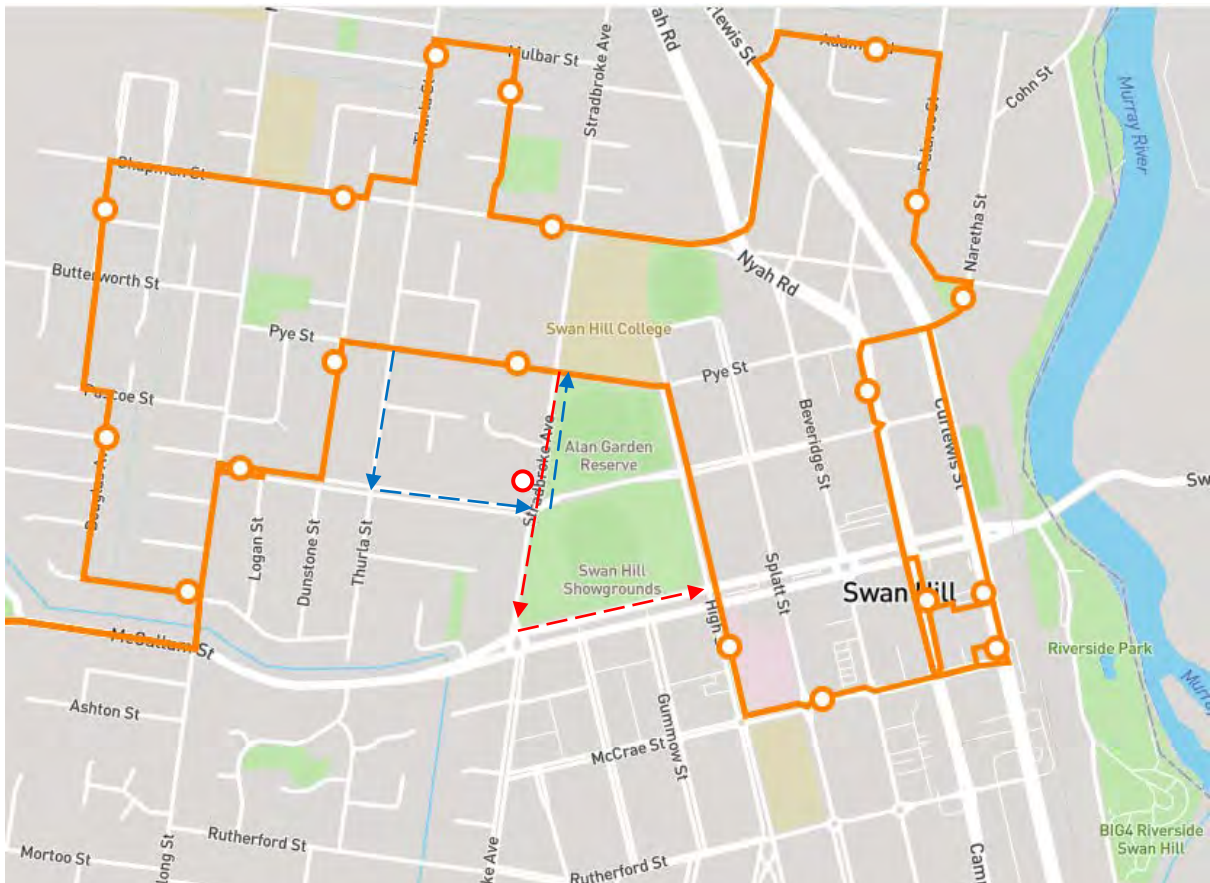
Option 2. Redirection of bus route south from Pye Street intersection along Stradbroke Avenue. This would mean the bus stop and shelter would be installed on the eastern side of the road opposite the residential properties.

Note: Both options would allow access to the Aged care housing located at 110 -112 Stradbroke Avenue and Betts Court, as well as the Leisure Centre, Heated Pool, gym, football ovals and netball courts.

Move the bus stop from Corner of Pye Street/Stradbroke Avenue to further along Pye Street to in front of school as it is mainly used by school children. This would also address the issue of resident’s cars blocking the bus stop.

Proposed redirection of bus route – Red Option 2. Blue Option 1.

○ New Bus stop location 112 Stradbroke Avenue Swan Hill



113381

Date Rec'd	02 JUL 2019	F #	501-03-02
Work/Item	ESD	Doc #	532-01-12
Codes	EA D1	Sec #	
SW / Col	CEO		
Comments			

To The Mayor,

Councillor Young, Swan hill City Council.

Dear Councillor Young,

Enclosed you will find petition papers, with signatures acknowledging the need for a bus shelter and bus stop, in the vicinity of Murray Gardens Retirement Village, Stradbroke Ave Swan Hill.

There are 657 names (really 687 but I have deducted 30 off the total due to some being children and others illegible.)

I was very fortunate to be assisted by friends and people in business. A huge contributor to my cause was Ms Barbara Lowe , , Grey St Shop, and other corner shops and my hairdresser. This assistance was tremendous with big results in a short time.

The rest were gathered by me , by door knocking , (Time consuming for few results , Due to work hours, weather etc); around the streets near the village.

People were very enthusiastic and endorsed our need for such a service. The social and safety benefits being obvious. .

Many would appreciate your support for our urgent need -

Yours sincerely

Margaret Cooper (resident – Murray gardens Retirement Village)

BUS SHELTER PETITION.			
FOR 110 STRADBROKE AVE SWAN HILL. 3585			
NAME	ADDRESS	SIGNATURE	PHONE
M. Cooper	13/110 Stradbroke Ave. Swan Hill	M. L. Cooper	0429 573617
SUELLA BENNETT	5/110 STRADBROKE AVE SWAN HILL	Sue M. Bennett	0419 397618
KAY KELLEY	6/110 STRADBROKE AVE	Kay Kelley	13 50324234
S. Bennett	10/110 Stradbroke Ave Swan Hill	S. Bennett	50323153
Val Berg	9/110 Stradbroke Ave Swan Hill	Val Berg	50321880
R. Nasisi	12 BETTS CRT	R. Nasisi	50324108
M. Black	4 BETTS CRT	M. Black	
CARLY MARIE WALK	7 BETTS CRT	Carly	0422 102 041
b. Stone	6 BETTS CRT	b. Stone	0447 125627
P. Martin	3/8 BETTS CRT	P. Martin	0457 733314
Jay Powell	3/9 BETTS CRT	J.C. Powell	0417 055976
L. Jalbit	4/9 BETTS CRT	L. Jalbit	50321608
U. Squires	6/9 BETTS CRT	Erina Squires	0417 942822
Helen Squires	42 Thurra St Swan Hill	Helen Squires	0456 069 694
Helen Czell	73 Chapman St,	Helen Czell	50 321555
ELIZ. KEARNEY	41 Butterworth St. S. Hill	Eliz. Kearney	0409 430766

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
John Caldwell	199 GRAY ST Swan Hill	<i>John Caldwell</i>	0429382662
NANETTE LARGE	18 LOGAN ST. SWAN HILL	<i>Nanette E. Large</i>	0703652262
Bady Kean	18 Miller	<i>Bady Kean</i>	
Trudy Bell	Unit 4/29A Pritchard St	<i>T Bell</i>	-
Jillie Turgess	14 Sulom Street B. Hill	<i>Jillie Turgess</i>	-
Mare field	169 McCallum	<i>Mare field</i>	
Ruby Stanley	169 McCallum	<i>K Stanley</i>	
KEN + DEB	50 PRITCHARD	<i>Ken + Deb</i>	
CLENDA KLABBERS	11 PASCOE ST S/Hill	<i>C.M. Klabbers</i>	
VERNA FRENCH	96 BISH ROAD SWAN HILL	<i>Verna French</i>	0488524068
ELAINE BROWN	19A HIGH ST. SWAN HILL 3355	<i>Elaine Brown</i>	50324824
LOIS COAST	347 BISHOP ST SWAN HILL	<i>Lois Coast</i>	
ELIZ. KEARNEY	41 BUTTERWORTH ST; S. HILL	<i>Eliz. Kearney</i>	040745071
Elaine McDonald	152 Mur lang St S Hill	<i>Elaine McDonald</i>	603247

10

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
MATT MARCUAN	86 SMITH ST W/SOUTH	<i>[Signature]</i>	0401470192
NAVADA GREAT	36 SMITH ST W/SOUTH	<i>[Signature]</i>	0423732998
Jenny Blake	85 River St Belmont	<i>[Signature]</i>	0350201179
Wyn Scott	86 Moor St Belmont	<i>[Signature]</i>	0907461822
Jill Croger	Marfield St, Ingham	<i>[Signature]</i>	0269953310
JAN WOOD	1 GORDON CT SWAN HILL	<i>[Signature]</i>	
Amanda Murphy	87 Rutherford St S.H	<i>[Signature]</i>	0350323110
Kevin Moon	536 Kerang/Koondrook Rd.	<i>[Signature]</i>	
Belinda Bless	16 Dornville Crescent	<i>[Signature]</i>	0423740060
Janet Dale	29 Spaldt St S.H.	<i>[Signature]</i>	0437023550

14

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Nicole Helbard	58 Pritchard St S/Hill	N Helbard	0413571664
Mitzi Street	2 Logan St Swan Hill	M Street	50332662
Linda Porter	375 MVH Swan Hill	L Porter	0412882527
Lucas Ponsker	8 Dunstone S-Swan Hill	Lucas Ponsker	0408317938
LEAZA THREADGOLD	P.O. Box 199 SWAN HILL	Leaza Threadgold	0427302635
Gabrielle Chapman	41 Melby Gr Swan Hill	G Chapman	0447336223
GLENN STREET	2 LOGAN ST SWAN-HILL	G Street	50332662
PAULA ISMA	17 Lucas St. S-H	P Isma	50323146
GILKIAN WILLIAMS	21 ASHTON ST. S.H.	G Williams	50329385
Tash White	12 MORTON ST	T White	064719169
ZAYAN BICK	46 MURKING ST	Z Bick	50324906
SUE TROLTER	6 Ludwidge ent	S Trolter	041736736
Jo Hansen	Stander St	J Hansen	50321349
Tennille Harrison	26 Parkview Drive, Swan Hill	T Harrison	0438055282

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members to the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
J & J Krahnert	15 Betts Ct Swan Hill	J Krahnert	0427322913
Belinda Murchie	5 Betts Ct	B Murchie	0407960523
Nazgul Kaylock	11 Betts Court	N Kaylock	0429340526
Haren Lynch	5/9 Betts Ct	H Lynch	50322039
ANDREA GANNON POTTER	418 BETTS COURT	andrea.potter	043867337
Lorraine McKay	2/10 BETTS COURT	L.J. McKay	045936912
Dominic Crove	4/10 Betts Court	D. Crove	0499682648
Joy THOMAS	5/10 Betts Court	J Thomas	0427140355
KAYE ELFORD	3 BETTS COURT	K. Elford	50323820
Erika Zanker	2 Betts Court	E. Zanker	0422238918
Thomas Hickey	2 betts Court	T. Hickey	044815712
Simone Wren	1/8 Betts Court	S. Wren	042732436
Parwinda Kaur	1 Betts Court	P. Kaur	0438160652

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Maria Barbato	6 Betts ave	Maria Barbato	
A. Guastalegnone	2 Kimer St Swan Hill	<i>[Signature]</i>	0438412561
B Catton	244 Cottman Rd	<i>[Signature]</i>	
Vaughn Catton	244 Cottman Rd	<i>[Signature]</i>	0438679654
TERRY HOWE	69 Palmer St W/South	<i>[Signature]</i>	
CHRIS O'TOOLE	91 Cumming Ave Birchup	<i>[Signature]</i>	
Mitch Pippin	Wiggins Wiggins NSW	<i>[Signature]</i>	
The Jackson	" "	<i>[Signature]</i>	
Jess White	32 Carter drive	<i>[Signature]</i>	
Jasmine Gyars	Woorinen	Jasmine	

8

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS.	SIGNATURE	PHONE
J Gilbert	678 Tyntinder Rd	John Gilbert	0455283336
D O'SULLIVAN	56 THURLA ST	D O'Sullivan	50321414
S McEhennan	26 CLARK ST	S McEhennan	
Emeraugh Street	32 Clark St, SH		
Danielle Smyth	2 Durham drive	Danielle Smyth	
Betty Day	52 MURLONG STREET	B Day	
Maxine	170 Highway	Maxine	
Wade Scirees	42 THURLA ST	Wade Scirees	0448885816

op. CR Les McPhee, Mayor ,

Swan Hill Rural City Council, Swan hill 2585.

13-9-2018.

Dear Cr McPhee ,

I wish to request the installation of a bus stop and shelter to be positioned in Stradbroke Ave. Swan Hill, in the vicinity of the Murray Gardens Retirement Village. I have also approached residents in the estate, "The Billabong", adjoining the Retirement Village, and they agree with the need for a coach stop.

I have the approval of the t Committee of Management of Murray Gardens, to make this request on behalf of the village.

I have consulted with the Swan Hill Bus Lines and they have assured me that such a Bus stop is feasible, subject to the necessary approval.

I have also contacted the Victorian Department of Public transport as to the possible installation of such a service. They again requested the approval of The Council and coach service and also allocation of funds by the Government. Mr Peter Walsh is aware of our request and has agreed to present it.

I respectfully, request that the Swan Hill Rural City Council members give their approval for the installation of the bus stop.

Margaret Cooper

13/110 Stradbroke Ave

Swan Hill 3585

NAME	ADDRESS	SIGNATURE	PHONE
Diane Wells	7/110 Stradbroke Ave Swan Hill 3585	Diane Wells	0408 724 714
Morain Hawkins	14/110 Stradbroke Ave Swan Hill 3585	Morain Hawkins	0407 324 994
Olivia Maxwell	Unit 12/110 Stradbroke Ave Swan Hill	O. M. Maxwell	503 214 78
Coral Henderson	16/110 Stradbroke Ave	C M Henderson	503 242 55
Frank Klined	15/110 Stradbroke Ave Swan Hill 3585	Frank Klined	503 231 53
GORDON ATKINS	4/110 STRADBROKE AVE Swan Hill 3585	Gordon Atkins	0427 305 399
MARY PRESLEY	11/110 STRADBROKE AVE SWAN HILL, VIC 3585	Mary Presley	0428 846 232
Rob Lennan	Unit 10. 1/10 Stradbroke Ave Swan Hill	Rob Lennan	503 294 95

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

8
01.

NAME	ADDRESS	SIGNATURE	PHONE
IAN VENTON	31 Hayes Rd Lilce Bogg	<i>[Signature]</i>	50372449
EDDIE EARLE	Warriner South	<i>[Signature]</i>	0403576900
Kellie Long	Swan Hill	<i>[Signature]</i>	N/A.
Wendy Blair	Swan Hill	<i>[Signature]</i>	-
COLIN DAVIS	Swan Hill	<i>[Signature]</i>	50321570
Ash Evans	Swan Hill	<i>[Signature]</i>	0402136559
NEIL JONES	Swan Hill	<i>[Signature]</i>	0429705666
o Verner	Swan Hill	<i>[Signature]</i>	0429329223
M. Gochinke	Swan Hill	<i>[Signature]</i>	0429050656

* PLEASE SIGN BOTH COUNCILS

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

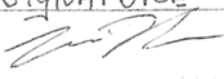






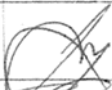


NAME	ADDRESS	SIGNATURE	PHONE
Pat Henderson	15 Poole Blvd	P.M. Henderson	
Ross McKee	Woodroge	[Signature]	
A Bennett	Bendigo	[Signature]	
M. Noonan	Swan Hill	M.L. Noonan	
Renee White	Manangatang	[Signature]	
Sue Jeffery	ULTIMA	Sue Jeffery	
M.G. Henderson	15 Poole Blvd	M.G. Henderson	
[Signature]	Tyntander St	[Signature]	
S. Green	Swan Hill	S. Green	
LIAMING LOVETACIAN	Swan Hill	[Signature]	

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Zac Denham	1 Chesholm Street Swan Hill		0418573332
Kade Benfield	22 Wilkins Grove Swan Hill		0436021474
PATRICK CROWE	107 SPLATT ST SWAN HILL		0417025811
MARCUS WAXIE	18 DUNSTONE ST SWAN HILL		0427267441
Sean Bibby	5 Alder dr Swan Hill		0918322853
Daniel White	36 Bombardieri Lane		0418838540
Oliel Wise	11 Gerrand st		0403467256
KAYLE KIRBY	3 DONAILE	KK	0407852202
SCOTT ZAMBELL	62 POOLE BLVD SWH		0438332824
CAROLYN ZAMBELL	" " " "		0438542347
AMLIA MARCOPANE	168 HOLDSWORTH ROAD BENDIGO		0473883820



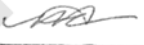
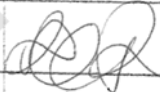
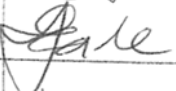
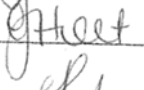


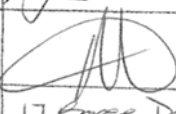
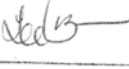
Attachment 1

Petition for Bus Shelter

K2

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
BARRY MIDDLETON	192 Stradbroke	B. Middleton	0428323033
Kate Lohrey	8 Currawong Ct Swan Hill		0475384455
KAREN GILBEE	SEA LAKE RD SWAN HILL	KJ Gilbee	0428313965
ADRIAN POWER	YANA ST.	Adrian Power	0427396364
ANGELA EARLE	Wattie St, SWAN HILL		0447966011
L. BROWN.	NYAH WEST	L. Brown	50302426
N. Hawkins	Bryan Street Swan Hill		50330030
Reva Rastone	20 Melba Grove		0427933603
Clancy Earle	Pental Island		0428315558
Elesha Holt	Tresco		0447478458
Wanda Kolay	Swan Hill		0419153174
Maurice Day	Swan Hill		0428640745
Nicole Maple	6 Boigbeat		0408262183
Lee Burrell		17 Eoree Drive Toner Hill	0448-024543

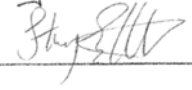
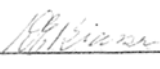
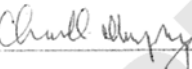




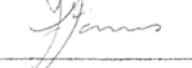
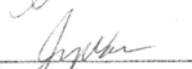
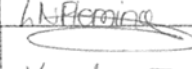
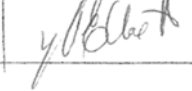
Attachment 1

Petition for Bus Shelter

K2.

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Stacey Elliott	43 Pritchard St		0408111349
Dot Brasser	Swan Hill		0350322662
C. Murphy	Swan Hill		035032276
S Taylor	Swan Hill		-
J. Davies	Lalbert		-
Alison O'Reilly	Swan Hill		0439 971 593
	Swan Hill		0439 971 593
Lise Turnbull	SWAN HILL	Lise T.	
Val Jean	Swan Hill		0428328497
Suki James	Swan Hill		0429321511
JENNY DOWAN	BIRCHUP VIC. 3883		0400623260
Lisa Fleming	Swan Hill		
Kaylene James	Nullawit	Kaylene James	
LIM ELLIOTT	SWAN HILL		042932270

(2)

K2

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Rybin	5/14 Milbo street	<i>Rybin</i>	0450072801
Meeth	bath court	<i>Meeth</i>	0431836479
Sam	Princeton St	<i>Sam</i>	
Jonny Gleeson	58 1/164 St.	<i>Jonny Gleeson</i>	0429 329268
Remidy Burney	73 Rutherford	<i>Remidy</i>	0432333262
Shannon Gleeson	6 Teak Dr, S/Hill	<i>Shannon</i>	0438037177
Molly Cuth	377 Chilmington Rd	<i>Molly</i>	0417335954
Leonie Phelan	Swan Hill	<i>Leonie</i>	0400655313
NAOMI DULLARD	1 Boys St, Swan Hill	<i>Naomi</i>	0439355614
Elen Trafford	69 MONASH AVE. Nyah West.	<i>Elen</i>	0408935778
Megan Pidsy	Brewedgate Rd, Murrumbidgee	<i>Megan</i>	0431705707
Dee Beggs	Nyah West	<i>Dee</i>	
Cathy Bleekland			
Marg Bleekland			

Attachment 1

Petition for Bus Shelter

K2

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
A. BUTCHER	17 CURRIE ST SWAN HILL	[Signature]	
ERIC BUTCHER	17 CURRIE ST SWAN HILL	[Signature]	
Carlie Maher	388 Mulvabit West rd Goon Crossing.	Carlie Maher	
Millie Holland	55876 Donald Road Swan Hill	[Signature]	
Heather CHASLETT	S. H	[Signature]	
MELINDA GRAHAM	DOUGLAS AVE SWAN HILL	[Signature]	
Georgi Velly	4/478 Campbell Street	[Signature]	
Renee Hirst	441 Campbell St SW Hill	[Signature]	
Jon Pickering	32 Bombardier Lane	[Signature]	
N. de Tienne	Traralgon 3844	[Signature]	
Teagan Bramble	35-39 Sea Lake rd Swan Hill	[Signature]	
Eva Teegee	30 mortoo St Swan Hill	[Signature]	
Judy Strignell	12 Mulbar St Swan Hill	[Signature]	
KELLIE HILCOX	14 FERGUSON CRT	[Signature]	

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

KL

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Brenda Lambert	Norwich St Swan Hill	B Lambert	0447 127 866
Caitlin Bantakota	Grady Street	C Bantakota	0447 483 624
Sally Rae	Kiplite	Sally Rae	0429 382 241
Warten Snyder	Swan Hill	W Snyder	0407 554 242
Vendy Barnes	Swan Hill	V Barnes	0400 190 094
Alison Berns	Swan Hill	Alison Berns	0437 600 367
Alicia P Fox	LAUBERT	Alicia Fox	
Emma Morpeth	Woorinen	Emma Morpeth	0401 980 298
Lorraine Rogers	Lake Bogal	L Rogers	0488 227 441
Kaylene Wabl	Swan Hill	K Wabl	0419 481 278
Val Howe	Swan Hill	V Howe	0400 995 368
Bronk Netting	Nyah	Bronk Netting	0439 048 734
Bonnie Kelly	Murraydale	B Kelly	0479 129 60
Marg Bott	Swan Hill	M Bott	0400 843 009

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

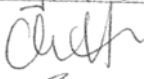

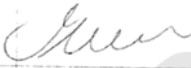




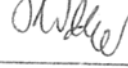







NAME	ADDRESS	SIGNATURE	PHONE
Thomas Gilbert	11 Stewart Street		0400097082
DAMIAN WILSON	3/37 PRITCHARD ST SWAN HILL		0407322853
BRAD CARROLL	19 Burton St, Swan Hill		0400816687
Tim Stykes	8 Maddern Crf		0448508543
Kevin Coburn	33 SPLATT ST		0409951941
Jess Hewett	16 Etiamen Ave Swan Hill	Jess Hewett	0419436049
MICHAEL CRAW	107 SPLATT ST SWAN HILL		0408332423
Russell Coburn	33 SPLATT ST		
ANNE WATKINS	18 Dunstone St, SH	awalkie	0487329871
Brayden Bigan	2 Green Court		0436477047
Isaiah Bull	135 Murlong Street	I. Bull	0490042894
Daniel White	36 Bombardieri Lane		0418838540

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Chelsea Hargreaves	63 Chapman St Swan Hill		0418475596
LUKE BROWN	63 CHAPMAN ST SWAN HILL		0410037124
J MILLER	3 Jolly St MCHIGPROOF		
GEORGIA STYLES	8 MADDERN CRT SWAN HILL		0497286276
ROD CARROLL	7 CURRAWONG CRT MURRAY DOWNS		0487841451
IAN RAY	2 RUSSELLS DRIVE SWAN HILL		0418500086
LUKE KELLY	3 DENHAM DVE		0400778148
Jenny Wacker	10 Mundara St		0473473443
Tim Timpler	Swan Hill		
SCOTT ZAMBELL	62 POOLE BLVD SWAN HILL		0438332824
MAL DEVEREUX	386 CAMPBELL ST		
Reece Collins	156 Navetha St		049324597
Brock Storer	4 Marks Ct		0408511148
MARCUS WATKIE	18 DUNSTONE ST		0427267441
Zac Denham	1 Chisholm St		0418573332

PLEASE SIGN

①

~~②~~

Bamb

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

②
to Murray

NAME	ADDRESS	SIGNATURE	PHONE
Jo Pierce	111 Tyntynder	Jo Pierce	
Yvonne Middle	Sellick St. Swan Hill	Yvonne Middle	
	D HEADON	Swan Hill	
	Billabong	Swan Hill	
M. Gill	32 Barber St.		
Connie Pino	48 Gummow St.		
Steve Lyons	37 Dunnington St		
Sue Ginneth	Elizabeth St SW Hill.	SD	
B. Wood	140 CHAPMAN ST SWAN HILL		
Shirley Ventana			
A. M. L.	3 Green Cut	Swan Hill	

UNCONFIRMED

PLEASE SIGN

BAMB





②

~~14~~

14

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
WARELLE THOMPSON	13 BURTON ST SWAN HILL	W. Thompson	0429629936
Kevin Adams	14 MORTON ST SWAN HILL	K.S. Adams	0429376490
Ann Adams	14 Morton St Swan Hill	A Adams	0476558931
T. McEadyon	Donnington Swan Hill	T. McEadyon	0408159975
Jaya Pollard	COMORATION AV SWAN HILL	Jaya Pollard	50325748
	Cheryl Gay Close		0437700151
KANE BANHAM	115 STATION ST		0400060527
JASON BROWN	Tyntynder	J. Brown	0477001931
Rose Bennett	Lalbert	Rose Bennett	0408500362
RON MURRAY	CERY STREET SWAN HILL	R. Murray	0429323765
Mary McEadyon	Everingham Street	Mary McEadyon	50322515
Lillian Mulholland	83 Gray Street	L. Mulholland	0403125319
DON WITNEY	CASTLE DONNINGTON	D. Witney	—
Peter Paul	WATCHIE		—

PLEASE SIGN

③

~~B.I.J~~
BAND

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village. 19

NAME	ADDRESS	SIGNATURE	PHONE
GEORGE HAUSKAR	44 GRAYS T.		0467959857
Craig O'Meara	Fox Rd		042757324
Shaun Bennett	Lake Boga		0438372440
Angy Mack	Swan Hill		
Deanna Lovec	Swan Hill 12 Rutledge St		0409564834
Sam Bays	Swan Hill		0407035886
Andrew Bennett	Swan Hill		
Loale Bafe	Swan Hill		
Jenny Gleason	Swan Hill		0429329288
MAX BURNS	SWAN HILL		0498534924
STAN EDELSTEIN	SWAN HILL		50324405
BEV BEAUF	SWAN HILL		
CHRIS WILLIAMS	Swan Hill		
G GARDING	Swan Hill		

BARS

(4)

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

(14)

NAME	ADDRESS	SIGNATURE	PHONE
Marita Saville	Swan Hill	<i>M Saville</i>	
Rebecca	Murlong rd	<i>Rebecca</i>	
R. Stewart	Sellaust.	<i>R Stewart</i>	
J. Pearson	Swan Hill	<i>J Pearson</i>	
D. Hedley	Woorinen	<i>D Hedley</i>	
Frank Fogarty	51 Dunton St Swan Hill	<i>Frank Fogarty</i>	
CHERYL HAYES	3/80 splatt st	SWAN HILL	
PEARL OTOORE	59 STATION ST	LAKE BOGA	
Donald Bennett	Latbert	Donald Bennett	
Dimitry Blake	Swan Hill	<i>D Blake</i>	
Brendan Jilber	Swan Hill	<i>B Jilber</i>	
Ezedra Waldron	" "	<i>E Waldron</i>	
<i>[Signature]</i>	" "	<i>[Signature]</i>	
Shae Post	Lake Boga	<i>S Post</i>	

5

Bamb.

14

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
K. MITCHELL	Swan Hill	K Mitchell.	
J Deverent	Swan Hill.	<i>[Signature]</i>	
Glen Matthews	Swan Hill	G. Math	
D. SPENCER	Swan Hill	<i>[Signature]</i>	
B. Kelly	Swan hill	B Kelly	
Kerri Wakefield	Swan Hill	<i>[Signature]</i>	
K. Green	Swan Hill	<i>[Signature]</i>	
K. Sumpsterhages	Lake Boga	K Sumpsterhages	
B. [unclear]	Swan Hill	<i>[Signature]</i>	
P. KEM	BIRCHIP	<i>[Signature]</i>	
MICK CROPPER	Swan Hill	Mick Cropper	
Wendy ockers.	Speewa	Wackers	
John. Ginneth	Swan Hill	J Ginneth	
<i>[Signature]</i>		<i>[Signature]</i>	

Attachment 1

Petition for Bus Shelter

6

BARB

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village. 14

NAME	ADDRESS	SIGNATURE	PHONE
STACEY	KIDMAN BEID	[Signature]	0438 353208
BRYENT	BURTON ST	[Signature]	50322409.
DUNN	Mellool NSW	[Signature]	50345232.
J. O'Brien	Woomen Str.	[Signature]	0417080288
R. BUCHNER	1/15 High St. SH	[Signature]	N/A
BARB LAARHOVEN	39 RUTHERFORD	[Signature]	-
COL BUSSE	12 PEPPERCORH MEWS.	[Signature]	50322277.
Rachael Schultz	6 Parkview Drw.	[Signature]	0437366326
J. Mikicido	Swan Hill	[Signature]	-
MICK COPPER	SWAN HILL	[Signature]	-
D. MILLS	SWAN HILL	[Signature]	-
M. McDonald	Swan Hill	[Signature]	-
K STEVENS	Swan Hill	[Signature]	-
P.S. Stone	Swan Hill	[Signature]	0409085457

7

Bans

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Sue McGRATH	8 LOCK DRIVE SWAN HILL	S. McGrath	
Jake Schmidt	89 WATTIE ST	J. Schmidt	
MAY WARD	Susan Hill	Susan Hill	
Ben Darby	Swan Hill	B. Darby	
Gail Wilson	Swan Hill	G. Wilson	
Lynne Payne	MVA Tynhynder South	L. Payne	
ARROL INGRAM	VEITIMA	A. Ingram	
D. Bullock	Swan Hill	D. Bullock	
A. Harrison	Swan Hill	A. Harrison	
K. Murphy	Swan Hill	K. Murphy	
S. Hopkins	Swan Hill	S. Hopkins	
Wendy Broussard	Swan Hill	W. Broussard	
John Debeck	Swan Hill	J. Debeck	
Pat Debeck	Swan Hill	P. Debeck	

8

BAMB

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
HEATHER BOULTON GRAY BOULTON	36 ROYS ST SHILL	[Signature]	50327599
Andrew Yates Justin Rasmalen	86 ROYS ST SHILL	[Signature]	
GREG WALLEN	171 STRAPBROKE AVE GRAY ST Swan Hill	[Signature]	
Melissa Gahan	18 AERODROME EXT ROAD Swan Hill	[Signature]	50532091
Heather Hicks	Swan Hill	[Signature]	
Barbara	15 POOLE BLVD SWAN HILL	[Signature]	
Rep Castro	Swan Hill		
John Monahan	111 Coronation Ave Swan Hill	[Signature]	
Elyssa Burton	Swan Hill	Elyssa Burton	
Kayla Burton	Swan Hill		
Cathy Burton	Swan Hill		
Darryl Burton	Swan Hill		

BALB (9)

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to, or adjacent to our village.

NAME	ADDRESS.	SIGNATURE	PHONE
Nikki Capone	Kennon CRT SH		0439322283
Hudson Garro	24 Campbell St		—
Nick Wehr	906 Waitchie road	Nicholas wehr	—
Quintan McKenzie	—		0429302177
Piero Ramirez	—		—
D Hedley	—		—
L Zucco	Woorinen	LR	—
Dakota Zucco	—		—
J. Hayre	S Hill	—	—
E. KAYLOCK	Swan Hill		0428340527
Tanisha Frazz	Swan Hill		—
Tyson Hayes	Swan Hill	Tyson	044403865
Kyle Ginnett	Swan Hill	K Ginnett	—
W. Henson	Swan Hill	W. Henson	—

10

BAMB

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Paul Leary	Swan Hill	P Leary	0427623222
DIANNE HEARD	SWAN-HILL	D Heard	
BRETT ALLAN	SWAN HILL	Brett Allan	
Kate Corrie	Swan Hill	K Corrie	
SUE O'BRYAN	SWAN HILL	Sue O'Bryan	
Jamanda Dimech	Ultima	J Dimech	
Dale James	Swan Hill	D James	
Andrew Yates	Swan Hill	A Yates	
Ign Scoble	Swan Hill	I Scoble	
M. Cropper	Swan Hill	M Cropper	
A. Allen	Lake Bays	A Allen	
Mary Scoble	233 BISH RD Swan Hill	M Scoble	
P. Baber	9 Lynden St. Swan Hill	P Baber	
U Palmer	50 Burton St SH	U Palmer	

11

G.M.B

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE.
Lydia Condely	49 Burton St S/H	Lydia Condely	0419511068
Lucy Hedderley	Wootton	—	—
Brady	Manangatang	Brady	—
John Pen Nella O'Brien	124 Thurla St	—	247353815
—	Netting Rd S/Hill	—	—
—	155 Gray St S/Hill	—	—
Rachel Lenon	Nyah west	Lenon	04195
Lisa Findlay	154 River Rd. S.H.	Findlay.	—
Lekky Whitfield	13 DUNDAS AVE ST. SWAN HILL	Lekky Whitfield	—
H. CARROLL	MANANGATANG	H. Carroll	—
Mollie Nowak	SWAN HILL	—	—
GARY BALLINGER	SWAN HILL	Gary Ballinger	—
Dany/Bany	SWAN HILL	Dany/Bany	—
Shree Patel	Lake Boga	—	—

B 1123 (12)

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Ross O'Brien	80 HIGH ST	[Signature]	
DEAN HARRIS	17 CHARLIE GRAY	[Signature]	
Chris Kirby	2 Dewey av	[Signature]	
Roger Leant	Swan Hill	[Signature]	
Owen Gunnick	SWAN HILL	[Signature]	
P. de Morton	80 Spott St SH	[Signature]	
H HESLOP	5 DENNISTON ST SWAN HILL	[Signature]	
M. Zanker	Murray Gardens	[Signature]	
H. Haberman	Geelong	[Signature]	
D. WAKE	5 PARKVIEW CRT SH.	[Signature]	
C BURGESS	HALL CT	[Signature]	
W M MURRAY	BONNIE DOON RD S / HILL	[Signature]	
M DUNN	6/73A CHAPMAN ST	[Signature]	
T. Bate	43 or 171 CEDAR ST	[Signature]	

BAMB
13

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE.
Andrew Suttler	48 Croy St Swan Hill	[Signature]	047870893
D Jones	Croy St. S.H.	[Signature]	
P. BRUTON	1 BAMBOLCK CT SH.	[Signature]	
C Bradley	1364 Wumbanra Ave Billabong	[Signature]	
Pam Mangels	597 Holmes Rd Swan Hill	[Signature]	
B. MURRAY	KIMA ST. SWAN HILL	[Signature]	
S. Coburn	364 Beveridge St	[Signature]	
Val Cleary	31 Newie Street	[Signature]	
MARG CLEELAND	77 WATTIE ST.	[Signature]	
Janette Tucker	80 High St. S.H	[Signature]	
Glenda Coulter	1/365 Beveridge	[Signature]	
Helen Tripathi	11 Redlum Street	[Signature]	
Wendy Broussard	11 Wilkins Grove	[Signature]	
Diederik Drozoff	6 NALDER DRIVE SWAN HILL	[Signature]	

BAILS (M)

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE.
Macklin Drosty	6 Nader Drive SW.		
B. Swapan	Lake Boga.	B. Swapan	
A. Ed	Bowditch	A. Ed	
Cl. Hewson	53 Rutherford St.	Cl. Hewson	
Norma Bennett	6 Poole Blvd St.	Norma Bennett	
B. Blane	45 Gray St	B. Blane	
Brian Bishop	91 High St	B. Bishop	
Aileen Casey	87 Gray St	A. Casey	
Dona Green	Chapman St	Dona Green	
B. Mc Cartney	100 Bld.	S.H. B. Mc Cartney	
J. Mills	59 Gray St	J. Mills	
TANIA CACCIVENO	Piamba	T. Cacciveno	
P. Rowe	4 Hill	P. Rowe	
Kevin Ballard	36 Gray St	Kevin Ballard	

15

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
R. Date	30 Gray st	R. Date	5033339
R. Rogers	169 Murlong St	M.L. Rogers	50324999
J. Peters	7 makepeace st	J. Peters	042180536
E. Bish	43A Gummow St	E. Bish	50322357
N. Manning	57A Gummow St	Norma Manning	50332785
B. Pearce	SWAN HILL	B. Pearce	
J. Adams	Swan Hill	J. Adams	
S. SILVER	SWAN HILL	S. Silver	
REG INVERT	7 DOMALLECEP	Reg Invert	5032327
Rebecca Allen	SWAN HILL	Rebecca Allen	
Gayle Buchle	MANMANTANCE	Gayle Buchle	
Glenn Anton	34 Gray Street	G. Anton	
LIZ MARTIN	1 Foster ST	Liz Martin	
Ang K... ..	1 Rose St	Ang K...	

16

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

BARB

NAME	ADDRESS	SIGNATURE	PHONE
Jess Maw	19 Notting Rd Swan Hill	<i>Jess Maw</i>	0407054713
M. McDonald	S. Sellick St. SH.	<i>M. McDonald</i>	
E Moore	Holloway Grove	<i>E Moore</i>	
Lynne Parker	PO Box 165, North Essendon.	<i>Lynne Parker</i>	0421 509660
Derek Parker	" "	<i>Derek Parker</i>	"
Nicola Parker	" "	Nicola Parker	"
Joshua Parker	" "	Joshua Parker	"
Elizabeth Matheson	1105 Pentall's Rd Pentall Island	<i>E Matheson</i>	50372769
SHIRLEY DURDEN	ADAMS RAY, S. Hill	<i>Shirley Durden</i>	
Kieran Dwyer	" "	Kieran Dwyer	
Hannah Mason	83 Grey St, Swan Hill	<i>H Mason</i>	
Nora Barber		<i>Nora Barber</i>	
Paul Leung	Swan Hill	<i>P. D. Leung</i>	
FRANCES TAKA	Swan Hill	<i>Frances Taka</i>	

17

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Natia Buchanan	90 Rutherford Street	[Signature]	0424497101
CHARADINE MURDOCH	17 CHISHOLM ST	[Signature]	0429430215
WILMA VERNON	2/30 NOWIE ST	[Signature]	
Sharon Zielke	11494 Campbell St	Sharon Zielke	0498617657
Zed Garlick	46 Poole Blvd	[Signature]	2424
Simone Coens	167 Shadbroke Ave	[Signature]	0499 536 808
Peter Ritchie	13 Dellar St	[Signature]	0417573021
John Ginnett	Elizabeth St Hill	[Signature]	
Doug Boyd	13 Wilson St	[Signature]	
Di Vanhessum	Swan Hill	[Signature]	
Yamara Squires	Swan Hill	[Signature]	
under Chalkbourne	Swan Hill	[Signature]	0497296 987
MAVIS WARDLE	SWAN HILL	M Wardle	
John Siebert	Lake Boga	[Signature]	0488331119

18

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Felicity Kemp	Swan Hill		0432093065
BEV BEASY	SWAN HILL	Bev Beasy	
Vicki Lloyd	Nyah West	Vicki Lloyd	0427302375
DAVID WARBURG	SWAN HILL		02247057508
Travis Dow	Swan Hill	Travis	
Bill Bony	SWAN HILL		
ANNE TAYLOR	SWAN HILL		
Rick Collier	Ultima		
Al Teague	Swan Hill	Al Teague	
Josh Ellis	Swan Hill		
G OBERLANDER	Swan Hill		
Y. Kelly	Swan Hill		
Lain Harvey	SWAN HILL	Lain Harvey	0455263028
Joan Edwards	Swan Hill	Joan Edwards	

PLEASE SIGN

Banab? ~~17~~ 18 19

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
B. ROWE	48 GRAY ST SWAN HILL	B. Rowe	0487604203
Brian Ballad	36 Gray Street	Brian Ballad	
BETTY FOX	LALBERT RD. SWAN HILL	Betty Fox	
Kierulff	Swan Hill		
Russ Tanna	Swan Hill		
Emma Billing	Swan Hill	Emma Billing	
BILL KING	SWAN HILL	Bill King	
Shanae O'Meara	Swan Hill	Shanae O'Meara	
Jai Arnett	Swan Hill		
CHERYL STARBUCK	Beverford	Cheryl Starbuck	
GARRY MCCAIG	SWAN HILL	Garry McCaig	0413188261
Michael J. Foot	Swan Hill	Michael J. Foot	
P. DEIGHTON	SWAN HILL	P. Deighton	50331724
I. Kelly	swan Hill	I. Kelly	0478783889

Brubb.

20

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
R. Davies	55 WEARNIE RD TYNNEY DEP 3558		
A. Mason	S. Hill	A. Mason	
C. Farrer	S.H.	C. Farrer	
Jenni Omy	Swan Hill	Jenni Omy	
Emma Thompson	Nyah	Emma Thompson	
Maree Miles	Ultima	Maree Miles	
Bob Rogers	S/Hill		
Mary Rogers	Swan Hill		
Brendan Lisson	Swan Hill	Brendan Lisson	
Geoff Dunstan	Swan Hill	Geoff Dunstan	
A. Bayly	Swan Hill	A. Bayly	
Wendy Broussard	Swan Hill	Wendy Broussard	
PAT King	Swan Hill		
V. Foster	Speewa.	V. Foster	

Attachment 1

Petition for Bus Shelter

To the members of the Swan Hill Rural City Council-

BANB 21.

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
Heather Hicks	57 Poole Blvd	H. E. Hicks	0428351293
Dylan Dejong	21 LG gum street	Dylan Dejong	0447199512
Di Heslop	11 Dunstone St.	Di Heslop	
Shirley Durden	Swan Hill.	S. Durden	0350330336
TONI PORTER	WOORINEE ST	Toni Porter	0408155744
LINDSAY RABINS	12 MELLOR.	Lindsay Rabins	
MICHAEL HARROP	NOWIE ST	M. Harrup	
JOAN NOTTINK	STANDRIDGE AVE	J. Nottink	
JERINA AGOSTA	NOWIE ST	J. Agosta	50322127
Heather Grant	10 Coyne Cr Swan Hill	H. Grant	0408376653
KATHY MASON	Adelaide	Kathy Mason	
Vicki Devereaux	Swan Hill	V. Devereaux	
Pete Lamare	Swan Hill	P. Lamare	
Leanne Pearce	Swan Hill	L. Pearce	0438 845413

22

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
		Kate Lucking	0476960358
B. McCormack	TRESCO	Bry McCormack	
F. Chambers	SWAN HILL	F. Chambers	50324612
S. Grewson	Swan Hill	S. Grewson	02976858
J. IRVIN	Swan Hill	J. Irvin	6408502145
Ryan Pitts	Swan Hill	Ryan Pitts	0448826881
E. de Mont	Ultima	E. de Mont	
Val Paull	Swan Hill	Val Paull	503
Joy Murray	Swan Hill	Joy Murray	
S. WATSON	Block Swan Hill	S. Watson	042459831
Paige Womer	Swan Hill	Paige Womer	
Dean Porter	Swan Hill	Dean Porter	
MAR FILBIN	Swan Hill	Mar Filbin	
DAMIAN CHAPMAN	SWAN HILL	D. Chapman	

23

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
<i>[Signature]</i>		<i>[Signature]</i>	
Therese Comitti		<i>[Signature]</i>	
NOLA BAXTER		<i>[Signature]</i>	
Julie Whateley	94 Hght St S Hill	<i>[Signature]</i>	
Sarah Vernon	1 barnett St S Hill	<i>[Signature]</i>	
BRETT PAULL	11 Kings	B Paull.	
HEATHER MONK	188 STRADBROKE AVE	<i>[Signature]</i>	
David Bohr	18 warner ^{crt}	<i>[Signature]</i>	
PETER HARLEY	2 Woodland CRT Hill	<i>[Signature]</i>	
Elizabeth Roney	95A Hght Street	<i>[Signature]</i>	
K FOOTR	Swan Hill		
G. Smith	34 PARKVIEW DR.	<i>[Signature]</i>	
DePondleburg	50 Poole Blvd SH	<i>[Signature]</i>	
<i>[Signature]</i>	6 Guardian Court	<i>[Signature]</i>	

24

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
C Bryan	Swan Hill	<i>C Bryan</i>	
M. Howard	Swan Hill	<i>M Howard</i>	
S. Paynter	Swan Hill	<i>S Paynter</i>	
R Walsh	Swan Hill	<i>R Walsh</i>	
Maureen Stevens	Swan Hill	<i>M Stevens</i>	0458162216
Shanae O'Keary	Swan Hill	<i>Shanae O'Keary</i>	
Balbarone	Swan Hill	<i>B Balbarone</i>	
D. Roberts	Swan Hill	<i>D Roberts</i>	
L. Moer	Swan	<i>L Moer</i>	
P. Johnson	Swan	<i>P Johnson</i>	
G. Jones	Swan Hill	<i>G Jones</i>	
P. Water	Swan Hill	<i>P Water</i>	
Murphy	Swan Hill	<i>Murphy</i>	
A. Piper	Swan Hill	<i>A Piper</i>	

25

To the members of the Swan Hill Rural City Council-

The residents of Murray Gardens Retirement Village, with residents of The Billabong Estate and neighbours, wish to draw the attention of the council members the need for a bus stop near to or adjacent to our village.

NAME	ADDRESS	SIGNATURE	PHONE
WENDY BRUSSAR	11 Wilking Grove	W.B. Brussar	0428332462
Jocki Bird	25 Rutherford	J Bird	
Sam Nolan	5 Murdoch Ave	S Nolan	
Ruth Macfarlane	32 Perle Blvd	R Macfarlane	
Vicki Dewar	156 Runciman Rd	V Dewar	
Jenni Chung	22 Lock Down St	J Chung	
6700LE	WOOD RT 2		
R. Aston	10 Ellwood crt	R. Aston	0407801596
Nareisha Aston	10 Ellwood crt	N Aston	
ARTHUR INGRAM	22 GLADSTONE AVE UXTIMA	A Ingram	
Ava Crow	6 Goyne Crescent		
Denna Weekstonech	Unit 1/145 McCallum Street	D Weekstonech	
Vw Holland	20 Doyle St	V Holland	
Killie Hehwa	25 Young St Swan Hill	K Hehwa	

UNCONFIRMED

[REDACTED]

UNCONFIRMED

23/07/2019

Zimbra

Zimbra**kjohnston@swanhill.vic.gov.au****From :** Emma Pickering <EmmaP@busbiz.net.au>

Tue, 23 Jul, 2019 15:24

Subject : <No Subject>**To :** kjohnston@swanhill.vic.gov.au

Hi Kimmly,

As per our conversation, we would support an additional stop in Stradbroke Avenue however it would need to be approved by PTV before we could start this.

Thanks

Sent from my iPhone

Emma Pickering | Swan Hill Operations Manager
EmmaP@busbiz.net.au | 03 5032 1068

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Hon. Peter Walsh MP

Member for Murray Plains | Leader of The Nationals

16 August 2019

Mr John McLinden
 Chief Executive Officer
 Swan Hill
 PO Box 488
 SWAN HILL 3585
 council@swanhill.vic.gov.au

Dear Mr McLinden

**Petition for a bus shelter and stop in Stradbroke Avenue, Swan Hill**

I write to offer my support to a petition organised by Mrs Margaret Cooper of Swan Hill.

The petition of more than 650 signatories calls for a bus stop near to, or adjacent to, the Murray Gardens Retirement Village in Stradbroke Avenue, Swan Hill.

Mrs Cooper attended my electorate office last year seeking advice on how to further her cause for a bus shelter and stop in Stradbroke Avenue.

She spoke passionately about the disadvantage experienced by the elderly residents of Murray Gardens Retirement Village, and those who live in the surrounding neighbourhoods, who do not have access to a safe bus shelter and bus stop.

She argues that the elderly in the neighbourhood are isolated from the city centre, the shops, and the medical clinics and services they require.

The walk to the closest existing bus stop is too demanding for elderly people, particularly given the extremes of temperatures Swan Hill experiences in both winter and summer.

Mrs Cooper has worked hard to garner support from the community. In particular, I note her advice that the local bus company has indicated it will happily reschedule the Stradbroke Avenue route to include a stop, should the bus shelter be built.

Given the very strong support of the petition and the arguments as set out above, I am pleased to offer by strong support to the call for a bus shelter and stop in Stradbroke Avenue, Swan Hill.

Yours sincerely



PETER WALSH MP
 Member for Murray Plains

peter.walsh@parliament.vic.gov.au www.peterwalsh.org.au

496 High Street, Echuca VIC 3564

ph 03 5482 2039 or 1300 467 906

 @PeterWalshMP

 /PeterWalshMP



B.19.105 PROPOSED MAV STATE COUNCIL MOTIONS

Responsible Officer:	Chief Executive Officer
File Number:	S16-22-08 and S16-05-04
Attachments:	1 Improved Electrical Transmission in North West Victoria 2 Better Population Data 3 Labour Hire Licensing In Victoria

Declarations of Interest:

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

Summary

The next MAV State Council meeting is proposed to be held on Friday 18 October 2019, Council has been work-shopping a number of issues over recent months that have statewide significance and it is suggested that these should be referred to the MAV State Council as motions for adoption.

The proposed motions are requests for:

- A delay in the implementation of Victoria's labour hire licensing scheme;
- A call on the Australian Bureau of Statistics to review its Australian population census methodology; and
- A call for investment in electrical transmission in North West Victoria to allow the Murray Valley to play its role as Victoria's clean energy Valley providing a significant proportion of Victoria's electricity generation in a clean energy future.

A copy of the motions is attached for Councils consideration.

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

Council can choose to adopt or amend the recommendation.

Recommendations

That Council submits the following motions:

- **A delay in the implementation of Victoria's labour hire licensing scheme;**
- **A call on the Australian Bureau of Statistics to review its Australian population census methodology; and**
- **A call for investment in electrical transmission in North West Victoria.**

to the October MAV State Council meeting and seek support from the Murray River Group of Councils for each of these motions.

133/19 Motion

MOVED Cr McPhee

That Council submits the following motions:

- **A delay in the implementation of Victoria's labour hire licensing scheme;**
- **A call on the Australian Bureau of Statistics to review its Australian population census methodology; and**
- **A call for investment in electrical transmission in North West Victoria.**

to the October MAV State Council meeting and seek support from the Murray River Group of Councils for each of these motions.

SECONDED Cr Benham

The Motion was put and CARRIED



MAV State Council October 2019

Motion Submission Form

Motions must be submitted by one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion.

The Motion should be no longer than 250 words (1700 characters) and rationale no longer than 350 words (2400 characters).

* 1. Name of Motion

Improved Electrical Transmission in North West Victoria

2. Motion (max 1700 characters)

That the MAV lobby the State Government to support investment in the upgrade of the electrical transmission lines in North West Victoria.

3. Submitted By (Council name):

Swan Hill Rural City Council

4. Other supporting councils (please list councils that support this motion)(optional)

5. Please attach written confirmation from supporting councils.

Note file size limit is 16MB

Choose File

No file chosen

* 6. Is this motion supported by resolution of council?

Yes

7. If yes, please insert date of resolution

Date / Time

17 September 2019

* 8. Does the subject matter of this motion have state-wide significance to local government?

Yes

NOTE:

If you have answered "no" to Question 8, the proposed motion will be submitted to the MAV Board to determine whether the matter ought to be dealt with at the State Council Meeting, pursuant to Rule 21 of the MAV Rules 2013.

* 9. Does this motion relate to the MAV Strategic Plan 2019-2021

YES

10. If yes, please select the primary MAV Strategic Plan Priority to which the motion relates (choose one)

- Transport and Infrastructure

* 11. Is this motion identical or substantially similar to a motion submitted to State Council in May 2018, October 2018 or May 2019?

No

12. Rationale for Motion

All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. The rationale should be no longer than 350 words (2400 characters).

Please provide the rationale for your proposed motion (max 2400 characters):

The Murray Valley should be known as the clean energy Valley. Northern Victoria is blessed with an enormous solar resource and in recent times the renewable energy sector has taken advantage of this resource. Northern Victoria has seen the establishment of a significant amount of solar electricity generation and with the power plans already constructed and those that have received planning approval, Northern Victoria expects to see in excess of \$4 billion of investment in the coming couple of years.

There are significant constraints in the electrical transmission system in North West Victoria and this has been identified by the Australian Energy Market operator who is responsible for network planning in Victoria AEMO have recently completed a RIT-T review into transmission in North West Victoria and have identified a significant number of projects that can be undertaken to improve the capacity of Northern Victoria to play its part in Victoria's clean energy future.

The Victorian State Government has announced its objective of reducing Victoria's dependence on coal-fired electricity and by providing 50% of Victoria's electrical needs through the generation of renewable energies by 2030.

The Murray Valley with its enormous solar resource is well-placed to assist the State to achieve this objective, but this cannot be done unless there is significant investment in the electrical transmission network to transmit the power generated

along the Murray Valley back to the load centres that lie to the south of this region.

Supporting this motion, if implemented by the State will have significant environmental benefits for all of Victoria.

13. Contact details - who shall we contact about this proposed motion?

Name and position: John McLinden

Council Swan Hill Rural City Council

Email Address john.mclinden@swanhill.vic.gov.au

Phone Number (03) 5036 2348



MAV State Council October 2019

Motion Submission Form

Motions must be submitted by one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion.

The Motion should be no longer than 250 words (1700 characters) and rationale no longer than 350 words (2400 characters).

* 1. Name of Motion

Better Population Data

2. Motion (max 1700 characters)

That the MAV advocate on behalf of all Victorian Councils to the Australian Bureau of Statistics for the development and implementation of a more robust and accurate Australian census methodology.

* 3. Submitted By (Council name):

Swan Hill Rural City Council

4. Other supporting councils (please list councils that support this motion)(optional)

5. Please attach written confirmation from supporting councils.

Note file size limit is 16MB

Choose File

No file chosen

* 6. Is this motion supported by resolution of council?

Yes

7. If yes, please insert date of resolution

Date / Time

17 September 2019

* 8. Does the subject matter of this motion have state-wide significance to local government?

Yes

NOTE:

If you have answered "no" to Question 8, the proposed motion will be submitted to the MAV Board to determine whether the matter ought to be dealt with at the State Council Meeting, pursuant to Rule 21 of the MAV Rules 2013.

* 9. Does this motion relate to the MAV Strategic Plan 2019-2021

YES

10. If yes, please select the primary MAV Strategic Plan Priority to which the motion relates (choose one)

- Population change

* 11. Is this motion identical or substantially similar to a motion submitted to State Council in May 2018, October 2018 or May 2019?

No

12. Rationale for Motion

All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. The rationale should be no longer than 350 words (2400 characters).

Please provide the rationale for your proposed motion (max 2400 characters):

The Swan Hill Rural City Council has credible evidence that in some communities the Australian Bureau of Statistics census count is grossly inadequate and under counts true populations. Swan Hill Rural City Council recently commissioned a population study in the township of Robinvale which has a large semipermanent overseas population who are primarily agricultural labourers and migrant workers.

The 2016 Australian Bureau of Statistics population census counted 3359 people in Robinvale. However, work undertaken by Council and its consultant geographic estimate that the real population is between 7000 and 8800 people.

The census methodologies fail to capture overseas workers and other permanent residents who have a deep-seated suspicion of authority and administration. This problem is not unique to Robinvale and Council believes that the ABS census under counts the true population in many towns throughout Victoria and Australia, particularly where there are large numbers of semipermanent and permanent overseas workers which are predominantly in agricultural communities supplying manual labour to the agricultural sector. Council believes that the ABS methodology is inherently flawed and makes no attempt to capture the real population of such communities. The recent move to a paper-based and online census system adds to the errors in the true population count in these communities.

13. Contact details - who shall we contact about this proposed motion?

Name and position: John McLinden

Council Swan Hill Rural City Council

Email Address john.mclinden@swanhill.vic.gov.au

Phone Number (03) 5036 2348



MAV State Council October 2019

Motion Submission Form

Motions must be submitted by one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion.

The Motion should be no longer than 250 words (1700 characters) and rationale no longer than 350 words (2400 characters).

* 1. Name of Motion

Labour Hire Licensing In Victoria

2. Motion (max 1700 characters)

That the MAV call upon the State Government to defer the implementation of the Victorian Labour Hire Licensing Scheme for 12 months and to actively support the labour hire contracting industry to work towards compliance with the legislation prior to its implementation.

* 3. Submitted By (Council name):

Swan Hill Rural City Council

4. Other supporting councils (please list councils that support this motion)(optional)

5. Please attach written confirmation from supporting councils.

Note file size limit is 16MB

Choose File

No file chosen

* 6. Is this motion supported by resolution of council?

Yes

7. If yes, please insert date of resolution

Date / Time

17 September 2019

* 8. Does the subject matter of this motion have state-wide significance to local government?

Yes

NOTE:

If you have answered "no" to Question 8, the proposed motion will be submitted to the MAV Board to determine whether the matter ought to be dealt with at the State Council Meeting, pursuant to Rule 21 of the MAV Rules 2013.

* 9. Does this motion relate to the MAV Strategic Plan 2019-2021

No

10. If yes, please select the primary MAV Strategic Plan Priority to which the motion relates (choose one)

- Financial sustainability
- Waste & resource recovery
- Government relations
- Transport & infrastructure
- Societal & social policy changes
- Planning & building
- Business & digital transformation
- Climate impacts & emergency management
- Population change

* 11. Is this motion identical or substantially similar to a motion submitted to State Council in May 2018, October 2018 or May 2019?

No

12. Rationale for Motion

All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. The rationale should be no longer than 350 words (2400 characters).

Please provide the rationale for your proposed motion (max 2400 characters):

The Victorian and the Australian Agricultural sector and in particular the horticultural sector have been constructed and flourished on the supply of labour from overseas markets.

The horticultural sector, although increasingly mechanised still relies heavily on manual labour and semiskilled labour the manual labour component will continue for decades to come. As the only viable means of pruning, harvesting and other tasks which require manual labour.

For many of the horticultural sectors large numbers of labourers are required for brief periods of time interspersed with large period of time where no labour is required. This is typical of harvest in the stone fruit industry where with the arrival of certain weather conditions is necessary to get a significant amount of crop harvested in the space of one or two days the labour hire contracting industry has been borne out of the need for a highly mobile and spasmodically employed

labour market the Swan Hill Rural City Council is deeply concerned that a significant portion of the 2019/20 horticultural crop will not be able to be picked as it is expected that a significant number of labour hire contractors will simply disappear as they have not understood and adequately geared up for the new labour hire licensing arrangements that have been introduced in Victoria.

Adding to these concerns is the fact that these licensing arrangements only exist in Victoria and Queensland, thus making border communities particularly vulnerable to the loss of labour it is expected that in border towns along the Murray and near South Australia that labour hire contractors will simply flee Victoria and move their operations to farms in New South Wales and South Australia, thus avoiding the regulation imposed by Victoria.

The Swan Hill Rural City Council certainly supports the introduction of a labour hire licensing scheme. It is in fact well overdue and will address many of the unscrupulous practices occurring within labour hire industry. That said, Council is seeking a delay in the implementation of the scheme to allow the industry to gear up to comply with the increased regulation Council's concern is that the 2019/2020 harvest is in significant jeopardy and Council has formed this view through the approaches of numerous horticulturalists in this municipality.

13. Contact details - who shall we contact about this proposed motion?

Name and position: John McLinden

Council Swan Hill Rural City Council

Email Address john.mclinden@swanhill.vic.gov.au

Phone Number (03) 5036 2348

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.19.15 SIGN & SEAL REPORT

Responsible Officer: Chief Executive Officer

Attachments: Nil.

Declarations of Interest:

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

Summary

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

Discussion

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

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

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

No.	Document Type	Document Description	Date signed/ sealed
942	Occupancy Lease – Boundary Bend Public Hall	Between SHRCC and Boundary Bend Progress Association	13-8-19
943	Section 173 – Private pipeline – Winlaton Road – Lake Boga	Between SHRCC and B.W.James	27-8-19
944	Section 173 – Private pipeline – Bailiff Road Murraydale	Between SHRCC and C.P.Atkins	27-8-19
945	Section 17D – Crown Land lease deed of renewal – Rowing Clubrooms, boat storage and Gymnasium, McLennan Drive Robinvale	Between SHRCC and Robinvale Rowing and Youth Association	27-8-19
946	S5 Instrument of Delegation	To the CEO	27-8-19

DECISIONS WHICH NEED ACTION/RATIFICATION

17 September 2019

947	Section 173 – Private pipeline – Lakeside Drive and Winlaton Road, Lake Boga	Between SHRCC and C.James	27-8-19
948	S6 Instrument of Delegation	SHRCC to Members of staff	27-8-19
949	Deed of renewal lease – Office 3 – Robinvale Resource Centre, 68 Herbert Street, Robinvale.	Between SHRCC and Southern Cross Business Advisers	27-8-19
950	Occupancy Lease – Garage at the Manangatang Community Centre, Robinvale Sea Lake Road, Manangatang	Between SHRCC and Manangatang and District Bowling Club Inc.	3-9-19

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

134/19 Motion

MOVED Cr Benham

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

SECONDED Cr Johnson

The Motion was put and CARRIED

C.19.16 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 Councillor Attendance

Declarations of Interest:

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

Summary

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

Discussion

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

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

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

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

Details of the most recent assemblies of Council are attached.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

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

Recommendation

That Council note the contents of the report.

135/19 Motion

MOVED Cr McPhee

That Council note the contents of the report.

SECONDED Cr Moar

The Motion was put and CARRIED

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
13 August 2019 at 2pm, Robinvale Community Centre - Robinvale**

AGENDA ITEMS

- Robinvale L to P Launch
- Agricultural Labour issues
- Robinvale Population Report – Geographia
- Robinvale Housing Strategy

ADDITIONAL ITEMS DISCUSSED

- Police Bicycle Squad discussion

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Nicole McKay

Apologies

- Cr Bill Moar

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- Muriel Scholz, Senior Economic Development Officer
- Brooke O'Connor, Media Officer
- Ross Palmer, L2P Learner Driver Mentor Program Project Officer

Other

- Kevin Johnson, Geographia
- Ben Cunningham, Holmes Dyer

CONFLICT OF INTEREST

- Cr Les McPhee declared an indirect conflict of interest due to conflicting duties in the Police Bicycle Squad discussion.

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
20 August 2019 at 2pm, Robinvale Community Centre - Robinvale**

AGENDA ITEMS

- Meeting with Ali Cupper

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Bill Moar
- Cr Nicole McKay

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services

Other

- Ali Cupper, Independent Member for Mildura

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
23 August 2019 at 5pm, Swan Hill Information Centre**

AGENDA ITEMS

- “Our Place” Concept Design

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Bill Moar
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Nicole McKay

Apologies

- Cr Les McPhee

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- David Lenton, Director Corporate Service

Other

- Ben Milbourne, Architect “Out Place”

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
27 August 2019 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Gillespie Street Private Street Scheme
- Youth Support Program and Empower
- Kilter Rural Excisions
- Planning Scheme Amendment VC157
- “Our Place” concept plans discussions
- Stradbroke Avenue Bus Stop
- Swan Hill Bus Route Review
- Draft Response Submission to Electoral Representation Review

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Nicole McKay
- Cr Bill Moar

Apologies

- Cr Les McPhee

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- David Lenton, Director Corporate Service
- Kane Sparks, Youth Support Officer
- Rachael Blandthorn, Principal Planner
- Stefan Louw, Development Manager
- Kimmly Johnson, Infrastructure Services Major Projects and Waste

Other

- Nil

CONFLICT OF INTEREST

- Cr McKay in relation to “Gillespie Street Private Street Scheme” item as she is a resident in Gillespie Street.

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
3 September at 1pm, Swan Hill Town Hall, Council Chambers

AGENDA ITEMS

- Swan Hill College Flexible Learning Options (FLO) Program Tour
- Councillor Only Session
- “Our Place” concept plans
- Annual Report
- Solar Regulations
- Willox Road Planning permit extension of time
- Victoria Tourism Strategy
- Small Business Friendly Council Charter Agreement
- Murray Darling Basin Position Paper
- MAV State Council Motions (for 18 Oct Meeting)
- Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated Report

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Nicole McKay
- Cr Bill Moar
- Cr Les McPhee

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- David Lenton, Director Corporate Service
- Helen Morris, Organisational Development Manager
- Stefan Louw, Development Manager
- Teresa Lever, Economic Development Officer

Other

- Nil

CONFLICT OF INTEREST

Cr Moar in relation to “Marketing and Business Special Rate Scheme Agreement between Council and Swan Hill Incorporated Report” item due to a close association

David Lenton, Director Corporate Service in the Murray Darling Basin Position Paper Item.

SECTION D – NOTICES OF MOTION

Nil

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

Nil

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Cr Les McPhee

Coffee with a Councillor at the Swan Hill Farmers Market
Local Government Rating System Review – Public Hearing
Victorian Electoral Commission review of electoral structure
Skate Park official opening

Cr Jade Benham

REBA Meeting with CEO
Meetings with community members and Senior Sergeant Middleton
Robinvale - Lantern Festival
Robinvale – College Council
Phunktional RYPAC
Robinvale Euston Accommodation
Council Awards Night

Cr Bill Moar

Coffee with a Councillor
Woorinen District Progress Association
LMWRRG
Council Awards Night
Inner Wheel
Power of Aprons
Ag Committee Meeting
Local Government Rating System reviews
MRF – Veolia
Patho Landfill
Green Pipe operation

Cr Lea Johnson

Fairfax Presentation
Swan Hill Inc
Audit Committee
Skate Park official opening
Summer Season Croquet – First Hoop
Community U
Our Place Forum
Staff Awards

Cr Chris Jeffery

Coffee with a Councillor

Audit Committee

Council Awards Session

Boundary Review by VEC to speak to submission regarding change

Cr Ann Young

Official Launch of “Our Vivid History”

Appointment with Bill Burke – Flying School

SuniTafe Appointment Geoff Dea and Robin Kuhne

Or Place Concept Plans – Architecture

All Staff Function – Awards

Bobbin on the Murray Lace Making

Coffee with a Councillor – Beverford Tavern

North Central Catchment Management – Consultation

Councillor Assembly

Chisholm Reserve Meeting

Opened the Active Girls Breakfast

Special Council Meeting

Assembly

Local Government Rating System

Murray River Group of Councils Dinner/Meeting

Lake Boga Art Show

The Sapphire’s

Celebrate our Skate Park

Labour Hire Commissioner Licensing

AGM – Summerfruits

Acre 21 Planning meeting

Swan Hill Branch Independent Retirees (15 min only)

Robinvale – Country Market

Robinvale – Vietnamese Lantern Festival

SECTION G – IN CAMERA ITEMS

There being no further business the Mayor, Councillor Ann Young closed the meeting at 6.05pm.