

AGENDA

SCHEDULED MEETING OF COUNCIL

Tuesday, 18 May 2021

To be held Swan Hill Town Hall
McCallum Street, Swan Hill
Commencing at 2pm

COUNCIL:

Cr B Moar – Mayor

Cr J Benham
Cr A Young
Cr LT McPhee
Cr C Jeffery
Cr S King
Cr N McKay

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SECTION A – PROCEDURAL MATTERS

- **Welcome**
- **Acknowledgement of Country**
- **Prayer**
- **Apologies/Leaves of Absence**
- **Directors/Officers Present**
- **Confirmation of Minutes**
 - 1) Scheduled Meeting of Council held on 20 April 2021
- **Disclosures of Conflict of Interest**
- **Joint Letters and Reading of Petitions**
- **Public Question Time**
- **Open Forum**

SECTION B – REPORTS

B.21.33 INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Responsible Officer: Director Development and Planning
File Number: S16-08-02-04
Attachments: 1 Ying Tung Cheng (Koko)

Declarations of Interest:

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

Summary

Many of the functions and powers of Council staff stem from their appointment as Authorised Officers. Ying Tung Cheng (Koko) has been appointed as a Planning Officer within the planning team and requires Council approval to be an Authorised Officer in the performance of duties.

Discussion

Council's Chief Executive Officer has the power to authorise various members of Council staff under the instrument of delegation issued by Council. However, advice from Council's solicitors recommends the appointment of planning officers as Authorised Officers by Council under section 147(4) of the *Planning and Environment Act 1987* (the Act).

As a result, this report seeks Council approval for Ying Tung Cheng (Koko) to be appointed as an Authorised Officer.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Appropriate authorisations lead to better social outcomes through the implementation of Council policies.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The use of appropriate authorisations streamlines the implementation of Council's resolutions.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Council may choose to adopt or amend the recommendations.

Recommendations

That Council:

- 1. Appoint Ying Tung Cheng (Koko) as an authorised officer as set out in the attached instrument.**
- 2. Resolve that the instrument takes effect upon signing and sealing and remains in force until varied or revoked.**
- 3. Sign and seal the instruments as soon as possible.**

B.21.34 ENVIRONMENTAL UPGRADE FUND

Responsible Officer: Director Development and Planning
File Number: S14-04-01-03
Attachments: 1 Better Building Finance Briefing Presentation

Declarations of Interest:

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

Summary

The Environmental Upgrade Finance (EUF) Program is a Council-based financing program that gives commercial and residential building owners access to finance for sustainability or climate upgrades to existing buildings.

The EUF program is a Department of Environment, Land, Water and Planning (DELWP) initiative whereby a business can borrow money from a financier for sustainability or climate adaptation building upgrades, and make repayments through the local Council rates system.

This scheme is available to commercial properties (including farms) and has been adopted by 30 Councils in Victoria, including the City of Greater Bendigo Council, Campaspe Shire Council, Horsham Rural City Council and Mildura Rural City Council.

This report provides a summary of the program and outlines the process for Council to join the scheme.

Discussion

EUF is a Council-based financing mechanism that gives commercial building owners access to finance for sustainability or climate adaptation upgrades to existing commercial buildings. Under an environmental upgrade agreement, the lender provides finance to the property owner and the local Council collects repayments through the rates system. The Council then passes the repayments onto the lender. Available lenders in Victoria are the Sustainable Australia Fund and Australian Environmental Lending.

Better Building Finance (BBF) is a third party facilitator who specialises in the development and application of the EUF program. A EUF program brings benefits for Council, local businesses and the environment, but it does require some work. Council can decide to self-administer the program, or work with BBF as a Third Party Administrator. This service is offered at no cost to Council, and takes a lot of the administrative and compliance matters away from Council.

Some benefits of the EUF program for Councils and community members include:

- Provides 100% project finance for environmental upgrades
- Long-term loan repayment terms, can enable cash-flow positive projects
- The loan is tied to the building, not the owner, and can be passed from vendor to purchaser when the property is sold
- Tenants (building occupiers) can also benefit from EUF with significantly reduced energy costs, and paying some or all of the EUC.
- Assist local businesses with financial solutions to address increasing operational costs
- Unlock private sector finance for your region so businesses can retain profits to invest into business growth
- Stimulate local economic activity and help improve business profitability in the region
- Engage with ratepayers to achieve sustainability objectives

EUF can be used to support a broad range of works beyond just solar, waste, and water upgrades. If the works improve the energy, water, environmental efficiency/sustainability or climate adaptation, and are attached to a building, it may qualify. Some popular examples include:

Any type of business property can apply for Environmental Upgrade Finance for 100% of their project, as long as they meet the requirements below. This includes agriculture industries, commercial office building, tourism, commercial and industrial properties:

- Must be on rateable land and applies only to existing buildings
- Clean rates payment history
- Project delivers an environmental benefit
- Not owned by a self-managed superannuation fund

An example of a successful loan project is Hussey and Co, a lettuce farm based on the Mornington Peninsula. Using the EUF, Hussey and Co installed 605kW capacity solar panels to help offset the large energy costs of the farm. With the solar panels, Hussey and Co were able to save \$156,000 per annum on electricity costs; with loan repayments only amounting to \$146,000, Hussey and Co are seeing immediate return on investment of \$10,000 per annum. It is estimated that Hussey and Co will save over \$3 million for the 25-year asset life.

Consultation

A conversation was held with Sustainability Victoria (SV) to gain further information regarding the EUF. SV advised the following:

The average time to set up and offer EUF is three to six months

Council would not be obligated to pay the financier until the funds are received

It would be beneficial for Council to have a dedicated resource/person responsible for administration, marketing, etc...

The property owner must come prepared with a well-defined scoped project. The financier will then assess and determine if applicable or if other support could be offered

The applicant's approval process is often dependent on the complexity of their project / works

SV provided the following responses to Council queries:

Is Better Building Finance the only Third Party Administrator (TPA) for the program or are there others that offer the same assistance? Yes, currently this is the only TPA for the EUF program.

I note that Sustainable Australia Fund and Australian Environmental Lending are listed as financiers on your website - are they the only financiers that participate in the EUF or are there others that you do not list/advertise? Yes, these are the only two financiers offering the EUF product at the moment.

What is the process if an owner does not make a scheduled payment? Who is liable? The ultimate responsibility to recoup repayments will sit with the financier although the Council is expected to use best endeavours to recover the charge,

including an enforcement procedure. Council needs to notify the financier of the failure of payment as well.

What happens if the owner decides to sell - Is the new owner obligated to pay? What if the owner wants to take the asset with them to their new property? As the finance is attached to the building, it would be contractually difficult to take the asset to another property. The finance will only be available to assets that are fixed to the building. The new owner of the building would need to come as a new part to the EUF agreement.

BBF also confirmed that as part of the finance agreement, all responsibility for notifying applicable parties in the event of a financed property going up for sale is placed on the current owner. It is up to them to inform their real estate agent and/or prospective buyer of the finance attached to the property before the sale. The loan appears on the title search for the real estate agent to note, should the current owner fail to disclose the EUA.

The current owner can either choose to pay out the loan before selling or negotiate for the loan payments to be passed on to the new owner.

BBF has introduced a small reimbursement fee, per EUA, that is paid to Council as a way of recouping any resource or program costs.

Financial Implications

Council may need to provide some human resources to be responsible for the administration and marketing of the program, should they choose to self-administer. There may also be costs with systems upgrades for creating and administering rates notices.

Social Implications

- Improved operating and living environment that supports sustainability
- Empowering community and businesses to become more environmentally focused
- Promoting Council in a positive light

Economic Implications

- Enhancing the operational effectiveness and efficiency of local buildings
- Supporting the growth of local businesses and industries

Environmental Implications

- Improved sustainability leading to reduced emissions and waste products
- Increased adaptability of commercial properties

Risk Management Implications

Sufficient resourced need to be devolved to the program to ensure that it is run efficiently and promptly.

Council Plan Strategy Addressed

Environment - Sound policies and practices that protect and enhance our environment.

Options

1. Council supports the Environmental Upgrade Finance program and elects to engage a third party facilitator (Better Building Finance) to establish, administer and support the delivery of the program
2. Council supports the Environmental Upgrade Finance program and elect to self-administer the program
3. Council does not support the Environmental Upgrade Finance program

Recommendation

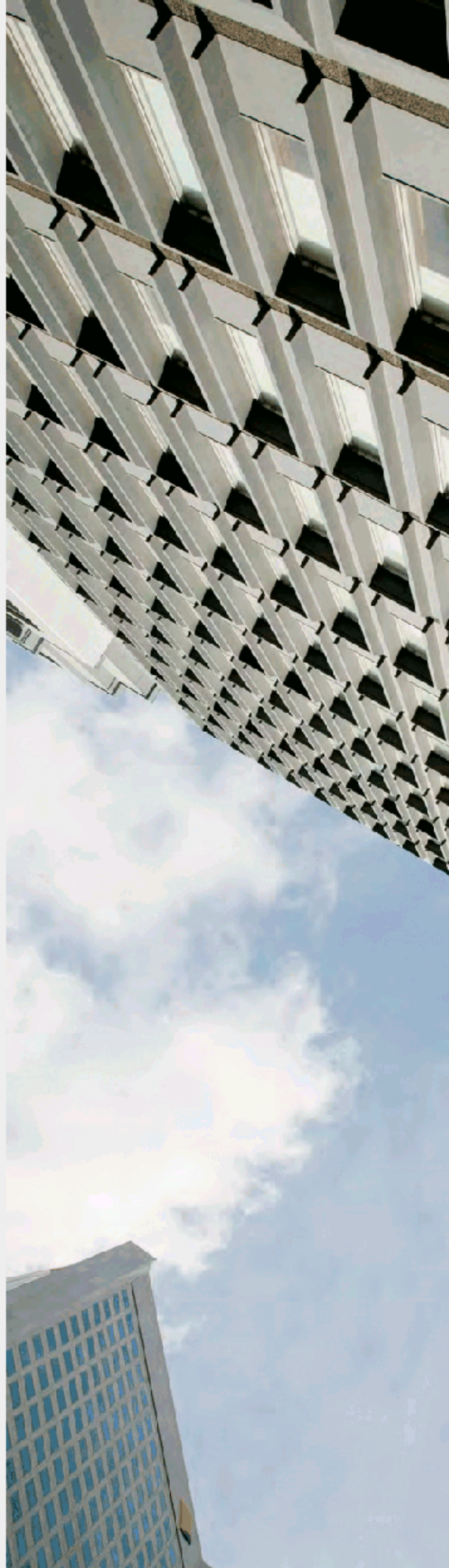
That Council supports the Environmental Upgrade Finance program and elects to engage a third party facilitator (Better Building Finance) to establish, administer and support the delivery of the program.



ENVIRONMENTAL UPGRADE FINANCE

SWAN HILL COUNCIL
MARCH 2021 - BRIEFING SESSION

Ed Cotter – Executive Manager
edward.cotter@betterbuildingfinance.com.au | 0406 715 025



ENVIRONMENTAL UPGRADE FINANCE

- **Environmental Upgrade Finance (EUF)** is a loan for environmental, sustainable and climate upgrade projects on existing buildings.
- Loan is tied to the property and can be passed from vendor to purchaser when property sold.
- Allowing lenders to offer following terms:
100% of costs | Fixed low interest rate | Terms up to 20 years



"Cash ... is to a business as oxygen is to an individual – never thought about when it is present, the only thing in mind when it is absent"

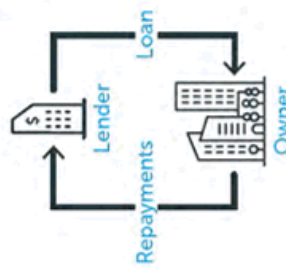


Warren Buffet

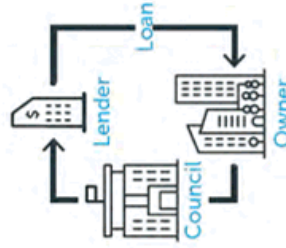
ENVIRONMENTAL UPGRADE FINANCE

- The agreement (contract) between lender, property owner and council is called an **Environmental Upgrade Agreement (EUA)**.
- The loan is secured against the rateable land by an **Environmental Upgrade Charge (EUC)**.

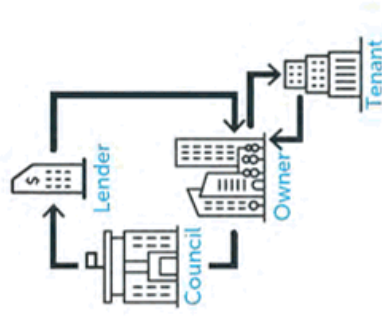
Traditional Finance



Environmental Upgrade Finance



EUF with Tenant Contribution



NOTE: Councils are not liable for any failure by an owner to repay – debt liability sits on the property.

Building occupiers can also benefit with significantly reduced energy costs, thus paying the repayments on behalf of the property owner.

BUSINESS AND OWNER BENEFITS



LONG TERM
(10-20 YEAR)
FIXED INTEREST RATE



NO DEPOSIT
REQUIRED



ABILITY TO SHARE COSTS
AND BENEFITS WITH
TENANTS



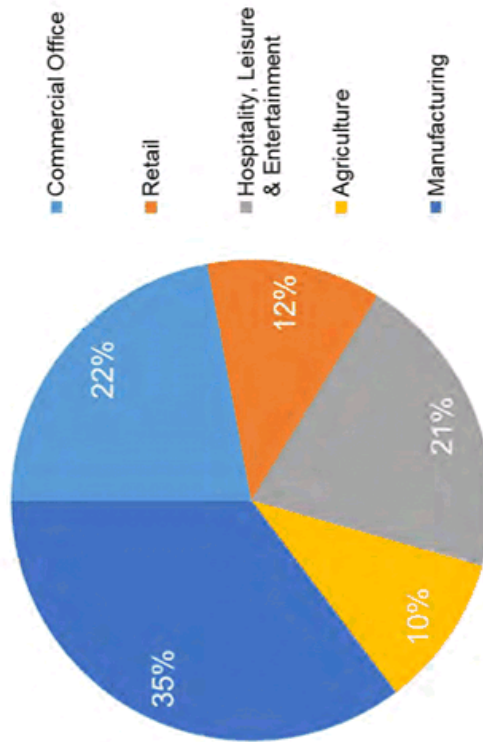
OPTION TO TRANSFER
ON SALE



PERFORMANCE

As of December 2020, BBF's Council Partners have helped unlock over \$40 Million worth of investment across more than 100 projects.

TYPE OF PROPERTIES



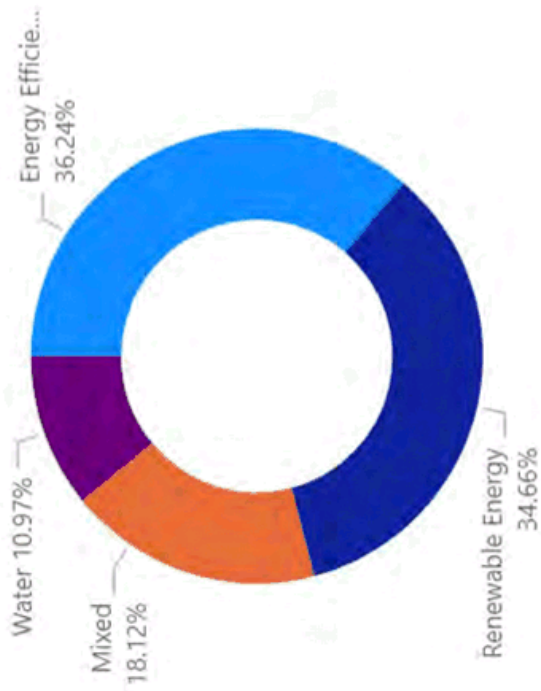
ANNUAL NUMBER OF PROJECTS



PERFORMANCE

With a focus on SMEs Council Partners will have abated more than **500,000 tonnes of CO_{2-e}** over the life of all projects.

TYPE OF UPGRADES



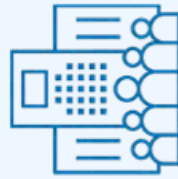
PROJECT VALUE BREAKDOWN

PROJECT VALUE	% OF PORTFOLIO
0 - \$50,000	25
\$50,001 - \$100,000	26
\$100,201 - \$200,000	27
\$200,001 - \$300,000	2
\$300,001 - \$400,000	1
\$400,001 - \$500,000	2
\$500,001 - \$1,000,000	10
\$1,000,001 - \$2,000,000	5
\$2,000,001 - \$3,000,000	1
\$3,000,001 and more	1
Total	100

COUNCIL AND COMMUNITY BENEFITS



**SUSTAINABILITY
OBJECTIVES**



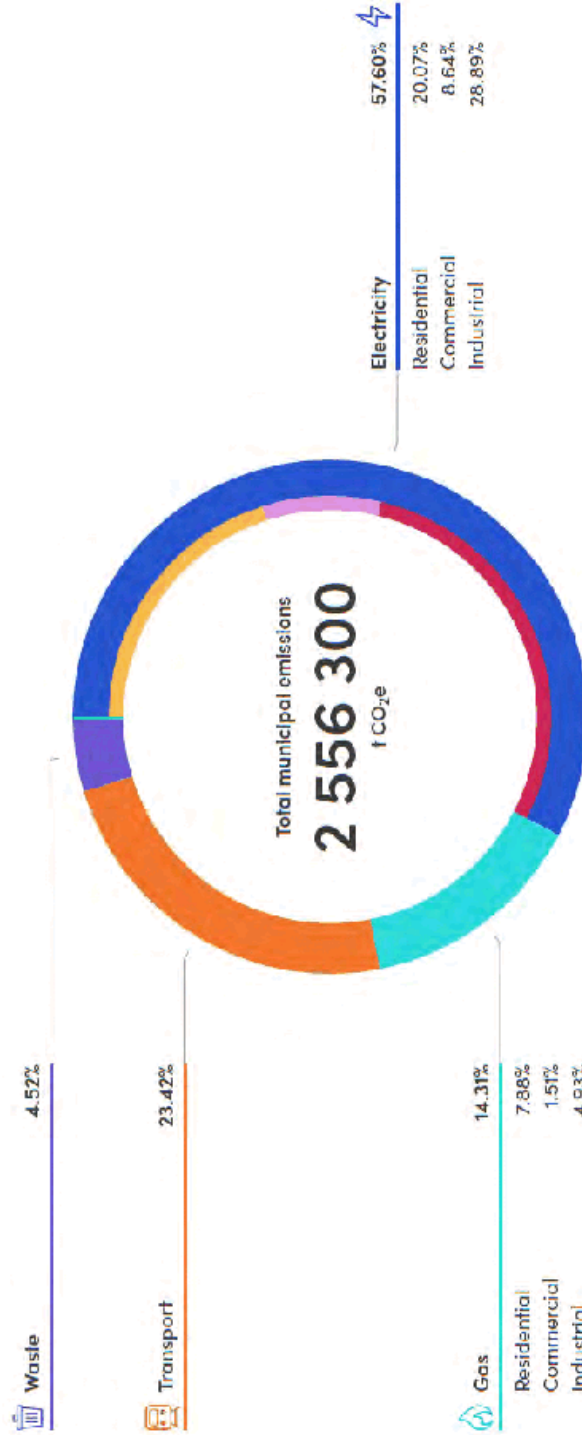
ACTIVATION



**INVESTMENT
ATTRACTION**

COUNCIL AND COMMUNITY BENEFITS

Example Wyndham Council's corporate greenhouse gas emissions were 24,752 tonnes of CO₂-e in 2017-2018.



Wyndham Council's corporate emissions are approximately 0.9% of the City of Wyndham's total municipal emissions.

ENVIRONMENTAL UPGRADE OPTIONS



RENEWABLE ENERGY (E.G SOLAR)



ENERGY STORAGE



WATER EFFICIENCY AND REUSE SYSTEMS



ENERGY USE OPTIMISATION



AIR CONDITIONING



END-OF-TRIP FACILITIES



WASTE MANAGEMENT SYSTEMS



LIGHTING



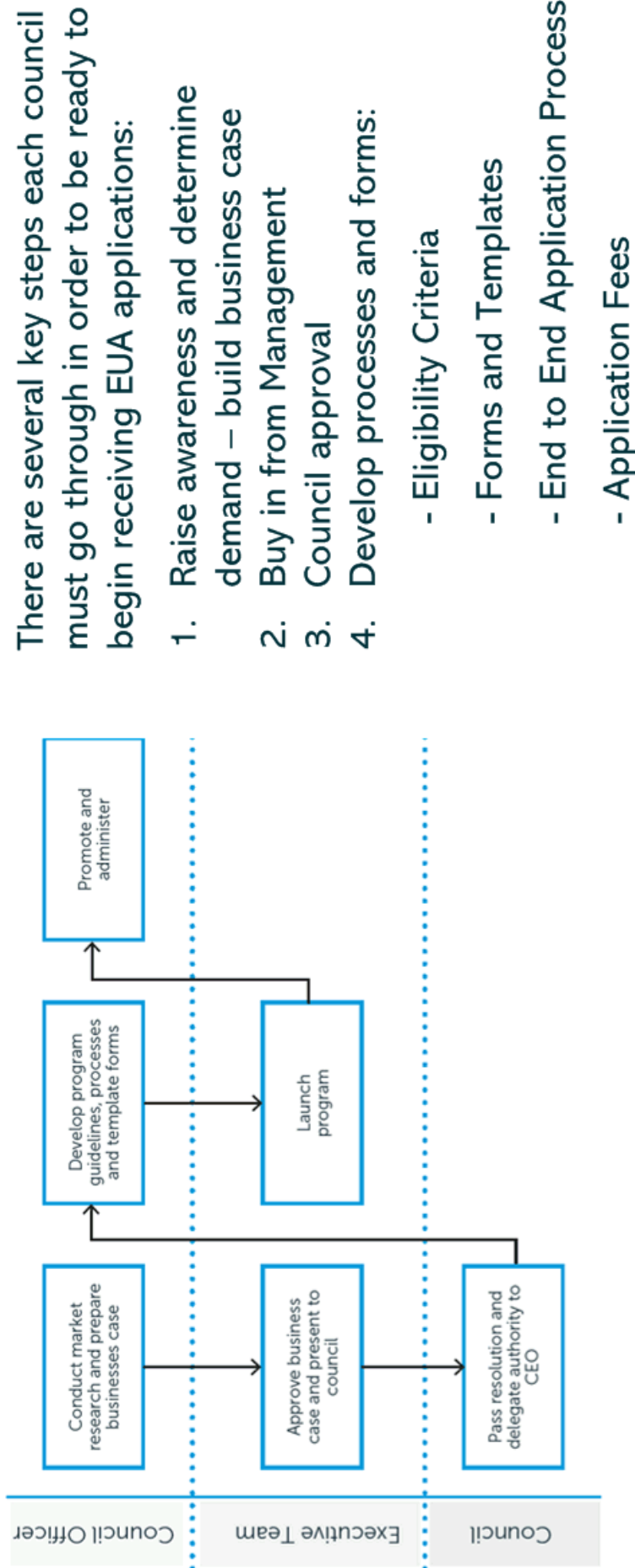
ELECTRIC VEHICLE CHARGERS



POLLUTION CONTROL



ESTABLISHING AN EUA PROGRAM



PROGRAM ADMINISTRATION

Program requires support of end-to-end process for EUA applications, through to the collections of EUCs:

- Marketing and promotion of EUA Program
- Awareness raising and training for internal Council Staff
- Customer service support, first point of contact and details for applications.
- Application processing, review of eligibility, scope of work and data submitted
- Service support during the life of the loan and reporting program results

Pre-Setup	Self-Administered BUF Program	BUF Program with BBF as Third Party Administrator
Opportunity analysis	Council	BBF
Create business case for EUF	Council	BBF
Legislative review and advice	Council	BBF & Council
Drafting of relevant papers	Council	BBF & Council
Council resolution to offer EUF	Council	Council
Program Establishment		
Create end to end EUF application process	Council	BBF
Create template EUF application forms	Council	BBF
Create Environmental Upgrade Charge declaration template	Council	BBF
Run internal training sessions and workshops, establish delegations and processes	Council	BBF & Council
Establish process to liaise with lenders	Council	BBF
Create marketing & stakeholder engagement collateral	Council	BBF
Establish framework to monitor and report on EUF activity	Council	BBF
Program Administration		
Promote EUF through existing programs and communication channels	Council	BBF & Council
Answer all EUF related questions	Council	BBF
Confirm project eligibility for EUF	Council	BBF
Process EUF application forms	Council	BBF
Create draft EUA, obtain approval from all parties and facilitate signing of the EUA	Council	BBF
Create marketing materials and case studies	Council	BBF
Levy and collect EUC payments	Council	Council
Facilitate early repayments / pre-payments	Council	BBF
Maintain client relationship, providing information and responding to queries	Council	BBF
EUF reporting and market data	Council	BBF
Conducting annual review	Council	BBF

MARKETING AND ENGAGEMENT

Key messages:

- Win-win for property owner and building occupier - removes split incentive
- Ability to demonstrate Council leadership

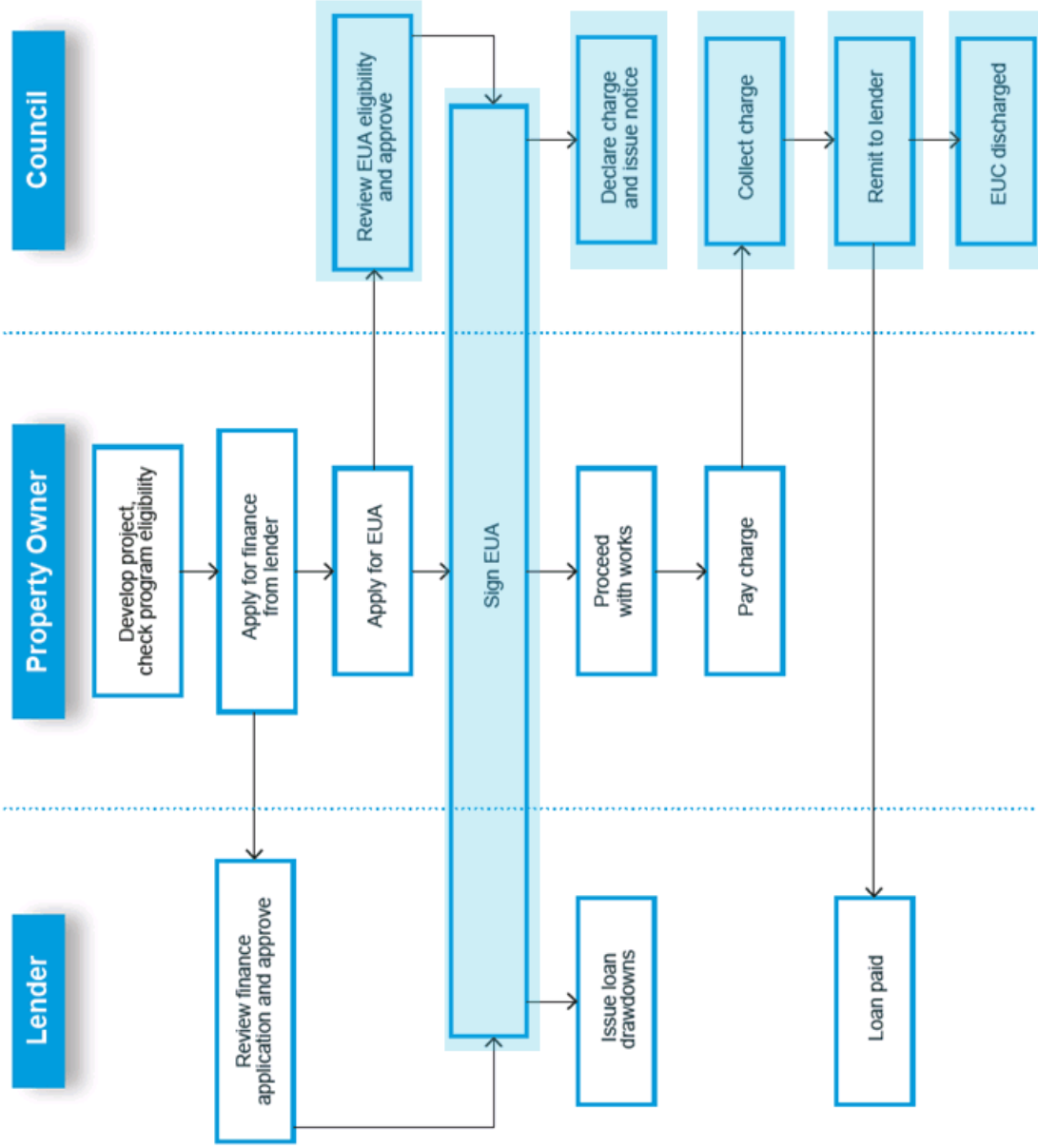
Marketing & Engagement:

- Website
- Customer service
- Local media
- Events
- Materials
- Capacity building
- Launch & showcase



SIGNING AND PROCESSING

Rates-based mechanisms a EUF Program needs to establish important processes between **Council**, the Building **Owner** and the **Lender**.



CASE STUDIES HUSSEY & CO



Council

- Mornington Peninsula Shire

Project Overview

- Hussey and Co. is a premium salad mix and baby leaf manufacturer and exporter; their Mornington Peninsula farm is an energy-intensive operation, requiring electricity to grow, harvest, wash, pack and store produce

Upgrade Details

- After signing up for a **ten-year loan of \$165,000** to **install 100kW solar** on their roof (L), the electricity produced quickly offset the loan repayments, meaning they were **cash positive**
- Hussey & Co have **now signed a larger \$1.2m EUA** and **installed 500kW more solar (R)**, bringing the total expected **savings to \$156,000 per year** (savings of **\$3.06m** over **25-year** asset lifetime).

CASE STUDIES

GLENFERN DENTAL



Council

- Knox City Council

Project Overview

- Glenfern Dental was established over 25 years ago and recently relocated to a larger clinic in Fern Tree Gully (VIC). The Sustainable Australia Fund provided a 5-year BUA loan for the installation of a solar panel system.

Upgrade Details

- 12.6 kW Solar Panel System
- Total Cost of System \$20,000
- Finance Provided by SAF \$14,000

The estimated energy savings work out at \$6,139 per year against the loan repayments of just \$3,515 per year.

CASE STUDIES BOOTH TRANSPORT



“We checked around the world to see what could be done and we’ve come up with water treatment in a different way.”

Brian Booth, Managing Director

Council

Moira Shire Council

Project overview

In 2018 Booth Transport commenced an incredibly ambitious environmental protection project – the Strathmerton Water Treatment Plant. In an Australian first, the plant uses worms to process huge volumes of wastewater, making it safe for irrigation.

Upgrade details

4500 square metre worm farm

EUA over 10 years

Outcome

- ✓ 121,000 kilolitres of safe water for irrigation
- ✓ 3000 tonnes of carbon emissions saved per year
- ✓ 450,000 km of travel saved per year
- ✓ 225,000 litres of diesel fuel saved per year

EXPERTISE AND SUPPORT



Market leading offering with over a decade of experience.



Trusted provider working with more than 40 local councils.



Expert knowledge of EJA legislation (Vic, NSW, SA).



Standardised market and admin. service for lenders, property owners, suppliers... and Councils



No service fee for councils – making it affordable for all Councils.



Help Councils reduce and manage associated risks.



Minimise establishment and administrative requirements (and costs) for Councils.



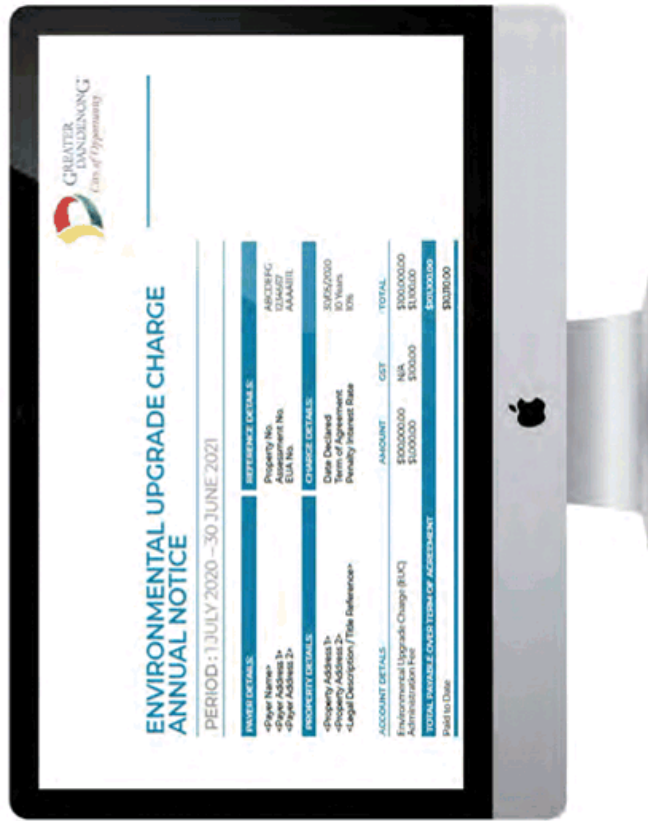
Maintain continuity of capability and service despite staff turnover.

COST FOR COUNCIL PARTNERS

Better Building Finance provides its services for FREE to its Council Partners. It generates its revenue by charging a small administration fee to the property owner that is collected on a quarterly basis as part of each EUA repayment.

BBF Service Fee – 0.0675% of total EUA

Council Partners keep a Signing Fee for each EUA established and an Annual Fee for the collection of EUA repayments.



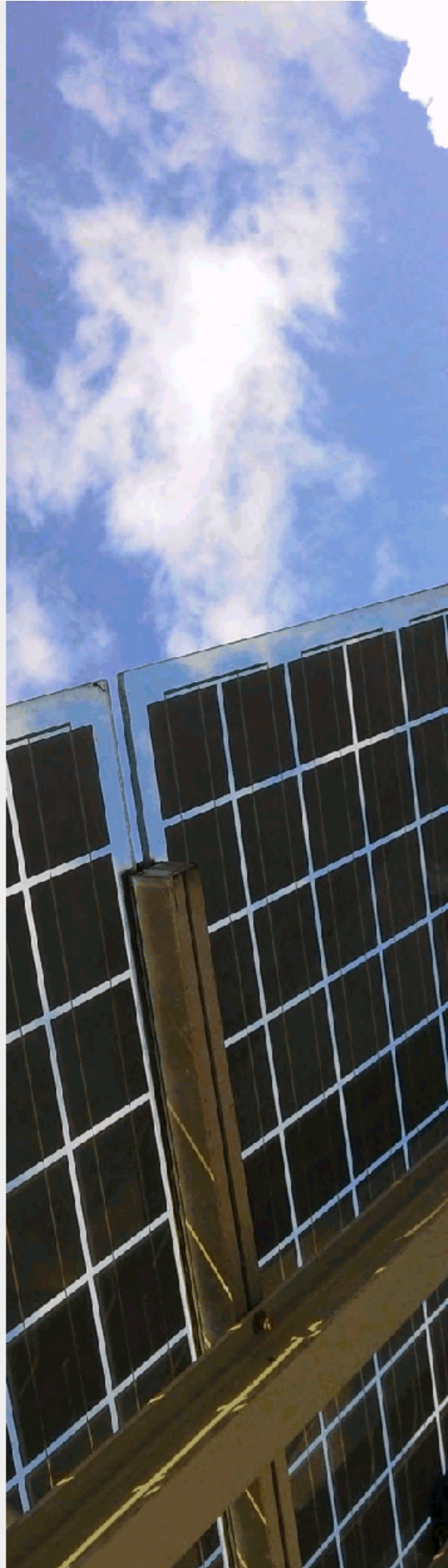


THANK YOU

ED COTTER – EXECUTIVE MANAGER

+61 0406 715 025

edward.cotter@betterbuildingfinance.com.au



B.21.35 RE-SUBDIVISION OF LAND IN THE FARMING ZONE LOCATED AT 143 LAKE ROAD, WOORINEN SOUTH

Responsible Officer: Director Development and Planning
File Number: 2020-136
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 of land in the Farming Zone, located at 143 Lake Road, Woorinen South.

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

Discussion

Location and existing conditions

The subject allotments (as shown on figure 2) is located at 143 Lake Road, Woorinen South approximately 9.5 kilometres north-west of the Swan Hill Central Business District and 4.5 kilometres east of the township of Woorinen. The surrounding area is predominantly intensive irrigated agriculture with some occurrence of rural industries and de facto rural lifestyle lots. Land holdings and landownership, immediately adjoining the land, are fairly fragmented with some small holdings and some larger contiguous holdings or as part of tenements within the area.

There are 8 defacto lifestyle lots within a 1.2 kilometre radius (as shown figure 1). The majority are not associated with agriculture in the sense of being owned by individuals who do not own agricultural land in the area. One of these recently approved by Council in 2019, through an ordinary Council meeting, namely 65 & 87 Lake Road. The re-subdivision involved the realignment of two titles of approximately 10 ha each, both containing a dwelling, into two new titles. The new lot configuration being a lot of 1.173 ha containing a dwelling with the balance creating a 20.68 ha lot also containing a dwelling. Council resolved to approve this re-subdivision given that it was considered to consolidate the agricultural use upon the two original titles onto one title, and thereby improving the farming operation. The other small lots appear to be of a hobby farm nature around the Woorinen Road and Lake Road intersection.

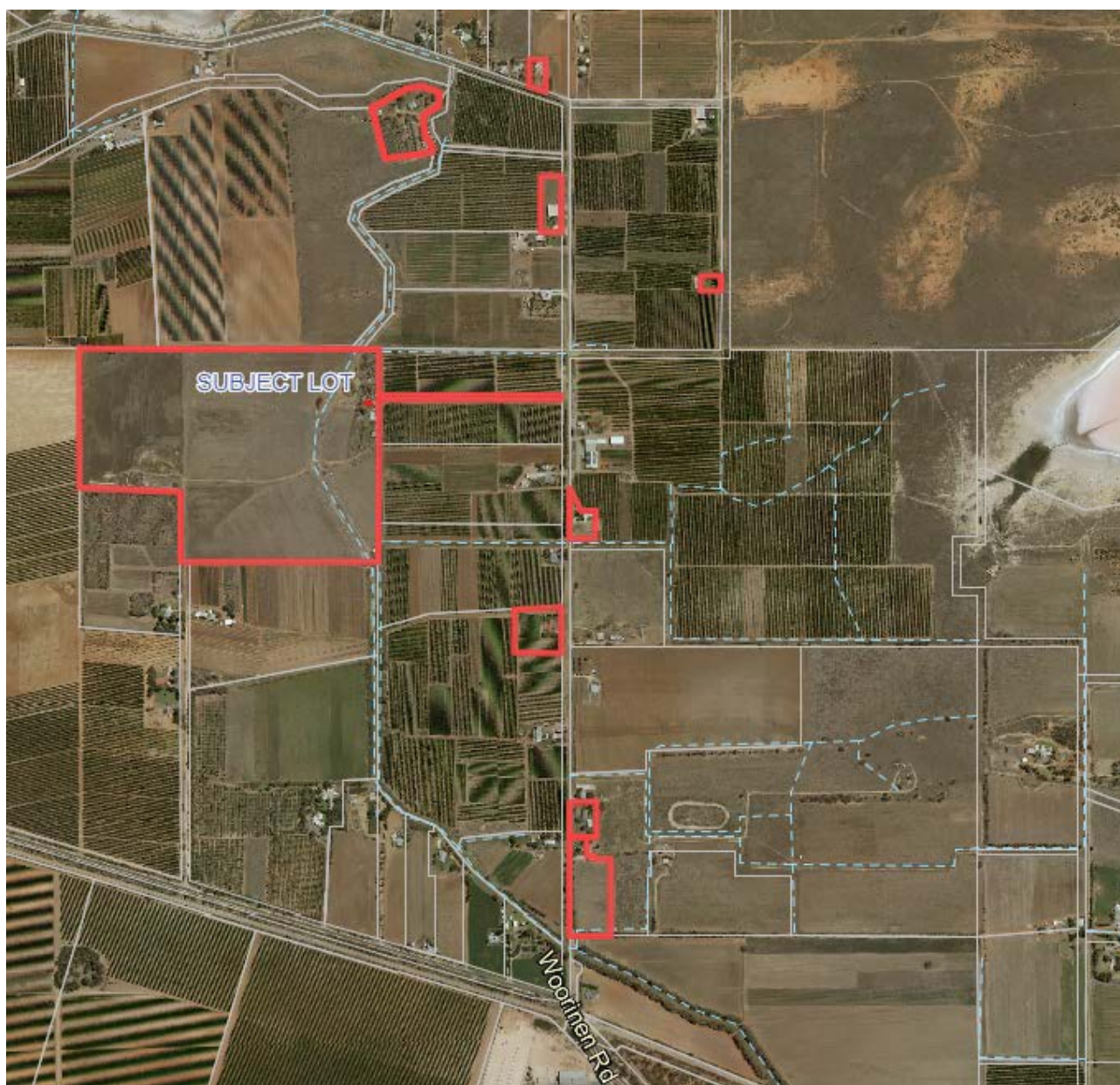


Figure 1: Small de facto rural lifestyle lots within a 1.2 km radius and subject lot, delineated in red.

The subject lot is zoned Farming with no overlays. The land is irregular in shape and is 31.48 hectares. The large lot currently contains a dwelling and associated outbuildings in the north-eastern corner, while the balance of the lot is currently being converted to high intensity agriculture and intended to be farmed, by a local farmer owning land directly abutting the subject lot to the west. This lot has access from Forrester Lane and through a 10-metre-wide strip of land recently acquired by adverse possession that leads to Lake Road, being the second lot in this proposal.

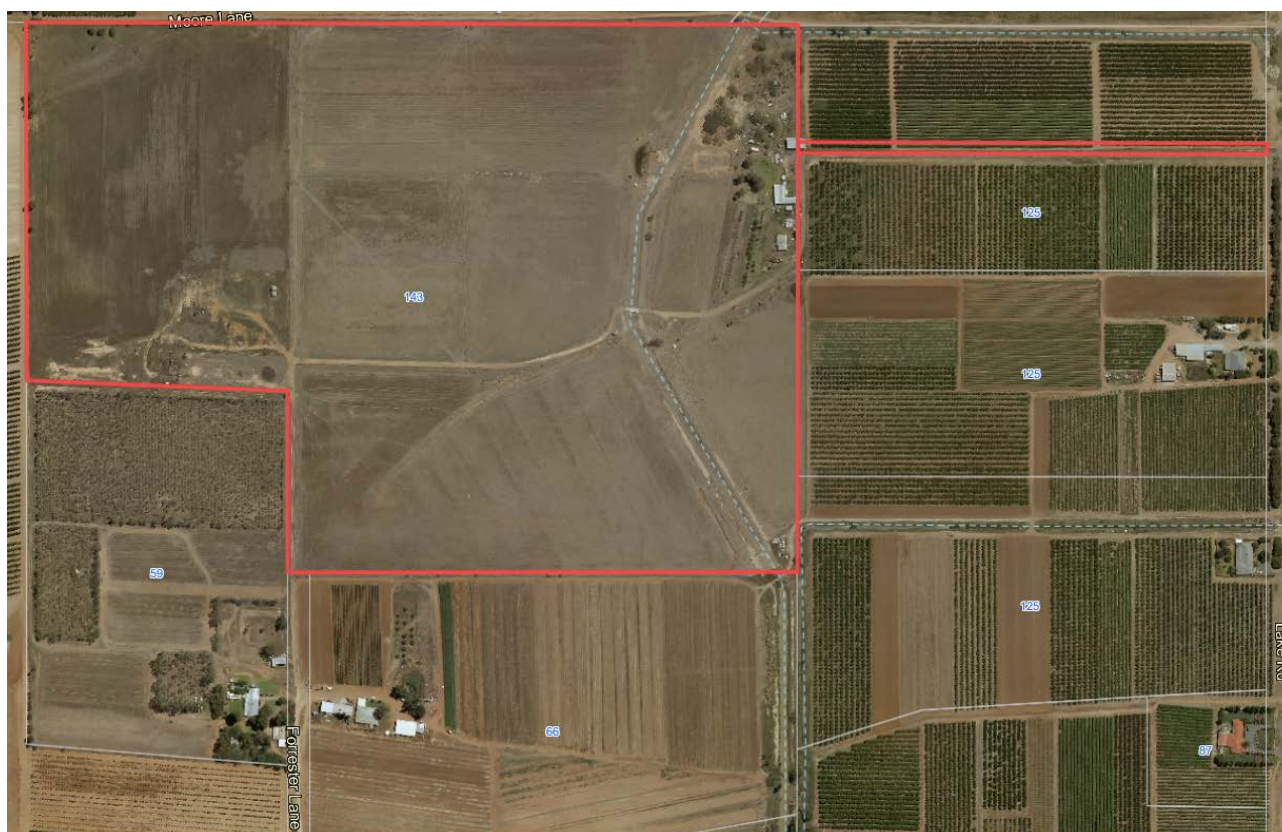


Figure 2: Subject lot delineated in red

Proposal

The owner of the subject land is currently residing in the dwelling and has not been farming the land for the past 10 years. An adjoining landowner has approached the owner to purchase the farming property without the dwelling and intends to install infrastructure and put water back to the land to plant high value agricultural crops. The crops will be three varieties of citrus, namely blood oranges, cara cara navel oranges & early Sicily mandarins.

The applicant proposes to re-subdivide the land by realigning the lot boundaries of the two lots, creating a battle axe lot containing the existing dwelling and associated infrastructure, making up 2.384 hectares and the balance lot 30.24 hectares being vacant with access from Forrester Lane (Figure 3).



Figure 3: Proposed re-subdivision.

Assessment of the planning application

Background

The applicant submitted an application to re-subdivide the land. This initial application contained a statement advising that the applicant would prefer not to enter into a section 173 agreement stipulating no further dwellings be constructed upon the balance agricultural lot. This was sought to allow for a future opportunity to establish some type of worker's accommodation upon that land.

Upon the assessment of the proposal, the applicant was advised that based on the information provided, the application did not provide sufficient information to make a determination and the written report seemed contradictory in that a dwelling and existing infrastructure already exists and could be used for worker's accommodation in the future, rather than establishing a defacto rural lifestyle lot in addition to establishing additional accommodation, when this infrastructure already exists.

The applicant then provided further information to support the initial application and put forward an argument that the dwelling was not fit to be used as worker's accommodation based on the expected higher quality of accommodation than the current state of the existing dwelling.

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

Accordingly, the applicant was advised that alternatives exist for transitional arrangements to achieve the same result through a farm-lease or lifetime estate, and it was unlikely that the application would be supported. As a result, the applicant changed his mind and agreed to enter into a section 173 agreement to ensure no additional dwellings will be constructed.

Upon assessment of the new information it was concluded that the withdrawal of the objection to enter into a section 173 agreement, would make an insignificant impact on the decision to not support the application. Following assessment of the additional information the applicant was advised that, although the proposal had some merit, it did not sufficiently mitigate the concerns of creating a defacto rural lifestyle lot and did not provide an overwhelming benefit to agriculture, as alternatives exist to achieve the same result by way of a lifetime estate or farm-lease.

Adjoining land owners were notified of the proposal and no objections were received.

The applicant, owner and prospective purchaser then asked to arrange a meeting to discuss the history of how the proposal came to be and how they believed the proposed subdivision would benefit agriculture.

The meeting was held at the Council offices with members of the planning department. Among the items discussed was the possibility of a farm lease and lifetime estate. The applicant advised that these were not viable options to the prospective – and - current owner as it will not result in a tangible asset on the balance sheet or to pass down as inheritance.

It was discussed whether the prospective purchaser would consider consolidating proposed lot 2 into his own holding to make the proposed subdivision more beneficial (see figure 4). He advised that it would be something he would agree to, if it meant that the subdivision would be approved.

After the discussions it was determined that the application still failed to support the purpose of the Farming Zone, State policy and Council's Natural Resource Management policy and refusal of the application would still be recommended.

The applicant requested to present to Council at a Council Assembly, which was held 27 April 2021. The applicant argued that Council had a history of approving similar house lot excisions in the area, as well as claiming that he had received advice prior to lodging the application that the proposal could be considered favourably.

Council's records show that the applicant initially received advice in 2019 that the application would be unlikely to be supported. The applicant sought further advice in

2020 and was provided with open-ended advice, along the lines of the application may be supported if sufficiently justified.

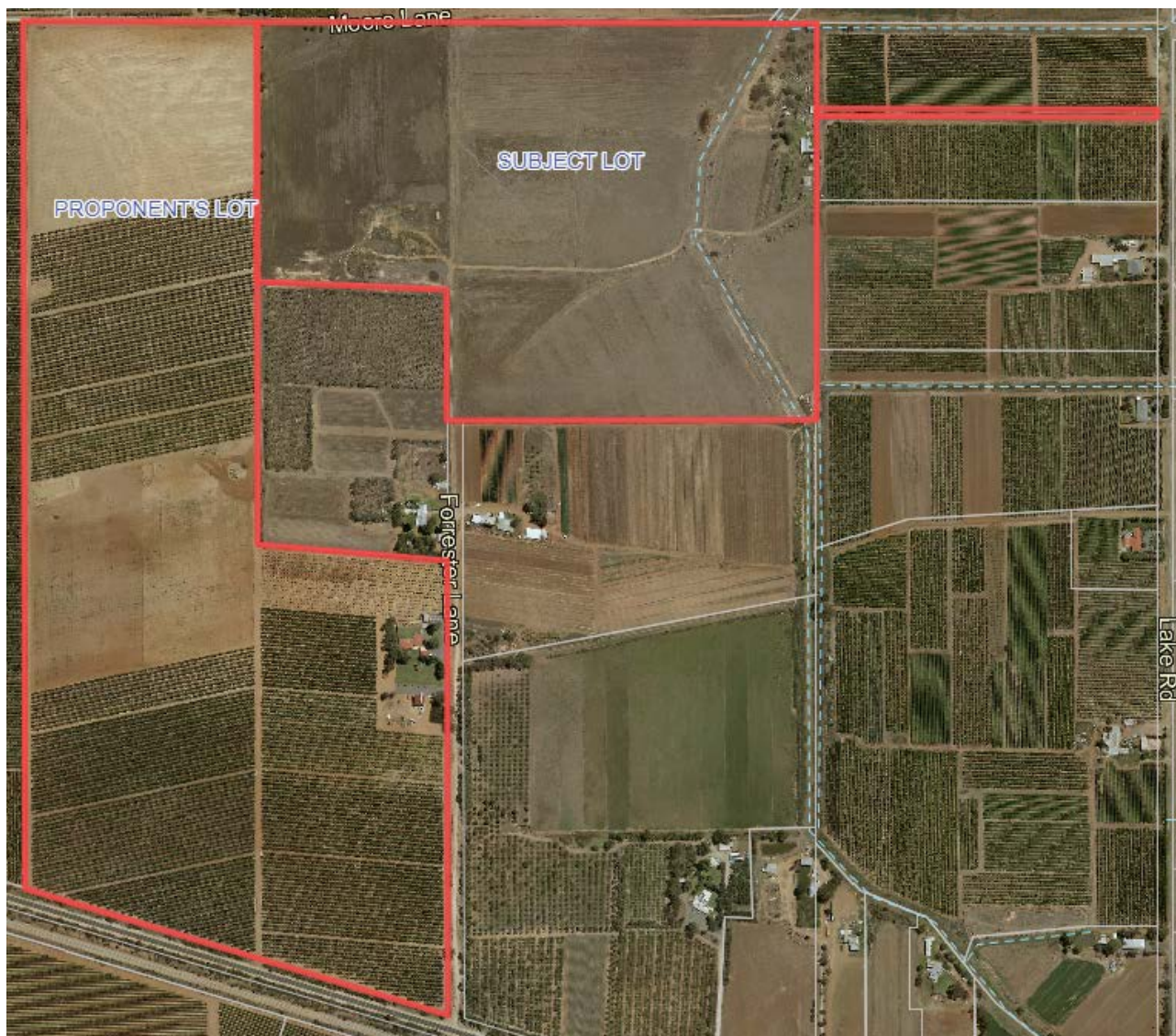


Figure 4: Subject lot and the prospective purchasers land holding at 43 Forrester Lane delineated in red.

Policy direction

- State Planning Policy Framework

1. Clause 14.01-01S – 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.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- 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.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural 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 land from the state's agricultural base while introducing an urban activity into the rural area. This is due to creating a separate lot for the dwelling and removing it from the future agricultural activity, thus the existing dwelling becoming a use in its own right rather than ancillary to the future agricultural activity. It is acknowledged that the current residents of the dwelling are not farming the land, however that is not to say that the dwelling cannot be utilised as accommodation for people working on that land or land within the area in the future. This is especially so, as the applicant has expressed interest in constructing accommodation for

agricultural workers in the future. If the subdivision is allowed, it will introduce an urban activity, being a lot for purely residential purposes, which is incompatible with the surrounding intensive agricultural activity.

A similar proposal heard in the Victorian Civil and Administrative Tribunal, *Costa v Mildura Rural CC* [2006] VCAT 493 whereby it was proposed to execute a two lot subdivision by way of excising the dwelling from the agricultural activity. The case was refused and Member Peter O'Leary had the following to say:

(...) Whilst Mr Costa made a belated offer of consenting to a condition on permit which would prohibit the development of a dwelling on the larger agricultural lot, I am concerned that this subdivision would create separate residential (or excision) lot in the midst of an agricultural holding and this will potentially lead to conflicts between the residential use and the agricultural use.

"Whilst the improvement to agricultural productivity may be seen as may (sic) have been one of relative marginal issue, it can be clearly distinguished from this particular site because what this subdivision does is create a separately disposal lot around the existing dwelling which has served as an adjunct to the agricultural production on the land. If this subdivision takes place the landowners can sell off this land and future owners would have no relationship with surrounding blocks: This is clearly discouraged in the Planning Scheme, whether it is called a "battle axe" lot or otherwise. It would be a poor planning outcome which should not be encouraged."

The productivity of the area will diminish and subsequently result in unplanned loss of agricultural land in the long-term. On that basis it is considered that the proposed subdivision is inappropriate and state and local policy specifically encourages the restructure of inappropriate subdivision, rather than creating them.

There is a possibility of the balance agricultural lot to be consolidated with the prospective purchasers existing 46.788 hectare holding, however, that in itself does not necessarily create a benefit. Consolidation is not by default necessarily creating a "net benefit", in that occasionally there is no reduction in the number of titles and farmers often operate several parcels, whether it be contiguously or in tenements. In those instances, the consolidation makes no difference to the operation of the farm holding or to the productivity of the land. Accordingly, consolidation is not the be-all and end-all in rural subdivision, it is merely a consideration that might create a beneficial outcome depending on the context. Should Council resolve to approve the proposed re-subdivision, it would be strongly recommended to encourage the prospective owner to consolidate his farming operation at 43 Forrester Lane (Lot 1 TP: 93268) with proposed lot 2, to mitigate the disbenefits of the proposed re-subdivision.

In the excerpt below Member S.R. Cimino succinctly summarises the balance between the dis-benefit and benefit of consolidation in *Roy Costa and Associates v Mildura RCC* [2007] VCAT 1244:

SECTION B - REPORTS

18 May 2021

The creation of small lots in areas of primary production; their use for dwellings not associated with rural activity; the potential for more dwellings; the consequential loss of productive rural land to residential use and the inflationary impact on the price of land are all dis-benefits that need to be balanced against the “benefit” associated with the creation of the larger lot in each case.

Refer to Cufari v Mildura RCC (Red Dot) [2005] VCAT 1979, whereby Senior Member Anthony Liston sets out a set of six tests that helps to determine whether a proposal actually creates a net benefit to agriculture. This set of test has since commonly been referred to as the Cufari test and is listed below and the subject application is assessed.

Test	Outcome	Comment
A - Proposed trade-off prevents a loss of land to productive horticulture ^[2] .	No	The subdivision creates an opportunity for a dwelling to be created ‘as of right’ on the agricultural lot
B - Proposed trade-off avoids any new loss of land to productive horticulture ^[3] .	No	The proposed house lot, has the potential impact on the productive capacity of the agricultural land, because it takes a minor area out of production and does create a lot able to construct a dwelling as of right. An agreement to prevent the construction of a new dwelling and subdivision will be implemented, but the agreement can be amended tor ended.
C - Proposed trade-off results in a lot suitable for productive horticulture without, a dwelling or the possibility that a dwelling can be constructed ^[4] .	Yes	The proposed agricultural lot does not contain an existing dwelling, and the Applicant will accept an agreement preventing the construction of a dwelling in the future. However, agreements can be amended or ended.
D - Proposed trade-off results in a lot suitable for productive horticulture greater than 12 hectares in area.	Yes	The agricultural lot will be of a size suitable for agricultural production. However, the lot will be slightly reduced in size from 31.48 hectares to 30.24 hectares.
E - Proposed trade-off results in a lot suitable for productive horticulture greater in area than	No	The agricultural lot will be slightly reduced in size from 31.48 hectares to 30.24 hectares and suitable for

any existing lot.		agricultural production
F - Proposed trade-off avoids the use of land for purposes unrelated to productive horticulture ^[5] .	No	A small lot is created for an existing dwelling.

^[2] Prevents a loss which would otherwise occur if the proposed trade-off was not implemented.

^[3] For example does not create a small lot for a new dwelling or create a lot suitable for productive horticulture with no existing dwelling, and without an agreement preventing the construction of a new dwelling, with the result that land is or is likely to be taken out of production.

^[4] For example, creating a lot suitable for productive horticulture subject to an agreement prohibiting the construction of a dwelling.

^[5] Usually the excision of a small lot for an existing dwelling, or the creation of a small lot for a new dwelling. The outcome will almost always be No, as this is usually the personal objective for which the planning purpose trade-off is required.

As can be deduced by the Cufari test, the application does not create a net benefit to agriculture and, therefore, should be refused.

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.

Assessment against the policy

Why is the proposal non compliant?

The proposed application does provide a short-term benefit in that a significant financial investment will occur in bringing the land into high value agricultural production. However, the long-term sustainability is compromised by the creation of the de facto lifestyle lot. As it reinforces the notion that existing dwellings can at any time be excised from the agricultural production for significant personal financial gain, as the dwelling is more valuable separated from the agricultural activity. This inflates the price of agricultural land beyond the capacity of its productive value and thus creates an unsustainable outcome in the long-term.

3. Clause 16.01-5S – Rural residential development

Objective: "To identify land suitable for rural residential development".

Relevant strategies:

- Discourage development of small lots in rural zones for residential use or other incompatible uses.

Assessment against the policy

Why is the proposal non-compliant?

As mentioned previously in this report, the proposal seeks to create a residential use, within an intensive horticultural area. The planning scheme reinforces that residential uses are best suited - and - directed to occur in existing settlements rather than within areas where the amenity experienced in these areas cannot be achieved, although is often expected.

Refer to the following decision by the Victorian Civil and Administrative Tribunal (VCAT). The statement made by Meagan Carew, Member in *Parker v Wangaratta Rural CC* [2016] VCAT 59.

"State planning policy Clauses 14 and 16 seek to discourage development that removes land from agricultural use, discourages small lots in rural areas used for rural lifestyle purposes and directs rural residential and rural living to areas zones for these purposes."

Over time council officers have received numerous complaints from people who have chosen to reside on a de facto lifestyle lot in a rural setting, in relation to activities that are to be expected and can occur as of right given that the purpose of the zone is to provide for agriculture. Ameliorating this through a Section 173 agreement acknowledging the above, cannot in itself resolve the land use conflict, rather it serves as a reminder of what can be expected when settling on land in the Farming Zone and therefore is a useful tool, but not effective in alleviating the incompatibility between rural and residential uses.

Member Rundel explains the contrast between expectation and reality of a de facto rural lifestyle lot in *Russell v Moira SC* [2017] VCAT 429. The case was for the use and development of a dwelling; however, it is considered that the same principals apply in this application.

Firstly, both Mr Stenhouse and Mr Nicoll say the Council regularly receives complaints from the residents of dwellings on small lots regarding noise, dust and odour from nearby farming activities. Mr Nicoll says his operations generate dust, noise at night and odours.

I think that it is inevitable that Mr Russell would be disturbed by the nearby farming activities. While he may say he would find this acceptable, there is the possibility he may not be so accommodating when disturbed.

I have to also consider the possibility that Mr Russell may sell or rent the dwelling to another household who seek a tranquil life in a rural setting. They may be surprised and aggrieved that they experience a lower level of amenity than they expected. They may try to constrain the nearby farming activities. Mr Stenhouse indicated this has been an ongoing issue and this issue has been one of the basis for local policy that seeks to limit dwellings on small lots in farming areas.

- 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.

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:

- Recognise the importance of the agricultural sector to the local economy.
- Recognise 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.

Strategies:

- Strategy 1.1 Discourage any proposed excision of land to create a separate lot for an existing house in irrigated horticultural areas.
- Strategy 1.3 Require any proposed dwelling excision of land to occur via the realignment of existing titles.
- Strategy 1.4 Discourage any proposed excision of land if the existing dwelling is to be excised is required to maintain the ongoing agricultural production and rural use of the land.

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.

Assessment against policy

Is the proposal compliant?

The proposal does not comply with strategy 1.1 as the re-subdivision is in essence a house lot excision, removing the existing house from the agricultural activity, within an existing horticultural area.

The proposal complies with strategy 1.3 as the subdivision reconfigures two lots into two new lots and does not increase the amount of lots.

The proposal does not comply with strategy 1.4 as the applicant has expressed the need for the ability for worker's accommodation in the future, demonstrating that the dwelling is in fact required for maintaining the ongoing agricultural production and rural use of the land.

The proposal does not comply with strategy 3.1 as the location of the dwelling is currently setback 20 metres from agricultural activity on adjoining land. When the dwelling is associated with agricultural activity, this is not an issue, however, if in the future owners are not associated with agricultural activity there is an inevitable likelihood of a land use conflict between the residential use and the agricultural use as discussed in a previous section of the report.

- Zoning 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 agricultural land.
- 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 use and development does not meet the purpose of the Farming Zone, because it **does not**:

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

Consultation

Public notification

The application was notified by sending letters to immediate adjoining owners of the property. No objections were received.

Internal referrals

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

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

Financial Implications

The proposed development is private in nature and it is therefore considered not to be any foreseen implications to Council.

Social Implications

A possible social impact is the potential to create a land use conflict between the surrounding agricultural uses and the residential use of the proposed defacto lifestyle lot.

Economic Implications

Agriculture has been identified as being an important part of the municipality's economy, and permanent removal of agricultural land for 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 dust, noise from scare guns and the use of machinery at night on the residential use of the proposed defacto lifestyle lot.

Risk Management Implications

There are no known risks associated with the proposed re-subdivision.

Council Plan Strategy Addressed

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

Options

- 1. That Council issue a refusal to Grant a Planning Permit for the re-subdivision of land in the Farming Zone at 143 Lake Road, Woorinen South on the following grounds:**
 - a. 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 16.01-5S Rural Residential development, and
 - Clause 21.06-1 Rural areas
 - b. 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.
- 2. That Council grant a permit for the re-subdivision of land in the Farming Zone at 143 Lake Road, Woorinen South subject to conditions and in accordance with the endorsed plans.**

1. Prior to certification of the subdivision approved by this permit, amended plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) a vegetation screen around the existing dwelling on proposed lot 1, to have a minimum depth of 6 metres and the screen is to consist of indigenous native species and adequate spacing.

2. Prior to certification of the Plan of Subdivision, the owners of the lots must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:

Lot 1

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.

d) The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority. Any dead diseased or damaged trees must be replaced with same species to the satisfaction of the Responsible Authority.

Lot 2

A dwelling may not be constructed in the future.f) The size of the land cannot be reduced through a future realignment of titles to below the minimum subdivision size for the zone that applied to the land when the subdivision took place.

Prior to a Statement of Compliance being issued

a) 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.

b) The owners must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

3. Prior to the issue of a Statement of Compliance, the existing vehicle crossings must be upgraded in accordance with the Infrastructure Design Manual (IDM) standards, if required.

Prior to the issue of a Statement of Compliance for the Subdivision, 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. 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.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. 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.
8. The flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans and submitted to the responsible authority for approval.
9. No polluted drainage from the existing dwelling 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.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of this matter.

NOTE(S):

- a) A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

Recommendations

That Council issue a refusal to Grant a Planning Permit for the re-subdivision of land in the Farming Zone at 143 Lake Road, Woorinen South on the following grounds:

a. 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 16.01-5S Rural Residential development, and
- Clause 21.06-1 Rural areas

b. The proposal 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.



EXISTING EASEMENTS

- E-1 WATER SUPPLY 7.04m WIDE. (S.R. & W.S.C.)
- E-2 WATER CHANNEL 20.12m WIDE. (S.R. & W.S.C.)

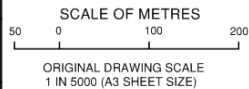
- 1. PLAN IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES
- 2. PLAN IS SUBJECT TO FINAL SURVEY
- 3. DIMENSIONS ARE APPROXIMATE ONLY



R C BENNETT
PLAN OF PROPOSED SUBDIVISION
 143 LAKE ROAD, WORINEN SOUTH

JOB DETAILS

DRAWN : G. DUNSTONE
 DATE : 28/08/2020
 SHEET No. 1 OF 1
 VERSION 5
 REFERENCE No. F9529



pricemerrett
 CONSULTING
 Engineers, Surveyors, Irrigation Consultants

P.O. BOX 1172
 SWAN HILL, VIC. 3585
 Ph: (03) 5032 2685
 FAX: (03) 5032 2472
 EMAIL: pricem@pricemerrett.com.au
 P.O. BOX 313
 KERANG VIC. 3579
 Ph: (03) 5452 2490
 FAX: (03) 5452 2366
 EMAIL: pnc@pricemerrett.com.au

Parish of TYNTYNDER
 Section : A
 Lot 1 on TP635439A
 Lot 1 on TP243672D

B.21.36 MURRAY REGIONAL TOURISM BOARD 2021-2024 MEMORANDUM OF UNDERSTANDING

Responsible Officer: Director Development and Planning
File Number: S12-22-03
Attachments: 1 2021-2024 Partner Councils Funding Agreement

Declarations of Interest:

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

Summary

This report is seeking Council to enter a new three-year funding agreement with Murray Regional Tourism Board.

Discussion

The Murray Regional Tourism Board (MRT) was formed in 2010 to establish an overarching organisation to contribute to the development and growth of the visitor economy in the region.

MRT is a cross-border organisation and is made up of the following partner Councils:

NSW Local Government Partners	Victorian Local Government Partners
Albury City Council	Wodonga City Council
Greater Hume Shire Council	Moira Shire Council
Federation Council	Campaspe Shire Council
Berrigan Shire Council	Gannawarra Shire Council
Edward River Council	Swan Hill Rural City Council
Murray River Council	Mildura Rural City Council
Wentworth Shire Council	

The Partner Councils recognise the independent role, structure and purpose of the Murray Regional Tourism Board including in its advocacy for regional tourism as an independent voice to local, state, national and international media.

Since 2010 the MRT model has proved highly effective for increasing tourism visitation within the Murray region. Supported by investments from NSW and Victorian State governments, local government, and industry, the MRT cross-border model has delivered:

- Reversal of a 10-year decline in visitation which existed prior to the establishment of MRT and the cross-border model

- Increased total visitation by 42 per cent since inception, from 4.5 million visitors to 6.4 million visitors
- Increased total nights by 31.5 per cent since inception, from 7.6 million to 9.6 million
- Increased total direct expenditure by 86 per cent, from \$1 billion to \$1.9 billion
- Increased direct and indirect expenditure by 26 per cent from \$2.43 billion to \$3 billion
- Generated an additional \$372 million in expenditure on tourism-related projects between 2012-2017, which enhance visitor experience and appeal
- Added an additional 4,569 tourism related jobs (direct and indirect) across the region
- Record visitation to the Murray region across all measures, Domestic Overnight, Domestic Day Visitors and International as evident from Tourism Research Australia NVS/IVS reports 2019
- A coordinated regional response to the COVID 19 pandemic

All existing Council partners have a new three-year funding agreement with MRT. This agreement will run from 1 July 2021 to 30 June 2024. Council is asked to sign the MOU as a priority to ensure this is completed prior to the end of June 2021. In accordance with MRTs existing process, invoicing will commence in July for the first year's commitment as will the sharing of their annual strategy and plan.

To achieve its Purpose, Murray Regional Tourism Board agrees to:

- Maintain, implement and review a Strategic Plan which clearly outlines strategic goals and quantified success measures for each goal.
- As part of its Strategic Plan, facilitate access to state and federal government funding for tourism in the region.
- As part of its Strategic Plan, facilitate operator investment and reinvestment in new or existing products and facilities.
- Develop and implement annual plans which align with the Strategic Plan and its success measures.
- Consult with Partner Councils and representative stakeholders in the development and review of the Strategic Plan and annual business plans.
- Provide Partner Councils with the Strategic Plan and annual business plans.
- Annually report on its performance against the quantified success measures from the annual business plans (which align with the Strategic Plan) to Partner Councils and other key stakeholders.
- Provide to Partner Councils and key stakeholders access to visitation research data to assist make informed decisions
- Provide to Partner Councils and key stakeholder's updates on issues or activities as appropriate relating to the Murray region visitor economy
- Undertake a formal Murray Regional Tourism Board performance review in 2023.

Consultation

Not applicable.

Financial Implications

The following funding commitments will apply for the period 1 July 2021 to 30 June 2024.

The Partner Council contributions are based on a flat fee of \$7,500 per participating Council per annum plus a payment based on domestic visitor nights consisting of an incremental increase over the life of the agreement as follows:

2021-2022 3.3 cents per Domestic Visitor night (based on 3-year average of the National Visitor Survey for the period ending December 2019).

2022-2023 3.7 cents per Domestic Visitor night (based on 3-year average of the National Visitor Survey for the period ending December 2019).

2023-2024 4 cents per Domestic Visitor night (based on 3-year average of the National Visitor Survey for the period ending December 2019).

PARTNER COUNCIL	2021-2022 \$ 3.3 cents	2022-2023 \$ 3.7 cents	2023-2024 \$ 4 cents	Visitors ('000) 3yr Avg (YE Dec 19)
Swan Hill Rural City Council	27,201	29,589	31,380	597

Social Implications

The cross-border approach to tourism in the Murray region has been highly effective. Renewing our three year agreement with MRT allows this good work to continue whilst also protecting Council's interests. The one year extension during COVID-19 provided Council a great example of MRT's advocacy, position and voice and the importance of having this as a smaller destination.

Economic Implications

It is expected that activities supported by Murray Regional Tourism will increase external awareness of the Swan Hill region, leading to higher levels of visitation and recovery opportunities from COVID-19 impacts as well as potential attraction of new residents.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Economic growth - Assist existing businesses to expand and increase their efficiency.

Options

1. Approve the three year renewal from July 1 2021 to 30 June 2024 to the funding agreement with Murray Regional Tourism Board.
2. Not approve three year renewal from July 1 2021 to 30 June 2024 to the funding agreement with Murray Regional Tourism Board.

Recommendations

That Council approves the three year renewal from July 1 2021 to 30 June 2024 to the funding agreement with Murray Regional Tourism Board.

2021-2024 PARTNER COUNCILS' FUNDING AGREEMENT

Between

MURRAY REGIONAL TOURISM BOARD

And

**Albury City Council
Berrigan Shire Council
Campaspe Shire Council
Federation Council
Edward River Council
Gannawarra Shire Council
Greater Hume Shire Council
Mildura Rural City Council
Moirra Shire Council
Murray River Council
Swan Hill Rural City Council
Wodonga City Council
Wentworth Shire Council**

April 2021

Murray River Region Tourism Limited

(ACN 150 739 647) of 2 Heygarth Street, Echuca in the State of Victoria ('the Company')

Murray Regional Tourism Board
AGREEMENT

1. Parties to the Agreement

The Parties to this Agreement are:

Murray River Region Tourism Limited trading as Murray Regional Tourism Board.

Partner Councils:

- **Albury City Council**
- **Berrigan Shire Council**
- **Campaspe Shire Council**
- **Federation Council**
- **Edward River Council**
- **Gannawarra Shire Council**
- **Greater Hume Shire Council**
- **Mildura Rural City Council**
- **Moira Shire Council**
- **Murray River Council**
- **Swan Hill Rural City Council**
- **Wodonga City Council**
- **Wentworth Shire Council**

2. Preamble

- 2.1** In order to grow and promote the visitor economy in the Murray Region, it is proposed to continue funding the Murray Regional Tourism Board over the three year term 2021-2024.
- 2.2** The Murray Regional Tourism Board is a Company Limited by Guarantee and is maintained as a financially autonomous body with responsibilities for its strategy, budget and financial sustainability.
- 2.3** The Directors of the Company are appointed and must operate in accordance with the Company Constitution.

Murray Regional Tourism Board
AGREEMENT

3. Murray Regional Tourism Board

3.1. History

The Murray Regional Tourism Board formed in 2010 following extensive industry consultation which highlighted the need to establish an overarching organisation to contribute to the development and growth of the visitor economy in the region.

3.2. Role of the Murray Regional Tourism Board

The Murray Regional Tourism Board provides:

- **A United Voice** - a strong unified voice on all issues relating to the visitor economy in the region.
- **Leadership** – a lead role in supporting, guiding and mentoring.
- **A Funding Channel** - all State Government (NSW & Victoria) tourism funds are channelled through the Murray Regional Tourism Board.
- **A Partnership** - an opportunity for local government authorities to work together on tourism issues.
- **Coordination** - greater cooperation and collaboration to avoid duplication of effort resulting in greater efficiencies for the industry.
- **Regional Ownership** - the strategic direction for the visitor economy is managed by the region and not state government tourism offices.

The Murray Regional Tourism Board is responsible for the holistic development of the visitor economy for the Murray Region. We will achieve this through focussing on the following 4 strategic pillars and objectives:

- **Industry development** – Improving the quality of tourism experiences in the region through industry education and support.
- **Product development-** Facilitate investment in infrastructure, new products and experiences that revitalise the Region’s tourism offer.
- **Regional marketing-** Lead and support the Murray Region in the development of collaborative marketing programs.
- **Leadership and advocacy-** Leading the growth and development of the Murray Region through expert knowledge, advocacy and industry engagement.

The Partner Councils recognise the independent role, structure and purpose of the Murray Regional Tourism Board including in its advocacy for regional tourism as an independent voice to local, state, national and international media.

The Murray Regional Tourism Board:

- Plays a critical role in creating a platform for the future growth of the visitor economy within the region.

2

Murray River Region Tourism Limited
(ACN 150 739 647) of 2 Heygarth Street, Echuca in the State of Victoria ('the Company')

Murray Regional Tourism Board
AGREEMENT

- Identifies region-wide tourism issues and develops initiatives and solutions for the Partner Councils.
- Sets the overarching strategic direction for tourism across the entire Murray Region.
- Communicates with key stakeholders such as Destination New South Wales, Local Governments, Visit Victoria and industry participants.

4. Role Of Partner Councils

The Partner Councils support Murray Regional Tourism Board activities through the involvement of local government personnel and departments including tourism, economic development, Visitor Information Centres and other relevant departments in delivering strategic outcomes for the region.

5. Resourcing

- 5.1. The Partner Councils agree to three year funding to the Murray Regional Tourism Board as per Schedule A of this Agreement. Annual payments are to be made following the receipt of an invoice from the Murray Regional Tourism Board. Payments are to be made no later than 1 September each year.
- 5.2. The Partner Councils agree to this funding to enable Murray Regional Tourism Board to deliver against its **Purpose** and meet its agreed obligations in Schedule B. Partner Councils agree to meet their Schedule B obligations in return.
- 5.3. The funding commitment commences on 1 July 2021 and concludes on 30 June 2024. By mutual agreement, it may continue beyond that date subject to Clause 9.
- 5.4. Additional funding may be provided by the Partner Councils, upon agreement, for the delivery of specific programs.
- 5.5. As a condition of funding, the parties to this Agreement expect that Murray Regional Tourism Board will consult with each of them in the development of Murray Regional Tourism Board's Strategic Plan and annual business plans.

6. Performance Review

- 6.1. Murray Regional Tourism Board will undertake a review (as per Schedule C) of its performance in the period July – September 2023 to determine its effectiveness in delivering its Strategic Plan.

7. Dispute Resolution

- 7.1. Any disputes arising from this Agreement will be first referred to a meeting of the Chair of Murray Regional Tourism Board, two Partner Council representatives and a representative of each of Visit Victoria and Destination New South Wales. Visit Victoria or Destination New South Wales will convene and manage this process.
- 7.2. Final dispute resolution, if required, will be referred to a Committee consisting of one representative from – a) Partner Councils, b) Murray Regional Tourism Board, c) Visit Victoria, and d) Destination New South Wales and e) an independent, industry

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Murray River Region Tourism Limited
(ACN 150 739 647) of 2 Heygarth Street, Echuca in the State of Victoria ('the Company')

Murray Regional Tourism Board
AGREEMENT

representative. Visit Victoria or Destination New South Wales will convene the meeting and chair the Dispute Resolution Committee.

7.3. The independent industry representative will be appointed by a group consisting of a representative from –

- a) Partner Councils,
- b) Murray Regional Tourism Board;
- c) Visit Victoria, and
- d) Destination New South Wales.

8. Indemnity

8.1. This Agreement does not constitute a guarantee or indemnity by Partner Councils in regards to activities undertaken by the Murray Regional Tourism Board.

9. Term of Agreement

9.1. This Agreement lapses on 30 June 2024 and may be renewed or renegotiated by further agreement between the parties.

9.2. Negotiations to renew or renegotiate the Agreement must be completed by 31 December 2023.

10. Parties Agree to be Bound

10.1. It is the intention that this Agreement be binding on all of the parties which have signed this Agreement without the right of withdrawal from the arrangement except where there is a fundamental breach of any material term or condition of this Agreement by another party.

Murray Regional Tourism Board
AGREEMENT

11. List of Schedules

- A. Partner Council Funding**
- B. Agreed Obligations**
- C. Review Process**

Murray Regional Tourism Board
AGREEMENT

SCHEDULE A.

A. Partner Council Funding

It is agreed that the following funding commitments will apply for the period 1 July 2021 to 30 June 2024.

The Partner Council contributions are based on a flat fee of \$7,500 per participating Council per annum plus a payment based on domestic visitor nights consisting of an incremental increase over the life of the agreement as follows:

2021-2022 3.3 cents per Domestic Visitor night (based on 3 year average of the National Visitor Survey for the period ending December 2019).

2022-2023 3.7 cents per Domestic Visitor night (based on 3 year average of the National Visitor Survey for the period ending December 2019).

2023-2024 4 cents per Domestic Visitor night (based on 3 year average of the National Visitor Survey for the period ending December 2019).

PARTNER COUNCILS	2021-2022 \$ 3.3 cents	2022-2023 \$ 3.7 cents	2023-2024 \$ 4 cents	Visitors ('000) 3yr Avg (YE Dec 19)
Albury City Council	46,869	51,641	55,220	1,193
Berrigan Shire Council	21,426	23,114	24,380	422
Campaspe Shire Council	54,426	60,114	64,380	1,422
Federation Council	22,449	24,261	25,620	453
Edward River Council	16,245	17,305	18,100	265
Gannawarra Shire Council	17,796	19,044	19,980	312
Greater Hume Shire Council	11,922	12,458	12,860	134
Mildura Rural City Council	57,099	63,111	67,620	1,503
Moira Shire Council	45,912	50,568	54,060	1,164
Murray River Council	24,825	26,925	28,500	525
Swan Hill Rural City Council	27,201	29,589	31,380	597
Wodonga City Council	23,934	25,926	27,420	498
Wentworth Shire Council	13,539	14,271	14,820	183
Total	\$383,643	\$418,327	\$444,340	8,671

Murray Regional Tourism Board
AGREEMENT

SCHEDULE B.

B. Agreed Obligations

To achieve its Purpose, Murray Regional Tourism Board agrees to:

- Maintain, implement and review a Strategic Plan which clearly outlines strategic goals and quantified success measures for each goal.
- As part of its Strategic Plan, facilitate access to state and federal government funding for tourism in the region.
- As part of its Strategic Plan, facilitate operator investment and reinvestment in new or existing products and facilities.
- Develop and implement annual plans which align with the Strategic Plan and its success measures.
- Consult with Partner Councils and representative stakeholders in the development and review of the Strategic Plan and annual business plans.
- Provide Partner Councils with the Strategic Plan and annual business plans.
- Annually report on its performance against the quantified success measures from the annual business plans (which align with the Strategic Plan) to Partner Councils and other key stakeholders.
- Provide to Partner Councils and key stakeholders access to visitation research data to assist make informed decisions
- Provide to Partner Councils and key stakeholders updates on issues or activities as appropriate relating to the Murray region visitor economy
- Undertake a formal Murray Regional Tourism Board performance review in 2023.

Partner Councils agree to:

- Facilitate, where relevant, the involvement of Partner Council personnel in Murray Regional Tourism Board activities.
- Work with Murray Regional Tourism Board to determine the relevance of specific activities;
- Integrate Murray Regional Tourism Board initiatives into the annual work plans of Partner Council personnel.
- Advocate Murray Regional Tourism Board to industry and government, as appropriate.
- Allocate, where agreed, funding for partnering on projects and programs.
- Make available opportunities for Murray Regional Tourism Board representatives to present to, and engage with, Partner Councils.
- Include, where relevant, Murray Regional Tourism Board in key industry programs and strategic developments.
- Partner with Murray Regional Tourism Board in the sharing of necessary information relevant to the development of the regional tourism industry.
- Partner with Murray Regional Tourism Board for visits and forums within Partner Council areas.

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Murray River Region Tourism Limited
(ACN 150 739 647) of 2 Heygarth Street, Echuca in the State of Victoria ('the Company')

Murray Regional Tourism Board
AGREEMENT

SCHEDULE C

C. Review Process

1. An independent review will be undertaken by the Murray Regional Tourism Board. An independent contractor will be appointed by the Murray Regional Tourism Board to conduct the review.
2. The independent review of Murray Regional Tourism Board will be undertaken in the period July – September 2023 to determine the effectiveness of the delivery of the strategic goals and success measures set out in the Strategic Plan.
3. The reviewer will provide a report with findings and recommendations to the Murray Regional Tourism Board, Partner Councils and major stakeholders by 31 October 2023.
4. The reviewer will consider the:
 - performance of the Murray Regional Tourism Board against its role as set out in Clause 3.2 and its agreed obligations (Schedule B);
 - governance and management of the Murray Regional Tourism Board;
 - level of stakeholder satisfaction with the Murray Regional Tourism Board.

Murray Regional Tourism Board
AGREEMENT

The Swan Hill Rural City Council agrees to contribute:

- \$27,201 for 2021- 2022 Financial Year
- \$29,589 for 2022 - 2023 Financial Year
- \$31,380 for 2023 - 2024 Financial Year

to the operations of Murray River Region Tourism Limited and to be a signatory to this Agreement.

Signed on behalf of the **Swan Hill Rural City Council**

.....

Name:

Title:

In the presence of:

.....

Name:

Dated:

B.21.37 SWAN HILL DRAG STRIP

Responsible Officer: Director Infrastructure
File Number: S15-06-10 & AST-BU-42021-05
Attachments: Nil

Declarations of Interest:

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

Summary

This report is to provide an update regarding the proposal to carry out a feasibility study/business case to determine whether to scope and cost the works to reconstruct a Swan Hill drag strip facility.

Discussion

The Swan Hill drag-strip facility has consistently developed pavement defects since its construction that initially limited and then prevented drag vehicles from racing at the facility after being constructed in 2015. While repair attempts have been made to resolve the situation, those attempts were unsuccessful, and the pavement quality continues to deteriorate. Currently, the cost to rehabilitate existing pavement defects, the limitations on race vehicles permitted to use the track and the potential ongoing costs to maintain the track has made the current track physically and financially unviable for use as a drag racing track.

To attain compliance with ANDRA (Australian National Drag Racing Association) and applicable international standards, the most viable way forward is to discard the existing track and design / construct a new drag racing facility by following the appropriate project methodology for the scale of the works, from scoping / feasibility study to handover. This methodology is the only way Council can effectively control project quality risks and ensure cost-effective delivery. However prior to committing resources to the redevelopment of the track or development of a new track, the economic or business feasibility needs to be completed.

The first phase of the project is the business case. This will include:

- an assessment of the requirements for international drag racing facilities in Australia.
- an assessment of the economic viability a international drag racing facility in the Swan Hill region – this will include detailed costings of management of the facility
- the facility management options and their viability
- Ongoing maintenance and capital requirements
- Detailed financial analysis and options to achieve financial sustainability

The second phase of the project is:

- the assessment of the suitability of proposed locations and

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18 May 2021

- the development of a concept design for consideration and approvals.
- Cost estimations to develop any facility
- Sources of funding available to develop any facility.

The proposal is to outsource phase 1 and 2 to an organization/s with demonstrated expertise in the construction of automotive racing facilities with relevant financial modelling and data analysis pertaining to their operations and market needs.

Council has obtained high level cost estimations for the required works to complete the scoping phases. The estimated time for this scoping phase is 6 – 7 months with an estimated cost in excess of \$210,000.

The following is the cost breakdown for the scoping works:

Phase one:

- Feasibility/business case Study - \$60,000+
- Develop management system - \$15,000

HOLD POINT

Phase two:

- Geo-technical investigations - \$55,000
- Concept design, specification and cost estimates \$65,000+
- Funding Sources investigation and engagement \$15,000

Council will be in a position to proceed to phase two when the findings of phase one are known.

Consultation

Consultation was carried out during the previous drag strip reconstruction project. The current proposal is for the feasibility study only, and to identify any significant changes to project scope. Consultation with users, the Motoplex committee and allied businesses will be part of the brief.

Financial Implications

The estimated budget to complete feasibility works is \$210,000, which is not currently budgeted for nor listed in the 10 year major projects plan. However there is risk this estimate may increase depending on the level of available information and expertise.

Social Implications

The drag racing facility project has attracted attention from the Swan Hill community.

Economic Implications

A functioning drag racing facility may provide a boost for the tourism industry as it may improve visitor numbers to the region.

Environmental Implications

The vehicles will be producing additional volumes of exhaust gas pollutants while using the facility and generating noise affecting nearby areas.

Risk Management Implications

Completing a feasibility assessment of the project will enable Council to gain a detailed understanding of what is required to develop a fully operational drag racing facility in Swan Hill. Council will then be able to share this with the community during any further consultation.

Council Plan Strategy Addressed

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

Options

1. That Council
 - Pursue the commencement of phase one being a feasibility and business case study for a new drag racing facility.
 - Identify funding from within the 10 year major project plan for the unbudgeted estimated project cost noting that this will likely cause delays to existing capital projects.
2. That Council does not approve expenditure in the 2020/21 – 2021/22 financial years, as it is unbudgeted and request Council officers to include it in the 2022/23 budget proposal for consideration.
3. That Council does not proceed with the development of a feasibility study for a new drag racing facility

Recommendation

That Council

- 1. Pursue the commencement of phase one being a feasibility and business case study for a new drag racing facility.**
- 2. Identify funding from within the 10 year major project plan for the unbudgeted estimated project cost noting that this will likely cause delays to existing capital projects.**

B.21.38 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 MARCH 2021

Responsible Officer: Director Corporate Services
File Number: S42-20-00
Attachments: 1 Income and Expenditure; and Balance Sheet

Declarations of Interest:

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

Summary

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (Balance Sheet) to the adopted Budget for the nine months to 31 March 2021 has been conducted and the results are summarised in this report.

Discussion

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the 9 months ended 31 March 2021 are included with this report.

Major variations to budget as at 31 March 2021 are also explained by way of notes on the attached reports.

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

Significant forecast variations to budget include:

	Current Forecast Variances	
Grants Commission – Financial Assistance Grants (including Transfer from Reserve)	(\$58,660)	Unfavourable
Grants Commission – Natural Disasters	\$34,460	Favourable
Employee Costs (net) – excl Working for Victoria	\$874,000	Favourable
Workcover Premiums	(\$9,435)	Unfavourable
Insurance	(\$127,000)	Unfavourable
Interest Income (Rates and Investments)	(\$395,000)	Unfavourable
Pioneer Settlement Net Result	\$5,000	Favourable
Statutory fees and fines	(\$95,000)	Unfavourable
Carparking	(\$115,000)	Unfavourable
Caravan Parks	(\$62,690)	Unfavourable
Livestock Exchange – market usage charges	(\$100,000)	Unfavourable
User fees and charges	(\$199,310)	Unfavourable
Performing Arts program suspension	\$114,000	Favourable
Aerodrome site leases	(\$31,795)	Unfavourable
Election Costs	(\$24,675)	Unfavourable

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COVID-19 Response (Cleaning, Masks, Security)	(\$92,000)	Unfavourable
Transfer from COVID-19 Reserve	\$92,000	Favourable
Additional user group contributions	\$158,000	Favourable
Leisure Centre contributions paid	\$75,905	Favourable
Telecommunications	\$130,065	Favourable
Other minor cost increases	(\$19,865)	Unfavourable
Municipal Building Surveyor	(\$59,000)	Unfavourable
Net Variation to 2020/21 Budget	\$94,000	Favourable

Consultation

Consultation occurred as part of the Budget preparation process.

Financial Implications

The report shows a predicted rates determination surplus \$94,000 better than budget for the 2020/21 financial year.

See also CEO Compliance Statement below.

Social Implications

Not relevant to this item.

Economic Implications

Not relevant to this item.

Environmental Implications

Not relevant to this item.

Risk Management Implications

The anticipated surplus is subject to income and costs trending as expected over the final three months of the year.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Council may choose to adopt or amend the recommendation.

2020 Local Government Act Compliance Statement by CEO

The Local Government Act 2020 requires a statement by the Chief Executive Officer as to whether a revised budget is or may be required at the time the second quarterly report is presented to Council. That statement was overlooked when officers presented the December 2020 quarterly report at the April 2021 Council meeting.

To rectify the oversight, the CEO's statement is hereby contained in this third quarterly financial report.

I, John Brian McLinden, Chief Executive Officer of the Swan Hill Rural City Council hereby state that a revised budget is not anticipated for the 2020/21 financial year. The better than budget forecast indicated in the second and third quarterly finance reports support my assessment.

Recommendations

That Council:

- 1. Note that the anticipated end of financial year result is \$94,000 better than budget at this stage.**
- 2. Note the CEO's statement, that a revised budget is not required for the 2020/21 financial year.**

**SWAN HILL RURAL CITY COUNCIL
STATEMENT OF INCOME & EXPENDITURE
FOR THE 9 MONTHS ENDING 31/03/2021**

	Actual Year To Date 31/03/2021 \$000	Budget Year To Date 31/03/2021 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2020/21 \$000	Notes
OPERATING INCOME :-						
Rates, garbage charges and marketing levy	29,204	29,230	(26)	-0.1%	29,230	
Statutory fees & fines	757	736	21	2.9%	981	
User fees	2,776	3,477	(701)	-20.2%	4,636	1
Grants - Operating (recurrent)	4,689	7,581	(2,892)	-38.1%	10,108	2
Grants - operating (non-recurrent)	7,078	2,208	4,870	220.6%	2,944	3
Grants - capital (recurrent)	938	1,613	(675)	-41.9%	2,151	4
Grants - capital (non-recurrent)	3,426	4,243	(817)	-19.3%	5,657	5
Contributions - cash non recurrent	158	159	(1)	-0.6%	212	
Interest income	288	609	(321)	-52.7%	812	6
Proceeds from disposal of assets	463	707	(244)	-34.5%	943	7
Other revenue	3,375	1,628	1,747	107.3%	2,171	8
TOTAL INCOME	53,152	52,191	961	1.8%	59,845	
OPERATING EXPENSES (Excluding Depreciation) :-						
Employee benefits	15,220	15,573	(353)	-2.3%	20,764	
Contract payments materials & services	12,602	13,757	(1,155)	-8.4%	18,342	9
Bad & doubtful debts	-	2	(2)	0.0%	2	
Finance costs	151	254	(103)	-40.6%	339	10
Other expenses	1,270	851	420	49.3%	1,134	11
TOTAL OPERATING EXPENSES (Excl. Depn.)	29,243	30,436	(1,193)	-3.9%	40,581	
OPERATING RESULT (Excl. Depn.)	23,909	21,756	2,154	9.9%	19,264	
CAPITAL ITEMS :-						
Capital works/asset purchases	8,816	17,702	(8,886)	-50%	23,603	12
SURPLUS (DEFICIT) AFTER CAPITAL ITEMS	15,093	4,053	11,040	272%	(4,339)	
ADD FINANCING TRANSACTIONS						
Loan principal redemption	(412)	(443)	31	-6.9%	(590)	
Transfers to/from reserves	4,264	4,264	-	0.0%	4,486	
Proceeds from loans	-	-	-	0.0%	500	13
TOTAL FINANCING TRANSACTIONS	3,852	3,822	31	0.8%	4,396	
BUDGET RESULT SURPLUS	18,945	7,875	11,070	140.6%	57	

- 1 User fees and charges are below forecast due to the impact of the COVID-19 pandemic. These come from Pioneer Settlement (\$420K), parking fees (\$106K), commercial leases (\$95K) and hall's and facility hire (\$91K).
- 2 Fifty per cent of Council's 2020/21 Victoria Grants Commission allocation was received in advance in June 2020. This variance will remain for the year and is offset by increased cash holdings on the Balance Sheet and in transfers from reserves.
- 3 An additional \$1.73M has been received for the Working for Victoria Jobs program, and \$717K for the Local Roads and Community Infrastructure program that have been provided to Council as part of the economic stimulus packages arising from the pandemic and drought. Funding for the suite of Our Region Our Rivers projects of \$2.02M has also been received ahead of forecast. Ongoing funding for the Enhanced Maternal and Child Health program has not been forecast, \$337K has been received to date.
- 4 Two instalments of the Roads to Recovery grant has been received. This grant funding will be received in full by the end of the financial year.
- 5 Timing issue. Project milestones are yet to be completed for a number of significant capital works projects. Refer note 12.
- 6 Timing issue. Current term deposits have accrued \$58K in interest income and will be recognised at maturity. Record low interest rates have effected our ability to meet the full year forecast.
- 7 Minimal vehicle trade-in's have been made in the year to date and the full year forecast is expected to be \$100K below forecast due to the availability of stock and the long wait time for new vehicles to be delivered.
- 8 Tower Hill land sales are \$1.41M above the full year forecast due to the sale of all available allotments in Stage 12 in September.
- 9 The majority of this variance (\$856K) relates to the payment of the waste management contract. There have been delays in receiving and authorisation of contractor payments. These are expected to be rectified in the final quarter of the year.
- 10 Timing issue. Council's interest only loans have accrued \$90K in interest costs which will be booked when the instalments are paid in May and June 2021.
- 11 Council transferred ownership of land and buildings to the Swan Hill S.E.S. Assets to the value of \$309K were written off from our asset register.
- 12 Significant capital works projects forecast for the 2020/21 year such as the Our Place building, road reconstructions and resheets, Swan Hill Aerodrome runway and terminal upgrades, Swan Hill Leisure Centre group fitness room and Tower Hill development have all had minimal expenses to date.
- 13 Borrowing for our 2020/21 capital works program occurred on 23/04/2021.

**SWAN HILL RURAL CITY COUNCIL
SUMMARISED BALANCE SHEET
AS AT 31/03/2021**

	This Year Actual As At 31/03/2021 \$000	Last Year Actual As At 31/03/2020 \$000	\$ Movement Y.T.D. \$000	% Movement 2020/21	Budget As At End 2020/21 \$000
CURRENT ASSETS:-					
Cash and Cash Equivalents	47,171	37,629	9,542	25.4%	39,419
Trade & Other Receivables	7,597	6,528	1,069	16.4%	15,915
Inventories	180	189	(9)	-4.8%	162
Other Assets	208	221	(13)	-5.9%	162
TOTAL CURRENT ASSETS	55,156	44,567	10,589	23.8%	55,658
CURRENT LIABILITIES:-					
Trade & Other Payables	3,083	1,705	1,378	80.8%	1,256
Trust Funds & Deposits	259	247	12	4.9%	1,416
Provisions	5,288	5,223	65	1.2%	5,199
Interest Bearing Loans & Borrowings	5,179	546	4,633	848.5%	-
Lease Liabilities	400	0	400	100.0%	360
TOTAL CURRENT LIABILITIES	14,209	7,721	6,488	84.0%	8,231
NET CURRENT ASSETS	40,947	36,846	4,101	11.1%	47,427
NON-CURRENT ASSETS:-					
Trade & Other Receivables	111	111	-	0.0%	111
Property, Plant, Equipment & Infrastructure	491,054	459,638	31,416	6.8%	459,262
Right-of-use Assets	850	-	850	100.0%	-
Intangible Assets	3,072	2,765	307	11.1%	2,765
TOTAL NON-CURRENT ASSETS	495,087	462,514	32,573	7.0%	462,138
NON-CURRENT LIABILITIES:-					
Interest Bearing Loans & Borrowings	2,320	7,026	(4,706)	-67.0%	7,453
Lease Liabilities	458	-	458	100.0%	-
Provisions	1,649	1,411	238	16.9%	1,440
TOTAL NON-CURRENT LIABILITIES	4,427	8,437	(4,010)	-47.5%	8,893
TOTAL NET ASSETS	531,607	490,923	40,684	8.3%	500,672
EQUITY:-					
Accumulated Surplus & Reserves	321,614	312,256	9,358	3.0%	322,005
Asset Revaluation Reserve	209,993	178,667	31,326	17.5%	178,667
TOTAL EQUITY	531,607	490,923	40,684	8.3%	500,672

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.21.7 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
1051	173 Agreement – Planning Permit 2020-054 Condition 8, 1665 Robinvale/Sea Lake Road Bannerton	Between Swan Hill Rural City Council and G.L.Curran, A.G.Curran and D.K.Curran	20/04/2021
1052	173 Agreement – Planning Permit 2020-109 Condition 4 and 5 – 109 Woodgate Road, Murraydale	Between Swan Hill Rural City Council and D.G.Chambers and D.M.Chambers	20/04/2021
1053	Occupancy Lease – Tyntynder South Public Hall	Between Swan Hill Rural City Council and Tyntynder South Hall Dance Committee Inc.	20/04/2021

DECISIONS WHICH NEED ACTION/RATIFICATION

18 May 2021

1054	Instrument of Appointment and Authorisation – Julie Lunde, Planning and Environment Act 1987	To Julie Lunde	27/04/2021
1055	Instrument of Appointment and Authorisation – Tamara Broadsmith, Planning and Environment Act 1987	To Tamara Broadsmith	27/04/2021
1056	Instrument of Appointment and Authorisation – Stefan Louw, Planning and Environment Act 1987	To Stefan Louw	27/04/2021
1057	Deed of Termination and Release	Between Swan Hill Rural City Council and K.J.Berlin and K.L.Berlin Trading as Berlin Weed and Pest Control	04/05/2021

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.

C.21.8 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 Councillor Assembly Attendance

Declarations of Interest:

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

Summary

The following report provides details of Councillor Assemblies on a monthly basis.

Discussion

Whilst Minutes have not been recorded, Agenda items and those in attendance are reported and 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 Assemblies are reported to ensure good governance and transparency.

Recommendation

That Council note the contents of the report.

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

20 April 2021 at 1.30pm, Swan Hill Town Hall

AGENDA ITEMS

- Presentation on Model Budget prior to Advertising

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay
- Cr Ann Young
- Cr Chris Jeffery

Apologies

- Cr Les McPhee

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Joel Lieschke, Director Corporate Services
- Svetla Petkova, Director Infrastructure
- Warren Snyder, Finance Manager
- Ash Free, Financial Accountant

Other

- Nil

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

27 April 2021 at 1.00pm, Swan Hill Town Hall

AGENDA ITEMS

- Councillor Only session “Councillor and Staff interaction Policy”
- Councillor only session
- Planning Permit Application – 143 Lake Road, Woorinen South
- Robinvale Euston Community reaching its maximum Potential
- Industrial Land availability
- Dragstrip update
- Mobile Food Traders
- Our Place discussions

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay
- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Joel Lieschke, Director Corporate Services
- Bruce Myers, Director Community & Cultural Services
- Nazrul Islam, Engineering and Capital Projects Manager
- Stefan Louw, Development Manager
- Trish Ficarra/Kelsey Corrie, Public Health and Regulatory Services Coordinator
- Jess Warburton, Pioneer Settlement General Manager
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment
- Ian Baker, Project Management Officer PMO Manager

Other

- Glenn Stewart, Community Development Advisor (Robinvale)

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

4 May 2021 at 1.00pm, Swan Hill Town Hall

AGENDA ITEMS

- Revenue and Rating Plan
- Tower Hill
- MRGC Briefing
- Environmental Management Policy
- Weed and Pest Project update
- Road Network access to A-Double vehicles
- Fencing contributions
- Swan Hill Leisure Centre/Showgrounds development
- Stage 2 Activating Swan Hill Riverfront

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay
- Cr Ann Young
- Cr Chris Jeffery
- Cr Les McPhee

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Joel Lieschke, Director Corporate Services
- Bruce Myers, Director Community & Cultural Services
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Tony Heffer, Customer Service & Revenue Co-ordinator
- Warren Snyder, Finance Manager
- Nick Mudge, Environment and Sustainability Officer
- Stefan Louw, Development Manager
- Nazrul Islam, Engineering and Capital Projects Manager
- Gaye Cutajar, Technical Officer – Engineering
- Adam Saddler, Economic and Community Development Manager
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment
- Nathan Keighran, Liveability and Project Development Coordinator

Other

- Cr Jason Modica and Geoff Turner (Murray River Group of Councils)

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

SECTION E – FORESHADOWED ITEMS

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION H – IN CAMERA ITEMS