

MINUTES

SCHEDULED MEETING OF COUNCIL

Tuesday, 17 August 2021

Held at the Swan Hill Town Hall
McCallum Street
Commenced 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

Confirmed 21 September 2021

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Welcome**

Mayor, Councillor Bill Moar assumed the chair and declared the meeting open at 2.00pm.

- **Acknowledgement of Country**

Mayor, Councillor Bill Moar read the Acknowledgement of Country.

- **Prayer**

Cr Ann Young read the prayer.

- **Apologies/Leaves of Absence**

Nil

Recommendations

That the apologies be accepted.

- **Directors/Officers Present**

John McLinden, Chief Executive Officer
Heather Green, Director Development and Planning
Bruce Myers, Director Community and Cultural Services
Svetla Petkova, Director Infrastructure
Joel Lieschke, Director Corporate Services
Sharon Lindsay, Executive Assistant
Terri McCormick, Executive Support Officer

- **Confirmation of Minutes**

- 1) Scheduled Meeting Of Council held on 20 July 2021

100/21 Motion

MOVED Cr McPhee

That the minutes of the Scheduled Meeting of Council held on 20 July 2021 be confirmed.

SECONDED Cr Benham

The Motion was put and CARRIED

- **Disclosures of Conflict of Interest**

Cr Benham declared a conflict of interest in item B21.64 due to a close association.
Cr King declared a conflict of interest in item B21.65 due to a close association.

- **Joint Letters and Reading of Petitions**

Nil

- **Public Question Time**

101/21 Motion

MOVED Cr McPhee

That standing orders be suspended at 2.02pm.

SECONDED Cr Jeffery

The Motion was put and CARRIED

Alison Black

Robinvale Levee Bank - This question is submitted on behalf of another community member. Apparently work on the levee bank has ceased due to lack of soil. Is this correct? If yes, when will the levee bank be finished and will the delay result in a cost blow out? If so how much?

The Chief Executive Officer replied: I thank Ms Black for her question.

Levee construction works resumed during the first week of August and works are progressing and are within budget. The project is expected to be complete by September 2021. Extra material has been sourced from a Council owned site.

Kaye Mitchell - Save Swan Hill Serenity Action Group Member

Why has the Council Staff report ignored the option and associated recommendation to make Swan Hill & Robinvale aerodromes unavailable for circuit training by visiting aircraft at any time by way of an ERSA entry?

The Chief Executive Officer replied: I thank Ms Mitchell for her question.

The recommendations contained with-in the report prepared by officers has sought to strike a balance with a reasonable and measured approach whilst allowing for circuit training but trying to remove most the annoyance and inconvenience to the residents of Swan Hill particularly for after-hours use. The recommendation proposes a prohibition on circuit training by all air-craft between 11pm and 6am but does provide for it during the day. We do note that at present that there is very little training happening at the Swan Hill Aerodrome and there is a number of reasons for that. I remind Council that when they consider this report that this decision can be reviewed at any time that ERSA is updated on quite a regular basis a number of times

A.J. Millar, Mrs Kaye Mitchell, Dr Jacquie Kelly - Save Swan Hill Serenity Action Group

Why does the report fail to include the option of making Swan Hill and Robinvale aerodromes unavailable for circuit training by visiting aircraft at any time when such practice is common at many other similar aerodromes nationwide?

The Chief Executive Officer replied: I thank the Save Swan Hill Serenity Action Group for their question.

It is as you said similar to the previous question and can be answered by much of my answer in the previous question. It is a matter that Council will consider later in this meeting and I guess it is Council's decision as to what course of action is to be taken in relation to fees and charges, prohibitions and curfews at the Aerodrome.

102/21 Motion

MOVED Cr McKay

That Standing Orders be resumed at 2.05pm.

SECONDED Cr McPhee

The Motion was put and CARRIED

- **Open Forum**

Nil

SECTION B – REPORTS

B.21.62 SUBDIVISION OF LAND IN THE FARMING ZONE LOCATED AT 210 PRINCE ROAD, MURRAWEE

Responsible Officer: Director Development and Planning
File Number: 2021-050
Attachments: 1 Draft Permit Conditions

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 subdivision of land in the Farming Zone, located at No. 210 Prince Road, Murrawee.

Discussion

Location and existing conditions of the subject land

The subject land (marked in red on figure 1) is located at No. 210 Prince Road, Murrawee approximately 5 kilometres north-west of the Swan Hill Central Business District. The surrounding area has a mix of defacto rural residential and intensive irrigated agricultural uses with some rural industries.

The subject land approximately 3.2ha and irregular in shape. It is bounded by Prince Road along the western and southern boundary and Goulburn-Murray Water channels to the east and partial northern boundary. The channel has not been identified for decommissioning.

According to Council's records, the subject land is a result of an historic subdivision in 1977 from an 80ha parent land, which was divided into four separate lots. Land ownership to the south and south-west is fragmented (see figure 3).

The landscape to north and northeast is intensively farmed to vines and orchards with the presence of a large rural industry approximately 450 metres to the north-east. Although lot sizes vary, land ownership in the more intensively irrigated areas to north and northwest is more concentrated.



Figure 1: Subject land and immediate surrounding

The Proposal

The planning application seeks to subdivide the land into two approximately equal parts (see figure 2). Proposed lot 1 is to be irregular in shape with a size of approximately 1.6ha, accommodating the existing dwelling and an outbuilding. Proposed lot 2 will be rectangular with a size of approximately 1.6ha and vacant.

The proposal will require an additional access to be created along Prince Road. It is proposed that the lot to retain the existing dwelling will continue to treat wastewater on-site. The applicant indicates that the surrounding context is conducive to facilitate the proposed subdivision and that the balance lot lends itself to create an additional rural, hobby sized lot. The application does not propose a dwelling on the vacant lot created and would be subject to a separate application.

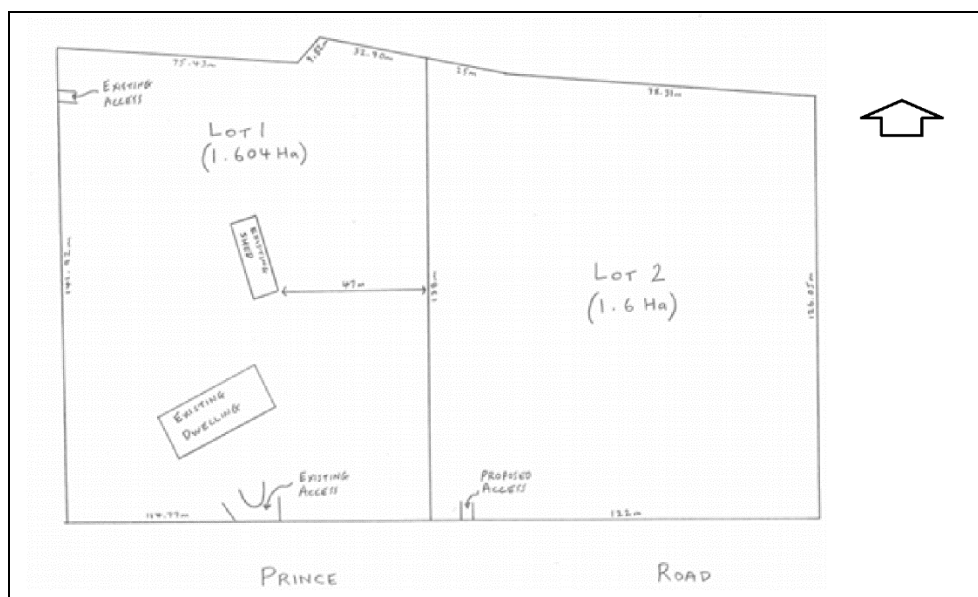


Figure 2: Proposed subdivision

After preliminary assessment of the proposal, the applicant was advised that, based on the information provided and the requirements of the Farming Zone, the application would be unlikely to be supported. This is because the proposal would result in preventing further expansion of agricultural activity on adjoining land; and it will lead to further concentration of dwellings, that are not associated with agriculture use, within the Farming Zone area.

The applicant was given an opportunity to address these concerns and provided a response advising that, given the context of the lot being partially surrounded by roads and channels, the lot could not be consolidated with adjoining lots, and the current lot size is insufficient to provide a financially viable agricultural operation was sufficient grounds for approval

The justification provided by the applicant did not alleviate the concerns noted above and the application continues to be contrary to the requirements of the Farming Zone outlined in the Swan Hill Planning Scheme.



Figure 3: The context map. The subject land marked in red, fragmented landownership to the south and southwest, intensive agriculture to the north, including an existing large rural industry and Holloways Lake to the north-west.

Discussion

Policy direction

State Planning Policy Framework – Swan Hill Planning Scheme

- Clause 14.01-01S – Protection of agricultural land

This policy seeks to protect productive agricultural land while also preventing encroachment of non-agricultural activities that have the potential to undermine agricultural productivity. The proposed subdivision does not meet the strategic directions of this policy as the current lot configuration provides an appropriate buffer that prevents potential off-site effects from nearby intensive agriculture. If the proposal were to be approved, the buffer will diminish and become less effective. In addition, it may result in complaints being made to Council regarding the impact of

existing agricultural uses on newly established and unplanned de facto residential uses.

This policy also stipulates that compatibility between proposed or likely development and the existing use of the surrounding land is to be considered when assessing a proposal to subdivide land within Farming Zone. The approval of this application will set a precedent for similar subdivision of Farming Zoned land in the municipality and subsequent lifestyle dwellings that are not associated with agriculture activities in farming areas. During public consultation of this application, the landowner of two lots of similar size and context immediately to the south of Prince Road (see figure 1), has indicated that, should this subdivision be approved they will also likely to do the same. Fragmentation of agricultural land in the Farming Zone, especially for lifestyle dwellings and financial gain are contrary to the requirements of State and Local policies of the Swan Hill Planning Scheme.

There is some appropriately zoned land within the established areas of the municipality for lifestyle dwellings, which areas serviced and will not be affected by amenity issues from agricultural activities. In addition Council as a Planning Authority is currently preparing a strategy for the rezoning of land for both rural Living and Low Density Residential zones in locations that can provide services and not impact on farming activity in the municipality

- Clause 14.01-2S – Sustainable agricultural land use

This policy seeks to ensure the long-term management of productive agriculture land and natural resources. The proposed subdivision does not comply with this policy as it would allow further encroachment of residential uses in an area that is actively farmed for horticultural purposes. The approval of this proposal will set a precedent for the area shifting the land use from agriculture to lifestyle housing and subsequently impact the long-term sustainability of existing productive agriculture within the area.

- Clause 16.01-3S – Rural residential development

This policy seeks to ensure that rural residential development occurs in appropriate and designated locations with the appropriate level of services. The proposed subdivision contravenes this policy as the area is zoned for farming and does not contain the services required to accommodate rural residential uses.

Further, the policy specifically encourages the consolidation of small lots in the Farming Zone and discourages development of small lots for residential or other incompatible uses that would undermine existing productive agriculture activities.

Local Planning Policy Framework

- Clause 21.06-1 – Rural Areas

The policy specifically discourages the excision of dwellings, and requires that, if excision is proposed, it is to occur through the realignment of existing titles to avoid an increase in lot yield. The proposed subdivision does not comply with the strategic direction of this policy, as the subject land is located within an irrigated horticultural area, and the excision will create an additional lot that is not occurring by way of realigning existing titles.

Farming Zone provisions – Clause 35.07 of the Swan Hill Planning Scheme

The purpose of the Farming Zone in the Swan Hill Planning Scheme is to retain and promote agricultural uses while discouraging uses that have the potential to impact agricultural production. The proposal contradicts the intent of the zone as the subdivision will not result in a net benefit to agriculture. The proposal is not creating a lot for an existing dwelling but rather executes a two lot subdivision with both lots below the minimum lot size, and will create additional dwellings not associated with agriculture activity in the area. The Schedule to the Farming Zone further emphasises that subdivisions less than the minimum lot size must satisfy the objectives and requirements of the Farming Zone. As discussed above in this report, the proposed subdivision neither meets the objectives nor satisfies the requirements of the Farming Zone.

Further, Planning Scheme Amendment C73 to the Swan Hill Planning Scheme, which is currently at its final stage with the Minister for Planning for approval, emphasises the above requirements, and removes the provision under the schedule to the Farming Zone that allows discretionary approach to subdivisions below the minimum lot size.

Council must take into account this amendment when considering this application as it has adopted the amendment and it is the final stages of approval.

Consultation

Public notification

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

Internal referrals

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

1. Engineering Department – No objection subject to Conditions
2. Environmental Health Department – No objection subject to Conditions.

External referrals

The application was externally referred to the following authorities for comment:

1. Goulburn-Murray Water – No objection subject to Conditions.

Financial Implications

The proposal will not have financial implications for Council.

Social Implications

A possible social impact is the potential to intensify land use conflict between the surrounding agricultural uses and the surrounding de facto rural lifestyle uses within an irrigated and productive agricultural area.

Economic Implications

Agriculture has been identified as a significant part of the municipality's economy. The permanent removal of agricultural land for lifestyle purposes will have irreversible negative economic impact to the municipality and the region. In particular, it will raise land values making it more difficult for farming.

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 early mornings and nights on the residential use of the proposed defacto lifestyle lot.

Risk Management Implications

There are no known risks associated with the proposed subdivision.

Conclusion

A recommendation for refusal is based on an assessment against the requirements of the Swan Hill Planning Scheme.

- a. Proposal is not consistent with the State and Local planning policies of the Swan Hill Planning Scheme, in particular it contradicts to the requirements of:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 16.01-3S Rural Residential development, and
 - Clause 21.06-1 Rural areas.
- b. The proposal contradicts to the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.
- c. The approval of the proposed subdivision will set a precedent for similar Farming Zoned land within the municipality to create lifestyle dwellings that would contradict to the purpose of the zone and threatens the valuable agriculture economy of the municipality.

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 subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee based on inconsistency with the Swan Hill Planning Scheme as outlined in this report.
2. That Council grant a permit for the subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee subject to conditions (See appendix)

Recommendations

That Council issue a Refusal to Grant a Planning Permit for the proposed subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee on the following grounds

- a. **Proposal is not consistent with the State and Local planning policies of the Swan Hill Planning Scheme, in particular it contradicts to the requirements of:**
 - **Clause 14.01-1S Protection of agricultural land**
 - **Clause 14.01-2S Sustainable agricultural land use**
 - **Clause 16.01-3S Rural Residential development, and**
 - **Clause 21.06-1 Rural areas.**
- b. **The proposal contradicts to the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.**
- c. **The approval of the proposed subdivision will set a precedent for similar Farming Zoned land within the municipality to create lifestyle dwellings that would contradicts to the purpose of the zone and threatens the valuable agriculture economy of the municipality.**

MOVED Cr Ann Young

That Council grant a permit for the subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee subject to conditions (See appendix).

The motion LAPSED due to want of a seconder.

103/21 Motion

MOVED Cr McPhee

That Council issue a Refusal to Grant a Planning Permit for the proposed subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee on the following grounds

- a. **Proposal is not consistent with the State and Local planning policies of the Swan Hill Planning Scheme, in particular it contradicts to the requirements of:**
 - **Clause 14.01-1S Protection of agricultural land**
 - **Clause 14.01-2S Sustainable agricultural land use**
 - **Clause 16.01-3S Rural Residential development, and**
 - **Clause 21.06-1 Rural areas.**
- b. **The proposal contradicts to the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.**
- c. **The approval of the proposed subdivision will set a precedent for similar Farming Zoned land within the municipality to create lifestyle dwellings that would contradicts to the purpose of the zone and threatens the valuable agriculture economy of the municipality.**

SECONDED Cr Benham

The Motion was put and CARRIED

Option 2: Proposed Conditions

Council grant a permit for the subdivision of land in the Farming Zone at No. 210 Prince Road, Murrawee subject to conditions and in accordance with the endorsed plans.

1. Prior to certification of the Plan of Subdivision approved by this permit, amended plans 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 vegetated screen along the northern boundary of proposed lot 1 and the northern and eastern boundary on proposed lot 2. The vegetated screen is to have a minimum depth of 6 metres and is to consist of indigenous native species with adequate spacing.
2. The subdivision permitted by this permit and as shown on the endorsed plans to accompany the permit shall not be amended without the prior written consent of the Responsible Authority.
3. Prior to the issue of Statement of Compliance, a vegetated screen as shown on the endorsed plan is to be planted, to the satisfaction of the Responsible Authority.
4. 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:
 - a) The surrounding area is subject to intensive agricultural uses.
 - 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 accompanying planning permit 2021-050 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.
 - e) The size of the land cannot be further 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 the issue of Statement of Compliance:

- f) 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.
- g) 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.

5. 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.

Engineering Department

8. Prior to certification of the Plan of Subdivision, 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. Prior to the issue of Statement of Compliance for the Subdivision, the permit holder must ensure that stormwater runoff from the development/lots can be retained within the boundaries of the lots to the satisfaction of the Responsible Authority.
10. Prior to the issue of Statement of Compliance for the subdivision approved by this permit, a vehicular crossing for proposed lot 2 shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and must:
 - a) Be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
 - b) Be setback a minimum of 1 metre from any side-entry pit, power or telecommunications pole, manhole cover or marker and 2.5m from the trunk of any street trees.
11. Prior to the issue of Statement of Compliance, the existing vehicle crossings for proposed lot 1 must be upgraded in accordance with the Infrastructure Design Manual (IDM) standards, if required.
12. The Sight distance requirements for the Access Driveway as detailed in AS 2890.1 must be provided for the residential vehicular access points to the land to the satisfaction of the Responsible Authority

Environmental Health Department

13. 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.

Goulburn-Murray Water

14. Any Plan of Subdivision lodged for certification must be referred to Goulburn - Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
15. The existing on-site wastewater treatment and disposal systems for proposed new lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.
16. Any Goulburn-Murray Water existing easement(s)/reserve(s) pertaining to Goulburn-Murray Water assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.
17. Any water supply easement(s) in favour of other lots affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification. Unless it can be demonstrated to Goulburn-Murray Water's reasonable satisfaction the means by which no easement is required.
18. For subdivision of property holding delivery shares the applicant must either:
 - a) make application to Goulburn-Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively
 - b) demonstrate to Goulburn-Murray Water reasonable satisfaction the means by which a Goulburn-Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

Permit Expiry

19. 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):

From the Responsible Authority

- 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).

From Goulburn-Murray Water

- b) Any enquiries or applications regarding access to water for the proposal should be made to Goulburn-Murray Water by calling 1800 013 357. The procurement of water for the proposal is the responsibility of the applicant and not addressed through the planning permit referrals process.

B.21.63 COMMUNITY GRANTS PROGRAM 2021/22 SUCCESSFUL RECIPIENTS

Responsible Officer: Director Development and Planning
File Number: S17-01-08
Attachments: Nil

Declarations of Interest:

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

Summary

This report provides Council with information in relation to the 2021/22 Community Grants Program which includes the Community Development and Event Support Fund. It also makes recommendations to assist Council in determining which grants should be awarded.

Discussion

Community Development Fund

The Community Development Fund provides funding up to \$5,000 for eligible community groups to carry out their objectives.

Projects funded may include:

- Structural repairs or minor upgrades to community facilities
- New or upgraded equipment essential to the operation of the community group
- Current OH&S or risk management issues
- New programs or activities within a community
- Projects for specific high needs groups
- Projects that promote local sustainability initiatives, environmental innovation, create proud community spaces and promote responsible water usage and conservation
- Protection, conservation and restoration of heritage items and assets
- Club capacity (training, business plans etc)

An assessment panel comprising of the Chief Executive Officer, Construction Project Manager, Community Planning Officer and Councillors Bill Moar (Mayor) and Jade Benham evaluated all applications against the criteria.

Each application was assessed on its merits and the following factors were taken into account to determine priorities for funding:

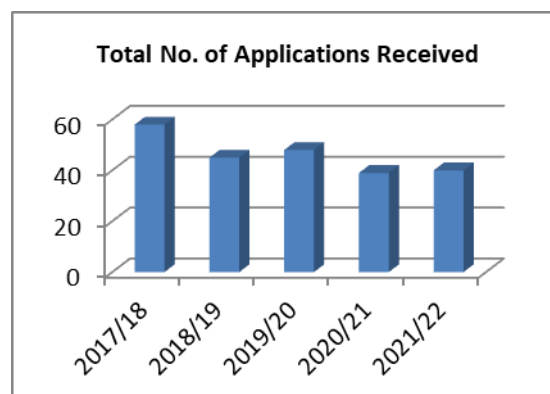
- Does the project support community development and resilience?
- Does the project represent value for money?
- Will the project add to the sustainability of the applicant organisation?
- Is there alternate funding source(s) available?

Applications Received

Council received 40 applications for the 2021-22 year, a similar to the number received in 2020/21.

The graph illustrates the number of applications received in comparison with previous years. The reduction in submissions is attributed to Covid-19 restrictions which impacted the delivery of projects last financial year.

The total value requested from Council by all 40 applicants this year as \$156,320.

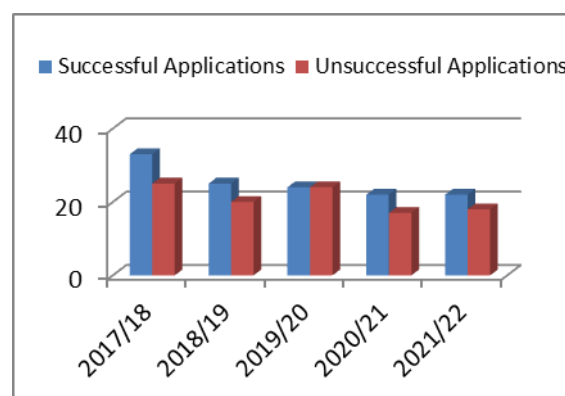


Successful Versus Unsuccessful

Of the 40 applications received this round 55 per cent (22) are recommended for approval with the remaining 45 per cent (18) unsuccessful.

Again this is a very similar result to last year.

The graph illustrates the number of successful versus unsuccessful applications compared to previous years.



Successful Grants

The funds available are able to support 22 projects up to the value of \$74,985.

Successful applicants will contribute approximately \$74,138 in cash, in-kind and sponsorship/other funding to match Council's funds. This will result in just over \$155,000 worth of community projects being completed by the end of May 2022.

A broad cross-section of projects has been recommended for approval covering a number of townships throughout the municipality including Swan Hill, Lake Boga, Manangatang, Robinvale and Ultima.

The following table represents the 2021/22 applications recommended for funding:

Organisation	Project Name / Description	Value
Robinvale Lawn Tennis Club	Replacement of Irrigation Pump – replacement of tennis court irrigation pump	\$5,000.00
Ultima Progress Association	Ceiling insulation at Ultima Rural Transaction Centre/Café – install roof insulation	\$1,746.00

SECTION B - REPORTS

17 August 2021

Organisation	Project Name / Description	Value
Pioneer Country Quarter Horse Association	Arena fencing – replace old fence line at EF Butler Reserve	\$5,000.00
Swan Hill Little Athletics Club	New discus ring – construction of new discus ring at Ken Harrison Reserve	\$1,372.00
Nyah District Community Pool	Stepping up the safety – purchase of PPE kit and associated safety/OHS equipment	\$ 531.87
Swan Hill Racecourse Bowls Club	Shade for our greens – construction of new shade structures	\$2,500.00
Nyah District Bowling Club	Upgrade facilities indoor & outdoor – undertake repairs to greens, purchase rookie roller bowls sets for juniors and carpeting clubrooms	\$5,000.00
Robinvale/Swan Hill Rifle Club	Upgrade to club facilities – construction of an all access toilet amenity	\$5,000.00
Mildura Dragon Boat Club – Robinvale Division	New carbon fibre paddles – purchase new light weight paddles	\$2,100.00
Swan Hill Motor Racing Club	Speedway fire safety gear – purchase fire safety suit and various extinguishers	\$3,852.00
Swan Hill Neighbourhood House	Men's Shed / Repair Café – purchase various power tools, purchase and install oven, rangehood, TV & antennae	\$5,000.00
Swan Hill Table Tennis Association	Equipment Upgrade – purchase new tables & nets	\$4,881.45
1 st Lake Boga Sea Scouts	Equipment Upgrade 2021 – purchase gazebo structure, walls and sand bags to provide cover when camping	\$1,500.00
Speewa Heritage Collectors Club	Connecting the community through preservation, education and collaboration – purchase of power tools for use at venue to support local projects and with learning new skills	\$2,000.00
Lakers Cricket Club	Training facility upgrade – purchase of new cricket nets at Lake Boga	\$5,000.00
Manangatang Recreation Reserve Committee of Management Inc.	Restumping – restumping works to canteen building	\$5,000.00
Mid Murray Pistol Club	Re-engage our club – purchase of new targets	\$2,500.00
Lake Boga Sports Club	LBFNC Pavilion Floor Covering Upgrade – new floor covering to home change rooms and social area	\$5,000.00
Swan Hill Soccer League	Line Marking Machine Replacement – purchase new line marking machine	\$2,101.00
Robinvale Pistol Club	Clubroom renovation – Insulation to clubroom walls and roof	\$3,900.00

SECTION B - REPORTS

17 August 2021

Swan Hill Theatre Group	Equipment upgrade – purchase of new microphones, body pack, security camera and other equipment	\$4,000.00
		Total
		\$72,984.32

There are only 21 applicants listed in the table above, the final applicant will be presented in a separate report due to conflict of interest from one of the panel members.

Unsuccessful Grants

The 18 proposed unsuccessful applicants will be notified in writing and feedback regarding their application will be available upon request.

Event Support Fund

The Event Support Fund provides grants and logistical support to community groups and event organisers to develop new or existing events. Events funded may include:

- New or emerging events
- Have the ability to have strong economic and/or social benefit to the region
- Existing events that have been funded for more than three years will have to show a new or innovative element to their event to continue to receive funding

An assessment panel comprising of the Chief Executive Officer, Director Development & Planning, Manager Libraries, Robinvale Works Coordinator and two Councillors (Cr. McKay and Mayor Bill Moar) was formed to evaluate all applications against the set criteria.

In considering the level of support for an event, the following factors were taken into account to determine priorities for funding:

- Economic Benefit
- Social Benefit
- Growth and innovation

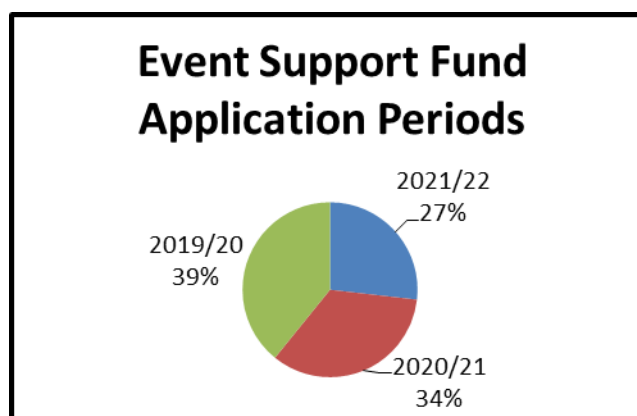
Coronavirus Pandemic

The COVID-19 pandemic has had a significant impact on regional events, community groups and event organisations. Events that received funding in the 2019/20 round that were cancelled or postponed due to COVID-19 were able to rollover their funding to the 2020/21 financial year. Those organisations that did incur pre-planning expenses were allowed to acquit part or all of their sponsorship, conditional upon evidence of receipts. Those that partially acquitted their sponsorship were able to apply for additional funds in the 2020/21 round.

For the 2020/21 round, if the event was unable to proceed in the format and timeframe initially planned due to further restrictions or other unforeseen circumstances, applicants were strongly encouraged to submit a variation proposal. This variation proposal provided Council with information regarding any alterations to the event and helped determine the outcome of their funding. A couple of outstanding grants originally from the 2019/20 round and many events from the 2020/21 rounds which were still unable to take place, have been rolled over to 2021/22.

Applications Received

A total of 26 applications were received for the 2021/22 round, in comparison to 22 and 11 applications being received in the first and second rounds for 2020/21, respectively. In 2019/20 a total of 38 applications were received. Over the years, the variation in applications received can be attributed to the Coronavirus pandemic.



The graph compares the number of applications received over previous years, but excludes any additional requests received outside of the Event Support Fund application periods. In 2019 there were around 10 additional requests and around 5 across 2020 and 2021 for event support. The total value of event (cash) sponsorship requested by all applicants in this current round is \$90,463.12.

There are a total of 15 grants from the 2019/20 and 2020/21 financial years whose funds were rolled over to 2021/22.

This year Council received a number of new applications for event funding including, Bogan Bingo - Manangatang, Mamma Mia Stage Production and the Robinvale/Swan Hill Rifle Club Prize Meeting 2022. Many previous events and applicants have also reapplied through this year's program.

Successful Versus Unsuccessful

Of the 26 applications received the panel recommended that 21 should be funded and 5 not funded. One of the unsuccessful applications were not considered for funding due to the events cancellation and the organisers were encouraged to reapply for the following round in 2022/23. During the panel meeting additional

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information was requested regarding some of the applications and this has been followed up.

Successful Grants

Council set aside \$125,000 for the Event Support Fund. This budget covers the cost of event (cash) sponsorship and logistical support. In-kind logistical costs will be tracked and allocated to the appropriate departments, such as traffic management and signage, cleaning, fencing and Council venue hire. The tracking of these internal costs has provided a better understanding of the dollar value contributed through in-kind support.

A variety of events have been proposed which vary in size, theme, purpose, location and venue. All successful applicants will be encouraged to seek Council's guidance to list their events on the Australian Tourism Data Warehouse (ATDW), enabling organisers to gain more exposure for their events.

Contact will also be made with the Pioneer Settlement to encourage successful applicants to include the region's hallmark attraction, Heartbeat of the Murray, as part of their event or conference through group and corporate rates.

The following table represents the 2021/2022 applications recommended for funding:

Event and Organisation Name	Event (cash) Sponsorship	Logistical Support (value)	In-kind Comments	Total Value
Robinvale/Swan Hill Rifle Club Prize Meeting 2022 Robinvale/Swan Hill Rifle Club Incorporated	\$2,000		SHRCC banner use and listing on the Swan Hill calendar of events	\$2,000
2022 Robinvale Euston Ski Race Ski Racing Victoria Incorporated	\$3,500	\$1,500	Venue Hire	\$5,000
Mamma Mia Stage Production Swan Hill Swan Hill Theatre Group	\$5,000			\$5,000
Robinvale Euston Suicide Prevention Network Food Truck Festival	\$3,000	\$1,000	Some fencing, signage, venue hire	\$4,000

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Robinvale Euston Suicide Prevention Network				
Swan Hill Film Festival 2021	\$2,000			\$2,000
Fight Cancer Foundation Swan Hill Branch (formerly the Swan Hill Bone Marrow Group)				
Swan Hill Show	\$5,000	\$1,500	Toilet consumables, traffic management (sign preparation, setup, collection & pack-up inc. labour), grounds preparation and incidentals	\$6,500
Swan Hill District Agricultural & Pastoral Society Incorporated				
Cinema Pop Up - Swan Hill		\$2,800	Venue hire (includes toilet cleaning), Pope Permit, signage, some fencing (TBC)	\$2,800
Cinema Pop Up				
33rd Anniversary 2 day shoot	\$2,000			\$2,000
Swan Hill Field and Game				
Easter Market Day		\$1,500	Traffic Management (signage, labour, traffic management plan) and temporary fencing	\$1,500
Swan Hill Incorporated				
Woorinen WinterFest	\$3,000			\$3,000
Woorinen District Progress Association Incorporated.				
Bogan Bingo	\$2,000			\$2,000
Parents and Friends Manangatang P-12 College				
The Mallee - Through my eyes	\$2,000			\$2,000
Lake Boga Lions Club				
Swan Hill Market Day		\$1,500	Traffic Management (signage, labour, traffic management plan) and temporary	\$1,500
Swan Hill Incorporated				

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			fencing	
Swan Hill Badminton Veterans Tournament 2022	\$1,500			\$1,500
Swan Hill Badminton Association				
The Robinvale and Euston Lantern Festival	\$3,500	\$1,500	Traffic Management (signage, labour, traffic management plan) and some temporary fencing	\$5,000
Robinvale Network House Incorporated				
Swan Hill Market Christmas Twilight Market 2021		\$500	Cover a portion of the Pope Permit	\$500
Swan Hill Farmers Market Incorporated				
Lake Boga Yacht Club Easter Regatta 2022	\$1,000			\$1,000
Lake Boga Yacht Club Incorporated				
Robinvale Lawn Tennis Club Easter Tournament 2022	\$1500			\$1,500
Robinvale Lawn Tennis Club				
Massive Murray Paddle	\$2,000			\$2,000
Sydney Harbour Kayaks				
Robinvale Euston Business Association's Twilight Christmas Carnival	\$3,500	\$1,500	Traffic Management (signage, labour, traffic management plan) and some temporary fencing	\$5,000
Robinvale Euston Business Association Incorporated				
Total	\$42,500	\$13,300		\$55,800

There are only 20 applicants listed in the table above, the final applicant will be presented in a separate report due to a conflict of interest from one of the councillors.

Unsuccessful Grants

The five unsuccessful Event Support Fund applications for 2021/2022 will be formally notified and are encouraged to contact Council should they require further information.

Consultation

Council's media department distributed a media release and the grants program, including guidelines and submission dates, is noted on Council's website. The program was also strongly promoted through Council's Facebook page with additional 'boosts' to ensure coverage to the whole municipality.

To complement this process, Economic Development officers maintain a grants mailing list, with subscribers receiving updates regarding the Community Grants Program.

Financial Implications

Council set a budget of \$75,000 for the Community Development Fund and \$125,000 for the Event Support Fund for the 2021/22 program. The report recommends that \$72,984.32 is allocated towards successful Community Development Fund applicants.

This report recommends that \$55,800 is allocated towards successful Event Support Fund applicants. There is a total budget of \$125,000.

Social Implications

By providing funding for projects and events under the Community Grants program, Council helps to foster stronger communities in our municipality.

Community organisations will be able to undertake minor upgrades to facilities, purchase necessary equipment which will result in increased participation, health and fitness, social gatherings and interaction.

The successful operation of community organisations and clubs plays a vital role in ensuring a vibrant and healthy community.

Dependant on the Coronavirus Pandemic, organisations and groups may be able to hold their planned events which will result in increased participation, health and fitness, social gatherings and interaction. If the event is unable to proceed in the format and timeframe initially planned due to further restrictions or other unforeseen circumstances, applicants are strongly encouraged to submit a variation proposal.

Economic Implications

Funding through the Community Grants program will assist clubs and organisations to become adequately resourced to hold club and community based activities and reduce financial pressure to maintain club facilities and equipment.

Projects to the value of just over \$155,000 will be completed by community organisations by the end of June 2022.

It is hoped that events to the value of \$58,800 will be run by community and other organisations by mid 2022. These events will inject significant economic return to the municipality. However, it is likely they will be impacted by the pandemic.

REMPPLAN Data Analysis

Based on the Event Support Fund applications which the Panel recommends to be approved overall, the estimated economic benefit for the region is in the vicinity of over \$5.5 million.

Environmental Implications

Not applicable.

Risk Management Implications

Applicant organisations responsible for completing projects on Council owned or managed land will be required to enter into an Agreement with Council. This will be to ensure that the applicant organisation is aware of its responsibilities in terms of delivering the project safely, by qualified persons, to relevant standards and with appropriate insurances in place.

Successful Event Support Fund applicant organisation/groups will be required to enter into a funding Agreement with Council. This will ensure that the applicant organisation/group are aware of their responsibilities in terms of the event grant.

All events supported through this program that are held on Council owned or managed property must adhere to Council's Event Management and COVID-19 process to ensure safe event management practices.

Council Plan Strategy Addressed

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

Options

That Council:

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1. Approve the 2021/22 Community Development Fund and Event Support Fund successful recommendations, as presented in this report.
2. Not approve the 2021/22 Community Development Fund and Event Support Fund successful recommendations.

Recommendations

That Council approve the 2021/22 Community Development Fund and Event Support Fund as recommended in this report.

104/21 Motion

MOVED Cr Benham

That Council approve the 2021/22 Community Development Fund and Event Support Fund as recommended in this report.

SECONDED Cr Jeffery

The Motion was put and CARRIED

Councillor Benham left the meeting at 2.25pm.

**B.21.64 COMMUNITY DEVELOPMENT FUND 2021/22 SUCCESSFUL
RECIPIENT – ADDITIONAL REPORT**

Responsible Officer: Director Development and Planning
File Number: S17-01-08
Attachments: Nil

Declarations of Interest:

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

Summary

This report provides Council with information in relation to a funding recommendation for the Community Development Fund 2021/22 round.

Discussion

The Community Development Fund provides funding up to \$5,000 for eligible community groups to carry out their objectives.

During the course of assessment Cr. Benham advised a conflict of interest relating to the Robinswood Homestead Association application. In this instance Cr. Benham did not participate in discussion or scoring for this project.

However, the application still scored highly enough to be recommended for \$2,000 worth of funding through the Community Development Fund program. Funds will be used to support the purchasing of a lawn mower for use at the Robinswood Homestead in Robinvale.

Consultation

Council's media department distributed a media release and the grants program, including guidelines and submission dates, is noted on Council's website. The program was also strongly promoted through Council's Facebook page with additional 'boosts' to ensure coverage to the whole municipality.

To complement this process, Economic Development officers maintain a grants mailing list, with subscribers receiving updates regarding the Community Grants Program.

Financial Implications

Council set a budget of \$75,000 for the Community Development Fund and \$125,000 for the Event Support Fund for the 2021/22 program. The report recommends that \$72,984.32 is allocated towards successful Community Development Fund applicants.

This report recommends that \$55,800 is allocated towards successful Event Support Fund applicants. There is a total budget of \$125,000.

Social Implications

By providing funding for projects through the Community Grants program, Council helps to foster stronger communities in our municipality.

Community organisations will be able to undertake minor upgrades to facilities, purchase necessary equipment which will result in increased participation, health and fitness, social gatherings and interaction. The successful operation of community organisations and clubs plays a vital role in ensuring a vibrant and healthy community.

Economic Implications

Funding through the Community Grants program assist clubs and organisations to become adequately resourced to hold club and community based activities and reduce financial pressure to maintain club facilities and equipment.

Environmental Implications

Not applicable.

Risk Management Implications

Successful applicant organisations will be required to enter into a funding Agreement with Council. This will be to ensure that the applicant organisation is aware of its responsibilities in terms of delivering the project.

Council Plan Strategy Addressed

Community enrichment - Develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.

Options

That Council:

1. Approve the \$2,000 funding recommendation for the Robinswood Homestead Association project through the 2021/22 Community Development Fund.
2. Not approve the \$2,000 funding recommendation for the Robinswood Homestead Association project through the 2021/22 Community Development Fund.

Recommendations

That Council approve the \$2,000 funding recommendation for the Robinswood Homestead Association project through the 2021/22 Community Development Fund.

105/21 Motion

MOVED Cr McPhee

That Council approve the \$2,000 funding recommendation for the Robinswood Homestead Association project through the 2021/22 Community Development Fund.

SECONDED Cr Jeffery

The Motion was put and CARRIED

Councillor Benham returned to the meeting at 2.27pm and was informed of the decision.

Councillor King left the meeting at 2.27pm.

**B.21.65 EVENT SUPPORT FUND 2021/22 SUCCESSFUL RECIPIENT –
ADDITIONAL REPORT**

Responsible Officer: Director Development and Planning
File Number: S17-01-08
Attachments: Nil

Declarations of Interest:

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

Summary

This report provides Council with information in relation to a funding recommendation for the Event Support Fund 2021/22 round.

Discussion

The Event Support Fund provides grants and logistical support to community groups and event organisers to develop new or existing events.

It was raised that Cr. King would have a conflict of interest with the Autumn Carnival application submitted by the Swan Hill Bowls Club. Cr. King was not involved with the panel meeting, so this did not affect the panel's recommendations for funding.

The panel recommended the application be supported \$3,000 in event (cash) sponsorship through the Event Support Fund. Funds will be used to support their Autumn Carnival event to be held from the 7 to 17 May 2022.

Consultation

Council's media department distributed a media release and the grants program, including guidelines and submission dates, is noted on Council's website. The program was also strongly promoted through Council's Facebook page with additional 'boosts' to ensure coverage to the whole municipality.

To complement this process, Economic Development officers maintain a grants mailing list, with subscribers receiving updates regarding the Community Grants Program.

Financial Implications

Council set a budget of \$75,000 for the Community Development Fund and \$125,000 for the Event Support Fund for the 2021/22 program. The report recommends that \$72,984.32 is allocated towards successful Community Development Fund applicants.

This report recommends that \$55,800 is allocated towards successful Event Support Fund applicants. There is a total budget of \$125,000.

Social Implications

By providing funding for events under the Event Support Fund, Council helps to foster stronger communities in our municipality.

Dependant on the Coronavirus Pandemic, organisations and groups may be able to hold their planned events which will result in increased participation, health and fitness, social gatherings and interaction. If the event is unable to proceed in the format and timeframe initially planned due to further restrictions or other unforeseen circumstances, applicants are strongly encouraged to submit a variation proposal.

Economic Implications and Remplan Data Analysis

It is hoped that the events funded will inject significant economic return to the municipality. However, it is likely they will be impacted by the pandemic. Aside from the other applications recommended for funding, the Autumn Carnival has contributed to the total overall estimated economic benefit to the region for this round, which totaled to over \$5.5 million.

Environmental Implications

Not applicable.

Risk Management Implications

Successful applicant organisation/groups will be required to enter into a funding Agreement with Council. This will ensure that the applicant organisation/groups are aware of their responsibilities in terms of the event grant.

All events supported through this program that are held on Council owned or managed property must adhere to Council's Event Management and COVID-19 process to ensure safe event management practices.

Council Plan Strategy Addressed

Community enrichment - Develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.

Options

That Council:

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1. Approve the \$3,000 event sponsorship for the Autumn Carnival through the 2021/22 Event Support Fund.
2. Not approve the \$3,000 event sponsorship for the Autumn Carnival through the 2021/22 Event Support Fund.

Recommendations

That Council approve the \$3,000 event sponsorship for the Autumn Carnival through the 2021/22 Event Support Fund.

106/21 Motion

MOVED Cr McPhee

That Council approve the \$3,000 event sponsorship for the Autumn Carnival through the 2021/22 Event Support Fund.

SECONDED Cr Young

The Motion was put and CARRIED

Councillor King returned to the meeting at 2:28 PM and was informed of the decision.

The Mayor Cr Bill Moar vacated the Chair at 2.29pm and Deputy Mayor Cr Jade Benham assumed the Chair.

B.21.66 AERODROME CURFEW AND USER FEES AND CHARGES

Responsible Officer: Director Infrastructure
File Number: S09-01-03
Attachments: 1 Consultation Feedback Analysis

Declarations of Interest:

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

Summary

Since late 2020, Council has started receiving numerous noise complaints, mostly from Save the Swan Hill Serenity Action Group (SSHSAG), regarding noise generated by aircraft using airspace over Swan Hill for circuit training. This report seeks to provide Council with the feedbacks received from the Public Consultation in order to make an informed decision in adoption of curfew and aerodrome user fees and charges at Swan Hill and Robinvale Aerodromes.

Discussion

On the 15th June at the Council meeting a report on the aerodrome curfew and user fees and charges were discussed. Council resolved that officers to release the proposed Aerodrome Curfew and User Fees and Charges for thorough public consultation for a period of 28 days, in line with the Community Engagement Policy.

The proposed User Fees and Charges and restrictions on operation for the Swan Hill and Robinvale Aerodromes were released for public comment from Friday, 25th June and closed on Friday 23th July to better understand the needs and views of community regarding the proposed changes.

The public consultation included the main information on the changes in the following structure:

- i. Curfew
- ii. User Fees and Charges

Members of the public were provided the information below on each changes to the Swan Hill and Robinvale Aerodromes.

Curfew:

It is proposed that the night-time curfew would assist to limit circuit training activities by flight training aircraft, and take effect from 11pm each night and run until 6am.

Currently Council's aerodromes are unrestricted, and allow for 24 hours, seven days a week operation – so this curfew will, aside from emergency services and landing aircrafts that are exempt from the curfew, reduce aircraft noise during these times.

User Fees and Charges:

There are a number of key drivers for the aerodrome user charges including an increase in support for the operation of the aerodrome, to ensure assets are maintained and continue to support local business and Emergency services.

The aerodromes play an important role in providing quality access for emergency and medical services, as well as civil aviation operations, and these proposed user fees and charges will help contribute towards the maintenance costs.

The proposed user Fees and Charges have been structured in a non-discriminatory manner and consistent with the current up to date charges used across similar airports and aerodromes across Australia. Table 1 was provided for more information.

Table 1. Amended Fees and Charges for SHA and RA.

User Group	Types of charges	Proposed amended charges
Group-1 (Visiting aircrafts)	Landing fee	\$10 for aircrafts with MTOW<5,700 kg. \$15 for Touch & Goes.
		Pavement concession required for aircrafts with MTOW > 5,700 kg \$11/Tonne of MTOW
	Parking Fee	\$5 per 24 hour or part there of
Group-2 SH and Robinvale lease holders)	Annual Landing Fees for tenants who lease an area of land at the SHA	Private aircraft \$150/Aircraft Pilot Training Aircraft \$350/Aircraft

Findings from the Public Consultation

During the public consultation survey, there were plenty options and opportunities for members of the public to express and provide their feedbacks, inputs and concerns on the proposed changes. All feedbacks have been recorded and tabled in the attachment Aerodrome Consultation Feedbacks (enclosed).

From the consultation there were received a great number of comments and feedbacks to make an informed decision on the proposed changes. The pie chart demonstrated in Figure1 depicts in quantities for supporting, opposing, mixed and neutral feedbacks. Most of the negative feedbacks were directed towards making the curfew time longer from 8pm to 8am. Some even expressing their need to totally ban the training circuits or apply the curfew to the daylight hours as well.

Regarding the proposed fees and charges it was vastly supported and encouraged by the public, it was due to the opportunity it would provide to Council to continue maintaining the aerodrome through their life cycle and provide quality service to the users. Most of the negative feedbacks on the fees and charges were in the direction of increasing the fees and charges to even higher charges. Figure 2 and 3 demonstrates the analysis of these responses.

As the consultation was open for feedback in the forms and not a simple yes/no, it is hard to quantify in simple categories. Taking the general sentiment of the feedback, the responses were classified in the graph below.

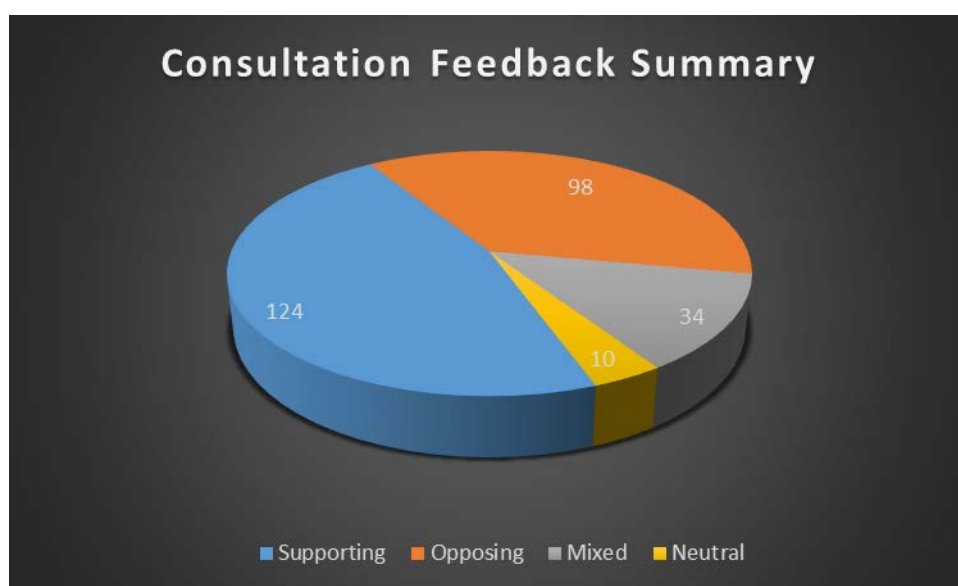


Figure 1. The Aerodrome Consultation Feedback summary

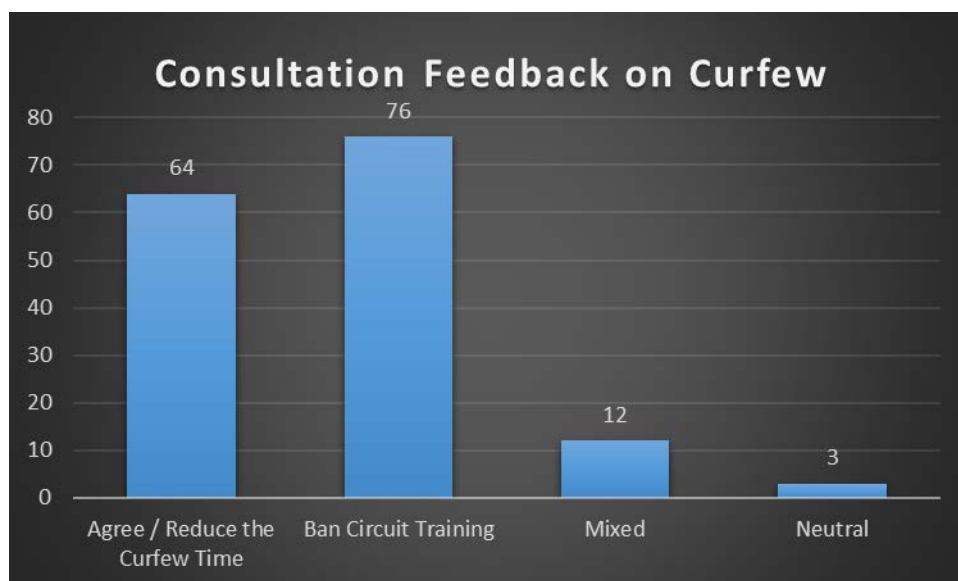


Figure 2. The Aerodrome Consultation Feedback on Curfew

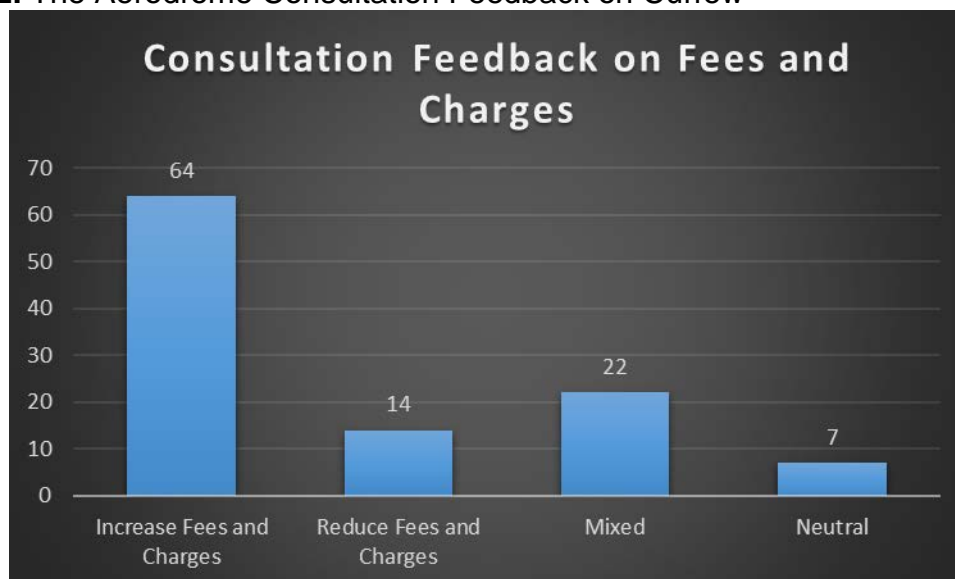


Figure 3. The Aerodrome Consultation Feedback on Fees and Charges

Consultation

A community group, SSHSAG, has provided its view regarding noise issues related to the circuit training.

During the consultation, aerodrome users also suggested considering implementing a night-time curfew from 10 pm (11 pm daylight savings) to 6 am.

Public consultation was undertaken from Friday, 25th June and closed on Friday 23th July and results are summarized in Aerodrome Consultation Feedbacks (enclosed).

Financial Implications

Proposed aerodrome user charges will be directly related to civil aviation operations, which will include landing, aircraft parking and pavement concessions fees, which will help offset a proportion of the aerodrome maintenance and operations costs.

The proposed user Fees and Charges have been structured in a non-discriminatory manner and consistent with the current up to date charges used across similar airports and aerodromes across Australia.

Council's annual average operation and maintenance expenditures for Swan Hill and Robinvale aerodromes are \$190k. Income from aerodrome user charges will offset some of these operating expenditures.

Social Implications

The proposed changes to the operating hours of Councils Aerodromes will inconvenience some aerodrome users but may not go far enough to satisfy all complainants and residents. This change will improve the well-being of residents in the Swan Hill region and still allow unrestricted medical and emergency aircraft operation.

Aerodrome user Fees and Charges will help to support the maintenance of the aerodromes to a high standard of safety, security and quality of services, which helps to promote the use of the aerodromes by emergency services like SES, CFA and commercial, business as well as by recreational aviation aircraft.

Economic Implications

The changes to Councils Aerodrome operation hours will have little economic impact on the region due-to:

- The majority of users between the proposed curfew hours are out of region, such as pilot training schools, which do not contribute to the local economy.
- The region currently does not have time sensitive freight or regular passenger transport (RPT) to consider.
- A prohibition for touch and go and circuit operations only will not affect local airport users as they can land when coming home late.
- A curfew will not affect emergency services but will affect some local users.

Should the position change regarding RPT or time-sensitive freight, there will be an impact on the economy should either of these services propose operation during the curfew. In such circumstances, Council can review curfew hours and conditions to support RPT or time-sensitive freight.

The proposed curfew's impact on the current 'touch and go' and circuit training activities will not have any significant economic impact, as fees for these activities are not collected. There is minimal to no contribution to the Swan Hill economy through other means from these activities.

Aerodrome user fees will assist Council to have long-term plans to ensure assets are maintained through their life cycle to provide quality service to the users. Continued operation of these two Aerodromes will assist local businesses and Government and Emergency services, which will provide direct benefit to the communities they serve.

Imposed charges for using the aerodromes might divert some of the flight school operators to other aerodromes that are free of charge to avoid paying fees at SHA or Robinvale.

Environmental Implications

The proposed reduction in hours will help reduce noise during the hours 11pm to 6am. It will also reduce the aircraft emissions pollutant, gasses, and health hazardous particulate matter.

Risk Management Implications

Installation of a monitoring and billing system at the aerodrome to manage all aspects of the invoicing process might cause operational safety risks due to the aircraft operators refraining to make the radio calls to avoid from paying the fees. Approaching aircraft avoiding radio calls is a violation of CASA law.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. Do nothing – Swan Hill and Robinvale aerodromes have unrestricted, non-discriminatory 24/7 days access.
2. Council adopts the user fees and charges at the Swan Hill and Robinvale Aerodromes.
3. Council can amend and then adopt the proposed user fees and charges
4. Council introduces a prohibition on touch and go and circuit training operations at the Swan Hill and Robinvale Aerodromes between 11 pm and 6 am.
5. Council introduces a curfew for all visiting aircraft except those involved in medical transport and emergency services operations between 11 pm, and 6 am at the Swan Hill and Robinvale Aerodromes.
6. Council introduced curfew with different hours that the suggested in this report.
7. Council adopts options 2 and 5 together.
8. Council adopts right hand circuits on runway 08 at Swan Hill aerodrome during curfew time operations.

Recommendations

That Council:

- 1) Adopts the User Fees and Charges for the Swan Hill and Robinvale Aerodromes as shown in table I of the report.**
- 2) Introduces a prohibition on touch and go and circuit operations at the Swan Hill and Robinvale aerodromes between the hours of 11pm and 6am.**
- 3) Amends the training circuit of the Swan Hill 0826 runway to a right hand**

circuit.

- 4) Amends the entry in the Swan Hill page of the ERSA to reflect these changes.
- 5) Write to all who made a submission on this issue thanking them for their input and advising of Councils decision.

MOVED Cr Moar

That Council:

1. Adopt the User Fees and Charges for the Swan Hill and Robinvale Aerodromes as shown in Table 1 of the report, less the parking charge.
2. Implement a flying curfew for the circuit training between 10pm and 7am (local time) for Swan Hill and Robinvale Aerodromes and apply to the relevant authority to amend the entry in the En Route Supplement Australia (ERSA) to reflect this.
3. Amend the training circuit of the Swan Hill runway 08/26 to a Right Hand Circuit (ie when departing East) and apply to the relevant authority to amend the entry in the En Route Supplement Australia (ERSA) to reflect this.
4. Develop a Noise Management Policy (which will include “Fly Friendly, Fly Neighbourly” recommendations to pilots) for Swan Hill and Robinvale Aerodromes.
5. Undertake a full review of the application of the Swan Hill and Robinvale Aerodrome user fees, charges and conditions after a full twelve months of operation and present this report to Council.
6. Write to all who made submissions on this issue thanking them for their input and advising Councils decision.

SECONDED Cr Jeffery

Cr King moved an AMENDMENT to the motion.

1. Adopt a Landing Fee for touch & goes of \$15 to Swan Hill and Robinvale Aerodromes.

SECONDED Cr McKay

The Amendment was put and LOST

107/21 Motion

MOVED Cr Moar

That Council:

- 1. Adopt the User Fees and Charges for the Swan Hill and Robinvale Aerodromes as shown in Table 1 of the report, less the parking charge.**
- 2. Implement a flying curfew for the circuit training between 10pm and 7am (local time) for Swan Hill and Robinvale Aerodromes and apply to the relevant authority to amend the entry in the En Route Supplement Australia (ERSA) to reflect this.**
- 3. Amend the training circuit of the Swan Hill runway 08/26 to a Right Hand Circuit (ie when departing East) and apply to the relevant authority to amend the entry in the En Route Supplement Australia (ERSA) to reflect this.**
- 4. Develop a Noise Management Policy (which will include “Fly Friendly, Fly Neighbourly” recommendations to pilots) for Swan Hill and Robinvale Aerodromes.**
- 5. Undertake a full review of the application of the Swan Hill and Robinvale Aerodrome user fees, charges and conditions after a full twelve months of operation and present this report to Council.**
- 6. Write to all who made submissions on this issue thanking them for their input and advising Councils decision.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

The Deputy Mayor Cr Benham vacated the Chair at 3.04pm and the Mayor resumed the Chair.

Consultation Feedback Analysis on Proposed Curfew and Fees and Charges at Swan Hill and Robinvale Aerodrome

ID	Date Submitted	Question	Contribution	Sentiment				Specific Opinions			
				Positive	Negative	Mixed	Neutral	Agree / Reduce the Curfew	Ban Circuit Training	Increase Fees and Charges	Reduce Fees and Charges
7	Jun 25, 2021, 02:16 PM	curfew: new user fees and charges:	Yes please - curfew bit for flight training only (happy to have exempt aircraft for important reasons eg emergencies)	1				1			
7	Jun 25, 2021, 02:16 PM	curfew: new user fees and charges:	Seem very cheap but not an area I know much about. Do they compare lower/higher/about the same to similar facilities elsewhere?	1						1	
14	Jun 25, 2021, 03:05 PM	curfew: new user fees and charges:	Curfew should be 24 hour on proposed flying schools		1				1		
14	Jun 25, 2021, 03:05 PM	curfew: new user fees and charges:	Triple the fees on out of town schools coming into our serenity	1						1	
17	Jun 25, 2021, 04:04 PM	curfew: new user fees and charges:	The proposed curfew is not long enough, should be no noise after dark. Why do they need to circle over Swan Hill at all, and if they do it should be at a height where there is no noise on the ground. no low flying like they do now.	1				1			
17	Jun 25, 2021, 04:04 PM	curfew: new user fees and charges:	Not high enough to discourage circuit training over Swan Hill	1						1	
18	Jun 25, 2021, 04:12 PM	curfew: new user fees and charges:	The fee's should be doubled tripled etc per touchdown in a 24hr period as to not disadvantage the planes required to land but disadvantages the flight schools from continues touch and go training.	1						1	
19	Jun 25, 2021, 04:13 PM	curfew: new user fees and charges:	Curfew needs to be between 9pm and 8am	1					1		
19	Jun 25, 2021, 04:13 PM	curfew: new user fees and charges:	It's cheaper to park your plane at the aerodrome for 24 hours than it is to park your car in the CBD where the parking meters are if you want to do some shopping	1						1	
22	Jun 25, 2021, 05:11 PM	curfew: new user fees and charges:	10pm-6am should be the curfew, or even 9pm-11pm is too late and they are still circling right up until that time!	1					1		
22	Jun 25, 2021, 05:11 PM	curfew: new user fees and charges:	User fees should definitely be imposed! \$5 parking fee for 24 hours is too cheap! Other Aerodromes charge more!	1						1	
23	Jun 25, 2021, 05:13 PM	curfew: new user fees and charges:	No flying on weekends and no flying after 6	1					1		
			Is Council kidding??? Night time curfews will NOT remove or diminish the DAY TIME noise from repetitive circuit training by large scale flight training businesses.								
			Smaller rural & regional aerodromes across Australia are being taken over by the mass flight training business and causing great distress to residents.								
24	Jun 25, 2021, 05:13 PM	curfew: new user fees and charges:	Residents have live harmoniously with general aviation for decades....this new mass circuit training activity is NEW and residents should not have to put up with it. Take a look at what distress it has caused at Mildura.		1						1
			There is no economic benefit to Swan Hill Council or residents so why allow this circuit training at any time of day.....especially for blow-in's from other aerodromes? Ban circuit training by visiting aircraft 24/7.								

24	Jun 25, 2021, 05:13 PM	new user fees and charges:	<p>This unrestricted, non-discriminatory argument based on outdated arrangements in the deeds of transfer from Commonwealth to Councils doesn't hold water - there are many aerodromes around the country that have since introduced a range of restrictions and conditions of use applied through the En Route Supplements (ERSA s), many limit circuit training to local operators only.</p> <p>Council needs to go back to the drawing board and look at what ERSA based measures are in place at other aerodromes.</p> <p>Residents were promised an 'extensive' report but this report is far from that.....it focuses on a night curfew only and fails to tell Councillors what other options exist.</p> <p>The landing and touch & go fees MAY (only may) discourage circuit training by visiting, blow-in commercial flight training outfits BUT there is no guarantee.</p>										
25	Jun 25, 2021, 05:18 PM	curfew:	<p>Whilst the curfew is a step in the right direction it does not go far enough to discourage flight training schools. This type of circuit training is a blight on our small community and needs to cease.</p>	1						1			
25	Jun 25, 2021, 05:18 PM	new user fees and charges:	Welcome	1									1
26	Jun 25, 2021, 05:25 PM	curfew:	There should only be 2-3 hours per day when planes are allowed to fly. I am 5km from the airport and planes drive back and forth over my residential property every single day. It drives me insane and impacts my health and well-being	1						1			
28	Jun 25, 2021, 06:10 PM	curfew:	11 o'clock curfew is to late. How many people go to bed at eleven?	1						1			
28	Jun 25, 2021, 06:10 PM	new user fees and charges:	It doesn't matter how much you charge overseas pilots will still pay	1									1
29	Jun 25, 2021, 06:46 PM	curfew:	Curfew needs to start earlier, most working people are trying to sleep well before 11pm.	1						1			
32	Jun 25, 2021, 07:00 PM	curfew:	It's not enough. We also need to restrict other aircraft from using this airport all day between 6am and 11pm to do their circuit training.										1
32	Jun 25, 2021, 07:00 PM	new user fees and charges:	Don't care							1			
34	Jun 25, 2021, 07:27 PM	curfew:	It does not go far enough. The constant noise of low flying planes is not acceptable. I am not in favour of any high traffic schools using our airport.										1
34	Jun 25, 2021, 07:27 PM	new user fees and charges:	Fees and charges should be high enough to deter any schools resulting in high traffic and the associated noise pollution. If I wanted to live somewhere where noise pollution was acceptable day or night, I'd move to a metro area. Put a stop to it already. Enough is enough.	1									1
40	Jun 25, 2021, 08:01 PM	curfew:	Curfew should allow at least 8 hrs of peace and quiet, so that residents can sleep without interruptions. 10pm - 7am is a good option	1								1	
40	Jun 25, 2021, 08:01 PM	new user fees and charges:	Pilots need to contribute to financially if they are going to be constantly touching down and taking off again.	1									1
44	Jun 25, 2021, 08:57 PM	curfew:	I think the curfew is a good idea & I think the proposed times are reasonable	1									
44	Jun 25, 2021, 08:57 PM	new user fees and charges:	I don't have an opinion / (educated opinion) on these.								1		
45	Jun 25, 2021, 09:21 PM	curfew:	Curfew is not good enough!										1

45	Jun 25, 2021, 09:21 PM	new user fees and charges:	new user fees and charges:	1										
47	Jun 25, 2021, 09:57 PM	curfew:	curfew:	1										
47	Jun 25, 2021, 09:57 PM	new user fees and charges:	new user fees and charges:	1										
48	Jun 25, 2021, 10:15 PM	curfew:	curfew:	1										
51	Jun 25, 2021, 10:54 PM	curfew:	curfew:											
51	Jun 25, 2021, 10:54 PM	new user fees and charges:	new user fees and charges:											
52	Jun 26, 2021, 11:14 AM	curfew:	curfew:											
52	Jun 26, 2021, 11:14 AM	new user fees and charges:	new user fees and charges:	1										
55	Jun 26, 2021, 06:28 PM	curfew:	curfew:	1										
55	Jun 26, 2021, 06:28 PM	new user fees and charges:	new user fees and charges:	1										
56	Jun 26, 2021, 07:52 PM	curfew:	curfew:	1										
56	Jun 26, 2021, 07:52 PM	new user fees and charges:	new user fees and charges:											
58	Jun 26, 2021, 08:20 PM	curfew:	curfew:	1										
58	Jun 26, 2021, 08:20 PM	new user fees and charges:	new user fees and charges:	1										
64	Jun 27, 2021, 09:11 AM	curfew:	curfew:											
64	Jun 27, 2021, 09:11 AM	new user fees and charges:	new user fees and charges:											

67	Jun 27, 2021, 09:22 AM	charges: curfew:	Should it be a curfew in the first place	1			1	
67	Jun 27, 2021, 09:22 AM	new user fees and charges:	Charge a bit more	1			1	
70	Jun 27, 2021, 10:09 AM	curfew:	I don't think \$10 or \$15 will stop them, somehow it will be used as a tax offset	1			1	
70	Jun 27, 2021, 10:09 AM	new user fees and charges:	A fee isn't going to stop the noise, time restrictions will		1			
71	Jun 27, 2021, 12:19 PM	curfew:	https://www.realestatecommercial.com.au/news/take-off-with-the-sale-of-regional-airport-in-wa Swan Hill seems to be so restrictive for new business and activity. A curfew starting at 11pm is hardly necessary. As a night rated pilot who trained in Swan Hill, using the airport after 11pm was not a usual or desirable option. Especially for the instructors! Council could option right hand circuits for 08 for night operations and then limit aircraft over populated areas.	1			1	
71	Jun 27, 2021, 12:19 PM	new user fees and charges:	Swan Hill should be encouraging people to visit not the other way round. Pilots will avoid landing and end up at other places to refuel and rest and visit. It's not as though we have too many visitors at the airport. Mostly there is no one at the airport.		1			1
73	Jun 27, 2021, 02:37 PM	curfew:	I believe the night time curfew should be reduced to between 10.00pm-6.00am. I live at Castle Donnington under the flight path. In the past we had flights so low that our windows rattled and we had to complain to aerodrome management to stop this practice. I believe that low flights for flying schools should be banned.			1	1	
73	Jun 27, 2021, 02:37 PM	new user fees and charges:	Fees should be increased to at least \$20 to discourage this use of our airport.	1				1
80	Jun 27, 2021, 06:22 PM	curfew:	Curfew needed but 10pm would be better	1			1	
80	Jun 27, 2021, 06:22 PM	new user fees and charges:	Absolutely should be user pays.	1			1	
83	Jun 27, 2021, 07:11 PM	curfew:	Good in theory but how will it be enforced? Would prefer the hours being 10pm to 7am.	1			1	
83	Jun 27, 2021, 07:11 PM	new user fees and charges:	Happy for fee to be imposed but doesn't seem enough to me.	1				1
85	Jun 27, 2021, 07:19 PM	curfew:	Yes there does need to be a curfew. I would be happy with this curfew	1			1	
85	Jun 27, 2021, 07:19 PM	new user fees and charges:	They seem reasonable to me	1				1
87	Jun 27, 2021, 08:09 PM	curfew:	I think 11pm is too late.	1			1	
87	Jun 27, 2021, 08:09 PM	new user fees and charges:	Great	1				1
105	Jun 28, 2021, 04:05 PM	new user fees and charges:	If Swan Hill Council wants business to go to Kerang (or any other small regional town for that matter) they are going about it the right way.			1		1
114	Jun 28, 2021, 05:46 PM	curfew:	Agree with curfew	1			1	
114	Jun 28, 2021, 05:46 PM	new user fees and charges:	Needs to be double that for non locals Annual fees for locals is ok	1				1
116	Jun 28, 2021, 06:17 PM	curfew:	A great beginning. Seven guaranteed quiet hours a day. For those of us under a flight path of student pilots the curfew does not go far enough.	1			1	
116	Jun 28, 2021, 06:17 PM	new user fees and charges:	A suitable compromise to meet all stakeholder needs.	1				1

124	Jun 28, 2021, 07:45 PM	charges: curfew:	I think the proposed curfew is much too late during week day and should be similar to the noise rules permitted between residents. I think 9:30 / 10 pm would be a more acceptable at least during week days and 11pm on weekends.	1				1		
124	Jun 28, 2021, 07:45 PM	new user fees and charges:	6am is too early possibly make it 7am	1						1
134	Jun 29, 2021, 04:26 AM	curfew:	I think visitors, trainers and users should definitely be charged. I think this should exclude individual locals, linked through the flight school.	1				1		
134	Jun 29, 2021, 04:26 AM	new user fees and charges:	I think the proposed curfew is a good idea.	1						1
140	Jun 29, 2021, 05:30 PM	curfew:	I agree on amounts.							
140	Jun 29, 2021, 05:30 PM	new user fees and charges:	What we really need is a blanket ban on flying schools and other training craft from doing circuit training at Swan Hill airport, which impacts on the serenity in Swan Hill.				1			
140	Jun 29, 2021, 05:30 PM	curfew:	That sounds good, the aircraft need to pay their way.	1						1
153	Jun 29, 2021, 06:55 PM	curfew:	Not needed, I am never bothered by the noise from aircraft. I live in Town, more towards the airport.	1				1		
153	Jun 29, 2021, 06:55 PM	new user fees and charges:	Not needed, council should be looking at ways to increase housing. The shortage is terrible for families.				1			
159	Jun 29, 2021, 09:36 PM	curfew:	Midnight to 6am	1						
159	Jun 29, 2021, 09:36 PM	new user fees and charges:	Higher	1						1
168	Jun 30, 2021, 11:46 AM	curfew:	Sounds good, make it happen.	1						
168	Jun 30, 2021, 11:46 AM	new user fees and charges:	They seem reasonable.	1						1
172	Jun 30, 2021, 01:18 PM	curfew:	As trying to run a local business and often flying out of the aerodrome early in the morning it is absurd to think that we will be charged. Besides, there's no commercial flights out, the council should be more concerned about getting commercial airlines to fly to help support the local economy.	1					1	
172	Jun 30, 2021, 01:18 PM	new user fees and charges:	As trying to run a local business and often flying out of the aerodrome early in the morning it is absurd to think that we will be charged. Besides, there's no commercial flights out, the council should be more concerned about getting commercial airlines to fly to help support the local economy.				1			1
179	Jun 30, 2021, 08:27 PM	curfew:	It should start earlier and finish later	1					1	
183	Jul 01, 2021, 06:55 AM	curfew:	I think it should be 10pm to 7am	1					1	
183	Jul 01, 2021, 06:55 AM	new user fees and charges:	I have small children that currently get woken up whenever they are sleeping and an aircraft goes over. Especially the very noisy ones.	1						
183	Jul 01, 2021, 06:55 AM	curfew:	These are good	1						1
185	Jul 01, 2021, 03:52 PM	curfew:	Silly idea. Swan hill is the perfect location for a pilot training facility				1			
185	Jul 01, 2021, 03:52 PM	new user fees and charges:	Mid Murray flying club should be exempt. Otherwise it's ok.	1						
201	Jul 02, 2021, 10:58 PM	curfew:	Agree to time curfew. Would be great to change the standard flight path away from town too though for the training flights that seem to be the most regular ones	1					1	

201	Jul 02, 2021, 10:58 PM	new user fees and charges:	If they align with other airports (cost and structure) then I am in support of the introduction and cost of charges	1					1
204	Jul 03, 2021, 07:31 AM	curfew:	The times should be changed from 9pm till 7am, there is families living close to the airport, the continual drone of these planes is very annoying and is not good for the health and well-being of these people. I do know what I am talking about as I am one of these person's	1				1	
204	Jul 03, 2021, 07:31 AM	new user fees and charges:	Make it higher.	1					1
209	Jul 03, 2021, 05:59 PM	curfew:	Dont give a closed for business approach... this should only apply to visiting training aircraft etc. Any emergency aircraft, a nearby plane needing an emergency landing and aircraft owned or chartered by local business must be exempt.	1				1	
209	Jul 03, 2021, 05:59 PM	new user fees and charges:	They look reasonable although I think the parking fee is silly, we have heaps of room and the \$5 will cost more to invoice than worthwhile. Biggest concern is that 100% of fee's collected goes back into constant airport maintenance and upgrades.	1					1
212	Jul 04, 2021, 07:45 AM	curfew:	11pm is still very late to have planes flying 7 days a week. Could it be considered to have it earlier eg 10pm Mon- Thurs and 11pm Fri-Sun.	1				1	
212	Jul 04, 2021, 07:45 AM	new user fees and charges:	Sounds like a good plan.	1					1
214	Jul 04, 2021, 01:00 PM	curfew:	Curfew won't bother me so much as I'm a VFR pilot but will put night rated pilots off.	1				1	
214	Jul 04, 2021, 01:00 PM	new user fees and charges:	Fees will definitely stop a lot of day tripping / cross country pilots from making Swan Hill a stopping or refueling point.				1		
215	Jul 04, 2021, 03:17 PM	curfew:	One must remember the airport has been here a lot longer than the housing developments and home owners must think and research more of where they want to build their dream homes. But I think the proposal from 11pm to 6am is fair as long as long RFDS and any emergency services aircraft have no curfew.	1				1	
215	Jul 04, 2021, 03:17 PM	new user fees and charges:	Swanhill airport is a integral stopover for aircraft transiting through for Broken Hill & places farther north. Swanhill airport is a major fuel stop and rest stop, I'm not against a landing fee for any airport but to charge for overnight parking is ridiculous as these aircraft bring business to the community like we have staying 4 nights in motels, dining out, shopping within the community, to charge for parking on top of a landing fee will turn aviators away from landing here.	1					1
220	Jul 05, 2021, 11:41 AM	curfew:	The curfew I trust is only applying to the training schools as we will be landing and departing again within those hours noted. Please confirm. From what I read this is still in consultancy phase. No fees have been agreed to by the users of the airport. We have had one group discussion with council who were going to take away the findings from the meeting and report back to the group. There has been no further discussions with the airport users. I feel that a further meeting with all airport users is required to explain the council findings and council make a recommendation to the stakeholders. Its our town, our livelihoods and our money that is been considered here in this matter. We do not live in a dictatorship era so lets work this matter through together. Don't just lump the fees on the airport users. Explain it	1				1	
220	Jul 05, 2021, 11:41 AM	new user fees and charges:				1			1

226	Jul 05, 2021, 02:44 PM	curfew:	Mid Murray Flying Club Swan Hill agrees with the curfew to training flights at night! Are right hand circuits being discussed for 08 to divert planes from flying over built up areas? Mid Murray Flying Club was aware that fees for landing were being discussed. As the largest lease holder on the airport and member-based, it is disappointing that no correspondence was forwarded to the clubs committee and its members for discussion prior. Members who have planes hangered with the Club, received cold phone calls from SHRCC re their plane registrations for landing fees. (are the fees and charge still open for discussion)? This is concerning to the committee who had no correspondence and were unable to comment.	1						
226	Jul 05, 2021, 02:44 PM	new user fees and charges:	As a club we have budget and costings to set prior to the financial year, any unknown fees can be devastating to a small not for profit organization. The club was not granted relief by SHRCC for its lease during covid 19 and with no flying operations for six month the club carried the cost. The Mid Murray Flying Club and members are disappointed in the lack of transparency of both fees and charges and upgrade to the airport.	1						
296	Jul 08, 2021, 08:53 AM	curfew:	Large scale industrial type pilot training schools need to do their circuit training somewhere that doesn't impact the amenity of the local community. Curfew should be set from 5pm to 9am Monday to Friday for visiting non emergency aircraft that are here for the sole purpose of large scale training.	1						
296	Jul 08, 2021, 08:53 AM	new user fees and charges:	Whilst agree with user fees they need to be high enough to help defray the running costs of the aerodrome. However, perhaps a differential landing fee could be introduced, where visiting aircraft pay a higher landing fee than a local aircraft. Touch and goes for locals be a lot lower than for visiting aircraft.	1						1
301	Jul 08, 2021, 05:18 PM	curfew:	The curfew goes no where far enough to protect the community from the impact of visiting aircraft conducting repetitive circuit training. Council has the capacity to amend the ERSA to make Swan Hill and Robinvale airports unavailable for circuit training by visiting aircraft full stop!							1
301	Jul 08, 2021, 05:18 PM	new user fees and charges:	Fees an Charges have the potential to be useful but only partially manage the risk of noise generated by visiting, industrial scale flight schools.	1						1

303	Jul 08, 2021, 07:35 PM	curfew:	We will not consider moving to Swan Hill at all if flight training circuits are allowed, no matter what time of day. We will invest in a town where this does not occur.	1				1
303	Jul 08, 2021, 07:35 PM	new user fees and charges:	This is irrelevant unless you are an owner of an aircraft and know what is reasonable		1			
305	Jul 09, 2021, 10:28 AM	curfew:	A night time curfew as proposed will not be effective for the remaining 17 hours day/night when flying schools can circuit train non stop. This is an insufficient report.	1				1
305	Jul 09, 2021, 10:28 AM	new user fees and charges:	If you implement fees & charges, and you allow a flight training school to set up in Swan Hill with a Lease, there will not be any point to implementing the fees and charges. I think fees & charges have a limited affect on protecting Swan Hill & Robinvale residents from the noise projected from circuit training. I understand that as owner operator of the Airport SHRCC has the capacity to restrict airport use to 'NO CIRCUIT TRAINING' from visiting/local industrial commercial flight training operations. COUNCIL YOU NEED TO LISTEN TO THE COMMUNITY.		1			
306	Jul 09, 2021, 01:27 PM	curfew:	We live in the area 'Werril street', the constant noise is at all times is mentally draining. We cannot take too much of it.	1				1
306	Jul 09, 2021, 01:27 PM	new user fees and charges:	Irrelevant, no circuit training for swan hill		1			
307	Jul 09, 2021, 05:11 PM	curfew:	The night curfew will have no affect in managing circuit training noise for the other 17 hours available day/night.	1				1
307	Jul 09, 2021, 05:11 PM	new user fees and charges:	It seems unlikely that fees and charges will be ineffective in managing noise generated by either visiting aircraft or on airport flight industrial flight training schools.		1			
308	Jul 09, 2021, 06:12 PM	curfew:	I totally oppose circuit training by visiting aircraft at Swan Hill aerodrome. The constant noise is intrusive and annoying. Please councillors stop this.	1				1
308	Jul 09, 2021, 06:12 PM	curfew:	Council please make Sean Hill aerodrome unavailable for circuit training.		1			1
310	Jul 10, 2021, 10:57 AM	curfew:	I strongly disagree to these changes to Swan Hill. The constant noise from low flying circuit training is annoying and stressful to people and nature.	1				1
310	Jul 10, 2021, 10:57 AM	new user fees and charges:	No comment			1		
311	Jul 10, 2021, 02:37 PM	curfew:	No flight training schools between 6pm and 8am No flight training schools on weekends or public holidays	1			1	
311	Jul 10, 2021, 02:37 PM	new user fees and charges:	All training schools outside our municipality should be charged for each touch and go. No one outside our municipality should be able to have a lease pertaining to the Swan Hill or Robinvale aerodrome.	1				1
314	Jul 12, 2021, 11:26 AM	curfew:	I don't see why there is a need for a curfew to be in place at the Swan Hill or Robinvale Aerodrome. Training has been undertaken for years at these locations and was once a lot busier then it is now. I think people are just complaining for the sake of complaining and have nothing else to do with their time. Why build or buy next/ near a Aerodrome and expect no noise??				1	
314	Jul 12, 2021, 11:26 AM	new user fees and charges:	I think the charges are perfectly acceptable, Swan Hill wants more and more services but don't want to pay for the service and upgrades required.	1				1

315	Jul 12, 2021, 11:58 AM	curfew:	A night time curfew is absolutely priority for training due to residence of swan hill deserve their peace and quiet and if Swan Hill want more people to move here and populate the area and to acquire workers then I can guarantee they dont want the stigma of repetitious low flying aircraft at night to be one of the first things they find out about this town.	1			1	
315	Jul 12, 2021, 11:58 AM	new user fees and charges:	Yes user pays but especially for training schools, commercial activities and the like. I do not believe locals should be charged or it should be an absolute minuscule amount, if they can show council rates paid for then possibly no fee or a gold coin donation is maximum. If rate paying locals have already been flying to and from the airport and can prove it say for the last 5 years for example then they should not have to pay any fees for 5 years once a fee payment is introduced.	1			1	
316	Jul 12, 2021, 02:16 PM	curfew:	Disallow circuit training completely as per other Councils i.e Ballarat and Barwon Heads .	1			1	
316	Jul 12, 2021, 02:16 PM	new user fees and charges:	Increase the fees further to deter circuit training		1		1	
317	Jul 12, 2021, 02:35 PM	curfew:	This is a terrible thing to do as far as noise levels to our peaceful environment including humans and all nature's creatures.	1			1	
317	Jul 12, 2021, 02:35 PM	new user fees and charges:	No feedback			1		
318	Jul 12, 2021, 02:52 PM	curfew:	I don't want to hear planes flying back and forth over my place. It is affecting my health and enjoyment of living at my own property in Berrybank Drive	1			1	
325	Jul 12, 2021, 06:46 PM	curfew:	I am strongly against circuit training. There is no economic benefit to our town and we should say no to this.	1			1	
325	Jul 12, 2021, 06:46 PM	new user fees and charges:	We need to raise them and make them a deterrent for any pilot training.	1			1	
327	Jul 12, 2021, 07:20 PM	curfew:	Not supportive of setting up circuit training flight business in Swan Hill. This type of business will only create constant noise which impacts on the rural environment and the lifestyle expected in a country town. It will not create viable flight transport services from Swan Hill to Melbourne/Sydney/Adelaide. Will impact on property values and therefore all rates in Swan Hill and particularly within 2km of the airport should be reduced.	1			1	
327	Jul 12, 2021, 07:20 PM	curfew:	Do not support any fees which allow for setting up of private circuit flying schools which allow continue flights during the day. The noise will be annoying and not expected for a rural town.		1			
331	Jul 13, 2021, 12:09 PM	curfew:	I am tired of the increased noisy planes flying over head and was alarmed that other flight schools were bringing their students to Swan Hill buzzing around our airfield at all times on the day. They sound like B52 bombers. I was pleased to hear of the night curfew BUT we need a limit of the noise from these planes during the day as well. I don't mind our local traffic but object to other flight schools noise polluting our country airspace- let them stay in Geelong and Melbourne!	1			1	
331	Jul 13, 2021, 12:09 PM	new user fees and charges:	The more the better to keep foreign flight schools out of our airspace. And make sure they don't infiltrate our own flight schools with their noise. You need a curfew, as these people were buzzing around all times of the day, keeping people awake, with heavy engine noise.	1			1	

332	Jul 13, 2021, 01:23 PM	curfew:	<p>As residents of Swan Hill city we ask that you cease all commercial pilot training. The constant noise from low level circuit training is offensive, annoying and disruptive to our quality of life and enjoyment of our home in southern Swan Hill.</p> <p>We request that you terminate both day and night circuit training as the negative affect on the local community is obvious, just look at Mildura and the metal health effects on residents.</p> <p>This will also decrease property values and disrupt sleep.</p> <p>Tourists are drawn to our peaceful lifestyle and repetitive commercial pilot training will have a negative impact on our town financially as tourist may stop coming – so much for the money spent promoting our region.</p> <p>The pilot training provides no economic benefit to our community.</p>	1					1	
332	Jul 13, 2021, 01:23 PM	curfew:	<p>Please stop this before it is too late and we all suffer!!</p> <p>We request that you terminate both day and night circuit training as the negative affect on the local community is obvious, just look at Mildura and the metal health effects on residents.</p> <p>This will also decrease property values and disrupt sleep.</p> <p>Tourists are drawn to our peaceful lifestyle and repetitive commercial pilot training will have a negative impact on our town financially as tourist may stop coming – so much for the money spent promoting our region.</p> <p>The pilot training provides no economic benefit to our community.</p>		1					
333	Jul 13, 2021, 04:04 PM	curfew:	<p>Please stop this before it is too late and we all suffer!!</p> <p>The curfew fails to address the constant noise of repetitive circuit training by visiting aircraft from the large scale flying school based at Mildura.</p> <p>I moved from Melbourne to Swan Hill to enjoy a peaceful quiet rural lifestyle where I can have an outdoor evening BBQ with friends & family without annoying visiting aircraft noise from circuit training.</p> <p>One weekend a twin engine visiting aircraft (shown on my aircraft app) did 12 circuits over my area between 10.00pm and 11.00pm.</p> <p>Why should we lose the peace and amenity of our living environment when there is no economic benefit to Swan Hill from visiting flying school aircraft doing repetitive circuit training??</p>	1					1	
333	Jul 13, 2021, 04:04 PM	new user fees and charges:	<p>Council needs to recover an appropriate contribution to airport maintenance from ALL users not just visiting users.</p> <p>Aircraft owners can well afford to pay reasonable charges for the infrastructure they use just as I pay for an annual membership of the Swan Hill Leisure Centre</p>	1						1
334	Jul 14, 2021, 08:02 AM	curfew:	<p>Noise from repetitive, low level, intrusive circuit training on Swan Hill residents is disturbing. The quiet nature of this beautiful rural city is being ruined by industrial type noise, day and night.</p>	1						1
334	Jul 14, 2021, 08:02 AM	new user fees and charges:	<p>There doesn't seem to be any benefit to Swan Hill from training pilots from another country.</p>		1					

335	Jul 14, 2021, 09:10 AM	curfew:	Where I live in town I can clearly hear the droning of planes from inside my home, I can see and hear them clearly from my front and back yards and far more annoyingly, I can hear them when I am trying to sleep at night, which is earlier than 11pm. I am a ratepayer and am fully opposed to circuit training at all. I have never in my 30 years of living here noticed the volume and numbers of planes as I have in the past approximately 12 months.	1				1	
335	Jul 14, 2021, 09:10 AM	new user fees and charges:	Not good enough, if we must have them at all make them far more expensive to deter them from coming here. Or be like other councils, who fully ban them. Our rights to quality of life should come before people who don't even live here!						1
338	Jul 14, 2021, 10:11 AM	curfew:	I have no problem with locals flying who pay rates and contribute to our town economically and of course emergency flights but I am yet to hear, apart from a few paltry fees, as to what this circuit training actually contributes to our town in any way.... Get rid of it and let us live in peace and take care of our mental health and lifestyle as we elected you to do, to do what is in the best interests of your community.	1				1	
338	Jul 14, 2021, 10:11 AM	curfew:	As a concerned resident I am writing to say I am not happy with the circuit training being conducted over and around Swan Hill and Robinvale. The noise is offensive and in particular for shift workers and parents with very young and school age children. Council can request amendments be made to the ERSA's for both aerodromes to stop the circuit training at any time. There is no economic benefit from allowing this to continue. It is causing a lot of anxiety within families, particularly nearer the airport. Please resolve this noisy, intrusive and objectionable problem, so people can have their peaceful rural lifestyles back on track.					1	
340	Jul 14, 2021, 12:57 PM	curfew:	I don't think it will fix the problem and the times stated are not early enough in the evening.						
340	Jul 14, 2021, 12:57 PM	curfew:	I don't believe it's enough to just implement a noise curfew, as a mother of small children that live very close to the Aerodrome I wouldn't want to hear loud planes flying overhead at 7pm when I'm trying to get my children to sleep let alone hearing them still flying overhead at 11pm! It's also our serenity and peacefulness that I enjoy when I'm sitting in my backyard playing with my children, now council is saying we are to enjoy this by hearing planes fly overhead all day. I was not aware this would be the case when we purchased our home. I am apposed to this curfew and apposed to the entire idea of a flight training school setting up in our town.	1				1	
340	Jul 14, 2021, 12:57 PM	new user fees and charges:	I believe we should be charging touch and go fees for all that use the swan hill Aerodrome. If we make it a free for all it will only get taking advantage off.						1
346	Jul 14, 2021, 03:09 PM	curfew:	I feel it is unacceptable to have aircraft conducting training exercises over our residential areas at night time.					1	
346	Jul 14, 2021, 03:09 PM	new user fees and charges:	The fees seem very reasonable						1
347	Jul 14, 2021, 04:32 PM	curfew:	To the Mayor Mr. Bill Moar and fellow councillors, We are writing for council to oppose the pilot training operations due to the constant noise levels which will come from many planes flying over our homes and local area for circuit training. We do not want the serenity and the peacefulness of our area spoiled as we do not live far from the airport. As reported there would be no economic benefit to Swan Hill, so why have a	1					1

352	Jul 15, 2021, 03:12 PM	curfew:	I hope you will consider this submission. Regards Gordon and Suzanne Parsons. Council to control the availability to local trainees only and not for schools of many. The extra number of trainee pilots impose a greater threat for mishaps to all aircraft that may be in the area	1					1			
354	Jul 16, 2021, 10:34 AM	curfew:	The night time curfew does not protect the community from circuit training for the other 17 hours of the day/night. I have no objection to any other general aviation at all, although I totally object to ALL CIRCUIT TRAINING. This circuit training in 2020 caused me stress and made me very angry. Every time I would hear one it is a worry as they don't sound safe and it makes me feel like it's only a matter of time when one of them crashes. I don't want my outdoor time ruined by the constant noise and invasion of my privacy as they fly very low directly over my house/yard. I have loved the peace and quiet of my home until it was destroyed in 2020 with all the circuit training activity. I complained to council several times and they didn't care or do anything at all about it. People working night shift will have their sleep disrupted. Why is council allowing them to continue when there is no benefit to the community? Council can write to Airservices Australia and request amendments be made to the en route supplement Australia for Swan Hill and Robinvale aerodromes to advise visiting aircraft are not to conduct circuit training at any time - WHY WON'T COUNCIL DO THIS? They seem reasonable.	1					1			
354	Jul 16, 2021, 10:34 AM	new user fees and charges:	AS LONG AS CIRCUIT TRAINING IS STOPPED PLEASE OTHERWISE CHARGE THEM 100 TIMES MORE THAN ANYONE ELSE	1								1
357	Jul 17, 2021, 11:29 AM	curfew:	The curfew is a very good idea and a good place to start. But council has the power to intervene to halt flight school circuit training. The curfew needs to be during daylight hours as well as overnight so that the community can ALWAYS enjoy the amenity that allows Swan Hill to be a great place to live as well as a top tourist destination. Local flights and emergency air services are always acceptable but the continual harassment by visiting flight schools is completely unacceptable.	1						1		
357	Jul 17, 2021, 11:29 AM	new user fees and charges:	Charging fees for visiting flight schools is a great idea.	1								1
358	Jul 17, 2021, 11:51 AM	curfew:	The curfew is not enough. The plane's are just as annoying during the day as at night. I want all circuit training band from Swan Hill airport. Our home has already been ruined by a Swan Hill Council decision not complying to the correct rules and doing things properly. Once it is here the council will just ignore our complaints and tell us we have to put up with the	1								1

358	Jul 17, 2021, 11:51 AM	new user fees and charges:	noise as it is too late. Or the usual answer go to VCAT if you don't like it. Please no circuit training at Swan Hill. Swan Hill is tourist trade is struggling now. People won't come here. We want our serenity, please say no to all circuit training plane's in Swan Hill. Kind regards, Michelle Donnan.	1						
359	Jul 18, 2021, 10:01 PM	curfew:	I do not think we need the circuit training here at all let alone with a curfew. We choose to live in this wonderful area on the Murray River because of the natural beauty and lack of noise and hustle and bustle of a larger city. Why should we spoil this with continuous disturbance from low flying training planes? During the day is just as important as during the night so a curfew is not solving anything - a lot of our senior citizens are home up to 24 hours a day and don't need to be distressed by unnecessary noise from planes all day and up to nearly midnight. Many have contributed greatly to the growth of our city and surrounds over a lot of years and should be entitled to a bit of peace and quiet towards the end of their lives. I hope we can learn from the problem that the Mildura residents experienced and were greatly upset by the disturbance to their lifestyle. We are very desirable tourist destination which contributes greatly to the local economy. Will Swan Hill be so attractive without the peace we enjoy at the present time?	1			1			1
359	Jul 18, 2021, 10:01 PM	new user fees and charges:	We are already a very highly rated area and if council is looking for extra funds surely there must be other avenues to be explored.	1						
388	Jul 19, 2021, 07:39 PM	curfew:	No night time training after 8pm			1				
388	Jul 19, 2021, 07:39 PM	new user fees and charges:	Fine			1				
389	Jul 19, 2021, 07:45 PM	curfew:	My concern is that Swan Hill residents will have their peaceful and serene lifestyle destroyed by the flying school business. As I gather there is no economic benefit for Swan Hill.	1					1	
390	Jul 19, 2021, 07:55 PM	curfew:	I would like Council to solve this problem properly and the limited curfew proposed will not do that. It's time for Councillors to listen to citizens who do not want noisy, low flying, repetitive pilot training causing disturbance and interrupting our peaceful skies. A ban on visiting pilot training schools doing circuit training is what is needed.	1					1	
390	Jul 19, 2021, 07:55 PM	new user fees and charges:	I support fees if they will act as a deterrent to planes visiting our skies to do circuit training. Fees are a fair thing and should be more for non-locals.	1						1
393	Jul 20, 2021, 07:20 AM	curfew:	This curfew is insufficient, needs to be at least 6pm-10am or a blanket ban on high intensity circuit training	1					1	
393	Jul 20, 2021, 07:20 AM	new user fees and charges:	I don't have an opinion on this					1		

394	Jul 20, 2021, 08:54 AM	curfew:	Sorry but what a joke. 11pm!! Why should we have to put up with the incessant noise until that late at night? What hidden agenda does council have here? Do you think we will just accept that and be quiet? It's fine to say you have fees in place, how the hell are they to be collected when these planes do not stop here but just fly around. Are you going to have someone permanently out there with a pair of binoculars counting how many times they touch and go and recording the plane rego numbers? I think for the pitance that could be recovered from this, the damage caused to our way of life is far greater. The people involved do not stay in Swan Hill, they do not shop in Swan Hill, and there is just no economic benefit to the town whatsoever. Blind Freddy could work that one out so I fail to see how you cannot, or is it like I have said, you have a hidden agenda. We have one mouth and two ears so use them in that proportion to listen to the residents of Mildura who loudly condemn flight schools and tell us to banish them from our airspace.	1					1
394	Jul 20, 2021, 08:54 AM	new user fees and charges:	How do you propose to implement this? Do you have to pay a "Consultant" to have a feasibility study (cost to ratepayers) then pay someone to sit there with a pair of binoculars and record each touch and go. Another cost to us. So would these costs negate any money made by the fees? Again I fail to see the economic benefit to the town.	1					
397	Jul 20, 2021, 10:59 AM	curfew:	I think the curfew is perfectly fine.	1					
397	Jul 20, 2021, 10:59 AM	new user fees and charges:	There should be fees and charges for the use of the aerodrome I think they are perfectly reasonable	1					1
398	Jul 20, 2021, 11:12 AM	curfew:	My response is not about the curfew but about the flying school even being considered for Swan Hill. I strongly object to council even thinking along these lines, please listen to your rate payers.				1		
401	Jul 20, 2021, 02:58 PM	Please provide your feedback on proposed curfew:	The curfew is obviously proposed to placate a tiny, but noisy, minority of Swan Hill ratepayers who (as is so often the case) moved close to an airport and then complained because there was airport noise! To achieve this, the curfew is reasonable. Taken together with the proposed changes to right-hand circuits on runways 08 and 04, their concerns should be met. It's worth noting that as future aeroplanes become quieter (compliant with Euro noise requirements), both of these changes will be redundant.				1		
401	Jul 20, 2021, 02:58 PM	Please provide your feedback on the proposed new user fees and charges:	The proposed fees make no sense. Presumably they are being imposed to (a) reduce utilisation of the airport, via the well known economic principle of "the price elasticity of demand", to placate the small number of aircraft noise complainants and (b) to create an income stream for the council. These objectives are contradictory, since reduced traffic reduces the income. Furthermore, charging extra for touch-and-go arrivals is obviously designed to discourage flying training, which is a potential future source of economic activity for Swan Hill once the pandemic is over. In contrast, Bendigo airport charges a landing fee which includes 3 touch-and-goes! Any charging regime will have a chilling effect on the use of the aerodromes for private aviation -- discouraging visitors to the region who would otherwise arrive by private aircraft and also adding an extra layer of cost to local aircraft owners and operators. Council needs to be aware that whilst some private aviators are so wealthy that these charges could be met from pocket change, the vast majority are, like myself, hobby flyers who are not at all wealthy and (perhaps surprisingly) very price sensitive. It's worth noting that the council already maintains the aerodromes to a commercial standard for healthcare and charter aviation, and private aviation adds no	1					1

402	Jul 20, 2021, 04:08 PM	Please provide your feedback on proposed curfew:	<p>marginal cost to this.</p> <p>The proposal that overnight parking fees be charged for aircraft parking on an unsecured paddock is ridiculous. Even at Bendigo airport, \$5/night outdoor aircraft parking inside a secure perimeter fence, on a reasonably weatherproof surface.</p> <p>Finally, does the council have a budget estimate of how much these charges will return as income (especially after the charging provider, presumably Avdata, take their substantial cut) and how this compares to the likely reduction of aviation as an economic activity in the city? If so, will these numbers be made public to assist in evaluating the impact of these fees and charges when they are reviewed in the future? And will an undertaking be given that such a review will take place?</p> <p>I think the curfew should be from 6pm to 8am.</p>	1							
402	Jul 20, 2021, 04:08 PM	Please provide your feedback on the proposed new user fees and charges:	I think it's a good idea to charge for touch-downs- SHRCC should be able to earn some money for the use of the aerodrome	1							1
403	Jul 20, 2021, 04:39 PM	Please provide your feedback on proposed curfew:	I agree with the curfew. Also suggest all circuits could be made to the south side of runways. Regarding aerodrome charges for locals, I feel if we own our hanger we are contributing enough to the aerodrome in leases and rates to compensate any landing fees payable. Hope my comments are considered. Regards, Geoff Manuel. Hanger owner and pilot	1						1	
403	Jul 20, 2021, 04:39 PM	new user fees and charges:	Comment. See inclusion in curfew comments. Geoff Manuel					1			1
408	Jul 21, 2021, 03:23 AM	Please provide your feedback on proposed curfew:	I don't think we should allow circuit training at all. It changes the whole ethos of living here to have constant plane flights overhead. If the only 'benefit' is funds towards upgrading the strip, I would rather fund raise to upgrade the landing strips than destroy the peace of living here with constant flyovers up to 17 hours a day.							1	
409	Jul 21, 2021, 08:10 AM	Please provide your feedback on proposed curfew:	If most of the circuit training occurs outside the curfew then this curfew will not adequately address the noise issue for Swan Hill and is therefore pointless. The curfew should be broader, say 8am-6pm most days and offer just one or two days per week where night time flying can occur.	1						1	
409	Jul 21, 2021, 08:10 AM	Please provide your feedback on the proposed new user fees and charges:	Nothing to offer here. Slight increases in fees and charges should aid with maintenance costs.	1							1
411	Jul 21, 2021, 09:31 AM	Please provide your feedback on proposed curfew:	While the 11.00 pm until 6.00 am curfew is a good start, it doesn't go far enough. Constant noise during the day is no less annoying and distracting.							1	

411	Jul 21, 2021, 09:31 AM	Please provide your feedback on the proposed new user fees and charges:	If the aerodromes continue to allow visiting flying schools to do landings, and touch and goes. The cost should not only reflect the maintenance of the aerodromes, but impact it will have on the community as a whole. Say \$100.00 for a landing and \$150.00 for a touch and go. But realistically, it's better not to allow it in the first place.	1	1				1
422	Jul 21, 2021, 10:52 AM	Please provide your feedback on proposed curfew:	Curfew hours should be 10 pm until 7am unless the planes are flying over the vast areas of agricultural land surrounding the airport, not residential areas.	1		1			
422	Jul 21, 2021, 10:52 AM	Please provide your feedback on the proposed new user fees and charges:	Fair and equitable	1					1
427	Jul 21, 2021, 11:13 AM	Please provide your feedback on proposed curfew:	The proposed 11pm to 6am curfew doesn't go far enough, working people are normally trying to sleep before 11pm during the week, so wouldn't it make more sense to shorten the curfew to 8pm. The noise is consistent and mentally taxing at all times but at least if we knew it would finish at 8pm it would be helpful. Philippa White Swan Hill.	1			1		
427	Jul 21, 2021, 11:13 AM	Please provide your feedback on the proposed new user fees and charges:	No problem with that.	1					1
430	Jul 21, 2021, 02:52 PM	Please provide your feedback on proposed curfew:	I don't agree with circuit training over the town, or close to the town.			1			1
430	Jul 21, 2021, 02:52 PM	Please provide your feedback on the proposed new user fees and charges:	The fees seem too low to stop such a clearly well financed business.	1					1
431	Jul 21, 2021, 06:38 PM	Please provide your feedback on proposed curfew:	Strongly disagree with circuit training above our township at all.			1			
431	Jul 21, 2021, 06:38 PM	Please provide your feedback on the proposed new user fees and charges:	Increase the fees so no one wants to train here at all. Not good for tourism and unsafe				1		1
432	Jul 21, 2021, 07:17 PM	Please provide your feedback on proposed curfew:	The curfew is a good idea or perhaps a circuit direction change to accommodate aircraft that need to land or depart during these times.	1			1		
432	Jul 21, 2021, 07:17 PM	Please provide your feedback on the proposed new user fees and charges:	I think charging more for a touch&go is unfair because a touch&go is technically classed as a landing. Occasionally a pilot decides they are not happy with a landing just before touchdown so open the throttle to abort, but the aircraft still temporarily touches the runway. Does the user incur a touch&go fee and a landing fee when they eventually land&stop? Will the fees&charges be recorded by human presence or a third party like Avdata? Private pilots are a fickle mob, they will spend lots on there aircraft but will avoid an aerodrome with a \$10 landing fee. It is possible that Swan Hill & Lake Boga could miss out on tourist spending because of this!				1		1
433	Jul 21, 2021, 07:34 PM	Please provide your feedback on proposed curfew:	I disagree with any curfew at all and do not want circuit training in swan hill. It is very bad for our mental health and not good for tourism. It's too noisy any time of the day.						1

433	Jul 21, 2021, 07:34 PM	Please provide your feedback on the proposed new user fees and charges:	The fees need to be higher to deter any training at all and the training is of no economic benefit to our town at all. A small fee won't help anyone.	1						1	
434	Jul 21, 2021, 07:54 PM	Please provide your feedback on proposed curfew:	Should be a lot earlier than 11pm We should not even have a flight school.	1						1	
434	Jul 21, 2021, 07:54 PM	Please provide your feedback on the proposed new user fees and charges:	Not sure							1	
445	Jul 21, 2021, 10:50 PM	Please provide your feedback on proposed curfew:	I don't believe this proposed curfew goes far enough to control the use of the skies above Swan Hill from the intensely disruptive noise made by fly in trainee pilots. I live in the southern part of Swan Hill that has previously experienced months of around the clock Circuit training. This proposed curfew will ensure residents have a chance at seven hours uninterrupted sleep, but essentially from the moment we wake till the moment we go to bed, there will still be the potential for continual overhead low flying, invasive air traffic. I found it close to unbearable to live with and its impact certainly didn't diminish, or desensitise me to it over time. By way of example, on Easter Saturday evening this year, we sat outside and had a meal, and tried to enjoy our time together, however throughout the evening planes circled above us. They roared directly overhead every 3 to 4 minutes, every time the build up and receding of noise was loud and invasive enough to distract our children from their game and make them look up. This type of disruption - if not controlled - has the potential for wide spread and long lasting community impacts. I don't want this for our town. I don't want our children to experience this continual disruption as they sit in class and try and learn. I don't want property prices to suffer, I don't want the visitors that come to our town to enjoy the clear blue Mallee skies and tranquil surrounds to be turned away and I don't want the mental health and happiness of the people that live and work here and call Swan Hill home to be put at risk because council did not put a stop to circuit training entirely. It can be done and it must be done. I approve of the proposal to bring in user pays fees and charges at the Aerodrome. I see it as similar to paying for street parking in parts of Swan Hill, the financial burden of maintaining local infrastructure should be where possible, supported in part by those who utilise it. I also believe "user pay fees" will help to mitigate the constant touch and go circling of trainee pilots that is so invasive to residents. I do however feel a ban on using our Aerodrome for circuit training would be a far more effective way to address this problem. the proposed curfew is fine but it does not eliminate daytime circuit training which I am opposed to as the company running this has no respect for the amenity of Swan Hill residents. No monetary benefit to Residents can compensate for the aggravation nor the danger. Its not if there is a plane crash its when.!	1						1	
445	Jul 21, 2021, 10:50 PM	Please provide your feedback on the proposed new user fees and charges:	I also believe "user pay fees" will help to mitigate the constant touch and go circling of trainee pilots that is so invasive to residents. I do however feel a ban on using our Aerodrome for circuit training would be a far more effective way to address this problem.	1							1
448	Jul 22, 2021, 12:56 PM	Please provide your feedback on proposed curfew:	Curfew should be between 6pm and 8am	1						1	
450	Jul 22, 2021, 02:55 PM	Please provide your feedback on proposed curfew:	None on weekends and a ban on repetitive	1						1	

450	Jul 22, 2021, 02:55 PM	curfew: Please provide your feedback on the proposed new user fees and charges:	Flight paths As flying schools traveling to our community Airports from other areas they should pay a Premium, they are a business out to make a Profit and should not be at the community Expense or health and well-being	1			1	
452	Jul 22, 2021, 05:58 PM	Please provide your feedback on proposed curfew:	I would prefer we didn't have any touch and go planes here, regard less of payment fees.	1			1	
452	Jul 22, 2021, 05:58 PM	Please provide your feedback on the proposed new user fees and charges:	Touch and go should be more expensive.	1			1	
453	Jul 22, 2021, 06:04 PM	Please provide your feedback on proposed curfew:	Only emergency planes should be aloud to frequent the airport after business hours. Please stop flight schools. The repetitive nature of the low circuit flight paths is so annoying and effects many people's anxiety. I also feel that it is an invasion of our privacy as these low flying planes continually fly over our home. Drones are not allowed but these planes can do what ever they want.	1			1	
453	Jul 22, 2021, 06:04 PM	curfew:	Please stop flight schools. The cost to our mental health is immeasurable so therefore I would ask council to install excessive fees. The repetitive nature of the low circuit flight paths is so annoying and effects many people's anxiety including my families.	1			1	
454	Jul 22, 2021, 06:05 PM	Please provide your feedback on proposed curfew:	The proposed limited curfew on circuit training over the Swan Hill region (from 11 pm - 6AM) is completely inadequate. While it may be a step in the right direction, a curfew not applied to the daylight hours, will be completely ineffective in protecting our unique environment, the health and well-being of our citizens and the ability of our area to attract visitors who come and return in search of the rare peace and beauty in our district that enriches us all. We are all very aware of the damaging effects that circuit training can have on human health in terms of both noise and air pollution. Swan Hill's environment has a unique beauty and serenity because the air is clear and has the precious quality of 'stillness'. We must not destroy that for children growing up here now. These things will be open for destruction if the current proposal is implemented. The curfew must be extended to cover the daylight hours. Hi I believe the proposed curfew does not go far enough I have come home from working all day to have to endure planes taking off and landing at five minute intervals endlessly. People of Swan Hill should not have to put up a training school of such large numbers. It is not good for peoples mental health to not have some time to relax in peace which has already been demonstrated by one mans attempted arson attack on Airport, if we wanted to live with endless noise we would be living in a more populated area not Swan Hill. I realize Swan Hill has always had Pilot training but not of this magnitude. Councilors have been elected by Swan Hill people and I hope they think of the people and not Dollars.	1			1	
455	Jul 22, 2021, 06:49 PM	Please provide your feedback on proposed curfew:		1			1	

455	Jul 22, 2021, 06:49 PM	Please provide your feedback on the proposed new user fees and charges:	I agree with user fees for non residents as this would contribute to the running of Airport, but residents already contribute through councils many fees and charges.	1						1
457	Jul 22, 2021, 08:18 PM	Please provide your feedback on proposed curfew:	All circuit training by visiting pilot training schools should be BANNED. A curfew is not enough for the citizens of Swan Hill. This needs to stop.	1						1
460	Jul 22, 2021, 10:25 PM	Please provide your feedback on proposed curfew:	A curfew of 11.00 to 6.00 am is not adequate in protecting the peaceful, country livelihood of all Swan Hill residents. The people of Swan Hill have chosen to live here for a reason, they want a quite relaxed lifestyle, not buzzing planes constantly flying around and around whilst trying to enjoy the many outdoor activities available to us because we live in a country town.	1						1
461	Jul 22, 2021, 11:02 PM	Please provide your feedback on proposed curfew:	<p>Dear Councillors,</p> <p>While you should be applauded for helping reduce aircraft noise in our skies I do not believe the curfew suggested and charges outlined will solve our problems.</p> <p>Large scale industrial aircraft training will not be dampened by our introduction of user fees as these companies have adequate finances for this not to be a deterrent. While it would assist in gaining some revenue which could assist in aerodrome upkeep, it will not deter these companies from utilising our assets to their own advantage. Not only would an increase in touch and goes place greater burden on the runway and it's need for maintenance, but it will increase the aircraft noise which we as a community had to face prior to COVID lockdowns. While no one wants COVID, I have found the absence of these planes from our skies to be an elation. The constant barrage of constant, low altitude noise made me feel angry and anxious, as if I was living in a war zone. I feel for all those trying to enjoy outdoor activities and even the students in the playgrounds and classrooms which are being affected. The proposed curfew of banning circuit training during 11pm -6am does nothing to alleviate the noise which we have to face from 6am-11pm every day. Why allow industrial scale noise from our skies at 6am when our residents cannot create noise at this hour? If cars were travelling our streets making these noises, the police would swiftly have them pulled over.</p> <p>If you can't consider the mental well-being of our residents consider the thought of our tourists attempting to golf, fish, picnic and all the other things they do with constant buzzing of low flying aircraft. Tourism grows by word of mouth. I already see many individuals making negative comments about our wonderful town, next it will be our tourists who choose to holiday elsewhere for a more authentic country feel. A feeling which Swan Hill may not be able to offer if circuit training continues. And while you may believe it may only be a few planes each day, have you considered capping the number of aircraft which can visit and continue to perform touch and goes until they feel they have perfected their technique?</p> <p>Rather than capping numbers, Council should be contacting Airservices Australia to amend the ERSAs for Swan Hill and Robinvale aerodromes to advise visiting aircraft that circuit training will not be permitted.</p>	1					1	

		<p>The suggested fees appear reasonable, with the exclusion of touch and goes for visiting aircraft. In the past, visiting aircraft have not been charged anything and it seems reasonable that landing fees should apply. It would also be more suitable to apply an annual landing/usage fee to locals who also lease hangar space at the aerodrome. I would be concerned however if non-rate paying residents wanted to establish themselves within the aerodrome so as not to be considered a "visiting" aircraft. I would like to see the wording on the proposal changed from "leaseholder" to "rate paying leaseholder" otherwise the visiting companies will abuse this loophole.</p> <p>Swan Hill is a wonderful place to live however even I would consider moving if Council continued to allow the aircraft noise which we have been subjected to. I usually sleep from 3am-9:30am. Even the proposed night curfew will not allow me sufficient sleep. Please listen to the concerns of your rate payers. We have so much to be lost by allowing the aircraft training in our skies and little recompense in the way of landing and touch and go fees. What is our serenity worth? Surely more than that. What is well-being and mental health of your community worth? Surely more than that. What economic benefit is it to us which outweighs our right to clean and serene skies? I do not want us to become an agitated and anxious community like many who need to endure the noise from pilot training in Mildura. Surely they have taught us a valuable lesson.</p> <p>Please write to Airservices Australia to amend the ERSA to advise visiting aircraft that circuit training will not be permitted in our skies and help us retain our sanity, serenity and help grow our tourism. It is far better to prevent this problem from continuing and worsening, than to find a way for it to abate when it gets completely out of hand. Prevention is far better than a cure!</p> <p>Let's build a future for Swan Hill. A future based on good old country living, with a multitude of activities to be enjoyed under our beautiful, clean and serene skies.</p> <p>Yours sincerely Tonya Taylor (18 Gregg St, Swan Hill)</p>			

		<p>The charges for landing and annual charges for leaseholders appear reasonable however I would like to see Council discuss putting a cap on the number of pilot training aircraft which are allowed at the aerodrome and also consider capping the number of training aircraft in our skies at any one time. Trainee pilots are more likely to make mistakes and thus have an increased probability of accidents. Reducing their numbers in the air will help keep other pilots safe in the air and reduce the possibility of crashes - whether in the air or on ground....which could very well be residential or school causing large scale fatalities. My husband is a leaseholder and attempts to fly when he can. I want him to come home safely. I want all pilots in the air to feel safe. I want all pilots to be able to understand the radio communications delivered across the airways, hoping that all local and visiting pilots can speak and understand English well. I do not want this to be interpreted as a racist comment. It is not. It is purely stating a fact and many of our visiting pilots may have English as a second language. It is written from a safety perspective.</p> <p>If private leaseholders have to pay \$150 annually, the cost to pilot training aircraft of \$350 suggest that they utilise the aerodrome little more than twice of the private leaseholder. I believe the time spent by pilot training aircraft would be significantly higher and would like to see the aerodrome surveyed for relevant data. While my husband leases space he has not flown this year at all and was reluctant to use the aerodrome unless it was a quiet day and visiting training aircraft were not present. While \$150 for private users may appear fair, I think training aircraft should be charged more than \$350. The data collected should identify an appropriate cost.</p> <p>Tonya Taylor</p>														
463	Jul 23, 2021, 09:17 AM	Please provide your feedback on proposed curfew:														
464	Jul 23, 2021, 09:49 AM	Please provide your feedback on proposed curfew:														
464	Jul 23, 2021, 09:49 AM	Please provide your feedback on the proposed new user fees and charges:														
466	Jul 23, 2021, 11:59 AM	Please provide your feedback on proposed curfew:														

466	Jul 23, 2021, 11:59 AM	Please provide your feedback on the proposed new user fees and charges:	big affect on her health. I do not understand when we have a choice in this matter, why our council would betray their residents by choosing this for our town and their community.	1							
468	Jul 23, 2021, 03:29 PM	Please provide your feedback on proposed curfew:	No the proposed curfew on circuit training at the swan Hill airport from 11pm to 6 am, is inadequate. This will protect neither the citizens of our district nor our environment from the destructive effects of potentially damaging air pollution or the immediate effects of noise pollution. This district has always had unique aesthetic qualities sustained, at heart by a stillness (serenity) that we all benefit from but which is very easily overlooked. Circuit training will damage this also. It is therefore essential that the curfew on circuit be applied to the Swan Hill airport for 24 hours a day/7 days a week to ensure the protection of the long term health of our citizens and our fragile environment, and to maintain a uniqueness in our atmosphere that we can share with potential visitors. Margaret Serra	1							1
469	Jul 23, 2021, 04:12 PM	Please provide your feedback on proposed curfew:	TO WHOM IT MAY CONCERN: The proposal for aerodrome charges is a penny grabbing exercise, and a negative step for our town to grow and prosper. Why not try and encourage pilots and the like to come and visit and spend cash in our tourist town. As for aerodrome lessees, these charges are absurd. We already pay a lease on the property, which we then spent money locally, on building our own Hangers. Wake up Council, don't be short sited, look at the big picture and what is best for our city. I think putting on a curfew is the wrong step. If for example restrictions could be put in place after 11.00 pm, with the use of only Runway 26 or 22 and to keep to a left hand circuit and away from the town vicinity, I think the training would have little effect on noise to the greater township. Why not at least have a rational discussion and try this option before you place a night curfew.	1							1
469	Jul 23, 2021, 04:12 PM	Please provide your feedback on the proposed new user fees and charges:	PAT GRANT AS ABOVE	1							1

<p>I support the proposed curfew in its current form but suggest council also consider adopting right hand circuits on runway 08 at Swan Hill aerodrome, either at night (such as at Cootamundra, NSW), or as a blanket daylight and dark procedure.</p> <p>Right hand circuits will keep all aircraft taking off or landing on the main runway to the more sparsely populated south side of the aerodrome.</p> <p>Right hand circuits had wide support at the last airport leasers meeting with all the aviators present, aviators combined tens of thousands hours experience, but disappointingly not proposed as a change listed for public comment.</p> <p>Although I'm not as familiar with the population distribution in Robinvale, such changes as circuit direction may prove advantageous there also.</p> <p>Obviously keeping aircraft away from population centres of Swan Hill and Robinvale would bring about a reduction in noise complaints, satisfying the reasoning stated in the overview and therefore negating the need for aerodrome fees to be levied.</p> <p>I believe in addition to these measures, an advisory committee be formed from local aerodrome users. to capitalize from the vast amount of aviation experience in this cohort, for the harmonious and efficient operation of these airports.</p>	<p>1</p>				
<p>471</p> <p>Jul 23, 2021, 04:55 PM</p> <p>Please provide your feedback on proposed curfew:</p>			<p>I believe fees on the Swan Hill and Robinvale aerodromes are a misguided attempt to address a noise problem, as stated in the overview, with certain residents. These noise problems can be easily addressed by changes to the operation of these aerodromes, such as changes in circuit direction on the main runway at Swan Hill, curfew, and should be handled so.</p> <p>COVID</p> <p>Whilst fees unacceptable on any publicly owned and maintained infrastructure such as skate parks, parks, sporting reserves, libraries and aerodromes which benefit the whole community, the timing of this proposal is particularly inopportune in light of the current covid induced downturn.</p> <p>Local flight training schools and clubs have been impacted by continual lockdowns, reduced income generating flying/fundraising, whilst being hit with recent hikes in lease, rates and council mandated insurance.</p> <p>A free aerodrome as boasted on the SHRCC's own website under the heading "Explore Our Region", can also play its part to help the wider community as we enter the covid recovery phase and attempt to attract as many visitors to the region by whatever means possible, including by air.</p> <p>Fuel Sales at Swan Hill</p> <p>- A personal account of aerodrome fees;</p> <p>Flying from Swan Hill to Bendigo a couple of years ago, I encountered fog and had to divert to either Echuca or Shepparton as is normal procedure. I choose the latter. Whilst there I decided to err on the safe side buy AVGAS from the onsite retailer and noticed that they also had a comprehensive range of pilot supplies. Since I had to wait for the fog at Bendigo to clear I plenty of time to browse and ended up spending well above what I spent on fuel, on extras. Leaving Shepparton feeling satisfied that I supported a small</p>	<p>1</p>	
<p>471</p> <p>Jul 23, 2021, 04:55 PM</p> <p>Please provide your feedback on the proposed new user fees and charges:</p>					<p>1</p>

	<p>but very convenient enterprise punching above its weight, I continued to Bendigo.</p>	
	<p>One month later I received a landing charge at for Shepparton. I had spent approximately \$300 there that I need not have but apparently Shepparton Council felt that wasn't enough. In future I'm afraid when faced with the decision to divert I'll most likely choose Echuca. In light of this I'll explain how Swan Hill fuel sale will be affected if fees are imposed.</p>	
	<p>Swan Hill has long been a stopping off point for fuel and accommodation for aircraft traveling both East/West and North/South but it need not be. Kerang has fuel but not fees and is situated about the correct distance North of Melbourne for light aircraft to make the important hop to Broken Hill for the many outback flights that take place in non covid times. Similarly Deniliquin could easily become a no fee alternative to Swan Hill for East West traffic. Clearly if an alternative is available and cheaper then fuel sales at Swan Hill are likely to suffer, making fuel sale nonviable for the vendors. Clearly SHRCC feels the fuel installations at Swan Hill are of great importance else it wouldn't have gone to such great lengths to install the Jet A1 bowser, so why would it jeopardize their continued existence by discouraging people to use them?</p>	
	<p>Loss of Operational Flexibility. With the decommissioning of runway 33/05 pilots have a decrease in useful infrastructure at Swan Hill for operational use but at the same time it would become more expensive to operate there.</p>	
	<p>Local flying schools whilst conducting flights for student in their early stages of training require a runway orientated into wind and this not be available under certain conditions. This has further decreased the ability of these schools to conduct income generating flights, yet their overheads will increase under the proposed changes.</p>	
	<p>Similarly visiting may find that cross winds are too great on both runways 26/08 and 22/04 as quite a lot of strong winds come from the North West during change periods.</p>	
	<p>Add to this the preposterous notion that one is charged to park in an open, non sealed paddock that is usually alternately a bog hole or a dust bowl, is unacceptable and likely to keep visitors away from the region.</p>	
	<p>Discriminatory Application of Fees.</p>	
	<p>With regards to a higher fee of \$15 for a touch and go landing, it can be argued that this is discriminatory as a touch and go landing actually causes less wear and tear on the entire aerodrome than a full stop landing and therefore does not reflect the relative amount of cost recovery attributable to these two types of operations. Clearly it can be seen that the extra \$5 for a touch and go, is levied to discourage a perfectly legal type of operation, namely the visiting training flight. In my opinion the the extra \$5 is therefore</p>	

<p>a punitive charge and is discriminatory on particular types of operations.</p>	<p>Fees For Lease Holders The annual fee for lease holders would appear to be a triple hit. Not only does this cohort already pay lease for a hangar site, rates on the improved value of the site plus hangar, but now expected to pay another fee should feel they need to use the hangar for its intended purpose, and keep an actual operational aircraft in it. This surely does not pass the pub test? Also there is no proposal for annual aerodrome access fees for those who are not lease holders. Are they to pay \$5 per night parking for the entire year?</p>	<p>Emergency and Medical. If the Guardian article on 25/6/21 is correct and emergency and medical flights will be exempt from fees, I feel it is unfair that a fully foreign owned contractor operating flights on behalf of the Air Ambulance is exempt from fees while local residents, flying schools and visitors are charged. In this way small operators are subsidizing large multinational companies to maintain a piece of infrastructure, that has to be there for all the community, to service those same emergency and medical flights. These same emergency and medical flights use aircraft that are actually large enough to cause wear and tear on the aerodrome pavement whereas the smaller aircraft that will be paying, do not.</p>	<p>Cost Benefit I believe a comprehensive cost benefit needs to be completed before any proposed fees can be considered. This needs to encompass all the factors stated above with regards to local business both on and off the airport and consider if harm inflicted is worth it for the sake of the noisy minority.</p>	<p>1</p>
<p>472</p>	<p>Jul 23, 2021, 04:58 PM</p>	<p>Please provide your feedback on proposed curfew:</p>		<p>1</p>

475	Jul 23, 2021, 06:44 PM	Please provide your feedback on proposed curfew:	It seems that the night time curfew was put in place as a token gesture to appease objectors. It is a concession but a minor one and does not address the destruction of our amenity. After speaking to people in Mil durai I understand that the economic benefits of a large flying school based in Swan Hill would be of negligible benefit to the broader community. The reduction in the rateable value of the hundreds and hundreds of homes affected would far outweigh any \$ benefit. Our community is trying to attract new residents and investment to Swan Hill. To allow any form of large flying training enterprise in Swan Hill is counter intuitive and , dare I say, stupid. I cannot see how anybody could promote this as a viable project unless they have no intention of living in our town into the future or don't live in the affected areas and have no regard for members of the community affected by the blight of circuit training. Jim & Leonie Gleeson 52 Werril Street										
475	Jul 23, 2021, 06:44 PM	Please provide your feedback on the proposed new user fees and charges:	These seem ok										
476	Jul 23, 2021, 07:03 PM	Please provide your feedback on proposed curfew:	The proposed curfew still allows the flight schools to operate during disruptive hours. We currently reside 3km from the airport and the current flight path over our home (and the rest of Swan Hill!!) is extremely noisy and disruptive to our normally peaceful town. This needs to be implemented but there needs to be a level of deterrence to stop these flight schools from constantly using our airport and flying directly over our town. The constant circling (often up to 5 times by the same plane) and landing/takeoffs are ridiculous. When we moved to our home 5 years ago the airport was quiet with only a very small number of planes using the airport for freight etc. flight schools are absolutely ruining our quiet backyard- and these are not even local Swan Hill pilots!!										
476	Jul 23, 2021, 07:03 PM	curfew:											
483	Jul 25, 2021, 10:54 AM	Please provide your feedback on proposed curfew:	An 11pm to 6am curfew is not sufficient. Council should consider the amenity of life of citizens of Swan Hill as a priority not a commercial arrangement. 7pm to 8am would be fairer for householders, shift workers, children and the elderly and unwell. This curfew should only apply to flight training schools and not affect normal usage by other aircraft.										
483	Jul 25, 2021, 10:54 AM	Please provide your feedback on the proposed new user fees and charges:	I have to trust they are equitable										
489	Jul 25, 2021, 08:26 PM	Please provide your feedback on proposed curfew:	The curfew does to adequately deter circuit training. The only solution is a ban on the practice at all times of days to restore peace and quiet to our town										
489	Jul 25, 2021, 08:26 PM	Please provide your feedback on the proposed new user fees and charges:	User fees only seek to provide council with revenue and will not deter circuit training in any way.										

	charges:				<p>Dear Councillors, As a ratepayer and resident of Swan Hill I wish to express my concern regarding the aerodrome curfew and user fees and charges report. This is the second email I have sent to councillors regarding this matter and my frustrations and concerns have certainly not waned.</p> <p>Please tell me why we need circuit training in our skies? Of what economic benefit is this to our town? Why should I have to listen to planes constantly roaring over my home? Is this safe over such populated areas...it appears to me to be an accident waiting to happen.</p> <p>I chose to live in this town because of the quiet lifestyle which my family and I have been afforded for decades. Yet through no fault of our own this tranquil existence is being eroded by those who have been entrusted to make decisions in the best interests of their community. Decisions, in my opinion, that demonstrate a lack of transparency and consultation with the public.</p> <p>Perhaps I am ignorant but please explain your decision regarding circuit training to me in simple terms as it defies logic. That you would knowingly ruin our lifestyle and quality of life for no economic gain whatsoever is baffling.</p> <p>People's mental health and well-being is at stake here. Please reconsider this circuit training fiasco, I don't think it is a legacy you would like to leave behind.</p> <p>Regards Rachel Scarce 1 Kimberley Avenue Swan Hill</p> <p>To the Mayor, Mr Bill Moar and all Swan Hill Councillors</p>								
216429	Jul 08, 2021, 20:53 PM				<p>Please provide your feedback on the proposed curfew:</p>								
216927	Jul 13, 2021, 13:21 PM				<p>Please provide your feedback on the proposed curfew:</p>								

216979	Tuesday, 13 July 2021	Please provide your feedback on the proposed curfew:	<p>Please stop this before it is too late and we all suffer!!!</p> <p>Nola Jager - To Swan Hill Rural City councillors,</p> <p>We find the noise of the constant circuit training very disturbing. Our concerns extend to the future of the area where our family resides. We have lived in the area for many years and have enjoyed the peacefulness and the use of the outdoor area for various pursuits.</p> <p>We are also concerned how this training will affect and restrict our local pilots from training and recreational flights. Why should our local pilots be restricted in their use of our local airport?</p> <p>Yours sincerely Ron and Nola Jager</p>	1					
217027	Jul 13, 2021, 19:17 PM	Please provide your feedback on the proposed curfew:	<p>The Mayor and Councillors, Objection to flying school at Swan Hill Aerodrome. I have been a resident near the Swan Hill airport for many years. All air traffic has been conducted over this time without any problems to residents. During this time the Mid Murray Flying School, the late Terry Hardy's Flying School, Air ambulance, mail planes, locally owned planes, spray planes and at times Commercial flights to Melbourne and Sydney. These ceased due to lack of patronage. I object to the latest flying school due to the constant circles and noise revving their engines as they approach and leave the airport. Which is detrimental to humans and animals and the environment. I am afraid if they are permitted to continue to use the airport with the latest runway extensions they will have bigger planes. Please don't allow this school to proceed. Yours sincerely Janice O'Bree</p>	1					
217109	Jul 14, 2021, 10:30 AM	Please provide your feedback on the proposed curfew:	<p>letter of objection attached to sysaid</p>	1					
217341	Jul 14, 2021, 14:06 PM	Please provide your feedback on the proposed curfew:	<p>Hello Mayor Bill Moare and Councillors</p> <p>I would like to express my concern for the proposed noise curfew from 11pm-6am that Council wants to implement at the Swan Hill Aerodrome and put to you this curfew alone is not enough to ensure that our current peace and serenity will remain.</p> <p>Having small children that go to bed at 7pm will mean that as I'm trying to settle my kids to sleep I will have to do this whilst enduring constant noise from overhead aeroplanes doing circuit work? And my kids and myself will have to keep enduring this sound until 11pm. 4 hours after they've gone to bed. Where is the peace and serenity for my children needing there sleep? It obviously doesn't seem important to council members.</p>	1					

217496	Jul 15, 2021, 11:54 AM	Please provide your feedback on the proposed fees and charges	<p>Industrial training noise from aircrafts will be constant and loud , when we purchased our home in Werriil Street, we knew we were living fairly close to the local Aerodrome. What we did not know is that this Aerodrome could become home to a training pilot school that would be allowed to pollute our serene living with constant barrage of aircraft noise going constantly over and around our family home. Real estate agents from now on should have to disclose this to new families moving in around this area as I know if we had our time again and we're told that we would have to put up with such horrific noise constantly apart from a 7hr reprieve overnight! We would of brought noise elsewhere.</p> <p>It's not only night time noise that is incredible disruptive but daytime flying impacts on a persons ability to obtain a peaceful lifestyle, if I'm playing in my backyard with my children or fishing at the river with them I am doing so to be immersed in nature and clear our minds and breathe in the fresh air that we are so lucky to have here but I will only be doing this whilst being drowned out by aircraft noise ? Could council members please inform me of the benefits this will bring to the Swan Hill township that will out way our serene peaceful way of living?</p> <p>Surely our Council would not allow a noisy factory to be built in a residential area , putting out residents and disrupting everyone's day to day life so why is this any different because it's in the air? If anything it should be considered worse as it will impact mental health amongst residence if we are not getting adequate sleep due to this noise pollution that will be going on overhead.</p> <p>I also have friends and family that currently live in Mildura and have nothing positive to say about the pilot training school that has set up residence there. Why are we following in the same footsteps and not listening to the concerns that are coming out of Mildura? why not learn from their mistake instead of making the same one.</p> <p>I am a third generation Swan Hill family and being the granddaughter of a dairy farmer I'm well aware that many families around the Swan Hill region are farmers and people that work on the land to make their living. does the farming lifestyle go hand in hand with noisy pilot training schools?? It doesn't make sense for this to happen in our RURAL town. if you take the big farmers and big earners away from Swan Hill what will it be left with?</p> <p>Please don't allow the end of our peaceful lifestyle.</p> <p>Thanks for hearing my concerns</p> <p>Regards Shaye Strugnell</p>	1	
				1	

217639	Jul 16, 2021, 10:35 AM	<p>Personally living near the airport myself, the planes have never bothered us, however if this is ONLY going to limit ones who wish to swamp our airspace when the weather is too bad down south, I don't mind.</p> <p>This though MUST NOT have any effect on the local flying club, local aircraft owners, emergency or chartered aircraft, a potential business park, additional hangars, life, growth and general proactiveness in and around Swan Hill.</p> <p>There has been too much small minded wrapping up of Swan Hill for too long, and we need to come out swinging for action and growth, so this cannot be counter to that.</p> <p>Night time and weekend restriction from non-local training aircraft is fine I think, but we should not go further than that.</p> <p>Thank You.</p> <p>Best Regards, Matthew Steele Director</p> <p>To Swan Hill Rural City Council, The Mayor and all Councillors,</p> <p>We are writing to continue to express our concern over the possibility of circuit training at the Swan Hill Airport. Although you have seen fit to establish a curfew for the night, this doesn't address the noise levels, and the disturbance of our current lifestyle during the lengthy daylight hours.</p> <p>Let me be clear that we are not against the promotion and expansion of our city, but as far as has been noted, especially by other municipalities, very little to no economic benefit has been made.</p> <p>We live in an area of natural beauty that is promoted through our council's tourism sector and this whole project appears to be at odds with this theme. We don't need this to disturb our current peacefulness and harmonious way of life, especially when we utilize the outdoors for sport and recreational activities, tourism and relaxation.</p> <p>We hope that you will see fit to resolve to make Swan Hill and Robinvale Airports unavailable for circuit training by visiting aircraft.</p> <p>Yours sincerely, Neil and Jill Brown</p>	1	1	1	1	1
217850	Thursday 29/07/21 4:31pm	<p>Please provide your feedback on the proposed curfew:</p> <p>Please provide your feedback on the proposed curfew:</p>	1	1	1	1	1
217854	Jul 19, 2021, 10:35 AM	<p>letter of objection attached to sysaid</p>	1	1	1	1	1
217855	Jul 19, 2021, 10:36 AM	<p>letter of objection attached to sysaid</p>	1	1	1	1	1
217882	Jul 19, 2021, 12:39 PM	<p>Please provide your feedback on the proposed curfew:</p> <p>It is with sincere and heartfelt concern that I wish to lodge my objections to the proposals regarding the current and future use of both the Swan Hill and Robinvale Aerodromes, as listed below:</p>	1	1	1	1	1

218175	Jul 20, 2021, 04:36 PM	Please provide your feedback on the proposed curfew.	335 Beveridge St. Swan Hill ph. 0408264402	<p>We are writing to inform you of our distress and annoyance caused by pilot training at Swan Hill Aerodrome. We wonder why this training has to be done at all hours of the day, and would suggest a curfew from 6pm to 8am, if one is to be imposed. If night training is required it should be limited to out of town! The noise generated by planes constantly circling over the town disturbs the serenity of our town. The noise is similar to lawn mowers or leaf blowers- offensive in the short term and distressing if it is constant. There are laws for residents making excess noise at certain hours- has Council not considered this? We found the following on the EPA Victoria website: There is a lot of information on this website- it might be worth a look!</p> <p>Yours Sincerely, Janine and Steve Spry</p> <p>"Ongoing noise can impact peoples' livelihoods. Being unable to sleep because of noise might impact how well you perform at work. This could have a financial impact. Long-term exposure to an annoying noise increases the impact on people."</p> <p>The Australian Department of Health has more information about the health effects of environmental noise <https://www1.health.gov.au/internet/main/publishing.nsf/Content/health-pubhlth-publicat-environ.htm>.</p> <p>About people who are more vulnerable to noise In residential settings, those most vulnerable to the impacts of noise include:</p> <ul style="list-style-type: none"> - sick people - elderly people - babies and children - shift workers - people with chronic health issues. <p>Objection to circuit training at Swan Hill aerodrome</p> <p>I am writing to request that we do NOT support circuit training at Swan Hill aerodrome. I live in the south area of Swan Hill township. These planes fly over for hours into the night- and are noisy and disturbing. I have lived in the metropolitan areas with airports. I choose to live in a small country town for the lifestyle and quiet.</p> <p>I have no objection to the small number of emergency flights and other flights that have always occurred in the genuine use of the aerodrome. These aircraft land or take off and are gone. The noise is brief.</p> <p>I strongly object to 'industrial' levels in duration and level of noise pollution from planes doing circuits hour after hour. Our aerodrome should be closed to that purpose. The small reduction of banning 11:00pm to 6:00am is not enough. It needs to cease. It would be creating a metropolitan noise level but with none of the benefits that metro living offers.</p>	1	1	1
218212	Wednesday, 21 July 2021	jmall99			1	1	1

<p>As far as I can determine, there is no social or economic advantage to our community by allowing these activities. There will be no commercial flights available and no money will be spent locally. The planes won't even re-fuel in Swan Hill or Robinvale.</p> <p>I live at the southern end of Marraboor Street. The railway line runs right in front of us. We are also close to the eastern landing approach to the aerodrome and constantly hear planes coming in to land. Normal activity is of no concern. In fact, the trains going past and planes landing and taking off, are a comforting acknowledgement that we are well connected to the wider community.</p> <p>But to ask us to tolerate unnecessary noise with no associated trade-offs is unacceptable.</p> <p>In my view, the only solution is to ban out-of-town pilot schools from using our facilities except in an emergency. Restricted access would be hard to police and open to abuse. These pilot schools have no investment in our community and should not be allowed to benefit at our considerable expense.</p> <p>Yours faithfully Geoff Dunstan</p> <p>Geoffrey Dunstan LLB, Principal [cid:image001.png@01D77E1C-CE25B240] 12/270 Campbell Street, Swan Hill, 3585. Ph: 03 5032 4450.</p>		
<p>218366</p>	<p>Jul 21, 2021, 03:13 PM</p>	<p>Please provide your feedback on the proposed curfew:</p> <p>This is not just happening at night but also during the day. I feel the night curfew will lead to an increase in day time circuits.</p> <p>I feel panicked when these planes do a stall start over houses as I fear they will one day drop onto homes, schools and parks in the area. They fly very low which is also concerning.</p> <p>Large scale circuit training does nothing for the region economically. I believe it will also impact negatively on tourism in the region as the constant noise from these visiting aircraft is offensive and intrusive when one is trying to relax.</p> <p>This activity has proven to have had a negative impact on Mildura and other places that have had this issue thrust upon them with no consultation with residents by councils.</p>

218415	Jul 21, 2021, 05:59 PM	<p>Please provide your feedback on the proposed curfew:</p>	<p>Council has the power to request amendments be made to the En Route Supplement Australia for Swan Hill and Robinvale Aerodromes with Air Services Australia to advise visiting aircraft are not to conduct circuit training at any time.</p> <p>I call upon council to consider the health and well-being of residents and make Swan Hill & Robinvale Aerodromes unavailable for circuit training by visiting aircraft. Local pilots undertaking normal aviation activity are not part of the problem.</p> <p>Sincerely Vickie Hull Swan Hill</p>	1	1			
		<p>On review, I apologise for some of my original comments and withdraw them.</p> <p>I am therefore re-submitting the modified objection on a new email so you need not read the previous one.</p> <p>Objection to circuit training at Swan Hill aerodrome</p> <p>I am writing to request that we do NOT support circuit training at Swan Hill aerodrome. I live in the south area of Swan Hill township. These planes fly over for hours into the night- and are noisy and disturbing. I choose to live in a small country town for the lifestyle and quiet.</p> <p>I have lived in the metropolitan areas with airports. I have no objection to the small number of emergency flights and other flights that have always occurred in the genuine use of the aerodrome. These aircraft land or take off and are gone. The noise is brief.</p> <p>I strongly object to 'industrial' levels in duration and level of noise pollution from planes doing circuits hour after hour. Our aerodrome should be closed to that purpose.</p> <p>There is no significant benefit to our town. I don't understand how it can have been allowed. The training company and trainees may have gained some benefit, but it has been to the detriment of every other hearing citizen in Swan Hill and surrounding area. We are all suffering the loss of our peaceful country town environment. The impact of circuit training is out of all proportion to any possible benefit to a few.</p> <p>It is a misuse of the aerodrome and an exploitation of our community to permit circuit training in Swan Hill. I appreciate the current opportunity for the community to comment on and hopefully influence this decision.</p> <p>A decision to allow circuit training and particularly to allow this to continue, is not in the interests of the community. Other regional towns including Mildura and southern coastal NSW who had initially allowed circuit training practices, have greatly regretted it as a community. It changed the whole experience of living there. It will have driven down their property values and damaged the reputation of the town and region.</p> <p>Do not make that mistake with our town, our region.</p> <p>Judy Irvin letter of objection attached to sysaid Sent from my iPhone</p>	1	1				
218423	Jul 21, 2021, 07:22 PM							
218425	Jul 21, 2021, 07:33 PM	<p>Please provide your</p>						

	<p>I write to Swan Hill Rural City Councillors, the Mayor and the CEO and wish to put forward my thoughts on the recent report tabled at the June Council Meeting in respect to the Swan Hill & Robinvale airports night time curfew and fees & charges. I believe the online survey to be insufficient and does not allow for community to elaborate their responses to the report adequately.</p>		
	<p>When tabling his motion at the March Council meeting, Cr King requested a 'report outlining options for implementing a night time curfew at the Swan Hill & Robinvale aerodromes to limit circuit training activities and the implications of such a curfew'. Cr King concluded in his Preamble 'I doubt that those using the Swan Hill aerodrome for circuit training are bringing any meaningful or economic benefit to this community, but are detracting from the serenity of the Swan Hill lifestyle'. It is obvious that Cr King was listening to the 'noisy' feedback from the community, and possibly from the noisy aircraft themselves flying over his business operations throughout the Winter of 2020. During this time Swan Hill was inundated with aircraft from Mildura's International Aviation Alliance Flying School, Regional Express Airlines flight academy Wendoree and other such flying schools.</p>		
	<p>I believe the motion tabled was too limited and should have included an extensive examination into updating the Enroute Supplement Australia (ERSA) to prevent circuit training activities at Swan Hill & Robinvale Airports day & night. Therefore, the report provided was always going to be less than 'comprehensive' limited to just two proposed restrictions on the use of the airport.</p>		
	<p>Night time curfews, and User fees & charges.</p>		
	<p>I ask you, what of the remaining 17 hours per day/night that the airport could be used without restriction?</p>		
	<p>Aviation is a complex industry and I wonder how much Council understands about what is involved in the process of flight training, in particular, circuit training? I am not referring to normal acceptable levels of General Aviation, where aircraft land and take off to go onto their next destination. I refer to the high intensity circuit training where small aircraft go round and round in a circuit training envelope located within a 5.6km radius of the airport, taking off and landing, doing 'touch and goes', flying in circuit between 500 - 1000 feet above our homes. And this is not restricted to one aircraft at a time but can be up to 6 within a circuit. At minimum, 3/4 of Swan Hill residents are located within this circuit training envelope and the community is alarmed at the prospect of having to live with, what can only be described as, industrial scale flight training. To put it bluntly we would be hosting a flight factory in our skies.</p>		

218545	Jul 22, 2021, 11:47 AM	curfew:	<p>I see little or no benefit to the 'night time curfew' nor the benefit of fees and charges. These restrictions/charges may go somewhere to deter some users, mostly likely only the local airport users and subject them to increased running costs. Whether it would deter any new commercial operator, such as the Mildura flying school or similar, is unlikely. To be frank what we need is our elected Councillors to stand up for the community they represent, not bow to the mandate of Council, and stop visiting industrial commercially operated flight training schools from using our airport for 'circuit training'. That is exactly what the community want done. It is that simple!</p> <p>We know and understand that Council can amend the En Route Supplement Australia. Why won't Council introduce stronger restrictions? Why won't Council make genuine efforts to take responsible action, as owner/operator of the Swan Hill & Robinvale airports, to protect the well-being, environment, mental health and the serenity of this region. This is the multi-million dollar question?</p> <p>Yours Sincerely Steven R. Mitchell 14 Gillespie St, Swan Hill Phone 0400600406</p> <p>Dear elected Councillors,</p> <p>We have lived near the Swan Hill Aerodrome for most of our lives. We have no issues with the everyday pilot training that occurs there. We do however have a problem with the constant circuit training that happens when an outside pilot training school uses these facilities. We find it an invasive addition to our space. The night time circuits can happen at all hours of the night and day.</p> <p>We do not feel that this is necessary in our area. The aerodrome is very close to Swan Hill and many of the residents must feel the same way. The night time training for our locals is a necessity but the proposed curfew is still very late. It can be quite disturbing at that time of night.</p> <p>Having visiting pilot schools to our aerodromes does not bring additional benefits to our towns.</p> <p>We urge you to listen to your ratepayers and work with them and don't ignore them. A lot of people feel very strongly about this but they don't all write in with their views.</p> <p>Thank you for the opportunity to impart our views</p> <p>Sue and Dale Bryan Back Boga Road, Swan Hill</p>	1
1				1

218632	Jul 23, 2021, 01:05 PM	curfew:																																	
Once again I find it necessary to express my objection to the Swan Hill Rural City Council's apparent eagerness to promote INDUSTRIAL pilot training from the Swan Hill and to a lesser extent Robinvale Public Aerodromes. I am totally against any constant industrial pilot training from these aerodromes. WHY should my Serenity of living near a Rural air port for over thirty years suddenly be taken away for NO gain to the Swan Hill community what so ever. To make matters worse the so called Australian Aviation Alliance Pilot school that the Swan Hill secretly encouraged to operate the Swan Hill Aerodrome is a foreign owned Chinese company who have openly omitted to be training future military pilots throughout Australia from over a dozen region airports. Why does the Swan Hill council condone training communist military pilots at the expense of rate payers serenity. Swan Hill Council postponed leasing the Swan Hill Aerodrome to the AAA and from the week after we were bombed by three or four at a time aircraft from Mildura (some posted at Swan Hill with pilots taking over some refugee accommodation I am told) these planes are relentless doing circle work and touch and goes Saturdays Sundays holidays Cupday Anzac day it does not matter and times from 6am to 12pm. At about this time Mr McLinden indicated that he was making up a consultation procedure so that he could converse with residents living close to the aerodrome apparently this is yet to be completed (it is noted no such procedure was needed to converse with a communist Chinese executive or his group chief executive) As Mr McLinden is aware this executive is listed in the Chinese Global Times as stealing \$100 million from a Chinese Bank - some could say that the Swan Hill rate payers may have come very close to helping with the laundering of stolen monies. At present the training planes are at a minimum as the original (supposably) 250 pilots have finished their training and due to lockdown further students have not been able to travel to Australia but be warned unless the appropriate action is taken it will get worse. But in the mean time we have sister company planes from Ballarat Wagga Wagga etc flying in for touch and goes - maybe it's to make sure the babies and children don't get used to sleeping in silence. These trainee pilots do not come to Australia on their own accord they are shang-hai'd by their Chinese government and the consequences of failing the pilot course is very severe - I am amazed that the Swan Hill council seem to condone the kidnapping of students.																																			

- Swan Hill Aerodrome is not suitable for a industrial pilot training school.

				attempt to address a noise problem, as stated in the overview, with certain residents. These noise problems can be easily addressed by changes to the operation of these aerodromes, such as changes in circuit direction on the main runway at Swan Hill, curfew, and should be handled so. *	
				<p>*COVID *</p> <p>*Whilst fees unacceptable on any publicly owned and maintained infrastructure such as skate parks, parks, sporting reserves, libraries and aerodromes which benefit the whole community, the timing of this proposal is particularly inopportune in light of the current covid induced downturn. *</p> <p>*Local flight training schools and clubs have been impacted by continual lockdowns, reduced income generating flying/fundraising, whilst being hit with recent hikes in lease, rates and council mandated insurance. *</p> <p>*A free aerodrome as boasted on the SHRCC's own website under the heading "Explore Our Region", can also play its part to help the wider community as we enter the covid recovery phase and attempt to attract as many visitors to the region by whatever means possible, including by air. *</p> <p>Rodney Scott</p>	
219415	Wednesday, 28 July 2021		Please provide your feedback on the proposed curfew:	Debbie White - letter attached	1
219761	Friday, 30 July 2021			Submission to aerodrome curfew & user fees & charges review - Jacquie Kelly	1

B.21.67 LOCAL LAW SWAN HILL REGIONAL LIVESTOCK EXCHANGE

Responsible Officer: Director Infrastructure
File Number: S24-02-18
Attachments: 1 Draft - Local Law Swan Hill Regional Livestock Exchange

Declarations of Interest:

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

Summary

This report seeks a Council resolution to resolve commence the process to declare a new Local Law governing the operations of the Swan Hill Regional Livestock Exchange (SHRLE). This Local Law is a local law made and notice is given under Division 3, Part 3 of the *Local Government Act 2020*.

Discussion

The Swan Hill Regional Livestock Exchange provides a valuable facility for local producers, buyers and processors to sell and purchase cattle, sheep and goats. The Local Law is designed to clarify the expectations from Council and any person or company trading through the yards and ensure compliance with legislative and accreditation requirements.

The Local Law comprises of several parts:

- Roles and responsibilities of SHRLE staff and Selling agents,
- Sale days and selling outside those agreed dates,
- Behaviours expected from anybody operating within the SHRLE,
- Legal obligations and safety,
- Incidents and reporting,
- Movement of stock within the yards,
- Penalties for breaches, and
- Template Selling Agent Agreement

SHRCC is responsible for providing a safe workplace for its staff, contractors and visitors. Tools such as site inductions, industry recognised training and ticketing, refresher trainings, incident and near miss notifications, alongside clear expectations for all parties, go a long way in ensuring Council discharges its responsibilities for safety.

Initially, Council officers drafter Agent Agreements to ensure there are clear rules of how Agents and their staff will operate from the Council owned facility to ensure compliance with legislation and accreditation are maintained.

Draft agreements were sent to the agents for consideration with no substantive feedback received over a year ago. The final agreements were sent to all agents last

year requiring them to be executed prior to the 2021 selling period. No agents signed their agreements and continued to operate as they have previously. Over the past year, we have seen non-compliance and near misses/minor injuries many of which could have been prevented if appropriate practices were followed. Currently, agents can hire casual staff to operate within the saleyards for up to three sales before they need to pass their saleyards induction.

Agents at other saleyards have agreements signed annually to ensure clarity of roles and responsibilities and minimise risks of non-compliance and safety incidents. Some yards have also Local Laws (like Bendigo) which require agreements to be entered into by anyone who intends to operate from the yards.

Additionally, it is recommended that Council establish a SHRLE Stakeholder Committee to provide a balance view and advice on the services provided at the SHRLE and options to meet stakeholder expectations. The committee could comprise representatives of the key stakeholders – producers (both cattle and sheep), transporters, agents, DPI officer, nominated Councillor, SHRLE staff, local business representative and an independent member.

The value of such a committee would be to balance the views and needs of the different stakeholders, to bring alternative perspectives and suggestions for improvements of the services or the experience at the SHRLE and the value the facility brings to the community at large. The committee would meet up to 4 times a year, with the secretariat role performed by Council officers and to be chaired by the nominated Councillor.

Consultation

In drafting this Local Law, officers reviewed available documents for similar saleyards in Bendigo, Ballarat and Horsham and sought advice from the National Saleyards Association.

The Agent Agreements were sent to all agents seeking feedback and allowing several months for their review.

The Draft Local Law will be advertised and open for comments for 28 days following a Council resolution with intent to adopt.

Financial Implications

There are no increased costs from implementing the recommendation. Avoided costs due to reduction in incidents are possible, although not materially significant.

Social Implications

Clear expectations and roles and responsibilities will minimise misunderstandings and create a professional working environment.

Economic Implications

Creating clarity to ensure a compliant and safe work environment will enable to ongoing provision of the facility for the community benefit.

Environmental Implications

Stock curfew, health and wellbeing will improve the quality of stock and minimise the waste generated from the facility.

Risk Management Implications

The Local Law and the Agent Agreements will mitigate the risks of role confusion, non-compliance and potential for loss of accreditation for the yards.

It is expected that not all stakeholders will be willing to comply with the requirements in the Local Law and/or Agent Agreement.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. Release the draft Local Law for a 28 days community consultation.
2. Amend the draft Local Law and release for a 28 days community consultation.
3. Not support the creation of the Local Law and instruct only agreements to be signed by any party intending to operate within the Swan Hill Regional Livestock Exchange (SHRLE).
4. Do nothing and continue to operate without any changes.

Additionally, it is recommended that Council establish a Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee as described in this report.

Recommendations

That Council:

- 1. Release the draft Local Law for a 28 days community consultation.**
- 2. Commence all actions necessary under Part 3 Division 3 of the Local Government Act 2020 prior to declaration of tis Local Law.**
- 3. Resolves to establish a Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee as proposed in this report.**

108/21 Motion

MOVED Cr McPhee

That Council:

- 1. Release the draft Local Law for a 28 days community consultation.**
- 2. Commence all actions necessary under Part 3 Division 3 of the Local Government Act 2020 prior to declaration of tis Local Law.**
- 3. Resolves to establish a Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee as proposed in this report.**

SECONDED Cr King

The Motion was put and CARRIED

109/21 Motion

MOVED Cr Jeffery

That Council adjourn the meeting for 10 minutes at 3.17pm.

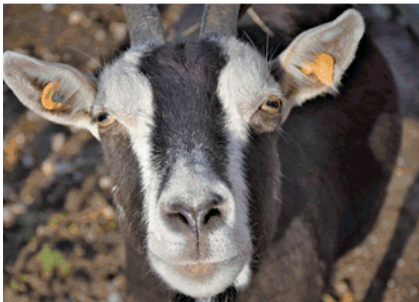
SECONDED Cr Benham

The Motion was put and CARRIED

The meeting resumed at 3.25pm.



Regional Livestock Exchange
DRAFT Local Law



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Part 1 – Preliminary

1.1 Legislation

Swan Hill Rural City Council's Regional Livestock Exchange Local Law is a Local Law made under section 71(1) of the Local Government Act 2020 and is referred to herein as "this Local Law". This Local Law is consistent with and makes reference to the following Legislation and associated Codes of Practice:

- Domestic Animals Act 1994
- Impounding of Livestock Act 1994
- Infringements Act 2006
- Prevention of Cruelty to Animals Act 1986

1.2 Objectives

The objectives of this Local Law are to:

- a) provide for the effective administration and management of the Swan Hill Regional Livestock Exchange by formalising the appointment of a Saleyard Manager to manage the Saleyards for Council.
- b) assist in the documentation of procedures and the expectations of Swan Hill Regional Livestock Exchange users such accreditation to National Saleyards Quality Accreditation (NSQA) can be achieved.
- c) provide for the setting and collection of fees from Stock Agents and Vendors selling livestock in the Swan Hill Regional Livestock Exchange and to prescribe the level of those fees.
- d) enable the Swan Hill Regional Livestock Exchange Manager to prescribe the days and hours during each day on which sales can be held at the Swan Hill Regional Livestock Exchange.
- e) protect Council assets and facilities at the Swan Hill Regional Livestock Exchange.
- f) promote and enforce appropriate adherence to occupational health and safety practices at the Swan Hill Regional Livestock Exchange.
- g) control and prevent behaviour within the Swan Hill Regional Livestock Exchange which is a nuisance, or which may be detrimental to health and safety.
- h) control the use of the Swan Hill Regional Livestock Exchange at all times.
- i) control the use of dogs at the Swan Hill Regional Livestock Exchange
- j) regulate smoking and the consumption of alcohol at the Swan Hill Regional Livestock Exchange.
- k) provide for fair and reasonable treatment of animals, and the application of adequate animal husbandry practices, at the Swan Hill Regional Livestock Exchange.

1.3 Power to Make this Local Law

Council's authority to make this Local Law is contained in Division 3 of the Local Government Act 2020.

1.4 Commencement date

This Local Law comes into operation on the day on which it is made by Council.

1.5 Application of the Local Law

This Local Law applies to the Swan Hill Regional Livestock Exchange identified in the map forming Schedule 2 and described in this same Schedule.

1.6 Definitions

In this Local Law

Act:	means the Local Government Act 2020.
Agent Licence Agreement:	means the agreement between Council and a Selling Agent which defines the conditions upon which Stock Agents may use the Saleyards for the selling of livestock as referred to in Clause 4.1(a) of this Local Law.
Authorised Officer:	means a person appointed by the Council to be an authorised officer under section 224 of the Local Government Act 1989.
Council:	means SWAN HILL RURAL CITY COUNCIL.
Holding pens:	are those livestock pens which have accessible water supplies and may or may not be used for auction purposes.
Livestock:	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.
Livestock Cartage Contractor:	means any company, partnership or person engaged in the transport of livestock to and from the Saleyards and includes all agents and employees of such carriers.
Non-working Dogs:	are dogs not used for the purpose of guiding the movement of livestock within the Saleyards.
Owner:	includes the vendor and purchaser of stock, but may also include the owner of a pet.

Penalty unit:	has the same meaning as in the Sentencing Act 1991.
Purchaser:	means any person who purchases livestock at the Saleyards.
Saleyards:	means the area of land occupied by and for the operations of the Swan Hill Regional Livestock Exchange located as shown and described in Schedule 2.
Saleyards Supervisor:	means the person appointed by council in charge of the day to day running of the Swan Hill Regional Livestock Exchange.
Saleyards Manager:	means the person appointed by Council from time to time as the manager of the Saleyards.
Selling Agent:	means a person who has entered into an Agent Licence Agreement with the Saleyards Manager pursuant to Clause 2.5 (a).
Vendor:	means a person or company whose livestock are offered for sale at the Saleyards.

1.7 Empowerment Provision

Under the terms of the Local Government Act 2020, Council has discretionary authority to:

- a) create a Local Law.
- b) appoint a Saleyards Manager and staff to carry out the day to day operations of the Saleyards;
- c) set operating procedures for the Saleyards;
- d) set fees, dues and charges for the Saleyards; and
- e) enter into Agent Licence Agreements with Selling Agents, for the purposes of this Local Law.

Part 2 – Use of the saleyards

2.1 Use of Swan Hill Regional Livestock Exchange

The conditions of consent to use the Saleyards are as follows:

An agent proposing to use or operate at the Saleyards shall first obtain the written consent in the form of “Agent Licence Agreement” (Schedule 3) from the Chief Executive Officer, Swan Hill Rural City Council or his/her delegate.

A consent granted under this clause is conditional on the applicant providing an indemnity to the Council against all suits, actions, proceedings, claims, demands, costs, expenses losses and damages for which it becomes or may become liable in respect of, or arising out of, any personal injury or loss or damage of property suffered by any persons in connection with the agents use of the Saleyards.

Every agent operating within the Saleyards shall be responsible for the payment to the council of the dues and fees prescribed and any variations from time to time of these dues and fees.

Use of the Saleyards will include the use of allocated pens, ramps and drafts on regular sale days, and the provision for special sales.

2.2 Allocation of Sale Days

- a) Allocation of sale days at the Saleyards throughout the year shall be undertaken by the Saleyards Manager in consultation with the Selling Agents.
- b) The Saleyards Manager may consent to the holding of special sales. Such sales must be booked in accordance with the Saleyard Booking Procedure found in NSQA manual section 2.1.2. The holding of special sales is at the discretion of the Saleyards Manager who may require the payment of a cash bond. In the event that a bond is required, the Saleyards Manager must refund the bond if the special sale is held and all fees and charges payable under this Local Law have been paid.

Sales Before and After Opening or Closing of Market or on Non Sale Days.

No person may offer animals for private or public sale in the Saleyards before the commencement of or after the conclusion of the market, nor upon a day not fixed as a day upon which the market is open without the written approval of the Saleyards Manager.

2.3 Pre-Sale Notifications

- a) Each Selling Agent proposing to sell livestock at a sale must notify the Saleyards Manager in accordance with the Saleyards Operating Procedure. The Saleyards Manager may refuse to accept late notifications.
- b) Each Selling Agent has a duty to ensure that notifications of livestock numbers and livestock classifications given to the Saleyards Manager are reasonably accurate.

2.4 Penning of Livestock

- a) The receipt, handling and delivery of stock shall be the responsibility of the selling agent, offering stock for sale at the Saleyards.
- b) A person must not pen livestock at the Saleyards more than 24 hours prior to the commencement of the sale at which the livestock is to be sold, unless prior permission is obtained from the Saleyards Manager.
- c) The owner of livestock must ensure that such livestock are removed no later than 3.00pm on the first day after the sale unless prior permission is obtained from the Saleyards Manager. After this period, the Saleyards Manager may direct that livestock be adequately fed, watered and relocated to holding yards. An owner of livestock must comply with such direction.
- d) Livestock so provided with feed must be allowed sufficient time to consume feed prior to relocation.
- e) Livestock in all holding pens must be provided with accessible water supplies and appropriate levels of feed by the owner or the owner's livestock agent booking from site hay stacks
- f) The Saleyards Manager may provide feed and water for penned livestock to ensure animal welfare and may recover the expenses incurred from the owner.
- g) A person must not unload or pen livestock at the Saleyards which are not connected with a sale at the Saleyards unless permission is first obtained from the Saleyards Manager and the appropriate fee, as determined in accordance with the Fee Schedule, is paid. The Saleyards Manager may allocate pens and yards for the holding of such stock.
- h) Notwithstanding Clause 2.3 (g) livestock (other than diseased livestock) may be penned in emergency situations, subject to the Saleyards Manager being advised immediately thereafter. An emergency situation is defined as a vehicular break down, livestock loading problems or in-transit animal welfare difficulties.

2.5 Stray Stock

Unauthorised livestock found to be present in the Saleyards, before or after the nominated times in 2.3 a) and 2.3 b), shall be considered to be stray, unclaimed or abandoned livestock. Livestock identified as stray, unclaimed or abandoned shall be dealt with in accordance with the provisions of the Impounding of Livestock Act 1994.

2.6 Selling Agents and Fees

- a) A Selling Agent shall not sell livestock at the Saleyards unless the Selling Agent has signed an Agent Licence Agreement with the Council.
- b) Council may from time to time determine the fees, yard dues and charges to be paid by Selling Agents which may include an administrative or processing fee or charge. All fees, yard dues and charges shall be as set out in Council's Annual Fees & Charges schedule which is made available for inspection by the public.
- c) Council must give notice of any proposal to alter fees, yard dues and charges at least 28 days prior to adopting the proposal.
- d) All fees, yard dues and charges, must be paid within 14 days of issue of an invoice.
- e) Council may determine an interest rate to be levied on late payments of fees, yard dues and charges. The interest rate shall be advised in the Agent Licence Agreement.

- f) The Saleyards Manager may direct a Selling Agent or vendor who has defaulted in the payment of any fees, yard dues, charges or penalties not to take part in any sale and such person must comply with that direction.
- g) Default in payment of any fees, yard dues, charges or penalties may result in cancellation of the relevant Agent Licence Agreement with the defaulting Agent by the Saleyards Manager.

2.7 Responsibility for Livestock

- a) The security and care of livestock is the responsibility of the owner or the owner's appointed agent at all times.
- b) All livestock penned at the Saleyards prior to or following a planned livestock sale event are placed there at the risk of the owner of the stock. The owner must ensure that livestock are appropriately cared for whilst livestock remain at the Saleyards.
- c) A person must only feed livestock in those areas of the Saleyards designated by the Saleyards Supervisor for that purpose with agent supplied fodder or feed, must be accompanied with a fully completed commodity vendor declaration. As per Biosecurity management plan.



Part 3 – Behaviour

3.1 Offensive/Dangerous

Unless otherwise authorised by Council, a person must not in the Saleyards:-

- a) Behave in a manner which disturbs or obstructs any person in the use of the Saleyards.
- b) Offend against decency whether by means of language, conduct or dress.
- c) Smoke within the Saleyards (which is a Public Area).
- d) Damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or structure of any kind, or the unimproved area of the Saleyards, without the permission of the Saleyards Manager.
- e) Consume, or have in his or her possession, in an unsealed container, any alcohol.
- f) Throw, deposit or leave any refuse or rubbish therein except in such bins or container as may be provided for that purpose
- g) Refuse or neglect to carry out the reasonable directions or request of the Saleyards Manager or Supervisor.
- h) The owner of the livestock shall be deemed responsible for offering their livestock for sale free of disease and fit for sale. Failing to do so is considered to be an offence.

Exclusion from the Swan Hill Regional Livestock Exchange.

- a) Any person who behaves in a manner which in the opinion of the Manager of Saleyards Supervisor is undesirable, offensive or not in the best interests of the Saleyards may be excluded from the Saleyards as directed by the Manager for such period as the Manager may direct.
- b) Any person not complying with a direction from the Manager given under this delegation shall be guilty of an offence.

3.2 Dogs

- a) A person must not while in the Saleyards:-
 - i. Allow their dog to roam at large.
 - ii. Allow their dog into any building.
- b) The owner of any dog which is in the Saleyards must keep the dog effectively muzzled at all times.
- c) The owner of any dog which is in the Saleyards must keep the dog under effective control at all times.
- d) For the purposes of Clause 3.2, the owner of a dog includes any person using or in charge of the dog.
- e) Non-working Dogs are prohibited within the Saleyards.
- f) Bitches on heat are prohibited within the Saleyards.

3.3 Vehicles

- a) The Saleyards Manager may designate an area of the Saleyards as a truck washing area.
- b) A person must not use the truck washing area in the Saleyards for the cleaning of a vehicle unless that vehicle is specifically used for livestock transportation unless specific permission is granted by the Saleyards Supervisor.
- c) A person must not leave a vehicle standing in the Saleyards so that any part of the vehicle:-
 - I. obstructs entrances, exits or ramps; or
 - II. interferes in any way with the proper movement of vehicular, pedestrian or animal traffic.

3.4 Dead/Injured Stock

A person must not unload dead or injured livestock into the Saleyards unless as part of an emergency procedure as defined in Clause 2.3(g).

3.5 Hindrance of Staff

A person must not hinder the Saleyards Supervisor or an Authorised Officer in the performance of their duties.

3.6 Moving Stock

A person must not move livestock in the Saleyards without the permission of the owner of the livestock or the Saleyards Supervisor.

Removing the Stock

- a) No person other than an authorised person shall remove any livestock from the Saleyards.

For the purposes of this clause "authorised" means authorised by the relevant owner, agent or other representative of the relevant owner, or Saleyards staff.

3.7 Unsafe Areas/Dangerous Practices

- a) The Saleyards Supervisor may designate any area or structure in the Saleyards as being unsafe or as an area or structure limited to specific persons.
- b) A person must not be found in an area or on a structure contrary to the Saleyards Supervisor's designation.
- c) A person must not open any gate or the lock or fastening mechanism of any gate if such opening:-
 - i. is likely to lead to the escape of any livestock;
 - ii. is in a designated area or structure as defined in this clause; or
 - iii. places any person at risk.

3.8 Selling of Sundry Items

- a) A person must not sell anything at the Saleyards other than livestock sold in accordance with this Local Law without the permission in writing of the Saleyards Manager.
- b) Notwithstanding Clause 3.8a) the Saleyards Manager may, at his or her discretion, allow a person to sell goods if, in the opinion of the Saleyards Manager, such goods are ancillary to stock, livestock husbandry or are ancillary to the operations of the Saleyards.
- c) Fees and charges may be applicable for such trading and such fees and charges shall be prescribed annually in Council's Fees and Charges Schedule.

3.9 Access to Saleyards

- a) A person must not enter or remain upon the Saleyards unless there for a lawful purpose associated with the conduct of sale of livestock or an activity authorised by the Saleyards Manager.



Part 4 – Agent Licence Agreement

4.1 Application for an Agent Licence Agreement

- a) The Saleyards Manager may prepare or cause to be prepared an Agent Licence Agreement regulating the selling of livestock from the Saleyards. The form of the Agent Licence Agreement must be made available for inspection by the public.
- b) A person who wishes to apply to sell livestock from the Saleyards must apply in writing to the Saleyards Manager, sign an Agent Licence Agreement and pay any fee as set out in Council's Fees and Charges Schedule.

4.2 Livestock Cartage Contractors

A Livestock Cartage Contractor must in connection with the Saleyards:

- a) Comply with all lawful directions of the Saleyards Manager or Supervisor in relation to transport, loading and unloading of livestock at the Saleyards;
- b) Comply with all relevant legislation and regulations governing the transport of Stock;
- c) Comply with all relevant legislation and regulations in relation to the carrier's vehicles;
- d) Comply with all relevant legislation, regulations, codes of practice, Saleyards Operating Procedures and this Local Law in respect of the use and operation of the Saleyards and all occupational health and safety matters.

4.3 Reporting

The Saleyards Manager may report any matter to any appropriate authority if, in his/her opinion, such matter warrants an investigation.



Part 5 – Enforcement and penalties

5.1 Offences

- a) Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- b) Where any provision in this Local Law requires that a person obtain a consent or Agent Licence Agreement from the Saleyards Manager before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current consent or Agent Licence Agreement from the Saleyards Manager (unless Council or the Saleyards Manager in their discretion have waived the requirement for a consent or Agent Licence Agreement for a specified period of time).
- c) Where any consent or Agent Licence Agreement under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a consent or Agent Licence Agreement is guilty of an offence.
- d) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

5.2 Penalties

If a person commits an offence against this Local Law, that person is liable to a penalty not exceeding 20 penalty units.

5.3 Infringement Notices

- a) As an alternative to a prosecution, an Authorised Officer may issue an infringement notice for offences specified in Schedule 1 of this Local Law in accordance with the Infringements Act 2006.
- b) Schedule 1 of this Local Law sets out the infringement penalty which is fixed in respect of each offence for which an infringement notice may be issued.
- c) Each penalty in Schedule 1 of this Local Law may be doubled in the event that a second or subsequent offence is committed within a 12 month period.

Schedule 1 - Infringement Penalties in respect of offences against this Local Law.

Clause	Offence	Penalty Units
2.3 (fg)	Unauthorized unloading or penning of livestock not for sale	1
2.6 (c).....	Feeding livestock in non feeding area	1
3.1 (a)	Offensive behaviour	1
3.1 (b)	Smoking in the Saleyards	1
3.1 (c).....	Damage to building, improvement, structure or unimproved area	2
3.1 (d)	Consuming alcohol	1
3.2 (a)	Dog roaming or in building	1
3.2 (b)	Unmuzzled dog	1
3.2 (c).....	Ineffective control of dog	1
3.2 (e)	Non-working Dogs in Saleyards	1
3.2 (f)	Bitches on heat in Saleyards	1
3.3 (b)	Use of truck wash by non Livestock Transporter	1
3.3 (c).....	Vehicle obstruction	1
3.4.....	Unload of dead or injured livestock to Saleyards	1
3.5.....	Hindrance of Staff	1
3.6.....	Unauthorised moving of livestock	1
3.7 (b)	Access to unauthorised area	1
3.7 (c).....	Effects of opening of gates	1
3.8 (a)	Unauthorized sales	1
3.9	Entry into Saleyards without reason and trespass	1

Schedule 2 - Location of Swan Hill Regional Livestock Exchange

The Swan Hill Regional Livestock Exchange site comprises 1.6 hectares of land approximately five kilometres from the centre of Swan Hill.

The land is within one allotments: Lot 3 of PS 740467.



Schedule 3 - Agents Licence Agreement

Terms and Conditions of Contract to Operate

From and Within the Swan Hill Regional Livestock Exchange

I/We.....

Of

Agree to observe and be bound by the express and implied contractual terms and conditions to operate from and within the *Swan Hill Regional Livestock Exchange*. These include, but are not limited, to the following:

Covenant to observe and adhere to all relevant Local, State and/or Federal laws, whether express or implied, as far as they relate to this contract or the direct or indirect use or dealings of or in connection with the *Swan Hill Regional Livestock Exchange*.

Responsibilities of Council

Council is responsible for ensuring overall compliance of the livestock exchange with the industry standard.

Responsibilities include:

- to provide for the administration and management of the council owned and operated Livestock Exchange
- to protect council assets and facilities and maintain these in a condition suitable for the intended use of the Livestock Exchange
- to provide a safe and healthy environment
- to promote and enforce appropriate adherence to occupational health and safety practices at the Livestock Exchange
- to provide and maintain a NLIS compliant system and work collaboratively with all agents operating at the Livestock Exchange

Responsibilities of the Agent

Code of Conduct

A person must not whilst in the Exchange:

- behave in a manner which disturbs or obstructs any person in the use of the Exchange.
- throw, deposit or leave any refuse or rubbish therein except in such bins or containers as may be provided for that purpose.
- distribute any poster, notice, advertisement, handbill, placard or like except with the permission of the Regional Livestock Exchange Team Leader or Supervisor.
- without authority from the Regional Livestock Exchange Team Leader or Supervisor post or affix bills on or otherwise wilfully or negligently deface or damage any part of the buildings, fences, pavements, equipment or machinery of such Exchange.
- refuse or neglect to carry out the reasonable directions or request of the Regional Livestock Exchange Team Leader or Supervisor,
- the agent of livestock shall be deemed responsible for offering their livestock for sale free of disease and fit for sale. Failing to do so is considered to be an offence.

Any person who behaves in a manner which, in the opinion of the Regional Livestock Exchange Team Leader or Supervisor is undesirable, offensive or not in the best interests of the Exchange, may be excluded from the Exchange as directed by the Regional Livestock Exchange Manager or their delegate for such period as the Regional Livestock Exchange Manager may direct.

Public Liability

The agent shall at all times during the term of the agreement be the holder of a current Public Liability Policy for an amount of not less than \$10 Million and which provides Principals liability cover. A Certificate of Currency of such insurance must be included in the registration of this Contract and forwarded to *Swan Hill Rural City Council* annually.

The Agent shall inform *Swan Hill Rural City Council* as soon as practical and without undue delay of any alternations or changes to the Public Liability Insurance cover, including a cancellation, discontinuance of the Policy or any other change that may adversely affect the Swan Hill Rural City Council.

The agent must indemnify, keep indemnified and hold harmless the Council and it's Councillors and staff from and against all actions, claims, losses, damages, penalties, demands or costs consequent upon occasioned by or arising from any negligent action by the agent including any obligation of the agent under this agreement.

Industry Standards

Ensure that all employees and contractors of the Agent are accredited under any livestock industry standards, National Saleyards Quality Assurance (as applicable), Occupational Health and Safety Schemes, and Swan Hill Rural City Council Occupational Health and Safety policy and guidelines, are inducted in the yards and maintain such accreditation during the term of the Contract.

Fees and Dues

The Council shall, by resolution, from time to time, prescribe fees and dues which shall be payable by Agents for the selling or offering for sale of livestock in the Exchange or for the use of the Exchange. The payment of all fees and charges as determined Swan Hill Rural City Council is the responsibility of the Agents who must make such payment within thirty days (30) of receipt of the tax invoice from *Swan Hill Rural City Council*.

Sales

Special Sales

Special sales may be held on days approved by the Regional Livestock Exchange Manager/Team Leader or Supervisor as Council's delegate. An applicant who desires to hold a special sale must apply in writing to the Regional Livestock Exchange Manager/Team Leader or Supervisor not less than 14 days before the proposed sale. The Regional Livestock Exchange Manager/Team Leader or Supervisor may grant the use of the whole or part of the Exchange to a person for a day which is not a regular sale day.

Pre-sale Procedure

- Agents must notify the Regional Livestock Exchange Team Leader or Supervisor 48 hours prior to a proposed sale at the Exchange about the approximate number of livestock to be sold and the classification of the livestock to be sold.
- The Regional Livestock Exchange Team Leader or Supervisor may refuse to accept late notifications, and refuse permission to proceed with a sale.
- Agents have a duty to ensure, as far as practicably possible, that notification of stock numbers and stock classifications are accurate.
- Each selling agents must only use selling pens and ramps allocated to them unless by mutual consent with the selling agent to which the pens have been allocated.

- All hours of selling and times for the commencement of auctions will be determined by the Regional Livestock Exchange Manager/Team Leader or Supervisor after consultation with selling agents.

Penning of Stock

- The receipt, handling and delivery of stock shall be the responsibility of the selling agent, offering stock for sale at the Exchange.
- A person must not pen stock at the Exchange more than 24 hours prior to the commencement of the sale at which the stock is to be sold, unless prior permission is obtained from the Regional Livestock Exchange Team Leader or Supervisor.
- Stock must be removed no later than 4:00pm on the first day after the sale.
- The Regional Livestock Exchange Team Leader or Supervisor may permit stock to be left at the Exchange longer than the specified time, provided that the agent or owner make suitable arrangements to water and feed the stock to the satisfaction of the Regional Livestock Exchange Team Leader or Supervisor.
- Animals so provided with feed must be allowed sufficient time to consume feed prior to relocation.
- Stock must be provided with accessible water and appropriate levels of feed by the owner or agent acting on their behalf.
- The Regional Livestock Exchange Team Leader or Supervisor may provide feed and water for penned stock to ensure animal welfare and may recover the expenses incurred from the owner.
- No person shall feed stock held in the selling pens.
- Agents must not receive, sell, expose or offer for sale within the Exchange livestock, which are not within a healthy condition.

After hours use of stock yards

- No individual or group shall utilize the market area for out of sale hours uses without the express written permission of Council, detailing the time, date and circumstances of such approved use.
- A person must not unload or pen stock at the Exchange which are not connected with a sale without the permission of the Regional Livestock Exchange Team Leader or Supervisor.
- All stock passing via the exchange on consignment to other destinations without involvement in a sale within the Exchange will be subject to normal yard fees, at the discretion of the Regional Livestock Exchange Manager. Such stock will be scanned and movement recorded.
- No person other than an authorised person shall remove any livestock from the Exchange. For the purposes of this clause "authorised" means authorised by relevant owner, agent or other representative of the relevant owner, or Exchange staff.

Mob Based Movements

Agents must ensure that staff working for the agency understand the legal requirements which apply to mob-based movement recording for sheep and goats.

Ensure that the following information will be supplied to the Swan Hill Regional Livestock Exchange Team Leader or Supervisor for uploading to the National Livestock Identification System:

- (a) the date of sale;
- (b) the total number of animals for each vendor consignment sold or passed in;
- (c) the PIC of the property from which the consignment was dispatched (From PIC);
- (d) the National Vendor Declaration (NVD) serial number; and
- (e) the PIC of the destination property or abattoir (To PIC); and

- (f) the PICs present on all tags attached by the previous owners for all sheep or goats in the vendor consignment (in the case of non-vendor bred sheep or goats where pink post-breeder NLIS sheep tags have not been affixed by the vendor).

Maintain full transaction records of all Mob Based Movement Records (MBMR) for two years and make these records available upon request, if required, for audit purposes;

Ensure that no portable scanning equipment assigned to agents to collect, manage and distribute data, leaves the livestock exchange

- assigned equipment is maintained in good working order at all times
- any broken or lost equipment is to be promptly replaced at the expense of the agent.

Cattle Identification

The selling agent must keep a true and correct record the following details about the sale of each animal in each lot under their care in a saleyard and provide the information to the saleyard operator to enable cattle movements to be registered on the NLIS database.

- Date
- Vendor PIC
- Buyer PIC
- NVD serial number

Where the buyer is a livestock agent and is uncertain of the destination PIC, the agent may provide their Agents's PIC to the saleyard, but then are required to transfer the cattle to the correct destination PIC, on the NLIS database within seven days as per NLIS (Cattle) traceability standards ref S1.3.5

Sale records must be available for confidential examination by the Council for statistical and traceability purposes.

Dogs

An Agent must not in the Exchange:

- (a) without the permission of the Regional Livestock Exchange Team Leader or Supervisor use at any time more than two dogs to muster, drive or draft livestock.
- (b) permit any dog under his or her control not to be muzzled effectively whilst within the Exchange.
- (a) permit any dog to roam at large within the Exchange or act outside of effective control.

Livestock Cartage Contractors

A livestock cartage carrier shall comply with:

- a) all lawful direction of the Regional Livestock Exchange Team Leader or Supervisor in relation to the use of the Exchange
- b) all relevant legislation and regulations governing the transport of livestock.
- c) all relevant legislation, regulation and codes of practice affecting animal welfare and animal husbandry.
- d) all relevant legislation and regulation in relation to the carrier's vehicles.
- e) all relevant legislation, regulation, codes of practice and this Local Law in respect of use and operation of the Exchange and all occupational health and safety issues.

Reporting

The Regional Livestock Exchange Team Leader or Supervisor may report any matter to any appropriate authority if, in his/her opinion, such matter warrants investigation.

Any faults and major maintenance issues must be reported to the Swan Hill Regional Livestock Exchange Team Leader or Supervisor within twenty-four (24) hours of ascertaining the fault or issue.

The Agent acknowledges that the *Swan Hill Rural City Council* has the right to deny access to the *Swan Hill Regional Livestock Exchange* to any Agent or Agent Representative who fails to abide by any of the terms and conditions contained in this agreement.

The parties agree to:

- Maintain a strong and sustained collaborative relationship
- Undertake their respective responsibilities as outlined in this agreement
- Refer any disputes relating to this agreement with the Chief Executive Officer of Council and the Swan Hill Livestock Agents Association for discussion and resolution, and if necessary for an external arbitration process agreed by both parties.
- Explore and facilitate other collaborative activities that are not specified in but are in accordance with the intent of this agreement.

Print name: Position:

Signed:Dated:

Authorised by *Swan Hill Rural City Council*

Print name: Position:

Signed:Dated:

B.21.68 PROPOSED STRADBROKE AVENUE BUS STOP AND SHELTER

Responsible Officer: Director Infrastructure
File Number: S32-01-12
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 seeks a Council resolution to support the proposed bus route change and lane widening to accommodate the route change proposed by the Department of Transport (DOT) to install a new bus stop and shelter to at 110-112 Stradbroke Avenue Swan Hill and to consult with the relevant stakeholders.

Discussion

The bus stop and shelter were requested by the residents of Royal Freemason Retirement Living - Murray Gardens Court and the residents from surrounding properties, who presented Council with a petition containing over 500 signatures in support of a new bus stop.

Council Officers presented a report to Council on 17 December 2019 outlining the proposed options for route change and bus stop / bus shelter location for consideration. Council recommended Option 1, to install a new bus stop and shelter in front of the Royal Freemasons Retirement Living on the western side of Stradbroke Avenue.

Option 1 would also provide access to the Leisure Centre and sporting facilities not easily accessible as part of the current bus route. Works would involve constructing concrete bus stops to PTV standards, and purchasing and installing a bus shelter at the Stradbroke location with line marking and signage.

After initial discussions with Public Transport Victoria (PTV), we arranged a site meeting with their representatives to discuss the possible options of diverting the bus network and re-locating existing bus stops in accommodating the new bus stop at the Stradbroke Avenue. Representatives from PTV, Department of Transport (DOT) and the Hon. Peter Walsh, MP, along with Council representatives, attended the site meeting on 7 April 2021 and considered various options to identify an option that will have the lowest impact on existing bus users and remain cost-neutral for bus operation.

Route Change - Reroute the bus network to continue along Pritchard Street and turn left (north) along Stradbroke Avenue and turn right (east) to Pye Street where the bus would continue along the existing route.

To service this proposed route, relocation of existing bus stops from Dunstone Street to Pritchard Street and Pye Street bus stop to a new location at the corner of Pye and High Streets, and a new bus stop at Stradbroke Avenue will be necessary.

Figure 1 demonstrates the proposed route change and bus stop modifications.

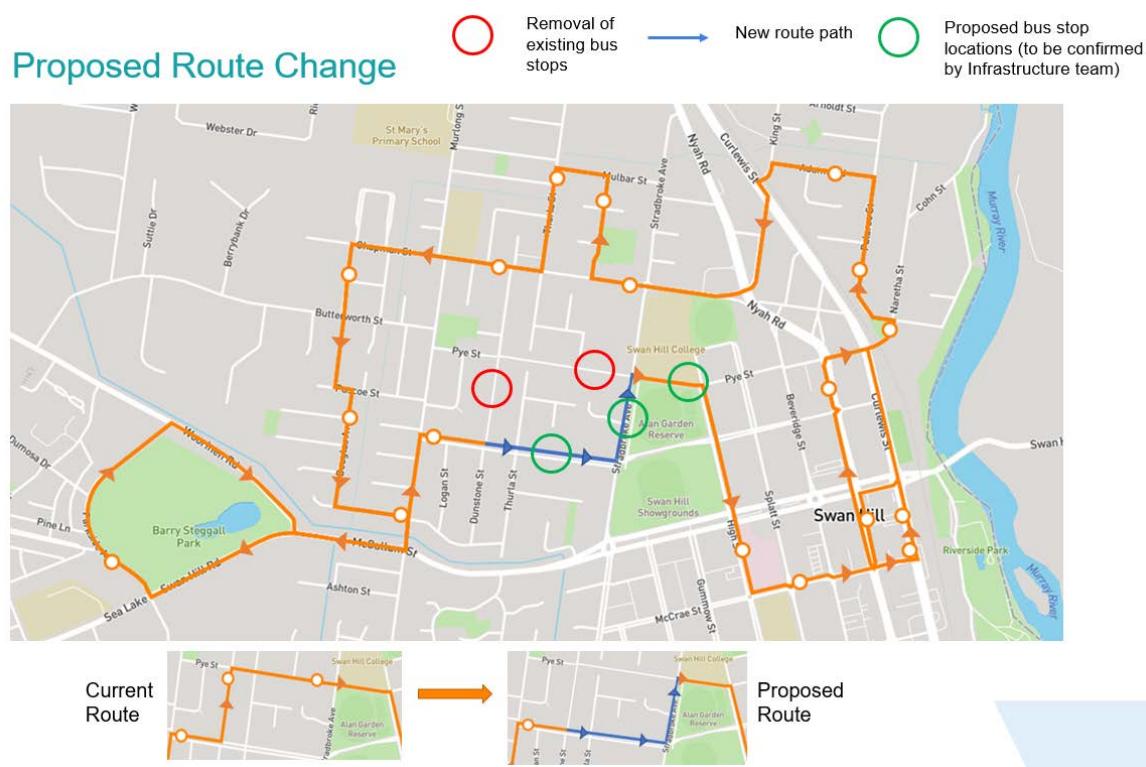


Figure 1. Proposed Route Change (Department of Transport)

Bus stop modification works would involve the relocation of two bus stops, including demolition or removal of existing concrete kerb & channel, placing of concrete slab, relocation of signage and pedestrian laybacks including tactile ground surface indicators (TGSI).

We discussed the proposal with the Swan Hill Bus Lines to consider the impacts of the route change. Swan Hill Bus Lines has identified that removing two bus stops at Pye Street and Dunstone Street will disadvantage up to eight regular bus travellers in this area, the majority of whom are elderly.

Swan Hill Bus Lines operator has indicated a safety issue with the current council road infrastructure on Stradbroke Street and Pye Street. In addition, the Operator has stated the right-hand turn from Stradbroke Avenue into Pye Street is not bus-friendly.

Works would be required to rectify this issue, which would be removing the “kerb extension” on the north side of Pye Street to widen the access lane for the bus. The gas valve located at the south section of the road at the Pye Street next to Alan Garden reserve limits the road widening on this south side; thus, we will widen the north section of the road close to Swan Hill College to meet the requirements.

Required lane widening would involve:

- Removing existing kerb extension and placing asphalt.
- Relocating drainage pit and pipe.
- Reconstruction of kerb & channel.
- Reinstatement of footpath and removal of car parks at Pye Street to accommodate the safe turning path for the bus.

The stopping water valve (LMW) will need to stay at this location and ensure a minimum depth of 600mm from the new road surface. Figure 2 shows the concept design for the lane widening at Pye Street.

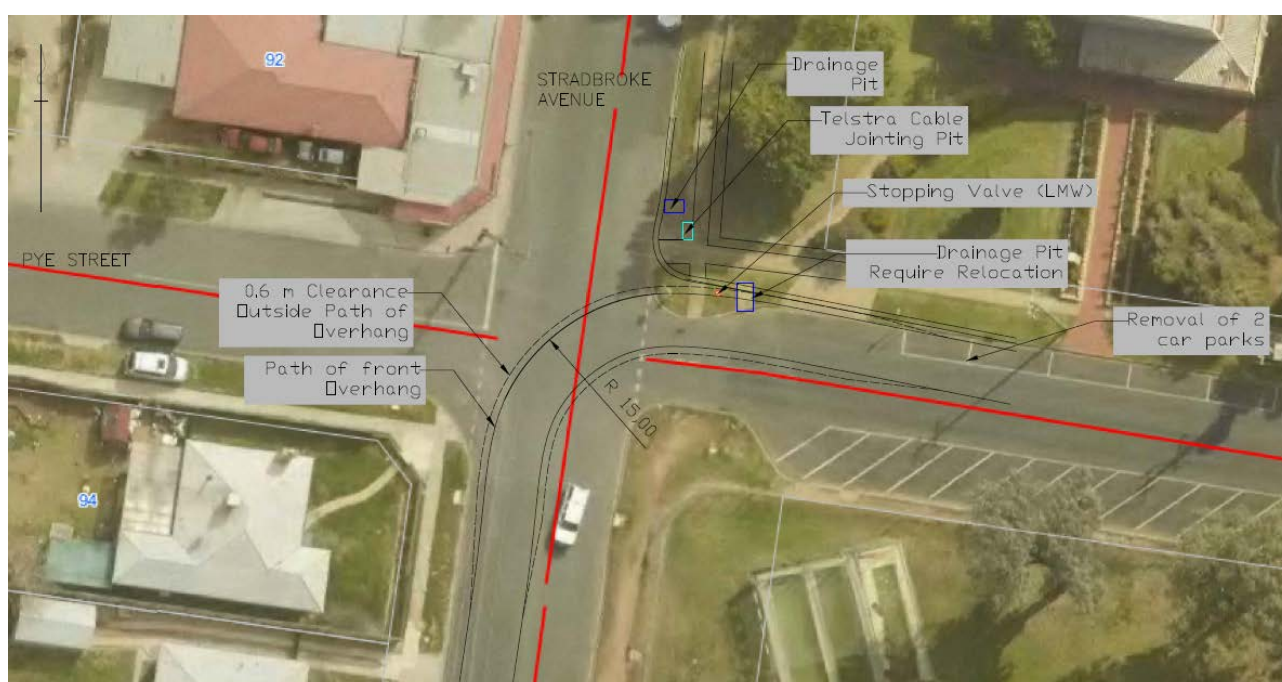


Figure 2. Concept design of lane widening at Pye Street.

Department of Transport (DOT) has indicated that if Council decides to implement the proposed route change, the following four items will be Council's responsibility to address before implementing the change:

1. All complaints to this change will be directed to Swan Hill Rural City Council. It will be stated that Council were aware of the estimated number of mostly elderly impacted passengers. Understanding these impacts to their community members, Council has still supported this route change.
2. Confirm that Council agrees to install and pay for all three bus stop as discussed at the meeting.
3. Confirm that Council agrees to undertake and pay for the road widening intersection works to facilitate safe bus turning operations into Pye Street from Stradbroke Avenue.
4. Confirm that Council supports the installation of the stop outside Swan Hill College on Pye Street, near the corner of High Street. Noting that it was

raised by the parent's committee from Swan Hill College that 'undesirables' would loiter at a public bus stop if placed at the college. It's been strongly recommended the Swan Hill College Principal and/or the Swan Hill College parents committee are consulted / advised if a bus stop is to be installed.

Consultation

Consultation has taken place with the main stakeholders of the project:

- Public Transport Victoria (PTV) has been consulted and as a result, the department has proposed the above mentioned bus stop modifications and route change.
- Swan Hill Bus Lines were consulted; they indicated the right hand turn from Stradbroke Ave into Pye St is not bus friendly now and requested to widen the section before the commencement of proposed route.
- The Swan Hill College has been consulted previously and are happy regarding the bus stop at the front of the Freemason Retirement Living at Stradbroke Avenue. The Swan Hill College reluctantly agreed for the installation of new bus stop at the corner of Pye Street outside the college. If Council approves the route change, further consultation with the college will be required and Council will seek written approval of the bus stop at Pye Street from the Swan Hill College.

Financial Implications

Route Change - To relocate two bus stops, install new bus stop and shelter at Stradbroke Ave and lane widening at Pye Street would be approximately \$70,000.

The changes to the Pye Street and Stradbroke Avenue corner is anticipated to cost approximately \$43K.

Revised quotations for works will be obtained if Council decide on implementation of the route change.

Social Implications

New bus stop at Stradbroke Ave will provide access to public transport services allowing residents of Royal Freemasons Retirement Living to maintain a degree of independence and a feeling of self-worth. Some residents that require walking frames/wheelchairs with limited mobility have difficulty getting to the current bus stops. Due to not holding a licence, age and/or medical issues, the access to public transport to attend medical and other vital services is a necessity.

The ability to travel on public transport to work, do shopping, attend medical appointments, events and meet with others will provide much needed social contact and maintain independence.

Relocation of two bus stops from Pye Street and Dunstone Street will disadvantage up to eight regular bus travellers in the area, the majority of whom are elderly. Residents will mostly have to use the relocated bus stop at Pritchard Street and the location of the bus stop will require to be confirmed by Infrastructure Team (DOT).

A new bus stop at Pritchard Street will provide an option for the parents to use the bus stop to drop off their kids or used by the staff at Goodstart Early Learning Swan Hill facility.

Improvements to road infrastructure at the intersection of Pye Street will provide safer and better outcome for the community and road users by improving the traffic flow and reducing possible run-off-road or sideswipe crashes. Lane widening would entail a removal of few car parks at the front of the Swan Hill College as a necessary consequence, which needs consultation with the College.

Economic Implications

Some residents of Royal Freemasons Retirement Living use walking frames and sticks to get around and have difficulty walking to catch public transport when bus shelters are not close by. This means they only have taxis for transport, which can be expensive on limited incomes and thus limits their activities.

Supporting locally owned bus service by increasing numbers of patrons travelling on bus service.

Environmental Implications

New bus stops will provide a shelter for passengers during very hot days and rainfall events.

Risk Management Implications

Relocating the Pye Street bus stop outside Swan Hill College, near the corner of High Street would eliminate the risk of undesirable loitering at a public bus stop if placed at the college due to the supervision of staff at the start and conclusion of the school day.

Improvements to road infrastructure reduces the risks of bus and other heavy vehicles crashing onto opposite traffic and provides enough room for the heavy vehicles to safely stop and right turn to the road.

There is a potential to reduce the risks of the elderly residents being involved in traffic accidents if the bus stop at Stradbroke Avenue is installed.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. Route Change - Reroute the bus network to continue along Pritchard Street and turn left (north) along Stradbroke Avenue and turn right (east) to Pye Street where the bus would continue along the existing route.

To service the proposed route change and ensure a cost neutral outcome for PTV, relocations of existing bus stops at the Dunstone Street and Pye Street to new locations at Pritchard Street and at the corner of High Street along with a new bus stop at the Stradbroke Avenue will be required. The location of the bus stops will need to be confirmed by Infrastructure Team (DOT).

2. Not to proceed with the proposed change and relocation of bus stops bus stop and shelter installation in Stradbroke Avenue.

This is not the preferred option, although it would see saving to Council funds that could allocate to other projects; it is not the desired outcome of residents and supporters of the new bus stop. This option would maintain the status quo, e.g. distance to walk to public transport to this area.

Council also would support further expansion of the bus route, supporting the need to review Swan Hill's public transport system that currently only services a small percentage of the township.

Recommendation

That Council proceeds with consultation for and construction of the proposed change of the route and relocation of bus stops with lane widening at the Pye Street at an indicative cost to Council of \$113,000.

MOVED Cr King

That Council not proceed with the proposed change and relocation of bus stops and shelter installation in Stradbroke Avenue and undertake a full review of the Swan Hill Public Transport Route in conjunction with PTV to service more of the town.

9999

The motion LAPSED due to want of a seconder

110/21 Motion

MOVED Cr McPhee

That Council not proceed with the proposed change and relocation of bus stops and shelter installation in Stradbroke Avenue and advocate to PTV for a full review of the Swan Hill Public Transport Route to service more of the town.

SECONDED Cr King

The Motion was put and CARRIED

B.21.69 FENCING CONTRIBUTIONS POLICY

Responsible Officer:	Director Infrastructure
File Number:	S11-06-01
Attachments:	1 Fences Act 1968 2 Fencing Contributions Policy

Declarations of Interest:

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

Summary

This report seeks a resolution to adopt the Fencing Contributions Policy following discussion with the Councillors.

Discussion

Background

The Fences Act 1968 (incorporating the Fences Amendment Act 2014) {hereafter referred to as the 'Act'} provides a procedure for sharing costs between neighbours for the construction and repair of dividing fences and a mechanism for the resolution of disputes about a dividing fence.

A dividing fence is a fence built to separate two pieces of adjoining land. It may or may not be located on the common boundary between the pieces of land. The location of the dividing fence depends on the agreement between neighbours. The dividing fence might be located off the common boundary if, for example, there is an obstruction or waterway on the common boundary.

A dividing fence does not include a retaining wall or any wall that is part of a house, garage or other building (although sometimes these types of walls may mean that a dividing fence is not needed for part of the boundary).

Generally, owners of adjoining land must contribute in equal shares to a dividing fence.

The standard for a fence that you must contribute to is for a 'sufficient dividing fence', depending on the circumstances.

Part 1 Section 4 (2)(c) of the Fences Act 1968 states that for the purposes of the 'Act' owner does not include — a municipal council, trustee or other person or body in respect of land owned by or vested in, or under the care, control or management of, the municipal Council, trustee, person or body for the purposes of a public park or public reserve.

Discussion

Council's current practice is in line with the 'Act', which excludes Council and others who own and manage land for the purposes of a public park or public reserve from contributing to the cost of a boundary fence.

SECTION B - REPORTS

17 August 2021

These include:

- Drainage reserves
- Municipal and recreational reserves
- Municipal car parks
- Playgrounds
- Roads and right-of-ways
- Tree and plantation reserves

Council may choose to contribute in some circumstances, but the Fences Act does not require this.

It is suggested that Council contribute half the reasonable cost of constructing, repairing or replacing the fencing abutting an open public reserve, excluding roads and right-of-ways, when the abutting private land is the principal place of residence of a homeowner eligible for the Municipal Rates Concession.

Pensioners and Veteran Affairs Gold Card holders are eligible for Municipal Rates Concession.

Consultation

Consultation with our five neighbouring Councils (Gannawarra, Mildura, Buloke, Campaspe and Loddon) shows that they do not generally contribute to fencing in line with the 'Act'.

Financial Implications

Costs associated with fencing contribution for principal place of residence of a homeowner eligible for the Municipal Rates Concession.

Social Implications

Support would be provided for eligible residents without the means to bear the full cost of fencing. It would not unduly burden the wider rate base.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Risks will be managed in each circumstance and if a fence is required to minimise risk on Council activities that will be considered on a case by case basis.

There will be a clear policy stating that Council will comply with the Act in determining its obligations to contribute to neighbouring fences.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. That Council adopt the Fencing Contributions Policy
2. That Council does not adopt the Fencing Contributions Policy
3. That Council amend the Fencing Contributions Policy

Recommendation

That Council adopt the Fencing Contributions Policy.

MOVED Cr Jeffery

That Council adopt the Fencing Contributions Policy with the following amendment:

Half Cost Fencing

In accordance with the Fences Act 1968 and Fences Amendment Act 2014, Council will contribute half the reasonable cost of constructing, repairing or replacing a sufficient dividing fence abutting a Council park land or a property with a building occupied by Council ie: Municipal Office, Depots.

Council will not contribute to the cost of constructing, repairing or replacing the fencing abutting a public reserve unless the exemption in this policy applies.

SECONDED Cr Benham

The Motion was put and LOST

111/21 Motion

MOVED Cr McPhee

That Council adopt the Fencing Contributions Policy.

SECONDED Cr McKay

The Motion was put and CARRIED

Version No. 072
Fences Act 1968
No. 7733 of 1968

Version incorporating amendments as at
29 March 2021

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Version No. 072
Fences Act 1968
No. 7733 of 1968

Version incorporating amendments as at
29 March 2021

An Act to consolidate and amend the Law relating to Dividing
and Vermin-proof Fences, and for other purposes.

**BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):**

Part 1—Preliminary

Pt 1 (Heading)
inserted by
No. 30/2014
s. 3.

1 Short title and commencement

This Act may be cited as the **Fences Act 1968** and
shall come into operation on a day to be fixed by
proclamation of the Governor in Council
published in the Government Gazette.

S. 1
amended by
Nos 9863 s. 2,
41/1987
s. 103(Sch. 4
item 20.1).

* * * * *

S. 2
repealed by
No. 30/2014
s. 4.

S. 3
amended by
Nos 9019
s. 2(1)(Sch.
item 67),
16/1986 s. 30,
12/1989
s. 4(1)(Sch. 2
item 43.1),
57/1989
s. 3(Sch.
item 70.1),
92/1990
s. 128(Sch. 1
item 10),
63/2006
s. 61(Sch.
item 14),
substituted by
No. 30/2014
s. 5.

3 Definitions

In this Act—

adjoining land in relation to an area of land,
means land that shares a common boundary
with the area of land;

agricultural land means land used primarily for
agricultural or pastoral purposes, regardless
of whether the land is also used for
commercial or residential purposes;

authorised fencing works means fencing works
and any subsidiary works carried out as
provided for in section 12(1)(a), (b), (c)
or (d);

boundary survey notice means a notice of
intention to have a common boundary
defined given under section 28;

commercial land means land used primarily for
commercial purposes, regardless of whether
the land is also used for agricultural or
residential purposes;

common property has the same meaning as in the
Owners Corporations Act 2006;

corporation means any body corporate whether
formed within or out of Victoria;

dividing fence means a fence that—

- (a) is located on the common boundary of
adjoining lands (whether or not it is
continuous or extends along the entire
length of the adjoining lands); or
- (b) is not located on the common boundary
of adjoining lands, but the purpose of
which is to separate adjoining lands
(whether or not it is continuous or

extends along the entire length of the adjoining lands);

fence means a structure, ditch or embankment, or hedge or similar vegetative barrier, that encloses or bounds land, and—

- (a) includes the following—
 - (i) any gate, cattle grid or apparatus necessary for the operation of the fence;
 - (ii) any foundation or support built solely for the support and maintenance of the fence;
- (b) does not include the following—
 - (i) any retaining wall;
 - (ii) any wall that is part of a house, garage or other building;

fencing notice means a notice of proposed fencing works given in accordance with section 13;

fencing notice agreement means an agreement between owners of adjoining lands, or owners of adjoining lands and long-term tenants (as the case requires), about proposed fencing works and any subsidiary works to be undertaken, that is reached after a fencing notice has been given to one of the owners;

fencing works means any one or more of the following—

- (a) the construction, replacement, repair, demolition, removal or maintenance of the whole or part of a dividing fence;
- (b) the planting, replanting, repair or maintenance of a hedge or similar vegetative barrier that is the whole or part of a dividing fence;

(c) the cleaning, deepening, enlargement, repair or alteration of a ditch or embankment that is the whole or part of a dividing fence;

incorporated association has the same meaning as in the **Associations Incorporation Reform Act 2012**;

licensed surveyor has the same meaning as in the **Surveying Act 2004**;

long-term tenant means a tenant under a lease with an unexpired term referred to in section 10(2)(a) or (b);

lot affected by an owners corporation has the same meaning as in the **Owners Corporations Act 2006**;

municipal council has the same meaning as *Council* has in the **Local Government Act 2020**;

S. 3 def. of
*municipal
council*
amended by
No. 9/2020
s. 390(Sch. 1
item 37).

owner has the meaning given in section 4;

owners corporation has the same meaning as in the **Owners Corporations Act 2006**;

reasonable inquiries has the meaning given in section 5;

Registrar has the same meaning as in the **Transfer of Land Act 1958**;

residential land means land that is used primarily for residential purposes, regardless of whether the land is also used for agricultural or commercial purposes;

subsidiary works means any one or more of the following—

- (a) the design of a dividing fence;
- (b) the preparation or clearing of land for the purpose of fencing works;
- (c) the surveying and marking of the common boundary of adjoining lands or other proposed line of fence for the purpose of fencing works;
- (d) obtaining an approval required for the purpose of fencing works;
- (e) using temporary barriers as a dividing fence until the completion of fencing works or work as described in paragraph (b);

traditional owner group entity has the same meaning as in the **Traditional Owner Settlement Act 2010**;

urgent fencing notice means a notice given under section 24.

4 Meaning of owner

(1) For the purposes of this Act, *owner* means the following—

- (a) for land under the **Transfer of Land Act 1958** (other than land in an identified folio under that Act), the registered proprietor of the fee simple in the land, or a person who is empowered by or under an Act to execute a transfer of the land;
- (b) for land in an identified folio under the **Transfer of Land Act 1958** or land not under the **Transfer of Land Act 1958** but in respect of which the grant of an estate in fee simple has been made, a person who has an estate in fee simple in the land (except a mortgagee), or who is empowered by or

New s. 4
inserted by
No. 30/2014
s. 5.

- under an Act to convey an estate in fee simple in the land;
- (c) the holder of a right to occupy a residence area in respect of land under the **Land Act 1958** whether or not covered by a mining licence under the **Mineral Resources (Sustainable Development) Act 1990**;
 - (d) for land to which paragraphs (a), (b) and (c) and subsection (3) do not apply that is alienated from the Crown by grant of a lease or licence, the holder of that lease or licence.

(2) Despite subsection (1), **owner** does not include any of the following—

- (a) a person in the occupation of or entitled to occupy land under a licence under the **Mineral Resources (Sustainable Development) Act 1990**;
- (b) a person in the occupation of land held by yearly licence under any Act relating to the sale and occupation of Crown lands;
- (c) a municipal council, trustee or other person or body in respect of land owned by or vested in, or under the care, control or management of, the municipal council, trustee, person or body for the purposes of a public park or public reserve;
- (d) a traditional owner group entity to whom the Governor in Council has granted an estate in fee simple in land under section 19 of the **Traditional Owner Settlement Act 2010** in relation to that land.

Note

In section 16, the term **owner** includes the persons referred to in paragraph (c).

- (3) Despite subsection (1), if an area of land is common property for which an owners corporation is responsible, the owners corporation is taken to be the owner of the area of land for the purposes of this Act.

Note

Subsection (3) does not apply to an area of land which is a lot affected by an owners corporation. In this case, the owner of the lot is the owner of the area for the purposes of this Act.

5 Meaning of *reasonable inquiries*

New s. 5
inserted by
No. 30/2014
s. 5.

For the purposes of this Act, *reasonable inquiries* may include (but are not limited to) the following actions—

- (a) making inquiries of any persons who occupy the adjoining land or land near the adjoining land about the whereabouts of the owner of the adjoining land;
- (b) making inquiries of the municipal council in which the adjoining land is located about the whereabouts of the owner of the adjoining land.

6 When is a dividing fence a *sufficient dividing fence*?

New s. 6
inserted by
No. 30/2014
s. 5.

- (1) For the purposes of this Act, in determining whether a dividing fence is a *sufficient dividing fence* regard must be had to the following—
- (a) the existing dividing fence (if any);
 - (b) the purposes for which the owners of the adjoining lands use or intend the lands to be used;
 - (c) the reasonable privacy concerns of the owners of the adjoining lands;

- (d) the types of dividing fences used in the locality;
 - (e) any policy or code relating to dividing fences adopted by the municipal council of the area in which the adjoining lands are situated;
 - (f) any relevant planning instruments relating to the adjoining lands or to the locality in which the lands are situated;
 - (g) any relevant building laws relating to the adjoining lands and the carrying out of fencing works and any subsidiary works;
 - (h) the existence of any agreements or covenants that are relevant to the adjoining lands;
 - (i) the duties (if any) of an owner of land under the **Catchment and Land Protection Act 1994** to control pest animals;
 - (j) the need for a dividing fence, having regard to any existing waterway or obstruction (whether natural or manmade) that is on, or forms, the common boundary between adjoining lands.
- (2) Despite subsection (1), if different standards of dividing fence are required for different purposes, a *sufficient dividing fence* for those lands is the lesser standard of fence.
- (3) Despite this section, if agricultural land shares a common boundary with residential land, a *sufficient dividing fence* for those lands is a dividing fence that would be a sufficient dividing fence for agricultural lands.

Note

Section 7 provides for the liability of owners in respect of sufficient dividing fences

Part 2—Contributing to fences

Pt 1 (Heading and ss 4–13) amended by No. 7876 s. 2(3), S.R. No. 154/1974 reg. 2(a), Nos 9019 s. 2(1)(Sch. item 68), 16/1986 s. 30, 12/1989 s. 4(1)(Sch. 2 items 43.2–43.7), 57/1989 s. 3(Sch. items 70.2–70.9), 81/1989 s. 3(Sch. item 15.1), substituted as Pt 2 (Heading and ss 7–10) by No. 30/2014 s. 6.

7 General principle—owners are liable to contribute in equal proportions to a sufficient dividing fence

S. 7 substituted by No. 30/2014 s. 6.

- (1) If there is no dividing fence between adjoining lands, the owners of the adjoining lands are liable to contribute in equal proportions to fencing works and any subsidiary works for the construction of a sufficient dividing fence for the adjoining lands.
- (2) If there is a dividing fence between adjoining lands for which fencing works and any subsidiary works are required so that the dividing fence would be a sufficient dividing fence, the owners of the adjoining lands are liable to contribute in equal proportions to the fencing works and any subsidiary works for a sufficient dividing fence.

- (3) Nothing in this section prevents owners agreeing to contribute in other proportions to the fencing works and any subsidiary works for a sufficient dividing fence.

S. 8
substituted by
No. 30/2014
s. 6.

8 Fences of a greater standard than sufficient dividing fences

- (1) If fencing works and any subsidiary works are required for a dividing fence between adjoining lands (including the construction of the fence) and an owner of one of the adjoining lands requires a fence that is greater than the standard for a sufficient dividing fence, that owner is liable for the entire cost of the fencing works and any subsidiary works so far as they exceed the standard for a sufficient dividing fence.
- (2) If fencing works and any subsidiary works are required for a dividing fence between adjoining lands and there is a dividing fence between the adjoining lands that was constructed to a standard that is greater than that for a sufficient dividing fence, the owner of the land for which the greater standard of dividing fence was required is liable for the entire cost of the fencing works and any subsidiary works so far as they exceed the standard for a sufficient dividing fence.
- (3) Nothing in this section prevents owners agreeing to contribute in other proportions to the fencing works and any subsidiary works for a dividing fence that is of a standard greater than the standard for a sufficient dividing fence.

9 Owners who damage or destroy a dividing fence

S. 9
substituted by
No. 30/2014
s. 6.

- (1) An owner of land is liable for the entire cost of fencing works and any subsidiary works to repair or replace a dividing fence that separates the land and the adjoining land if the dividing fence is damaged or destroyed by a negligent or deliberate act by—
- (a) the owner; or
 - (b) a person who has entered the land with the express or implied consent of the owner.

Note

Causes of damage or destruction of dividing fences may include creepers, the piling of soil against fences or the attachment of objects such as clotheslines to dividing fences.

- (2) Subsection (1) does not apply to the damage or destruction caused in the course of authorised fencing works.
- (3) To avoid doubt, the damage or destruction of a fence by a negligent or deliberate act includes the damage or destruction of a dividing fence that occurs in the course of developing land.
- (4) To avoid doubt, subsection (1) does not affect any rights of an owner of land who is liable under that subsection against the person who caused the damage or destruction of the dividing fence.

10 Circumstances where long-term tenants may be liable to contribute to fencing works

S. 10
substituted by
No. 30/2014
s. 6.

- (1) Despite section 7 and subject to subsection (3), a tenant of land is liable to the owner of land the tenant leases to contribute to fencing works and any subsidiary works for a sufficient dividing fence for the land as set out in subsection (2).

- (2) If the owner gives or receives a fencing notice in respect of the land the tenant leases and, if on the day the owner gives or receives the fencing notice—
- (a) the tenant's lease has an unexpired term of 5 years or more, but not more than 10 years—the tenant is liable for 50% of the amount that the owner of the land the tenant leases is liable to contribute to the fencing works and any subsidiary works; or
 - (b) the tenant's lease has an unexpired term of more than 10 years—the tenant is liable for the entire amount that the owner of the land the tenant leases is liable to contribute to the fencing works and any subsidiary works.
- (3) A tenant is not liable to contribute to fencing works and any subsidiary works unless—
- (a) the tenant is notified under section 15; and
 - (b) the owner who gives a fencing notice is seeking a contribution from the owner of the adjoining land.
- (4) This section does not apply to any of the following—
- (a) a renter under a residential rental agreement to which the **Residential Tenancies Act 1997** applies;
 - (b) a tenant under a retail premises lease to which the **Retail Leases Act 2003** applies;
 - (c) a tenant under a lease agreement that provides for contributions to fencing works and any subsidiary works (whether or not the tenant is liable to contribute under the lease).

S. 10(4)(a)
amended by
No. 45/2018
s. 372.

Part 3—Procedures

Pt 2 (Heading and ss 14–16) amended by Nos 7876 s. 2(3), 9019 s. 2(1)(Sch. item 68), 57/1989 s. 3(Sch. items 70.10–70.12), substituted as Pt 3 (Headings and ss 11–30B) by No. 30/2014 s. 6.

Division 1—Procedure for fencing works

11 Meaning of *adjoining owner* and *notifying owner* in Division 1

New s. 11 inserted by No. 30/2014 s. 6.

In this Division—

adjoining owner means the owner of the adjoining land to the land of the notifying owner, being the adjoining land for which the fencing notice is given;

notifying owner means an owner of land who gives a fencing notice to the owner of the adjoining land under section 13.

12 Owners must not undertake fencing works unless in accordance with an agreement or otherwise in accordance with this Act

New s. 12 inserted by No. 30/2014 s. 6.

- (1) An owner of land must not undertake fencing works or any subsidiary works unless the works are carried out—

- (a) in accordance with a fencing notice agreement; or

Note

Section 3 defines a *fencing notice agreement* as an agreement between owners of adjoining lands, or owners of adjoining lands and long-term tenants, about proposed fencing works and any subsidiary works to be undertaken, that is reached after a fencing notice has been given to one of the owners.

- (b) in accordance with an order of the Magistrates' Court; or
 - (c) otherwise in accordance with this Act; or
 - (d) in accordance with another agreement between the owners of adjoining lands.
- (2) If an owner of land carries out fencing works and any subsidiary works that are not works carried out as provided for in subsection (1)(a), (b), (c) or (d), the owner of the adjoining land may file a complaint in the Magistrates' Court seeking an order under section 30C.

New s. 13
inserted by
No. 30/2014
s. 6.

13 Seeking agreement to proposed fencing works under the Act—giving a fencing notice

- (1) If an owner of land proposes to undertake fencing works and any subsidiary works for a dividing fence for the land and any adjoining land, the owner may give a notice under this section to the owner of the adjoining land seeking the agreement of the owner of the adjoining land to the proposal to carry out the fencing works and any subsidiary works.

Note

Section 14 makes provision for locating an owner of adjoining land. Sections 19 and 21 make provision for when an owner of adjoining land cannot be located.

- (2) In a notice given under subsection (1), the notifying owner may require the adjoining owner to contribute, under this Act, to the fencing works and any subsidiary works.
- (3) A notice given under subsection (1) must be in writing and contain the following information—
- (a) the date of the notice;
 - (b) the name and contact details of the notifying owner;
 - (c) a statement that the notice is a notice under section 13 of this Act;
 - (d) the boundary line on which the fencing works and any subsidiary works are proposed to be carried out or, if it is impracticable to carry out the works on the common boundary because a waterway or other obstruction (whether natural or manmade) is on, or forms, the common boundary, the line on which it is proposed to carry out the works;
 - (e) if a dividing fence is not required for part of the common boundary because a waterway or other obstruction (whether natural or manmade) is on, or forms, the common boundary, a statement to that effect;
 - (f) the type of fencing works and any subsidiary works proposed to be carried out, including the type of fence to be constructed or the nature of the repairs or maintenance;
 - (g) the name and contact details of any person who may be engaged to undertake the fencing works and any subsidiary works proposed to be carried out;

- (h) if the notifying owner requires the adjoining owner to contribute under this Act—
 - (i) an estimate of the cost of the fencing works and any subsidiary works proposed to be carried out and an explanation of the basis of that estimate; and
 - (ii) the proportion of the estimated cost that each owner is proposed to contribute; and
 - (iii) the estimated amount that the adjoining owner will be required to contribute;
- (i) a statement that either owner may seek assistance from the Dispute Settlement Centre of Victoria to resolve any disputes about the proposed fencing works and any subsidiary works.
- (4) Failure to include the information referred to in subsection (3)(a), (b), (g) or (i) in a notice given under subsection (1) does not invalidate the notice.
- (5) A notice under this section may be in the prescribed form.
- (6) For the avoidance of doubt, this section applies whether or not an adjoining owner is in occupation of the land.

Notes

- 1 Any form in or to the like effect of the prescribed form is sufficient in law: see section 53 of the **Interpretation of Legislation Act 1984**.
- 2 The giving of a fencing notice to an owner does not apply to another person who subsequently acquires the land. A new fencing notice will need to be given.

14 Owner must make reasonable inquiries to locate adjoining owner

S. 14
substituted by
No. 30/2014
s. 6.

- (1) An owner of land who proposes to undertake fencing works and any subsidiary works who does not know the whereabouts of the owner of the adjoining land must make reasonable inquiries to locate that owner for the purpose of giving a fencing notice.
- (2) A municipal council may disclose the name and address of an owner of land if the municipal council is satisfied the person to whom the name and address is given will use the name and address for the purpose of giving a fencing notice.

15 Additional notices where a long-term tenant may be liable to contribute

S. 15
substituted by
No. 30/2014
s. 6.

- (1) If a notifying owner requires a long-term tenant of the notifying owner's land for which the fencing notice is given to contribute under this Act to the fencing works and any subsidiary works referred to in the fencing notice, the notifying owner must, on the same day the fencing notice is given to the adjoining owner—
 - (a) give a copy of the fencing notice to the long-term tenant; and
 - (b) give the long-term tenant a notice, in writing—
 - (i) seeking the long-term tenant's agreement to the proposed fencing works and any subsidiary works referred to in the fencing notice (but not to any matters set out in the fencing notice under section 13(3)(d)) and requiring the long-term tenant to contribute; and

- (ii) estimating the amount that the long-term tenant will be required to contribute; and
 - (c) give the adjoining owner a notice, in writing, stating that there is a long-term tenant who is liable to contribute to fencing works and any subsidiary works under this Act.
- (2) If an adjoining owner receives a fencing notice for the adjoining owner's land and the adjoining owner requires a long-term tenant of the adjoining owner's land to contribute under this Act to the fencing works and any subsidiary works referred to in the fencing notice, the adjoining owner must, as soon as practicable after receiving the notice—
 - (a) give a copy of the fencing notice to the long-term tenant; and
 - (b) give the long-term tenant a notice, in writing—
 - (i) seeking the long-term tenant's agreement to the proposed fencing works and any subsidiary works referred to in the fencing notice (but not to any matters set out in the fencing notice under section 13(3)(d)) and requiring the long-term tenant to contribute; and
 - (ii) estimating the amount that the long-term tenant will be required to contribute; and
 - (c) give the notifying owner a notice, in writing, stating that there is a long-term tenant who is liable to contribute to fencing works and any subsidiary works under this Act.

- (3) Any notice under this section may be in the prescribed form.

Note

Section 10 sets out the circumstances in which long-term tenants may be liable to contribute to fencing works and any subsidiary works.

16 Owners may agree on a fence line other than common boundary where waterway or other obstruction

S. 16
substituted by
No. 30/2014
s. 6.

- (1) To avoid doubt, the owners of adjoining lands may agree to carry out fencing works and any subsidiary works on a line that is not the common boundary if it is impracticable to carry out the works on the common boundary because a waterway or other obstruction (whether natural or manmade) is on, or forms, the common boundary.
- (2) Despite section 4(2)(c), for the purposes of determining, under subsection (1), a line for carrying out fencing works and any subsidiary works that is not the common boundary of adjoining lands, *owner* includes a municipal council, trustee or other person or body in respect of land owned by or vested in, or under the care, control or management of, the municipal council, trustee, person or body for the purposes of a public park or public reserve.

17 Procedure if adjoining owner responds but owners do not agree

New s. 17
inserted by
No. 30/2014
s. 6.

If an adjoining owner responds to a notifying owner within 30 days of a fencing notice being given, but, after that 30 days, the owners have not agreed about any one or more of the matters specified in the notice, either owner may seek an order under section 30C by filing a complaint in the Magistrates' Court.

New s. 18
inserted by
No. 30/2014
s. 6.

18 Procedure if long-term tenant responds but does not agree

If a long-term tenant responds to an owner within 30 days from the day the notifying owner gave a fencing notice to the adjoining owner, but, after that 30 days, the long-term tenant and the owners have not agreed about any one or more of the matters specified in that notice—

- (a) the long-term tenant may seek an order under section 30D by filing a complaint in the Magistrates' Court; or
- (b) either owner may seek an order under section 30C by filing a complaint in the Magistrates' Court.

New s. 19
inserted by
No. 30/2014
s. 6.

19 Procedure if adjoining owner has not responded or cannot be located

An owner of land may commence fencing works and any subsidiary works without agreement from the owner of the adjoining land if—

- (a) the owner gives the owner of the adjoining land a fencing notice and the owner of the adjoining land has not responded within 30 days from the day the fencing notice was given; or
- (b) after making reasonable inquiries, the owner of the adjoining land is unable to be located.

New s. 20
inserted by
No. 30/2014
s. 6.

20 Procedure if long-term tenant has not responded

- (1) A notifying owner may commence fencing works and any subsidiary works for which a long-term tenant of the notifying owner's land is liable to contribute under this Act, without agreement from the long-term tenant, if the long-term tenant has not responded to the notice given by the notifying owner under section 15(1) within 30 days from

the day the notifying owner gave the fencing notice to the adjoining owner.

- (2) A notifying owner may commence fencing works and any subsidiary works for which a long-term tenant of the adjoining owner's land is liable to contribute under this Act, without agreement from the long-term tenant, if the long-term tenant has not responded to the notice given by the adjoining owner under section 15(2) within 30 days from the day the notifying owner gave the fencing notice to the adjoining owner.

21 Recovering contributions from owner of adjoining land for works commenced under section 19

New s. 21
inserted by
No. 30/2014
s. 6.

- (1) If an owner of land who commences fencing works and any subsidiary works under section 19 seeks to recover a contribution from the owner of the adjoining land, the owner may do so by filing a complaint in the Magistrates' Court seeking an order under section 30C.
- (2) An owner of land who is unable to locate the owner of the adjoining land after making reasonable inquiries may file the complaint in the Magistrates' Court without having located the owner of the adjoining land.
- (3) If the owner of the adjoining land is liable to contribute to fencing works and any subsidiary works under an order made by the Magistrates' Court in that owner's absence (*first order*), and that owner considers that the first order is inequitable, that owner may seek a further order under section 30C by filing a complaint in the Magistrates' Court within 30 days after the service of the first order.

New s. 22
inserted by
No. 30/2014
s. 6.

22 Recovering contributions from long-term tenant for works commenced under section 20

- (1) If a notifying owner who commences fencing works and any subsidiary works under section 20(1) seeks to recover a contribution from a long-term tenant of the notifying owner's land, the notifying owner may do so by filing a complaint in the Magistrates' Court seeking an order under section 30C.
- (2) If a notifying owner commences fencing works and any subsidiary works under section 20(2) and the adjoining owner seeks to recover a contribution from a long-term tenant of the adjoining owner's land, the adjoining owner may do so by filing a complaint in the Magistrates' Court seeking an order under section 30C.

Division 2—Procedure for urgent fencing works

23 Urgent fencing works may be carried out

- (1) Without giving a fencing notice and without the agreement of the owner of the adjoining land (*adjoining owner*), an owner of land may carry out fencing works and any subsidiary works if—
 - (a) the fencing works and any subsidiary works need to be carried out urgently; and
 - (b) a dividing fence on the land has been damaged or destroyed; and
 - (c) it is impracticable to give a fencing notice to the adjoining owner.

Note

The types of circumstances in which fencing works and any subsidiary works may need to be carried out urgently include where the dividing fence has been damaged or destroyed by a falling tree or branch or by fire or flood.

New s. 23
inserted by
No. 30/2014
s. 6.

- (2) This section has effect subject to—
- (a) the operation of—
 - (i) the **Residential Tenancies Act 1997** in relation to urgent repairs; or
 - (ii) the **Retail Leases Act 2003** in relation to urgent repairs; or
 - (b) a lease agreement that makes provision for urgent repairs.

24 Requiring an owner to contribute to urgent fencing works once complete

New s. 24
inserted by
No. 30/2014
s. 6.

- (1) An owner of land who carries out fencing works and any subsidiary works under section 23, may give a notice to the adjoining owner requiring the adjoining owner to contribute under this Act to the fencing works and any subsidiary works for a sufficient dividing fence for the adjoining lands.
- (2) A notice under subsection (1) must be in writing and contain the following information—
 - (a) a description of the land on which the fencing works and any subsidiary works were carried out;
 - (b) the boundary line on which the fencing works and any subsidiary works were carried out or, if it was impracticable to carry out the works on the common boundary because of a waterway or other obstruction (whether natural or manmade) is on, or forms, the common boundary, the line on which the works were carried out;
 - (c) the type of fencing works and any subsidiary works that were carried out, including the type of fence constructed or the nature of the repairs or maintenance;

- (d) the reason the fencing works and any subsidiary works were required to be carried out urgently;
- (e) the cost of the fencing works and any subsidiary works and a copy of the receipt for the works;
- (f) the proportion of the cost that each owner is proposed to contribute to the fencing works and any subsidiary works;
- (g) the amount that the owner to whom the notice is addressed is required to contribute.

(3) A notice under this section may be in the prescribed form.

25 Procedure if adjoining owner responds to urgent fencing notice but does not agree

If, after 30 days from the day that an owner gave an urgent fencing notice to the adjoining owner, the adjoining owner has responded but the owners have not agreed about any one or more of the matters specified in the urgent fencing notice, either owner may seek an order under section 30C by filing a complaint in the Magistrates' Court.

26 Procedure if adjoining owner does not respond to urgent fencing notice

If, after 30 days from the day that an owner gave an urgent fencing notice to the adjoining owner, the adjoining owner has not responded, the owner who gave the notice may seek an order under section 30C by filing a complaint in the Magistrates' Court.

New s. 25
inserted by
No. 30/2014
s. 6.

New s. 26
inserted by
No. 30/2014
s. 6.

Division 3—Process if common boundary not agreed

27 Meaning of *adjoining owner* and *notifying owner* in Division 3

New s. 27
inserted by
No. 30/2014
s. 6.

In this Division—

adjoining owner means the owner of the adjoining land to the land of the notifying owner, being the adjoining land for which the boundary survey notice is given;

notifying owner means an owner of land who gives a boundary survey notice to the owner of the adjoining land under section 28(1).

28 Boundary survey notice

New s. 28
inserted by
No. 30/2014
s. 6.

- (1) An owner of land may give notice under this section to the owner of the adjoining land of the owner's intention to engage a licensed surveyor to have the common boundary defined.
- (2) A notice under this section must be in writing and specify the position that the notifying owner thinks is the position of the common boundary unless the notifying owner has specified that position in a fencing notice given to the adjoining owner.
- (3) A notifying owner must not give a notice under this section unless—
 - (a) the notifying owner has given or received a fencing notice in respect of the adjoining lands and the owners do not agree on the position of a common boundary; or
 - (b) the notifying owner gives a fencing notice in respect of the adjoining lands to the adjoining owner at the same time as giving a notice under this section.

New s. 29
inserted by
No. 30/2014
s. 6.

29 Response to boundary survey notice

- (1) If an adjoining owner is given a boundary survey notice, the adjoining owner may, within 30 days from the day on which the adjoining owner was given the notice—
 - (a) give the notifying owner a notice, in writing, that the adjoining owner agrees to the position of the common boundary specified in the boundary survey notice or the fencing notice; or
 - (b) specify the position that the adjoining owner thinks is the position of the common boundary in writing or by defining the position of the boundary line by marking it on the ground; or
 - (c) engage a licensed surveyor to have the common boundary defined.
- (2) If an adjoining owner has the common boundary defined under subsection (1)(c), the adjoining owner must give the notifying owner notice, in writing, of the common boundary as defined by the licensed surveyor.

New s. 30
inserted by
No. 30/2014
s. 6.

30 Boundary survey

- (1) The notifying owner may have the common boundary defined by a licensed surveyor engaged by the notifying owner if, after 30 days from the day on which the notifying owner gave the boundary survey notice—
 - (a) the adjoining owner has not agreed to the position of the common boundary; and
 - (b) the adjoining owner has not had the common boundary defined under section 29(1)(c).

- (2) A notifying owner who intends to have the common boundary defined under subsection (1) must, within 21 days after the day on which the 30 day period expires, engage a licensed surveyor to define the common boundary.
- (3) The notifying owner must give the adjoining owner notice, in writing, of the common boundary as defined by the licensed surveyor.

30A Contributions to boundary survey

S. 30A
inserted by
No. 30/2014
s. 6.

- (1) Subject to subsection (2), the notifying owner and the adjoining owner are liable to contribute in equal proportions to any reasonable cost of engaging the licensed surveyor under section 29(1)(c) or 30(1).
- (2) An adjoining owner is not liable to contribute to the reasonable cost of engaging a licensed surveyor under section 30(1) if the common boundary defined by the licensed surveyor is in the same position as the position specified by the adjoining owner under section 29(1)(b).

30B Right to file complaint in Magistrates' Court suspended while common boundary established

S. 30B
inserted by
No. 30/2014
s. 6.

On the giving of a boundary survey notice, the period of 30 days set out in section 17, 18, 19(a) or 20 is suspended until either of the following occurs—

- (a) the owners agree, in writing, to the position of the common boundary specified in the fencing notice or the boundary survey notice or to another position; or
- (b) a licensed surveyor, in accordance with section 29 or 30, defines the common boundary of the adjoining lands.

Pt 3 (Heading and ss 17–27) amended by No. 7876 s. 2(3), S.R. No. 154/1974 reg. 2(b)–(d), Nos 9019 s. 2(1)(Sch. items 69–71), 9554 s. 2(2)(Sch. 2 items 70–72), 9921 s. 255, 9945 s. 3(3)(Sch. 2 item 18), 10087 s. 3(1)(Sch. 1 item 59), 41/1987 s. 103(Sch. 4 items 20.2, 20.3), 44/1989 s. 41(Sch. 2 item 15), 57/1989 s. 3(Sch. items 70.13–70.16), 81/1989 s. 3(Sch. item 15.2), 52/1994 s. 97(Sch. 3 item 9), 104/1997 s. 47, 46/1998 s. 7(Sch. 1), 12/2004 s. 156, 6/2010 s. 203(1)(Sch. 6 item 22) (as amended by No. 45/2010 s. 22), substituted as Pt 4 (Heading and ss 30C–30I) by No. 30/2014 s. 6.

Part 4—Resolving fencing disputes

30C Orders about fencing works

S. 30C
inserted by
No. 30/2014
s. 6.

- (1) The Magistrates' Court may make an order in relation to any one or more of the following matters in respect of a complaint filed under this Act, if the case so requires—
 - (a) the line on which the fencing works and any subsidiary works are to be carried out, whether or not that line is on the common boundary of the adjoining lands;
 - (b) the line that is the common boundary of the adjoining lands;
 - (c) whether or not a dividing fence is required and whether or not fencing works and any subsidiary works should be carried out, and if any works should be carried out, the nature of the works to be carried out;
 - (d) the nature of the fence that constitutes a sufficient dividing fence for the adjoining lands;
 - (e) the person by whom fencing works and any subsidiary works should be carried out and, if the works are to be performed by different persons, the work to be performed by each person;
 - (f) whether a person is liable under this Act to contribute to fencing works and any subsidiary works;
 - (g) the way in which contributions for the fencing works and any subsidiary works are to be apportioned or reapportioned or the amount that each owner or long-term tenant is liable to pay for the works;
 - (h) any other work to be carried out (including work for a retaining wall) that is necessary so that the fencing works and any subsidiary

- works agreed on by the parties or specified in the order can be carried out;
- (i) the time within which the fencing works and any subsidiary works are to be carried out (including any specific dates and times at which a person who carries out the works may enter land for the purpose of carrying out the works) and the manner in which those works are to be performed;
 - (j) whether an owner is to pay compensation to the owner of the adjoining land for loss of occupation of land arising from the placement of a dividing fence (including because of loss of an unrealised possessory right) and, if so, the amount of any compensation to be paid;
 - (k) that a party to the proceeding cease an activity or discontinue conduct that, in the opinion of the Court, is unreasonably damaging or may unreasonably damage a dividing fence;
 - (l) that an owner is authorised to carry out fencing works and any subsidiary works without the agreement or knowledge of an owner of adjoining land or a long-term tenant;
 - (m) any other matter, or any direction or relief that the Court considers appropriate.
- (2) In making an order under subsection (1) about the line on which the fencing works and any subsidiary works are to be carried out or the line that is the common boundary of adjoining lands, the Court may require that the common boundary be defined by a licensed surveyor.

- (3) In making an order under subsection (1) about contributions, the Court may have regard to any negligent or deliberate acts that have shortened the life of a dividing fence.
- (4) For the purpose of an order under subsection (1), if there is more than one owner of an area of land, the owners are jointly and severally liable to contribute to fencing works and any subsidiary works for that area of land unless the Court determines otherwise.
- (5) The Magistrates' Court may make an order under subsection (1) in the absence of an owner of the adjoining land if that owner has not been served with the complaint and cannot be located after reasonable inquiries have been made.

30D Orders about fencing works—long-term tenants

S. 30D
inserted by
No. 30/2014
s. 6.

- (1) The Magistrates' Court, in respect of a complaint filed by a long-term tenant under section 18(a) of this Act, may make an order in relation to any one or more of the matters referred to in section 30C(1)(c), (d), (e), (f), (g), (h), (i) or (k).
- (2) In making an order under subsection (1) about contributions, the Court may have regard to any negligent or deliberate acts that have shortened the life of a dividing fence.

30E Adverse possession claims arising from fencing disputes

S. 30E
inserted by
No. 30/2014
s. 6.

- (1) A person may file a complaint in the Magistrates' Court under this section claiming title by possession to a part of adjoining land to the land that person owns if—
 - (a) the land that person owns is land in respect of which a complaint is filed under another provision of this Act; and

- (b) the land that the person is claiming title by possession to is land on which fencing works and any subsidiary works that are the subject of that complaint are to be carried out.
- (2) The Magistrates' Court may make an order in relation to who is entitled to title by possession of that part of the adjoining lands on which the fencing works and any subsidiary works are to be carried out.
- (3) Nothing in this section affects the operation of the **Limitation of Actions Act 1958**, the **Transfer of Land Act 1958** or any other law in relation to adverse possession.

Note

A person who claims title by possession to land may apply to the Registrar under the **Transfer of Land Act 1958** for an order vesting the land in that person.

S. 30F
inserted by
No. 30/2014
s. 6.

30F If adjoining owner defaults on agreement or order

- (1) If an owner of land (*first owner*) fails to comply with a fencing notice agreement or an order made under this Act about fencing works and any subsidiary works within the time specified in the agreement or order, or, if there is no specified time, within 3 months after the making of the agreement or order, the owner of the adjoining land (*adjoining owner*) may—
 - (a) carry out the fencing works and any subsidiary works; or
 - (b) recover from the first owner the amount that the first owner was liable to pay the adjoining owner under the fencing notice agreement or order.

- (2) An adjoining owner who carries out fencing works and any subsidiary works under subsection (1)(a) may recover from the first owner the amount that the adjoining owner was liable to pay the first owner under the fencing notice agreement or order or otherwise under this Act.

30G Recovery of money—landlord against long-term tenant who is liable

S. 30G
inserted by
No. 30/2014
s. 6.

The owner of land that is leased by a long-term tenant who is liable to contribute to fencing works and any subsidiary works under this Act may recover from the long-term tenant the amount that the long-term tenant is liable to contribute if the long-term tenant fails to comply with—

- (a) a fencing notice agreement made with the owners within the time specified in the agreement or, if there is no specified time, within 3 months after the making of the agreement; or
- (b) an order made under this Act about fencing works and any subsidiary works within the time specified in the order or, if there is no specified time, within 3 months of the making of the order.

30H Recovery of money for a dividing fence where unalienated Crown land is first acquired

S. 30H
inserted by
No. 30/2014
s. 6.

- (1) If an owner carries out fencing works and any subsidiary works for a dividing fence and the adjoining land is unalienated Crown land, the owner may recover half of the value of the existing dividing fence from any person who later becomes the owner of the adjoining land by giving that person notice under this section.

- (2) A notice under this section must be in writing and contain the following information—
 - (a) a statement of the value of the dividing fence; and
 - (b) the amount that the owner to whom the notice is addressed is required to contribute.
- (3) An owner who gives notice under this section must do so within 6 months after the day on which the owner to whom the notice is given acquired the land.
- (4) Either owner may seek an order under section 30C by filing a complaint in the Magistrates' Court if, after 30 days from the day that an owner gave a notice under this section, the owners have not agreed about either of the following—
 - (a) whether an owner is liable, under this Act, to contribute to fencing works and any subsidiary works;
 - (b) the way in which contributions for the fencing works and any subsidiary works are to be apportioned or reapportioned or the amount that each owner is liable to pay for the works.
- (5) An owner must not give notice under this section unless—
 - (a) at the time the notice is given, the dividing fence in respect of which the fencing works and any subsidiary works were carried out is in existence; and
 - (b) at or before the time the notice is given, the owner who gives the notice has not received contributions for the fencing works and any subsidiary works.

30I Substantial failure to comply required

Proceedings cannot be brought for the recovery of a proportion of the cost of fencing works and any subsidiary works on the grounds that the works were not carried out in compliance with a fencing notice agreement or an order made under this Act unless there was a substantial failure to comply with the conditions of the agreement or order.

S. 30I
inserted by
No. 30/2014
s. 6.

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Pt 4 (Heading
and ss 28, 29)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
item 70.17),
repealed by
No. 30/2014
s. 6.

Pt 5 (Heading)
amended by
No. 30/2014
s. 7.

Part 5—General provisions

S. 30
repealed by
No. 30/2014
s. 8.

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Nos 6249
s. 32, 7228
s. 7.
S. 31
amended by
Nos 10087
s. 3(1)(Sch. 1
item 60),
46/1998
s. 7(Sch. 1),
74/2000
s. 3(Sch. 1
item 46),
30/2014 s. 9.

31 Act not to apply to unalienated Crown lands

This Act except as is in section 30H otherwise provided shall not apply to any unalienated Crown lands; nor shall the Crown the Governor nor any public officer appointed by the Governor or by the Governor in Council for the administration management or control of the Crown lands or public works or who by virtue of his or her office however styled has any such management or control be liable under this Act to make any contribution towards any fencing works and any subsidiary works for any dividing fence between the land of any owner and any Crown land.

S. 32
substituted by
No. 30/2014
s. 10.

32 Placement of rails and framing

- (1) If residential land or commercial land shares a common boundary with land to which the public has general access or over which there is a right of way, the rails and framing must be placed on the side of the dividing fence facing into the residential land or commercial land (as the case requires).
- (2) If residential land shares a common boundary with commercial land, the rails and framing must be placed on the side of the dividing fence facing into the residential land.

- (3) In all other cases, the rails and framing for a dividing fence must be placed—
- (a) if a dividing fence is being replaced by a similar dividing fence—on the same side as the rails and framing were located on the previous dividing fence; or
 - (b) if the dividing fence is being replaced by a different type of dividing fence or if there was no previous dividing fence—on the side least subject to weathering.
- (4) This section does not apply if an agreement or fencing notice agreement between the owners of adjoining lands, or an order made under this Act, specifies on which side of the dividing fence the rails and frames must be placed.

33 Right to access adjoining land to undertake fencing works

S. 33 substituted by No. 30/2014 s. 10.

- (1) An owner of land who carries out fencing works and any subsidiary works under this Act, at any reasonable time, may enter the adjoining land for the purpose of carrying out the works.
- (2) For the avoidance of doubt, the right of an owner under subsection (1) may be exercised by an employee or agent of the owner.

34 Act not to affect agreements, other laws etc

New s. 34 inserted by No. 30/2014 s. 10.

Nothing in this Act affects any of the following—

- (a) a contract or an agreement (other than an agreement under this Act) made between owners of adjoining lands, or between an owner and a tenant;
- (b) a covenant that affects the adjoining lands;
- (c) a law about retaining walls or rights of support for land;

(d) the operation of any other Act.

New s. 35
inserted by
No. 30/2014
s. 10.

35 No entitlement to possession if fence not on common boundary because of waterways and other obstructions

If, under this Act, owners agree or the Magistrates' Court orders, that fencing works and any subsidiary works are to be carried out on a line that is not the common boundary because it is impracticable to carry out the works on the common boundary because a waterway or other obstruction (whether natural or manmade) is on, or forms, the common boundary—

- (a) an owner is not taken to be in possession of any part of the adjoining land that the owner occupies merely because of the placement of the fence; and
- (b) the construction of the fence does not affect the title to, or possession of, the adjoining land.

New s 36
inserted by
No. 30/2014
s. 10.

**36 Act does not apply in certain circumstances—
owners corporations**

- (1) This Act does not apply to adjoining lands if—
 - (a) both areas of land are lots affected by the same owners corporation; and
 - (b) the rules of that owners corporation provide for contributions to fencing works and any subsidiary works between those lots.
- (2) This Act does not apply to adjoining lands if—
 - (a) one area of land is a lot affected by an owners corporation and the other area of land is common property for which the same owners corporation is responsible; and
 - (b) the rules of that owners corporation provide for contributions to fencing works and any

subsidiary works between that lot and that common property.

37 Giving notices under this Act

New s. 37
inserted by
No. 30/2014
s. 10.

- (1) A notice under this Act may be given to a person by delivering it personally to the person or by post.

Notes

- 1 Section 49(1) of the **Interpretation of Legislation Act 1984** sets out when service of a document by post is effected.
- 2 The **Electronic Transactions (Victoria) Act 2000** applies to notices given under this Act.

- (2) A notice may be delivered personally to an individual—
- (a) by leaving a copy of the notice with the individual or, if the individual does not accept the copy, by putting the copy down in the individual's presence and telling the individual the nature of the notice; or
 - (b) by delivering a copy of the notice to the place of residence of the individual to an individual apparently above the age of 16 years who resides at that place but when the place of residence is a hotel, boarding house or similar establishment, to some individual apparently above that age who is apparently in charge of the establishment or engaged in the office of the establishment; or
 - (c) if the individual conducts a business, by delivering a copy of the notice to the place of business of the individual to an individual apparently above the age of 16 years who is apparently in charge of that business or is employed in the office of that business.

- (3) For the purpose of giving a notice under this Act, the proper address—
- (a) for an owners corporation is the address that is shown on the records of the Registrar for that owners corporation; or
 - (b) for a corporation (other than an owners corporation) is the registered or principal office of the corporation; or
 - (c) for an incorporated association is the registered address (within the meaning of the **Associations Incorporation Reform Act 2012**) of the incorporated association.
- (4) If a person delivering a notice by post under this section made inquiries of a municipal council about the whereabouts of the owner to whom the notice is directed, at least one copy of the notice must be sent to the address provided by the municipal council (if any).

S. 38
inserted by
No. 30/2014
s. 10.

38 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) prescribing forms for the purposes of this Act; and
 - (b) any matter or thing that is required or permitted to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Regulations under this Act—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place and circumstances.

39 Transitional provisions

- (1) This Act, as in force immediately before the commencement of the **Fences Amendment Act 2014**, continues to apply on and after that commencement to the construction and repair of a dividing fence begun before that commencement.
- (2) This Act, as in force immediately before its amendment by the **Fences Amendment Act 2014**, continues to apply on and after that amendment to any notices given, proceedings commenced or orders made under this Act before that amendment.
- (3) Nothing in this Act affects a contract or an agreement (other than an agreement under this Act) made between owners of adjoining lands, or between an owner and a tenant, before the commencement of the **Fences Amendment Act 2014**.
- (4) This Act applies to fencing works and any subsidiary works begun on or after the day on which the **Fences Amendment Act 2014** comes into operation.

S. 39
inserted by
No. 30/2014
s. 10.

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Pt 6 (Heading
and ss 34–37)
amended by
S.R. No.
154/1974
reg. 2(e),
repealed by
No. 9863 s. 2.

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Sch.
repealed by
No. 30/2014
s. 11.



Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current Versions of legislation and up-to-date legislative information.

The **Fences Act 1968** was assented to on 2 December 1968 and came into operation on 1 March 1969: Government Gazette 5 February 1969 page 238.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed

before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Fences Act 1968** by Acts and subordinate instruments.

Justices (Amendment) Act 1969, No. 7876/1969

Assent Date: 25.11.69
Commencement Date: All of Act (except ss 3, 5, 6, 7(k)(m)–(o)) on 1.4.70; ss 3, 5, 6, 7(k)(m)–(o) on 1.7.70: Government Gazette 25.2.70 p. 463
Current State: All of Act in operation

Statute Law Revision Act 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77: subject to s. 2(2)
Current State: All of Act in operation

Penalties and Sentences Act 1981, No. 9554/1981

Assent Date: 19.5.81
Commencement Date: S. 2(2)(Sch. 2 items 70–72) on 1.9.81: Government Gazette 26.8.81 p. 2799
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83
Current State: All of Act in operation

Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255 on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Penalties and Sentences (Amendment) Act 1983, No. 9945/1983

Assent Date: 20.9.83
Commencement Date: S. 3(3)(Sch. 2 item 18) on 20.12.83: Government Gazette 14.12.83 p. 4035
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Statute Law Revision Act 1984, No. 10087/1984

Assent Date: 22.5.84
Commencement Date: 22.5.84: subject to s. 3(2)
Current State: All of Act in operation

Courts Amendment Act 1986, No. 16/1986

Assent Date: 22.4.86
Commencement Date: S. 30 on 1.7.86: Government Gazette 25.6.86 p. 2180
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 20.1–20.3) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 43.1, 43.3–43.7) on 1.11.89: Government Gazette 1.11.89 p. 2798; Sch. 2 item 43.2 on 1.10.92: Government Gazette 23.9.92 p. 2789
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 41(Sch. 2 item 15) on 1.7.89: s. 2(1)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

Mineral Resources Development Act 1990, No. 92/1990

Assent Date: 18.12.90
Commencement Date: S. 128(Sch. 1 item 10) on 6.11.91: Government Gazette 30.10.91 p. 2970
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Catchment and Land Protection Act 1994, No. 52/1994

Assent Date: 15.6.94
Commencement Date: S. 97(Sch. 3 item 9) on 15.12.94: s. 2(3)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Rail Corporations (Amendment) Act 1997, No. 104/1997

Assent Date: 16.12.97
Commencement Date: S. 47 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 46) on 22.5.95: s. 2(2)(h)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 156 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Mineral Resources Development (Sustainable Development) Act 2006, No. 63/2006

Assent Date: 29.8.06
Commencement Date: S. 61(Sch. item 14) on 30.8.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)

Assent Date: 2.3.10
Commencement Date: S. 203(1)(Sch. 6 item 22) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Fences Amendment Act 2014, No. 30/2014

Assent Date: 15.4.14
Commencement Date: Ss 3–11 on 22.9.14: Special Gazette (No. 317) 16.9.14 p. 1
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Residential Tenancies Amendment Act 2018, No. 45/2018 (as amended by Nos 11/2020, 25/2020)

Assent Date: 18.9.18
Commencement Date: S. 372 on 29.3.21: Special Gazette (No. 42) 27.1.21 p. 1
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Local Government Act 2020, No. 9/2020

Assent Date: 24.3.20
Commencement Date: S. 390(Sch. 1 item 37) on 6.4.20: Special Gazette (No. 150) 24.3.20 p. 1
Current State: This information relates only to the provision/s amending the **Fences Act 1968**

Metric Conversion (Fences Act) Regulations 1974, S.R. No. 154/1974

Date of Making: 7.5.74

Date of Commencement: 1.6.74: reg. 1

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

No entries at date of publication.

POLICY TITLE FENCING CONTRIBUTION**POLICY NUMBER****PURPOSE**

To define the criteria under which Council will contribute to the cost of constructing, repairing or replacing a dividing fence between private land and a property owned by Council.

SCOPE

The policy applies to owners of private land abutting a property owned or occupied by the Council, who are seeking a contribution from Council towards the cost of constructing, repair or replacing the dividing fencing.

The Fences Act 1968 (incorporating the Fences Amendment Act 2014) {hereafter referred to as the 'Act'} provides a procedure for sharing costs between neighbours for the construction and repair of dividing fences and a mechanism for the resolution of disputes about a dividing fence.

Part 1 Section 4 (2)(c) of the Fences Act 1968 states that for the purposes of the 'Act' owner does not include — a municipal council, trustee or other person or body in respect of land owned by or vested in, or under the care, control or management of, the municipal Council, trustee, person or body for the purposes of a public park or public reserve.

These include:

- Drainage reserves
- Municipal and recreational reserves
- Municipal car parks
- Playgrounds
- Roads and right-of-ways
- Tree and plantation reserves

POLICY**Half Cost Fencing**

In accordance with the Fences Act 1968 and Fences Amendment Act 2014, Council will contribute half the reasonable cost of constructing, repairing or replacing a sufficient dividing fence abutting a property with a building occupied by Council ie: Municipal Office, Depots.

Council will not contribute to the cost of constructing, repairing or replacing the fencing abutting a public park or public reserve unless the exemption in this policy applies.

Exemption for Pensioners' Principal Place of Residence

Council will contribute half the reasonable cost of constructing, repairing or replacing the fencing abutting an open public reserve, excluding roads and right-of-ways, when the

abutting private land is the principal place of residence of a homeowner eligible for the Municipal Rates Concession.

Pensioners and Veteran Affairs Gold Card holders are eligible for Municipal Rates Concession.

RELATED POLICIES/DOCUMENTS

-

RELATED LEGISLATION

- Fences Act 1968
- Fences Amendment Act 2014

ATTACHMENT(S)

-

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

B.21.70 YOUTH ENGAGEMENT POLICY

Responsible Officer: Director Community & Cultural Services
File Number: S08-25-02
Attachments: 1 Youth Engagement Policy

Declarations of Interest:

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

Summary

The Council Policy concerning Youth Engagement is due for review. The review process to date has resulted in no change to the intent of the policy, and the Policy is presented for adoption.

Discussion

This policy confirms Council's commitment to actively engage and empower all young people to be valued and to support their contributions to the community. This will assist Council to respond in a meaningful and inclusive way to meet the needs of young people in our planning, policy, advocacy and delivery of services.

Youth Engagement is ensuring that young people have the ability to provide input on important issues and can work with Council in a non-discriminative and wholeistic approach to develop practical solutions to issues that affect their lives now and into the future.

Youth engagement provides the opportunities and support needed for young people to have strong connections to their community and culture increasing their ability to be empowered to create positive change.

Consultation

In 2014 SHRCC, through the Local Government Youth Inclusion Grants (Office For Youth), were one of three local governments to receive funding to development and implement change in the way Local councils include and engage young people.

Swan Hill Rural City Council's *Youth Inclusion and Participation Project* aim is to ensure that young people across the municipality are able to contribute to decision-making and development of policy, programs and initiatives that affect them and their community.

Through this grant the YSP in co-design with young people (around 500) developed the Youth Participation & Engagement Guide which provides an easy to follow six step process for youth engagement as well as several practical 'hands on' tools to assist staff with their engagement of young people in their respective work areas.

The overall project has also provided the opportunity to further embed youth engagement principals and processes into the culture of Council.

The Youth Engagement Policy has been reviewed in consultation with the Director Community and Cultural Services, the Senior Youth Officer and Family, Youth and Children Manager.

Council's Youth groups - Novo Youth Council, SAGA and Robinvale SRC - have been a part of the Co design process in the development and adjustments to this policy during the 2017 policy change from a youth policy to a youth engagement policy.

Financial Implications

Not applicable for this report.

Social Implications

The Youth Engagement Policy will assist Council to respond to the needs of young people in our planning, policy, advocacy and delivery of services.

Economic Implications

The inclusion of young people into planning and projects is important to address economic development opportunities and promote events and participation.

Environmental Implications

Not applicable for this report.

Risk Management Implications

Local Government in general relies on effective community engagement as part of risk management.

Council Plan Strategy Addressed

Community enrichment - Help all people to find a place in our community.

Options

- 1. Adopt the reviewed Youth Engagement Policy as presented, or**
- 2. Make changes to the Policy prior to adoption.**

Recommendations

That Council adopt the reviewed Youth Engagement Policy.

112/21 Motion

MOVED Cr Benham

That Council adopt the reviewed Youth Engagement Policy.

SECONDED Cr Young

The Motion was put and CARRIED

Date Adopted	February 2008
Date Reviewed	October 2017
To be Reviewed	October 2020

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



POLICY TITLE **YOUTH ENGAGEMENT POLICY**

POLICY NUMBER **POL/COMM802**

PURPOSE

This policy confirms Council's commitment to actively engage and empower all young people to be valued and to support their contributions to the community. This will assist Council to respond in a meaningful and inclusive way to meet the needs of young people in our planning, policy, advocacy and delivery of services.

SCOPE

Youth engagement refers to all young people aged between 12-25 years living in the municipality.

This policy applies to all Council's services that impact on young people.

DEFINITION

Youth engagement is ensuring that young people have the ability to provide input on important issues and can work with Council in a non discriminative and wholeistic approach to develop practical solutions to issues that affect their lives now and into the future. Youth engagement provides the opportunities and support needed for young people to have strong connections to their community and culture increasing their ability to be empowered to create positive change.

Youth participation is the process of building partnerships between adults and young people to include the role of young people in decision making on issues that affect them. A strong focus on purposeful engagement, empowerment and inclusiveness is vital in the co-design process to ensure long term sustainable outcomes for young people and the broader community as a whole. .

POLICY

Council will:

- Provide access to information, services and resources for young people and their families, ensuring the delivery of flexible preventative programs and activities.
- Provide an adaptive and responsive generalist support service for young people and their families across the municipality. .
- Support the rights of local young people to live in a safe, caring, inclusive, non-discriminatory and just community.
- Work to create an organisational culture that promotes and protects the safety, wellbeing and rights of children and young people in order to provide a child and young person a safe environment.

Date Adopted	February 2008
Date Reviewed	October 2017
To be Reviewed	October 2020

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



- Be an active partner in improving the health and well-being of young people in the municipality, including a range of preventative initiatives on matters that are important to them.
- Support and encourage young people to have a voice and participate in decision-making that affects their lives so that they are able to play an integral role and make a positive contribution to their community.
- Support young people to celebrate multiculturalism and diversity and ensure their different interests are recognised, promoted and supported.
- Promote, support and provide opportunities for young people's leadership and participation in Council activities in their community.
- Utilise the Youth Engagement and Participation Guide as an organisational resource to assist employees to engage with young people and embed youth engagement principles and processes into the culture of Council.
- Involve young people in identifying, designing and leading community events and initiatives.
- Promote and identify volunteering, leadership, education, employment and training opportunities within Council where young people can build skills and strengthen their civic engagement.

RELATED POLICIES/DOCUMENTS

Youth Strategy 2020-2025

Youth Strategy 2015-2019

Youth Engagement and Participation Guide 2014

Child and Youth Friendly Charter 2007

The Swan Hill Region Workforce Development Strategy 2013

Better Youth Services Pilot Report 2010

Rural Youth Access Research- Swan Hill and Manangatang 2011

Public Participation Policy POL/GOV002

Involving Communities in Council's Decision Making Process PRO/GOV002

RELATED LEGISLATION

The Child Wellbeing and Safety (Information Sharing) Regulations 2018

Child Wellbeing and Safety Act 2005

United Nations Convention on the Rights of the Child 1989

Child, Youth Families Act 2005

Health Records Act 2001

Equal Opportunities Act 2010

Working with Children Act 2005

The Victorian Charter of Human Rights and Responsibility's Act 2006

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Family Violence Protection Act 2008

Family Violence Protection (Information Sharing and Risk Management) Regulations 2019

Date Adopted February 2008
Date Reviewed October 2017
To be Reviewed October 2020

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



Signed: Les McPhee

Mayor

Date: 24/10/2017

B.21.71 COUNCILLOR AND STAFF INTERACTIONS POLICY

Responsible Officer: Director Corporate Services
File Number: S16-25-04
Attachments: 1 Councillor and Staff Interactions Policy

Declarations of Interest:

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

Summary

Section 94A (3A) of the *Local Government Act 1989* which covered interactions between Council staff and Councillors was repealed on 1 July 2021, Section 46 (3) of the *Local Government Act 2020* is now in effect which states that the Chief Executive Officer (CEO) is responsible for managing interactions between Council staff and Councillors, including by ensuring that appropriate policies, practices and protocols are in place, defining appropriate arrangements for interaction between Council staff and Councillors.

The attached Councillor and Staff Interaction Policy has been reviewed in July 2021 to ensure compliance with Section 46 (3) of the *Local Government Act 2020*.

Discussion

The Councillor and Staff Interactions Policy and Procedure outline processes for ensuring that:

- Goodwill is fostered between Councillors and Council staff;
- Productivity is maintained and Council staff feel confident to provide professional advice to Councillors;
- Protocols are established to ensure Councillors are provided with advice and information in a timely manner;
- Interactions between Councillors and Council staff are conducted in a professional manner;
- The risk of potential, perceived, or actual direction of Council staff by a Councillor is reduced and;
- Processes for managing grievances and complaints are set.

Consultation

The reviewed policy has been presented to Council's Executive Leadership Team (ELT) for comment.

Financial Implications

Not applicable.

Social Implications

Clear protocols about interactions between staff and Councillors will contribute to good governance and Council's optimum performance.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Managing interactions between Council staff and Councillors is a statutory requirement; failing to have a policy in place puts Council at risk of criticism by the Local Government Investigations and Compliance Inspectorate.

Having a policy in place will also mitigate the risk of a breach of the improper direction provisions in the Act, and the risk of Council or a Councillor being the subject of a WorkCover, bullying and/or discrimination claim.

Council Plan Strategy Addressed

Governance and leadership - Effective partnerships and relationships with key stakeholders and staff.

Options

Council can choose to adopt or amend the recommendation.

Recommendation

That Council adopt the attached Councillor and Staff Interaction Policy as presented.

113/21 Motion

MOVED Cr McPhee

That Council adopt the attached Councillor and Staff Interaction Policy as presented.

SECONDED Cr Jeffery

The Motion was put and CARRIED

POLICY TITLE **COUNCILLOR AND STAFF INTERACTION POLICY**

POLICY NUMBER **CPOL/GOV010**

1. PURPOSE

The purpose of this policy is to ensure all interactions between Councillors and Swan Hill Rural City Council (Council) staff are positive, constructive, and conducted in a manner that facilitates Council's optimum performance.

2. SCOPE

This policy applies to the Chief Executive Officer (CEO), Councillors, and all Council staff.

The policy covers interaction through all forms of communication, including meetings (both planned and unplanned), personal visits, telephone calls, interactions through social media, and emails between Councillors and Council staff.

This policy does not apply in the context of non-work related social interactions between a Councillor and member of Council staff who have a personal relationship outside the Council environment. Where social interaction occurs between Councillors and Council staff, any discussion of Council business and/or operational matters will be in accordance with the Councillor and Staff Interactions Procedure PRO/GOV010.

3. POLICY

Council is committed to ensuring that all interactions between Councillors and staff are positive, constructive, and conducted in a manner that facilitates Council's optimum performance.

The objectives of this policy are to:

- Foster goodwill between Councillors and Council staff, and mitigate the potential for divisive and dysfunctional relationships to develop, by defining appropriate professional interaction;
- Enhance productivity by maintaining an environment in which Council staff have the morale and confidence to provide frank and fearless professional advice to Councillors, to facilitate informed decision making;
- Establish protocols to ensure that Councillors are provided with all necessary information and advice in an orderly, timely, courteous and equitable manner, to enable them to perform their civic duties;
- Avoid inefficiency, unnecessary duplication of work and stress by improving role clarity;
- Ensure that all interactions between Councillors and staff are conducted in a professional and respectful manner, with due regard for each other's roles and responsibilities;

- Support compliance with the *Local Government Act 2020*; *Occupational Health and Safety Act 2004*; *Equal Opportunity Act 2010*; *Gender Equity Act 2020* and *Fair Work Act 2009*, and thereby reduce the risk of a WorkCover or bullying claim against Council or a Councillor, and the risk of potential, perceived or actual direction of Council staff by a Councillor; and
- Set out a process for managing any grievance that may arise between Councillors and Council staff.

Councillors' primary point of communication is via the office of the CEO. Contact with other council staff will be in accordance with the procedures supporting this policy.

This policy complements the Councillor Code of Conduct and the Staff Code of Conduct.

4. AUTHORISATION

Section 46(3) of the *Local Government Act 2020 (VIC)* stipulates that the CEO is responsible for managing interactions between Council staff and Councillors.

Section 28(3) of the *Local Government Act 2020 (VIC)* states that the role of a Councillor does not include the performance of any responsibilities or functions of the CEO. Accordingly, the CEO must have exclusive responsibility for this policy and its administration. The CEO and Mayor will work together to foster a culture which supports the application of this policy.

Notwithstanding the above, Councillors may provide feedback or comments regarding this policy to the CEO for consideration.

5. NON-COMPLIANCE WITH THIS POLICY

Failure to comply with this policy may constitute a breach of the Councillor Code of Conduct, Staff Code of Conduct, *Local Government Act 2020*, *Occupational Health and Safety Act 2004*, *Fair Work Act 2009*, *Equal Opportunity Act 2010* and other anti-discrimination legislation, *Privacy and Data Protection Act 2014*, *Health Records Act 2001* and/or the *Charter of Human Rights and Responsibilities Act 2006*.

An alleged breach of this policy by a member of Council staff will be dealt with in accordance with the Staff Code of Conduct and the Disciplinary Policy – this may include disciplinary action, depending on the circumstances.

An alleged breach of this policy by a Councillor will be dealt with in accordance with the Councillor Code of Conduct – this may include referral to a Councillor Conduct Panel or the Local Government Inspectorate, depending on the circumstances.

6. REVISION

This policy will be reviewed within twelve months of the next general Council elections, unless an earlier review is deemed necessary by the CEO.

7. RELATED POLICIES/PROCEDURES/DOCUMENTS

CPOL/GOV026 Councillor Code of Conduct
POL/STAFF127 Staff Code of Conduct
POL/STAFF104 Disciplinary Policy
MAV Land Use Planning in Victoria Councillor Guide 2016
PRO/GOV010 Councillor and Staff Interactions Procedure

8. RELATED LEGISLATION*Local Government Act 2020**Occupational Health and Safety Act 2004**Equal Opportunity Act 2010 and other anti-discrimination legislation**Gender Equity Act 2020**Fair Work Act 2009**Privacy and Data Protection Act 2014**Health Records Act 2001**Charter of Human Rights and Responsibilities Act 2006***9. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	June 2018	Initial release
1.1	November 2020	Review
1.2	August 2021	Review

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

PROCEDURE TITLE COUNCILLOR AND STAFF INTERACTIONS PROCEDURE

PROCEDURE NUMBER PRO/GOV010

ENABLING POLICY

Councillor and Staff Interactions Policy CPOL/GOV010

ENABLING LEGISLATION

Local Government Act 2020 (VIC)

1. PURPOSE

The purpose of this procedure is to ensure all interactions between Councillors and Swan Hill Rural City Council (Council) staff are positive, constructive, and conducted in a manner that facilitates Council's optimum performance.

2. SCOPE

This procedure applies to Councillors, the Chief Executive Officer (CEO) and all Council staff.

The procedure covers interaction through all forms of communication, including meetings (both planned and unplanned), personal visits, telephone calls, interactions through social media, and emails between Councillors and Council staff.

This procedure does not apply in the context of social interactions between a Councillor and member of Council staff who have a personal relationship outside the Council environment. Where social interaction occurs between Councillors and Council staff, any discussion of Council business and/or operational matters will be in accordance with this procedure.

3. RESPONSIBILITIES

The **Mayor** will work with the CEO to foster a culture which supports the application of this procedure, is responsible for educating Councillors about the procedure, and for supporting policy/procedure compliance by Councillors.

The **CEO** will work with the Mayor to foster a culture which supports the application of this procedure and is responsible for ensuring that the policy is incorporated into relevant administrative procedures and processes.

Under Section 46(3) of the *Local Government Act 2020* the CEO is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

In the performance of this function, the CEO will:

- (a) ensure that this procedure is accessible to staff and Councillors;
- (b) monitor compliance with this procedure; and

- (c) oversee the management of any complaint or concern raised in relation to compliance with this procedure.

Directors, Managers, Coordinators and Team Leaders will be responsible for educating their staff about the policy, and for supporting compliance by their staff.

Council staff are responsible for ensuring that they understand and comply with this procedure.

When interacting with Councillors, Council staff will:

- (a) treat Councillors with the respect due to their office. This includes, in all formal settings, addressing Councillors as 'Councillor (last name)' and the Mayor as either 'Mr Mayor' or 'Madam Mayor', as appropriate;
- (b) seek the advice and approval of their Manager, prior to responding to a direct request from a Councillor;
- (c) be responsive to requests from a Councillor for professional advice related to the performance of the Councillor's role;
- (d) be responsive to requests from a Councillor for information connected to the performance of the Councillor's role, in a manner that complies with Council's privacy obligations;
- (e) ensure that information provided to a Councillor is current, factually correct, complete, impartial and relevant;
- (f) accept and implement the decisions of Council as appropriate in their role and in a timely manner;
- (g) refrain from approaching Councillors directly;
- (h) avoid making any public comment or criticism regarding Councillors and Council decisions (consistent with the obligations set out in the Staff Code of Conduct); and
- (i) respond to reasonable requests from a Councillor in a timely manner.

Councillors are responsible for ensuring that they understand and comply with this procedure. If a Councillor wishes to express a view about an administrative matter, they will do so through the CEO. This does not preclude a Councillor from raising any appropriate matter in the Council chamber.

When interacting with members of Council staff, Councillors will:

- (a) observe the *Local Government Act 2020* (VIC), Councillor Code of Conduct, and other relevant Council policies;
- (b) respect the functions and responsibilities of the CEO and Council staff, and the proper workings and line management responsibilities (hierarchy) of the Council administration;
- (c) consider the potential impact on staff and available resources and priorities when requesting advice or information, and avoid making requests that are likely to involve excessive costs; and
- (d) communicate in a way that is courteous and respectful of staff members' wellbeing.

Councillors are prohibited under section 124 of the *Local Government Act 2020* (VIC) from improperly directing Council staff and must avoid behaving in a way that might contribute to a perception of improper direction. Compliance with this prohibition includes:

- (a) behaving courteously and respecting the professional opinion, skill or expertise of staff;
- (b) following the formal processes when seeking information;
- (c) accepting that staff are required to adhere to formal processes when making decisions and providing information, services and assistance;

- (d) respecting the normal business timeframes associated with the making of a decision or the taking of action; and
- (e) allowing staff to make decisions under delegated authority within the formal reporting and decision making processes.

As Council staff are unable to freely respond or defend themselves, Councillors will refrain from making comments or allegations about members of Council staff in a public forum (including at Council meetings). Councillors will adhere to any formal complaint handling procedures.

4. PROCEDURE

4.1. Guiding principles

Councillor and staff interactions are underpinned by the principle that all formal advice to Council and to Councillors should be provided through the CEO or Directors. This is the only advice against which Council's administration can reasonably be held accountable.

The CEO is responsible for the administrative management of the Council and is the conduit between Council's administration and Councillors. Wherever practicable, interaction between staff and Councillors should take place through the CEO.

For expediency, there are some exceptions to this guiding principle; these are detailed in the protocols supporting this procedure and the table of approved communication below.

4.2. Interaction protocols

To maintain the cooperative and supportive relationships that are necessary for transparency, good governance and Council's optimum performance, the following protocols will guide interaction between Councillors and Council staff:

- i. The Councillors' primary point of contact within the Council is the CEO; a Councillor seeking information or wishing to raise an issue or make comment on a specific matter should communicate in the first instance with the CEO, or with the relevant Director or Manager. The CEO may request that Councillors limit their contact with Managers in respect to certain matters for operational reasons.
- ii. Councillors can also contact Council staff in accordance with the table of approved communication (Clause 4.3) by Councillors, subject to the conditions set out below.
- iii. Although a Councillor may approach the relevant member of staff directly for an enquiry about a routine operational matter, advice that a Councillor intends to rely on should first undergo an appropriate verification process involving approval by a Director or the CEO. Speaking to lower-level staff may result in a Councillor not being fully informed about relevant background or context, or receiving advice that has not been formally endorsed by the administration.
- iv. If a member of staff below Manager level is approached directly by a Councillor, the relevant Director or Manager should be advised of the approach,

and of the response that has been provided. If the staff member feels uncomfortable about the nature of the Councillor enquiry, they will refer the Councillor to their Director or Manager.

- v. A Councillor may request that a staff member attend to provide professional advice and support in a meeting with a member (or members) of the public. Such a request must be made through the CEO or relevant Director.
- vi. The relevant Director and Manager must be copied in or otherwise formally advised of all communication between members of their staff and a Councillor.
- vii. A member of staff must inform their Manager and Director of any contact made directly with them by a Councillor. If the member of staff believes that the contact is inconsistent with this procedure, the Manager and Director should be advised accordingly.
- viii. Council staff will provide information and advice to Councillors in a timely manner, and in accordance with this policy and relevant legislative obligations (eg. privacy). As a general rule, information that is provided to a Councillor should be made available to all Councillors.

4.3. Approved communication by Councillors

The table below sets out the subjects that may be directly discussed by Councillors with various members of Council staff. Clarification, including examples of the types of issues covered by each subject, is provided following the table.

Approved staff contact	Mayor and Councillor Executive	Chief Executive Officer	Relevant Director	Community Engagement and Communications Coordinator	Media Officer	IT Support
Policy and strategy		✓	✓			
Media and Communications		✓	✓	✓	✓	
IT assistance	✓	✓	✓			✓
Compliance and enforcement		✓	✓			
Statutory planning	✓	✓	✓			
Service delivery	✓	✓	✓			
Administrative Support	✓	✓	✓			

Explanatory notes – Approved communication by Councillors

4.1.1. Policy and strategy

Enquiries or comments about Council policy (eg. direction, gaps or ambiguities in a policy and consideration of alternatives), budget proposals, strategic Council planning and direction, should be directed to the CEO or relevant Director.

4.1.2. Media and communications

Routine media and communications enquiries, which involve Councillors merely seeking clarification about work that is being undertaken, can be directed to the relevant officer in the Communications and Engagement Unit.

Examples of routine media and communications enquiries include:

- confirmation of media content;
- provision of draft material for newspaper columns; and
- logistics for previously approved media opportunities.

Complex media and communications enquiries, which involve discussion about strategic issues and requests which are likely to divert officers from their programmed tasks, must be discussed with the Community Engagement and Communications Coordinator, Media Officer, or the relevant Manager, Director or CEO.

Examples of complex media and communications enquiries include:

- requests for meetings;
- requests for particular work to be done;
- discussion regarding key messages, communications strategies and plans;
- discussion about planning of launches and media coverage, including requests to promote community events;
- speech requests;
- requests for photo opportunities; and
- service complaints.

4.1.3. IT assistance

Simple issues such as an enquiry regarding service delivery timing or equipment failure can be dealt with by the Executive Support in the first instance. Councillors may be referred to IT if necessary. Routine service requests associated with computers and mobile devices can also be made directly to IT.

More complex issues, including service complaints, should be discussed with the relevant Manager, Director or CEO.

4.1.4. Compliance and enforcement

Council and the CEO make formal delegations, and the CEO authorises appropriately qualified staff, to monitor compliance and perform Council's functions under legislation including the *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Planning and Environment Act 1987*, *Building Act 1993*, *Road Safety Act 1986* and Council's Local Laws.

Delegated and authorised officers must be able to perform their investigations, determine appropriate responses, and manage any resulting infringements and

prosecutions, within Council's established policies and practices, free from improper direction or influence.

Councillors must avoid involvement in all stages of the investigation and enforcement of matters, or risk committing an offence against the prohibition on improper direction as set out in section 158 of the *Local Government Act 2020*.

Councillors may only contact the CEO, relevant Director or Manager with requests for information regarding such matters.

4.1.5. Service delivery

Where a Councillor is approached by a resident regarding a service delivery issue (eg. scheduling of works, project delivery or a perceived service failure) they should first ensure that the resident is aware of the primary mechanisms for contacting Council's administration; through the "Report an issue to Council" functions on Council's website, or through a member of Council's customer service team. Use of these mechanisms ensures that the request or complaint is properly recorded and can be monitored for compliance with Council's customer service standards.

Where a Councillor becomes aware of an issue that requires attention by Council's administration, or needs to seek information in relation to a service delivery matter that may require further investigation outside the primary mechanisms described above, this should be done through the Executive Support staff.

If a Councillor is concerned about the outcome of a Councillor or Customer request, the matter should be raised with the relevant Manager, Director or the CEO.

4.1.6. Administrative support

The Mayor and Councillors' Executive Support is responsible for providing direct support and administrative assistance to the Mayor and Councillors. Requests for documents to be printed, stationery orders, expense claims and diary management enquiries should be directed to the Mayor and Councillors' Executive Support Staff.

Formal Councillor requests and routine general enquiries can also be directed to the Executive Support staff in the first instance, and will be referred to the relevant member of Council staff for response where appropriate.

4.4. Complaints

If a person believes that there may have been non-compliance with this procedure (including improper direction), the matter should first be raised with the relevant Director or the CEO.

An alleged breach of this procedure by a member of Council staff will be dealt with in accordance with the Staff Code of Conduct and the Disciplinary Policy – this may include disciplinary action, depending on the circumstances.

An alleged breach of this procedure by a Councillor will be dealt with in accordance with the Councillor Code of Conduct – this may include referral to a Councillor Conduct Panel or the Local Government Inspectorate, depending on the circumstances.

5. RELATED POLICIES/PROCEDURES/DOCUMENTS

- CPOL/GOV026 Councillor Code of Conduct
- POL/STAFF127 Staff Code of Conduct
- POL/STAFF104 Discipline Policy
- MAV Land Use Planning in Victoria Councillor Guide 2016

6. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	June 2018	Initial release
1.1	November 2020	Review
1.2	August 2021	Review

Signed: _____ **CEO** **Date:** _____

B.21.72 APPOINTMENT OF TWO COUNCILLORS TO SIGN ANNUAL FINANCIAL STATEMENTS

Responsible Officer: Director Corporate Services
File Number: S15-28-14
Attachments: Nil.

Declarations of Interest:

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

Summary

The *Local Government Act 2020* requires that Council appoint two Councillors as authorised signatories for the Annual Financial Statements and Performance Statement.

Discussion

The *Local Government Act 2020* requires that Council appoint two Councillors to be the authorised signatories to the final set of Annual Statements. The signing will occur once the Statements have been reviewed by the Victorian Auditor General's Office.

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

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

An advertising process will then take place, with the Statements being adopted at the Scheduled Meeting of Council, in September 2021.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

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

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Option

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

Recommendation

That Council appoint two Councillors to sign the Annual Financial and Performance Statements once audit clearance has been obtained.

114/21 Motion

MOVED Cr McPhee

That Council appoint Councillors Moar and Benham to sign the Annual Financial and Performance Statements once audit clearance has been obtained.

SECONDED Cr Jeffery

The Motion was put and CARRIED

B.21.73 SETTING OF COUNCILLOR ALLOWANCES

Responsible Officer: Chief Executive Officer
File Number: S24-08-00
Attachments: Nil

Declarations of Interest:

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

Summary

An important reform of the Local Government Act 2020 (2020 Act) is the transfer of responsibilities in determining mayoral, deputy mayoral and councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the Local Government Act 1989 (1989 Act) continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the 2020 Act provides for this transitional arrangement.

Under section 74(1) of the 1989 Act, councils must review and determine the level of mayoral and councillor allowances within six months of a general election or by 30 June, whichever is later.

In undertaking their reviews, councils must ensure that a person has a right to make a submission under section 223 of the 1989 Act (as required by section 74(4)).

Mayors and councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to councillors.

The allowance package is based on a three-category model of Council allowances, based on revenue and population figures and ensures Councils can retain flexibility and discretion to set allowances within a range in consultation with their community.

Once adopted, following a Statutory advertising and submission process, Councillors are entitled to receive the new Councillor or Mayoral allowance. The current allowance will be paid until that date.

Discussion

Current annual allowances set for this Council are a Mayoral allowance of \$ 67,562.88 and a Councillor allowance of \$25,466.01, per annum.

The current allowance range applicable to this Council is:
Category 2 – Councillors from \$10,914-\$26,245 and up to \$81,204 for the Mayor, per annum.

SECTION B - REPORTS

17 August 2021

Additionally, a remote travel allowance will continue to provide compensation for the time spent on long distance travelled by Councillors in remote areas, this allowance provides for a maximum limit of \$5,000 per annum (at daily rate of \$40 in respect to each meeting or function) or as may be amended from time to time by Order in Council.

Superannuation at 9.5% is paid in addition to the allowance. Please note this will increase when the Government increases the Superannuation Guarantee Levy.

Councillors are not employees of their Council and do not receive employment benefits like leave entitlements.

Additional support is provided to Councillors in accordance with the Act and Council Policy. These include;

Resources/facilities mandatory

- Administration support
- Office access for the Mayor and Councillors
- Vehicle for the Mayor
- Computer-desktop and iPad or a laptop
- Fax/printer
- Mobile phone and landline if required
- Stationery
- Access to fax/copier

Reimbursement will be provided for Council related:

- Travel - including reimbursement of public transport costs
- Phone call costs
- Internet
- Child care/family care

During preliminary discussions on this matter Council have indicated a preference to preserve the current allowances (0 increase) due to the economic situation, as a result of the Covid-19 response.

Consultation

In accordance with Section 223 of the Local Government Act 1989 Council consulted with the community by advertising the proposed allowances, seeking submissions. No submissions were received.

Financial Implications

Costs associated with Councillor Allowances are included in the budget each year. The budget has capacity to lift allowances by 2.0% and still remain within the thresholds applied to category 2 councils.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

The Office of Local Government has advised that Councillors are unable to change any aspect of their allowances during their term. The indexation set by the Minister for Local Government automatically applies the allowances each year.

Recommendations

That Council:

- 1. Adopt the preservation of the current Mayoral and Councillor Allowances with no increase on the previous year.**
- 2. Pay a remote travel allowance, to be paid at a rate of \$40.00 per meeting or function (to a maximum annual value of \$5,000).**

115/21 Motion

MOVED Cr McPhee

That Council:

- 1. Adopt the preservation of the current Mayoral and Councillor Allowances with no increase on the previous year.**
- 2. Pay a remote travel allowance, to be paid at a rate of \$40.00 per meeting or function (to a maximum annual value of \$5,000).**

SECONDED Cr Benham

The Motion was put and CARRIED

B.21.74 2021 LOCAL GOVERNMENT COMMUNITY SATISFACTION SURVEY

Responsible Officer: Chief Executive Officer
File Number: S01-28-01-V2
Attachments: 1 2021 Local Government Community Satisfaction Survey

Declarations of Interest:

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

Summary

This report provides a snapshot of the community satisfaction survey results for the Swan Hill Rural City Council following the 2021 survey.

The 2021 Local Government Community Satisfaction Survey, provided as an attachment, offers a comprehensive review of the survey results.

Discussion

Each year the State Government engages a consulting firm to undertake a telephone survey of constituents of each municipality in Victoria to gain an understanding of the community's level of satisfaction within their Local Government.

A total of 400 telephone interviews within our Municipality are conducted and efforts are made to ensure that the phone surveys reach a representative cross-section of the community.

New community consultation requirements are mandatory under the Local Government Act 2020. Council decided to expand the community survey questions in 2021 to fulfil this requirement, asking more questions of the community with the aim these questions may tie-in with the Community Vision development.

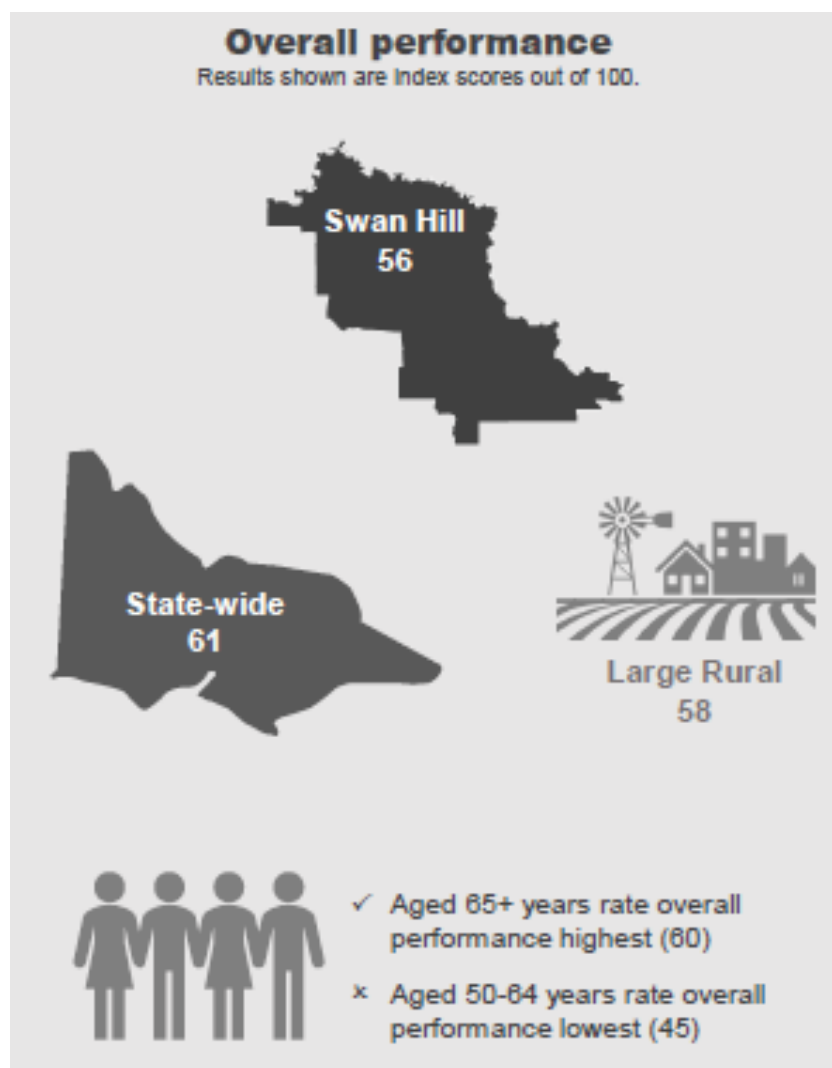
The overall performance index score of 56 for Swan Hill Rural City Council represents a four point increase on the 2020 result. Council's overall performance rating has remained relatively consistent over the past three years. The overall performance index score for all municipalities sits at 61 which indicates that our community considers Swan Hill Rural City Council's performance to be slightly lower than the average Victorian citizens view on their own municipality. Council's overall performance index score of 56 is slightly lower than the average score of 58 received by our peer Council group of large rural municipalities.

Council's two top performing areas are waste management and appearance of public areas which both scored a 71, both were new questions in 2021. Council is rated in-line with the Large Rural group (index scores of 66 and 70 respectively) and State-wide averages (index scores of 69 and 73 respectively).

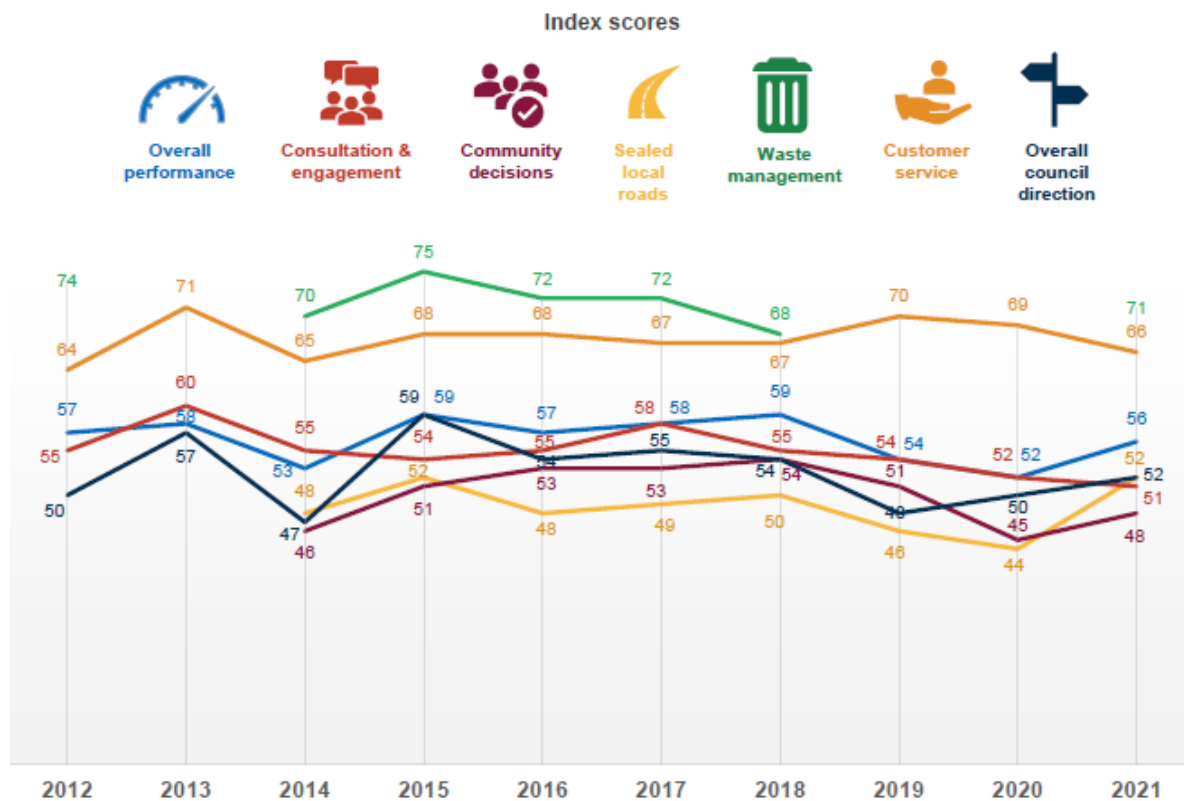
Council's bottom performing service area is unsealed roads with an index score of 43, performing slightly lower than the Large Rural group average (index score of 44) and the State-wide average on unsealed roads (index score of 45). Council has improved greatly since 2020 with the satisfaction of our sealed local roads with an increase from 44 in 2020 to 52 in 2021 Council continues to perform in line with the Large Rural group average but significantly lower than the State-wide average on sealed roads.

Notably, Council's performance on sealed local roads improved significantly on 2020 (52, up eight index points) and is now equal to the previous high achieved in 2015.

Over the next 12 months, Council will be implementing the new Community Engagement Strategy which will help to improve better communication between Council and community members.



Summary of core measures



Summary of Swan Hill Rural City Council performance



Services	Swan Hill 2021	Swan Hill 2020	Large Rural 2021	State-wide 2021	Highest score	Lowest score
Overall performance	56	52	58	61	Aged 65+ years	Aged 50-64 years
Value for money	48	-	50	54	Aged 65+ years	Aged 35-49 years
Overall council direction	52	50	51	53	Robinvale and Surrounds residents	Aged 50-64 years
Customer service	66	69	68	70	Aged 65+ years	Aged 18-34 years
Waste management	71	-	68	69	Men, Aged 65+ years	Robinvale and Surrounds residents
Appearance of public areas	71	-	70	73	Aged 50-64 years	Robinvale and Surrounds residents, Aged 18-34 years
Elderly support services	65	-	68	69	Aged 65+ years	Robinvale and Surrounds residents
Community & cultural	63	-	65	65	Men	Women
Family support services	63	-	66	66	Aged 65+ years	Robinvale and Surrounds residents, Aged 18-34 years
Environmental sustainability	61	-	61	62	Aged 65+ years	Aged 18-34 years

Services	Swan Hill 2021	Swan Hill 2020	Large Rural 2021	State-wide 2021	Highest score	Lowest score
Informing the community	55	-	59	60	Robinvale and Surrounds residents	Aged 50-64 years
Bus/community dev./tourism	54	-	59	61	Aged 65+ years	Aged 18-34 years
Local streets & footpaths	52	-	55	59	Aged 65+ years, Aged 35-49 years, Men	Aged 18-34 years
Sealed local roads	52	44	50	57	Aged 65+ years	Aged 35-49 years
Consultation & engagement	51	52	54	56	Robinvale and Surrounds residents	Women
Building & planning permits	48	-	48	51	Swan Hill and Surrounds residents	Robinvale and Surrounds residents
Community decisions	48	45	54	56	Men	Women, Aged 35-49 years
Unsealed roads	43	-	44	45	Aged 65+ years	Aged 35-49 years

Consultation

The Executive Leadership team have reviewed the results of the survey.

Financial Implications

If Council look deeper into areas, it will use existing resources and may require additional resources.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and leadership - Positive community engagement through appropriate and constructive consultation.

Options

Council may choose to adopt or amend the recommendation.

Recommendations

That Council note the Swan Hill Rural City Council 2021 Community Satisfaction Survey.

116/21 Motion

MOVED Cr Benham

That Council note the Swan Hill Rural City Council 2021 Community Satisfaction Survey.

SECONDED Cr McPhee

The Motion was put and CARRIED



**2021 Local
Government
Community
Satisfaction Survey**

**Swan Hill Rural City
Council**

Coordinated by the Department of Jobs,
Precincts and Regions on behalf of
Victorian councils





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Background and objectives

The Victorian Community Satisfaction Survey (CSS) creates a vital interface between the council and their community.

Held annually, the CSS asks the opinions of local people about the place they live, work and play and provides confidence for councils in their efforts and abilities.

Now in its twenty-second year, this survey provides insight into the community's views on:

- councils' overall performance, with benchmarking against State-wide and council group results
- value for money in services and infrastructure
- community consultation and engagement
- decisions made in the interest of the community
- customer service, local infrastructure, facilities, services and
- overall council direction.

When coupled with previous data, the survey provides a reliable historical source of the community's views since 1998. A selection of results from the last ten years shows that councils in Victoria continue to provide services that meet the public's expectations.

Serving Victoria for 22 years

Each year the CSS data is used to develop this State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 22 years of results, the CSS offers councils a long-term measure of how they are performing – essential for councils that work over the long term to provide valuable services and infrastructure to their communities.

Participation in the State-wide Local Government Community Satisfaction Survey is optional. Participating councils have various choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.



Key findings and recommendations

J W S R E S E A R C H 4



Swan Hill Rural City Council – at a glance

Overall council performance

Results shown are index scores out of 100.



Swan Hill 56

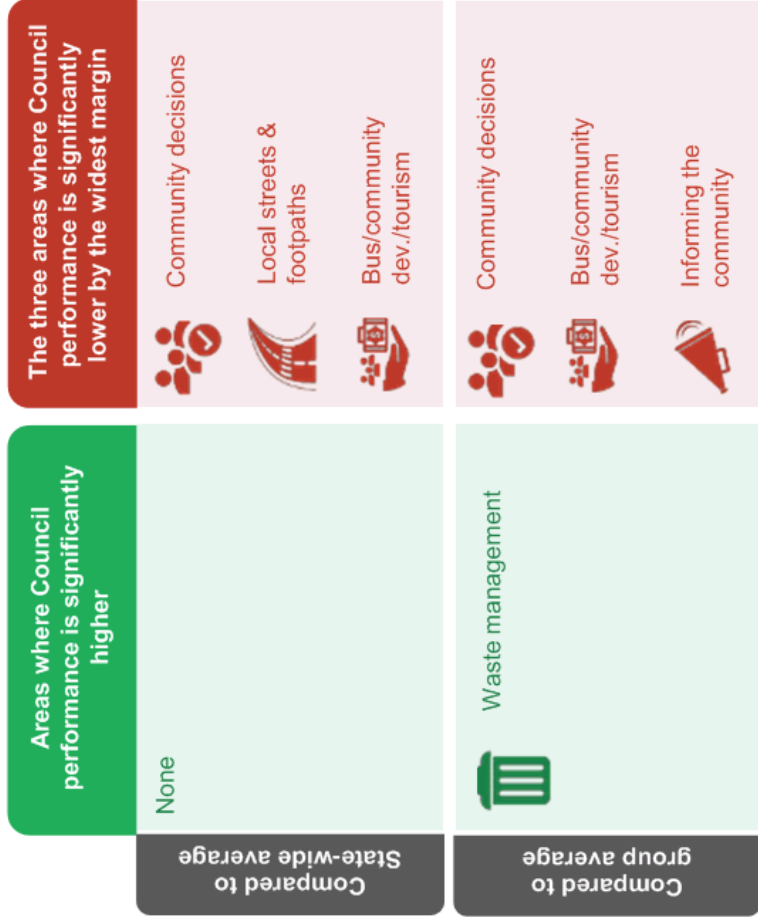


State-wide 61



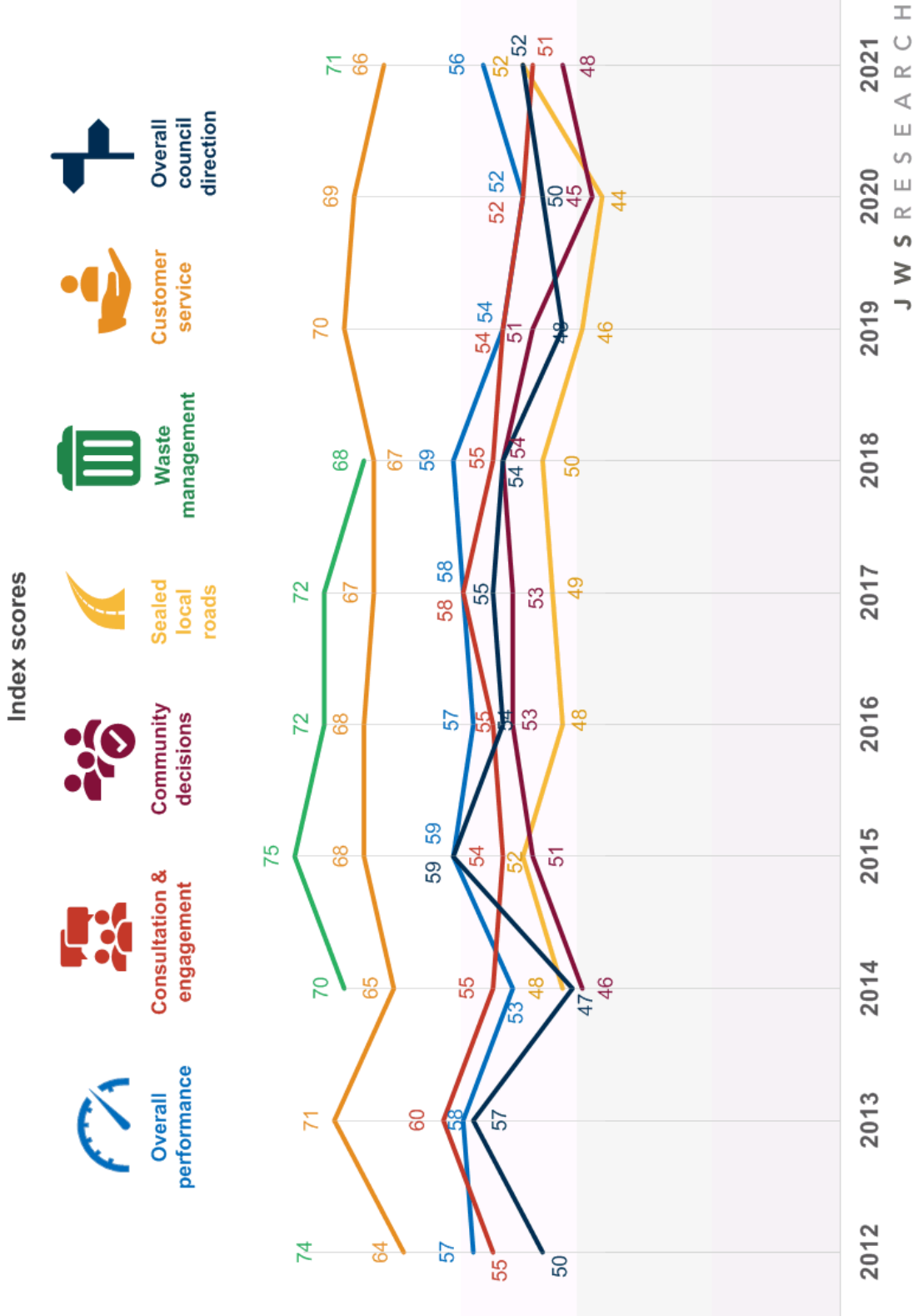
Large Rural 58

Council performance compared to State-wide and group averages





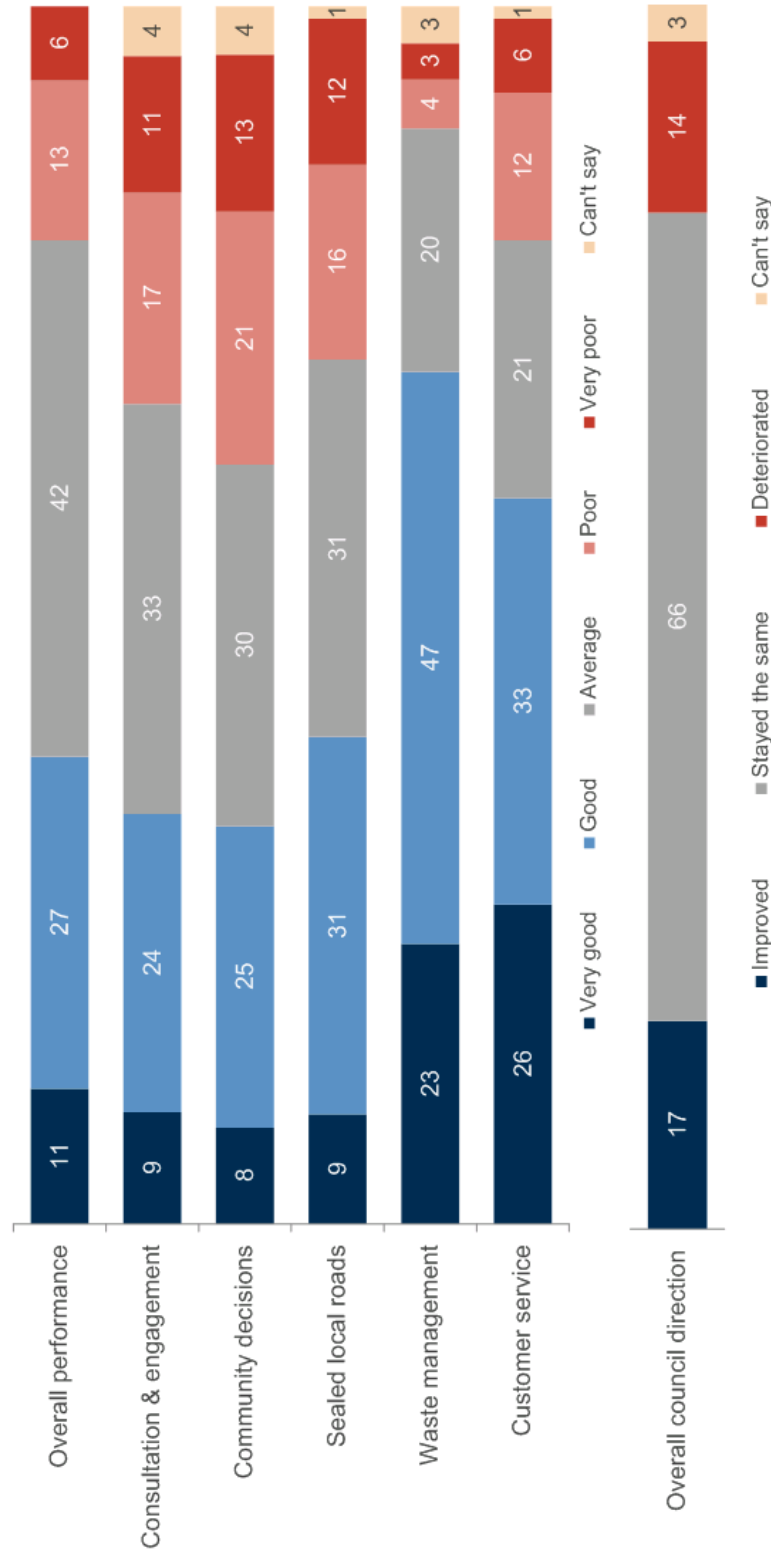
Summary of core measures





Summary of core measures

Core measures summary results (%)





Summary of Swan Hill Rural City Council performance









Services	Swan Hill 2021	Swan Hill 2020	Large Rural 2021	State-wide 2021	Highest score	Lowest score
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Environmental sustainability	61	-	61	62	Aged 65+ years	Aged 18-34 years

Significantly higher / lower than Swan Hill Rural City Council 2021 result at the 95% confidence interval. Please see Appendix A for explanation of significant differences.

J W S R E S E A R C H



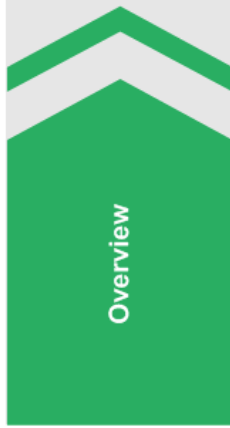
Summary of Swan Hill Rural City Council performance

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 Local streets & footpaths	52	-	55	59	Aged 65+ years, Aged 35-49 years, Men	Aged 18-34 years
 Sealed local roads	52	44	50	57	Aged 65+ years	Aged 35-49 years
 Consultation & engagement	51	52	54	56	Robinvale and Surrounds residents	Women
 Building & planning permits	48	-	48	51	Swan Hill and Surrounds residents	Robinvale and Surrounds residents
 Community decisions	48	45	54	56	Men	Women, Aged 35-49 years
 Unsealed roads	43	-	44	45	Aged 65+ years	Aged 35-49 years

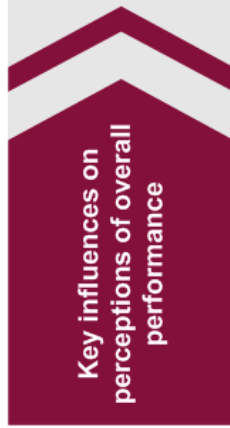
Significantly higher / lower than Swan Hill Rural City Council 2021 result at the 95% confidence interval. Please see Appendix A for explanation of significant differences.



Focus areas for the next 12 months



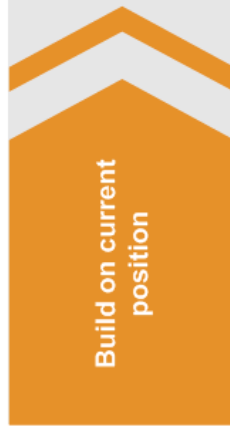
Perceptions of Swan Hill Rural Council’s overall performance has increased significantly in the past year but remain below its historical peak. Overall performance ratings had been declining for the past two years, but Council has managed to arrest that trend in 2021. Positively, ratings of Council’s performance on sealed local roads is at Council’s equal highest level ever recorded – the one service area to return to peak level ratings.



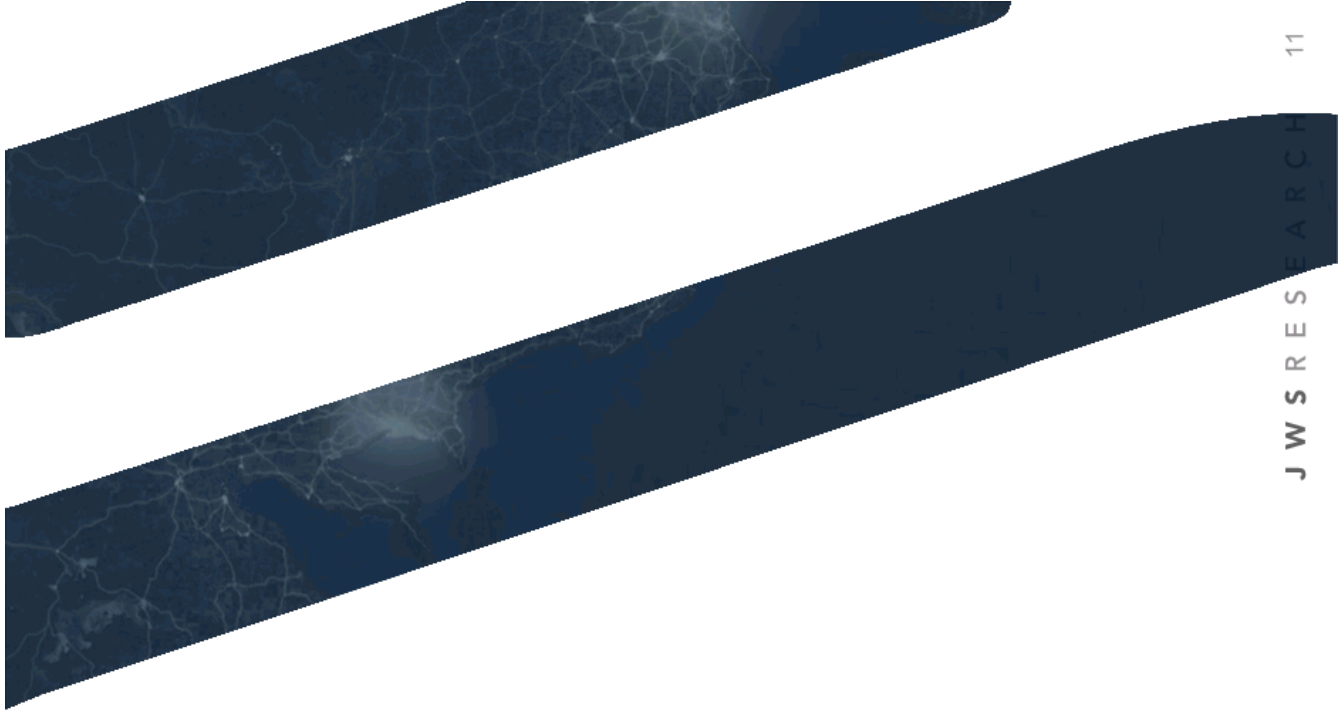
Council should focus on improving performance on community decisions as this service area has the strongest influence on perceptions of overall performance, but Council is rated relatively less well on this measure. Additionally, sealed local roads, informing the community, and planning and building permits are also relatively poorly rated and have a moderate-to-strong influence on overall performance. Continued efforts are needed in these areas.



Waste management is the only service area in which Council rates significantly higher than the Large Rural group average. Council rates in line with the Large Rural council group average on six out of 14 service areas and significantly lower on seven areas. Council performs in line with the State-wide averages on most service areas (nine out of 14 service areas).

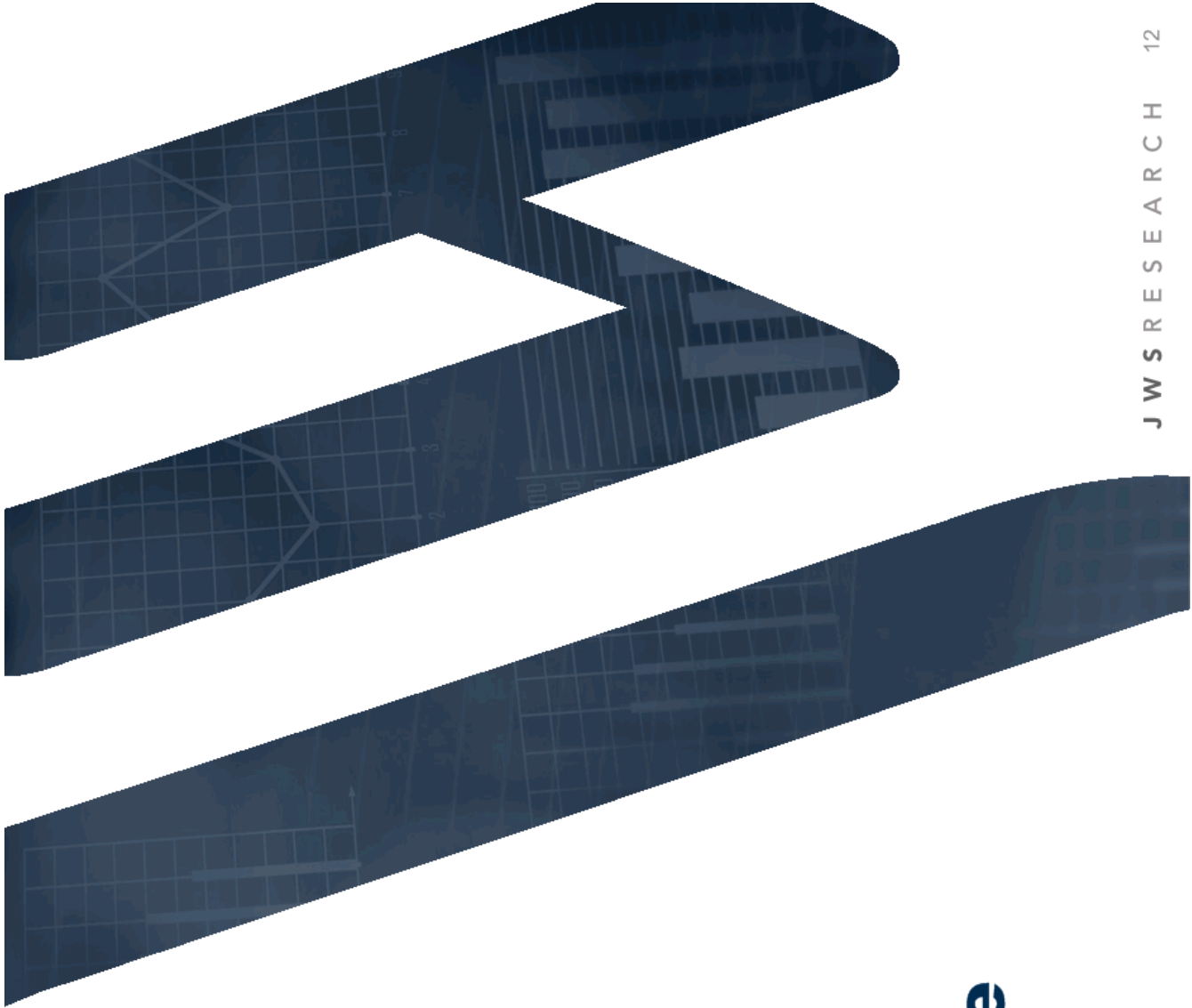


Council should look to maintain and build upon its improved performance on sealed local roads and the small gains made on community decisions, especially given the strong influence these services have on perceptions of overall performance. However, important services such as family and elderly support services cannot be ignored. While Council performs relatively well in these areas, ratings are below the group average (and Council’s own historical ratings) indicating there is room for improvement here.



DETAILED FINDINGS

J W S R E S E A R C H 11



Overall performance

J W S R E S E A R C H 12



Overall performance

The overall performance index score of 56 for Swan Hill Rural City Council represents a statistically significant (at the 95% confidence interval) four-point improvement on the 2020 result.

- Overall performance is at its highest point since 2018. Swan Hill Rural City Council's overall performance is rated in line with the average rating for councils in the Large Rural group and significantly lower than the State-wide average (index scores of 58 and 61 respectively).
- All demographic cohorts improved in their perceptions of overall performance in the past year. Among men and residents aged 65 years and over the increases are significant.

Almost a third of residents (31%) rate the value for money they receive from Council for services and infrastructure provided to their community as 'very good' or 'good'. This is less than the proportion who rate Council as 'very poor' or 'poor' (34%). A further 32% rate Council as 'average' in terms of providing value for money.

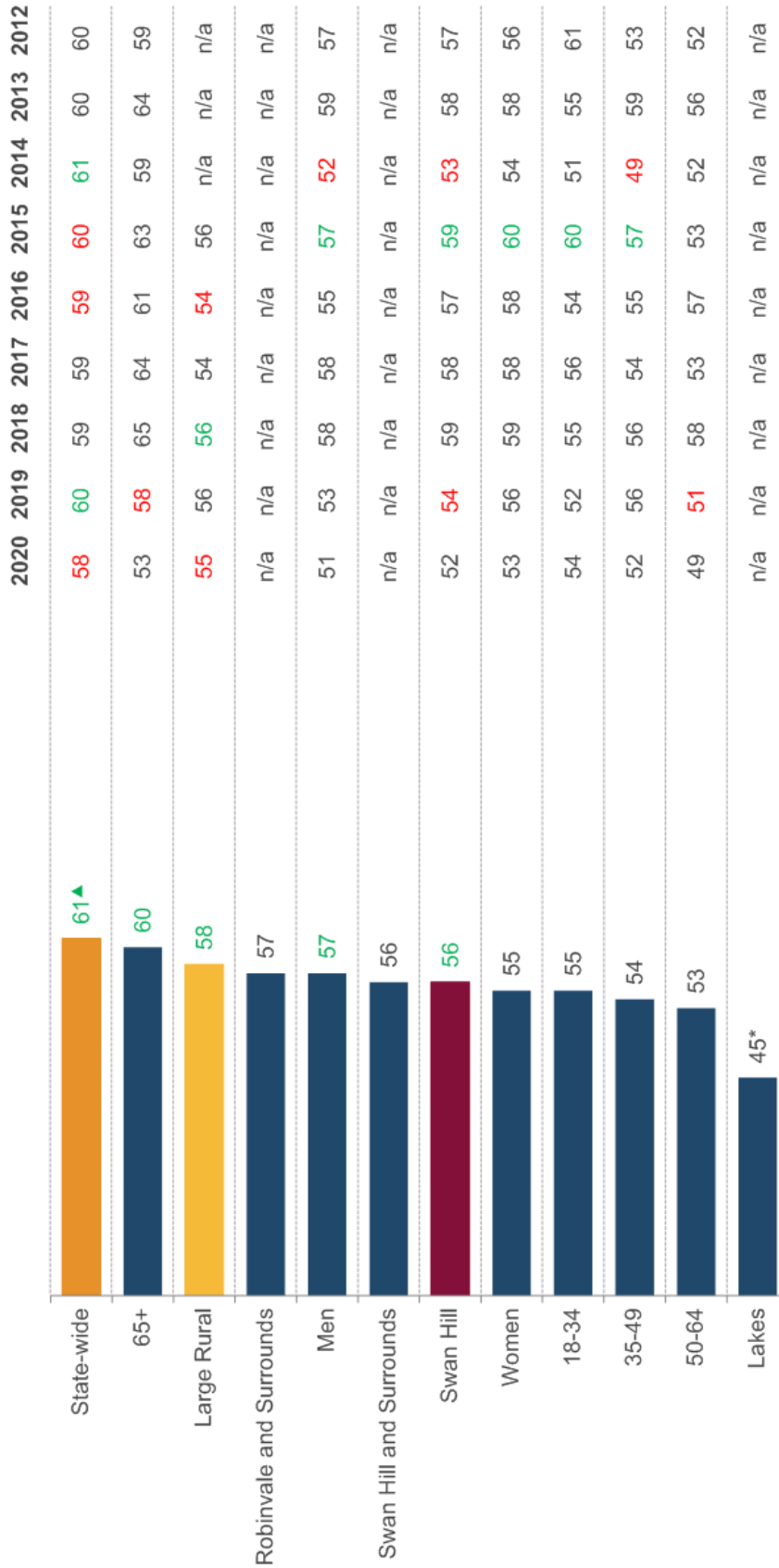
- Perceptions of value for money in services and infrastructure (index score of 48) are in line with the Large Rural council average but significantly lower than the State-wide average for councils.





Overall performance

2021 overall performance (index scores)

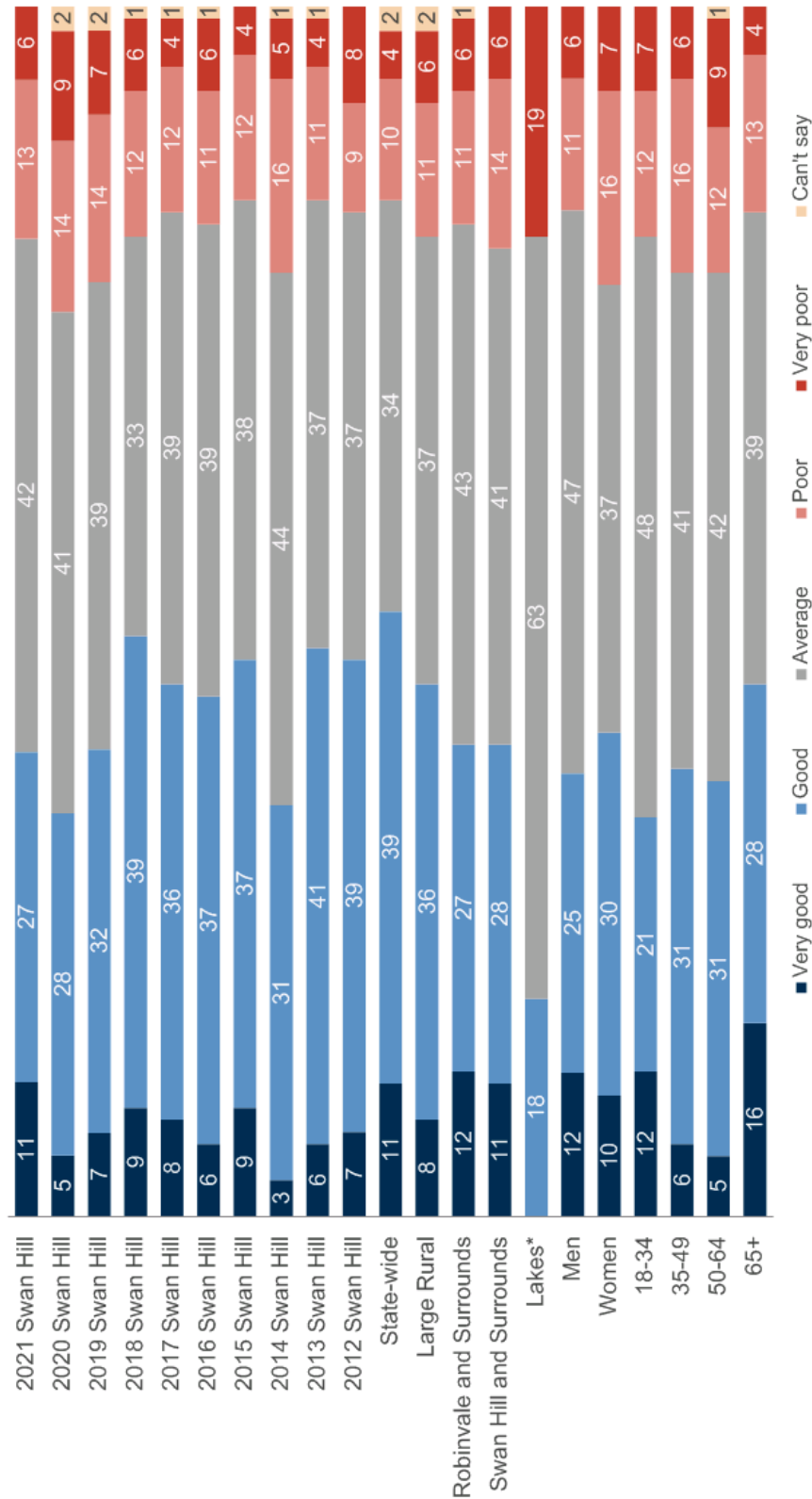


Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Swan Hill Rural City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Overall performance

2021 overall performance (%)



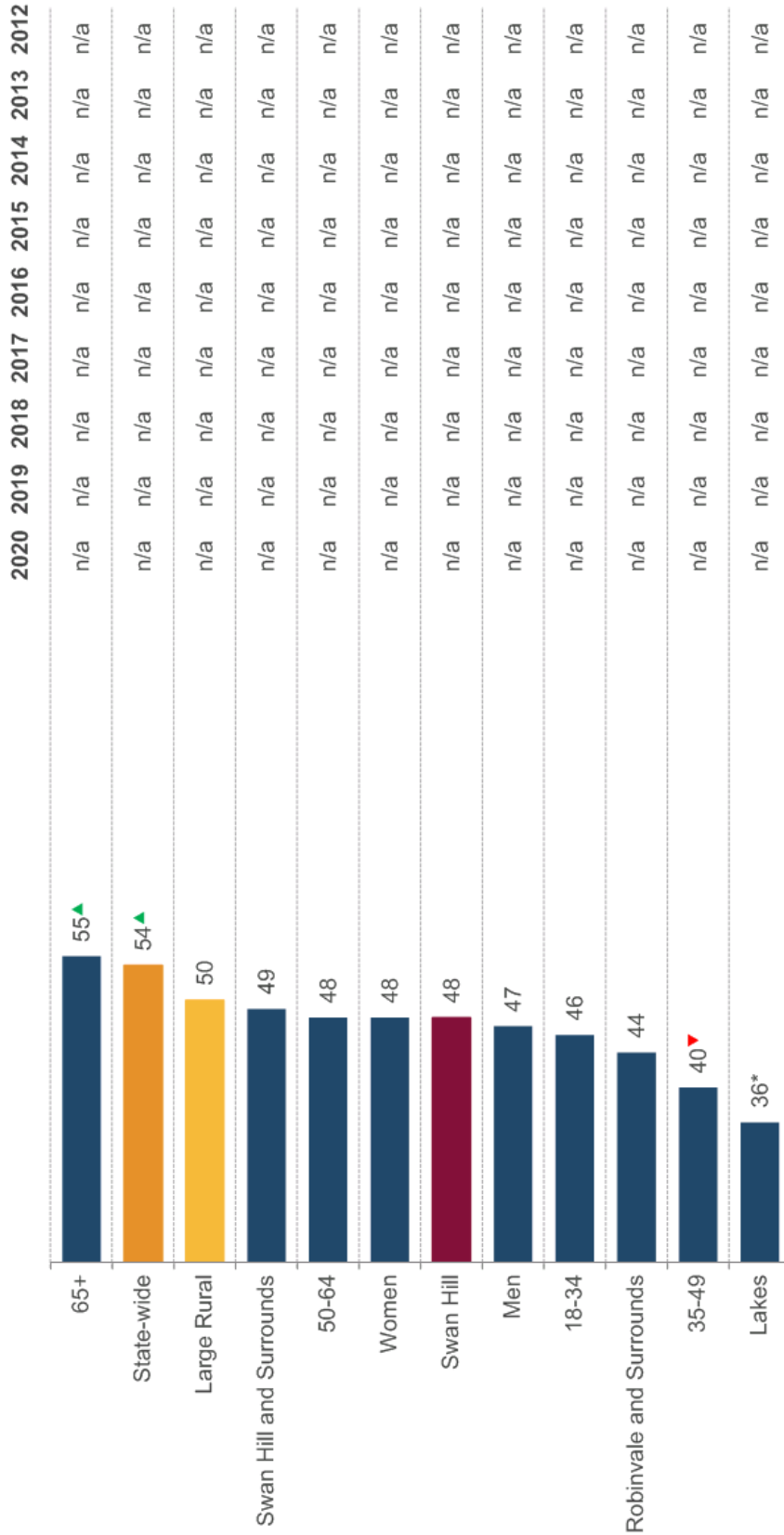
Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Swan Hill Rural City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

*Caution: small sample size < n=30



Value for money in services and infrastructure

2021 value for money (index scores)

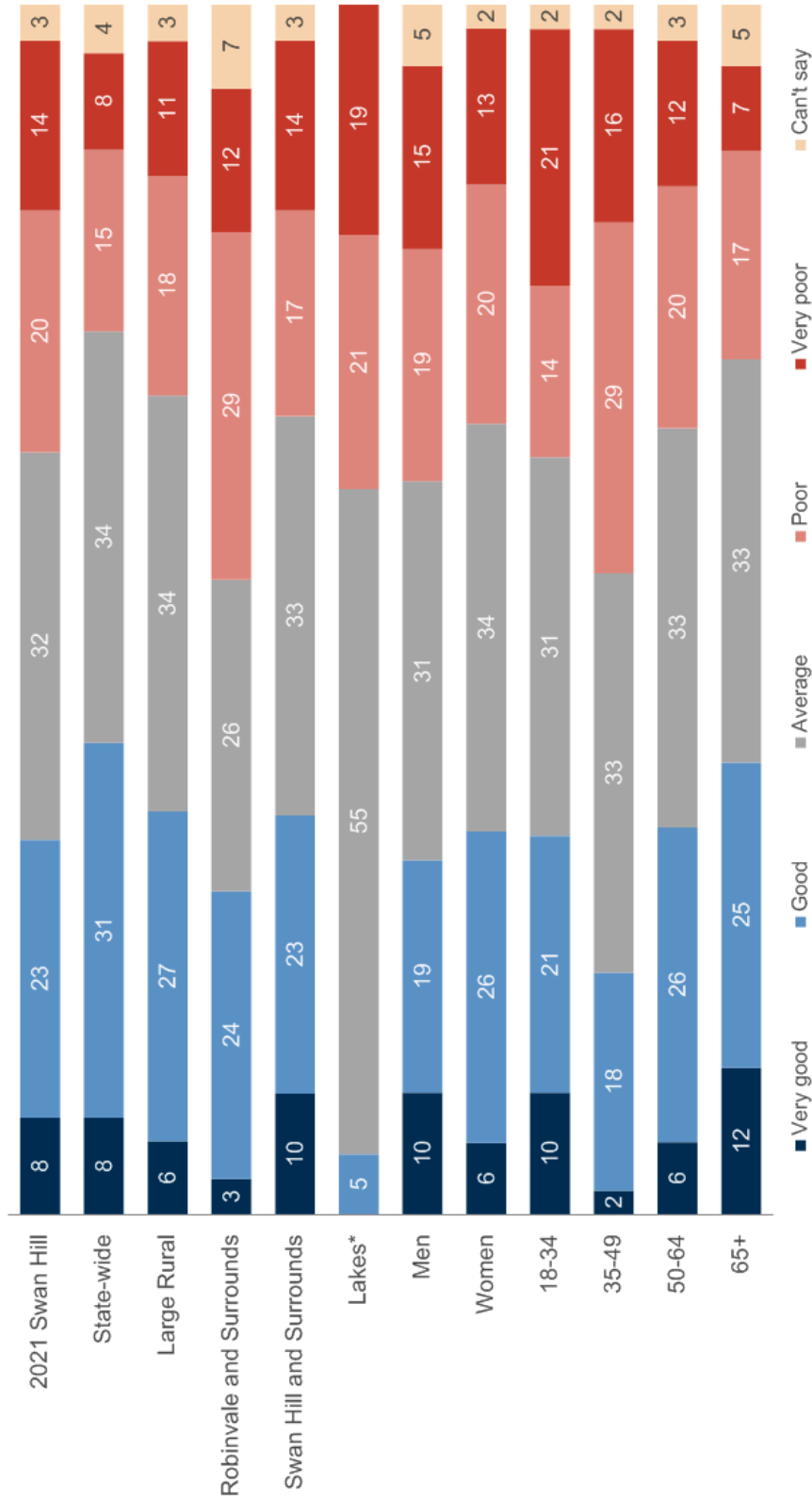


Q3b. How would you rate Swan Hill Rural City Council at providing good value for money in infrastructure and services provided to your community?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Value for money in services and infrastructure

2021 value for money (%)



Q3b. How would you rate Swan Hill Rural City Council at providing good value for money in infrastructure and services provided to your community?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

*Caution: small sample size < n=30



Top performing service areas

Waste management and the appearance of public areas (index score of 71 for both) are the areas where Council performed best in 2021.

- Council performs significantly higher than the Large Rural group average on waste management. On both measures, perceptions of Council's performance are in-line with the State-wide average for councils.
- The appearance of public areas has a moderate influence on the overall performance rating. Council should look to maintain this positive result.

Council's next highest performing service area is elderly support services (index score of 65).

- Council performs significantly lower than the Large Rural and State-wide average on this measure.
- Ratings are highest among people aged 65 years and over and lowest among people aged 18 to 34 years. The rating among 18 to 34 year olds is significantly lower than the Council average.

Notably, Council's performance on sealed local roads improved significantly on 2020 (52, up eight index points) and is now equal to the previous high achieved in 2015.

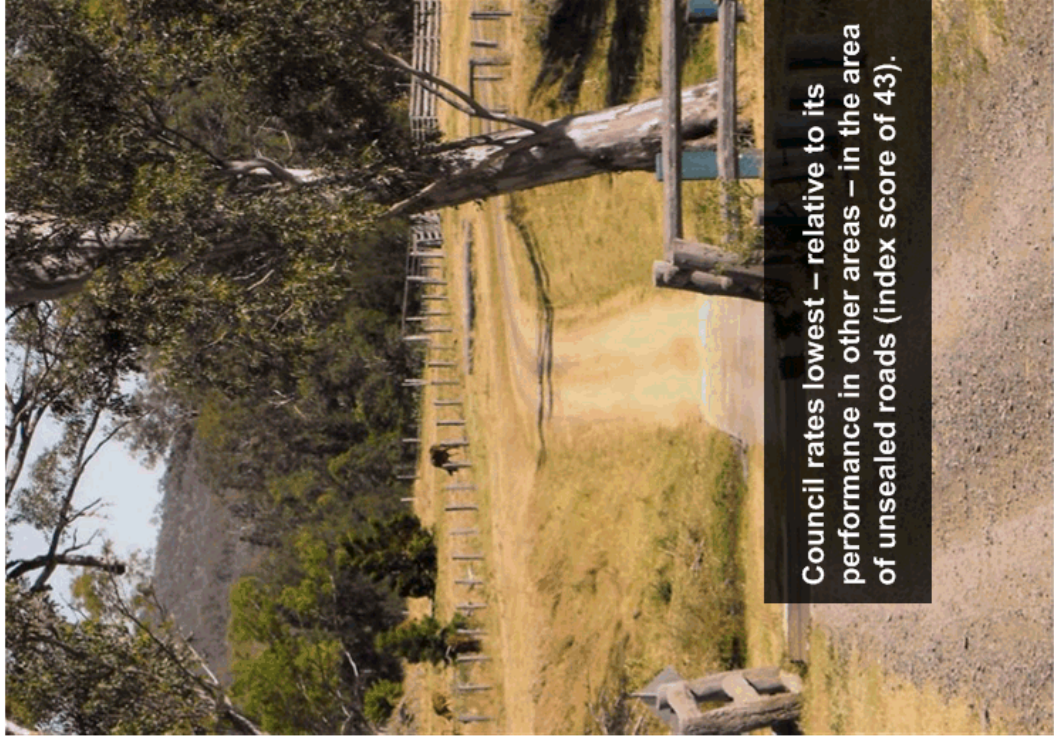
- Sealed local roads has a strong influence on the overall performance rating. Council should look to consolidate and build on gains made in this area.



Waste management and appearance of public areas (index score of 71 on each) are the areas where Council performed best in 2021.



Low performing service areas



Council rates lowest – relative to its performance in other areas – in the area of unsealed roads (index score of 43).

Council rates lowest in the area of unsealed roads (index score of 43).

- Council rates in line with the Large Rural group and State-wide average on unsealed roads.

Council's next lowest rated area is community decisions (index score of 48, up three points on 2020).

- While the improvement in ratings on this measure is a positive, Council still rates significantly lower than the Large Rural and State-wide averages.
- It is imperative that Council continues to focus on this area. Community decisions has the strongest influence on the overall performance rating and provides the greatest opportunity to lift overall opinion of Council's performance.

Additionally, building and planning permits is also rated relatively poorly (index score of 48).

- While Council rates in line with the Large Rural group average on this measure, Council performs significantly below the State-wide average.
- Building and planning permits has a moderate influence on the overall performance rating. Residents in Robinvale and Surrounds (index score of 41) provide significantly lower than average ratings suggesting Council should focus attention here first.



Individual service area performance

2021 individual service area performance (index scores)

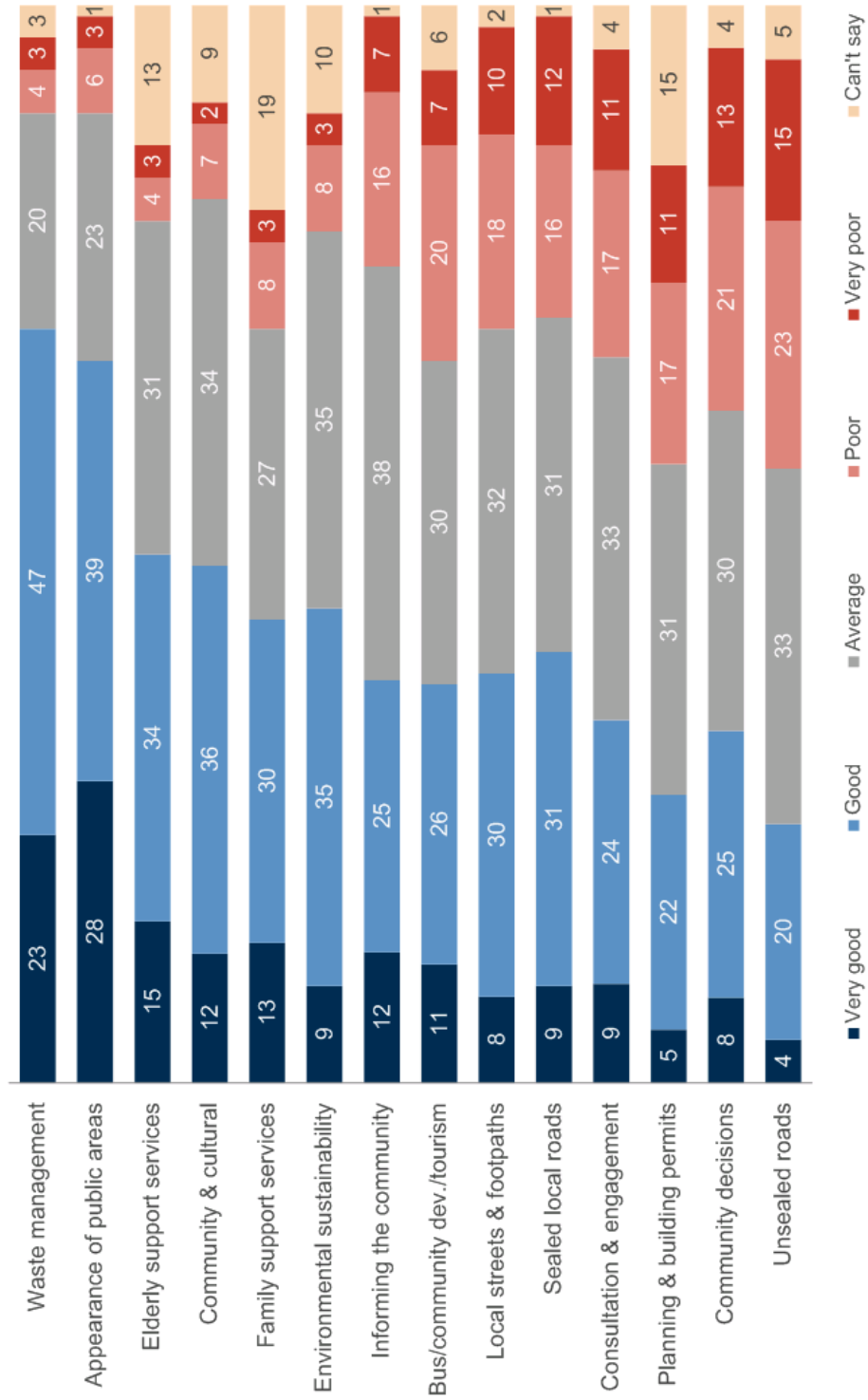
	2020	2019	2018	2017	2016	2015	2014	2013	2012
Waste management	n/a	n/a	68	72	72	75	70	n/a	74
Appearance of public areas	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Elderly support services	n/a	n/a	65	67	69	70	67	n/a	n/a
Community & cultural	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	66
Family support services	n/a	n/a	64	65	67	63	64	n/a	69
Environmental sustainability	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Informing the community	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	55
Bus/community dev./tourism	n/a	n/a	60	59	62	55	48	n/a	50
Local streets & footpaths	n/a	n/a	54	52	53	55	50	n/a	52
Sealed local roads	44	46	50	49	48	52	48	n/a	n/a
Consultation & engagement	52	54	55	58	55	54	55	60	55
Planning & building permits	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Community decisions	45	51	54	53	53	51	46	n/a	n/a
Unsealed roads	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 Note: Please see Appendix A for explanation of significant differences.



Individual service area performance

2021 individual service area performance (%)

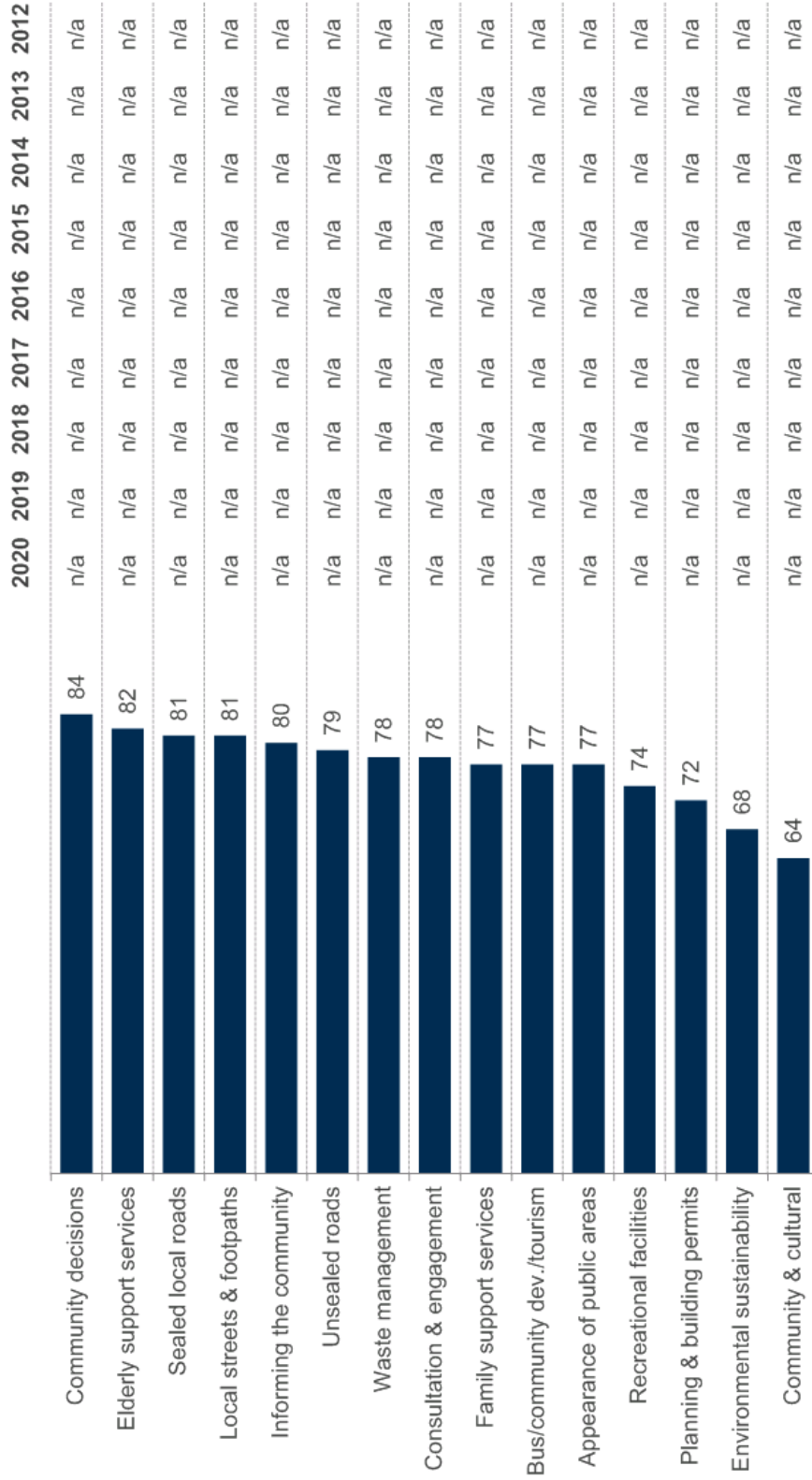


Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19



Individual service area importance

2021 individual service area importance (index scores)

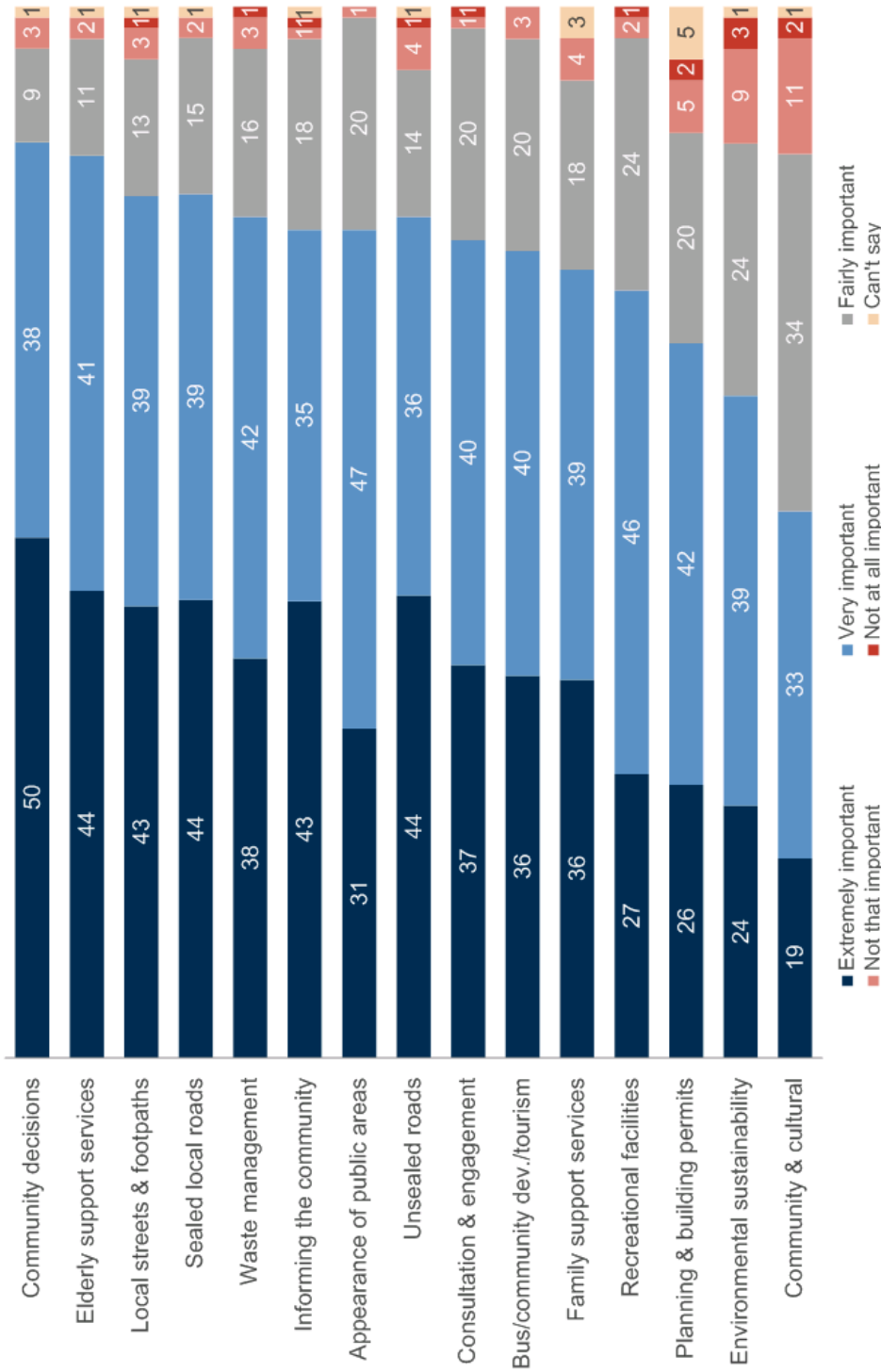


Q1. Firstly, how important should [RESPONSIBILITY AREA] be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 34 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.



Individual service area importance

2021 individual service area importance (%)

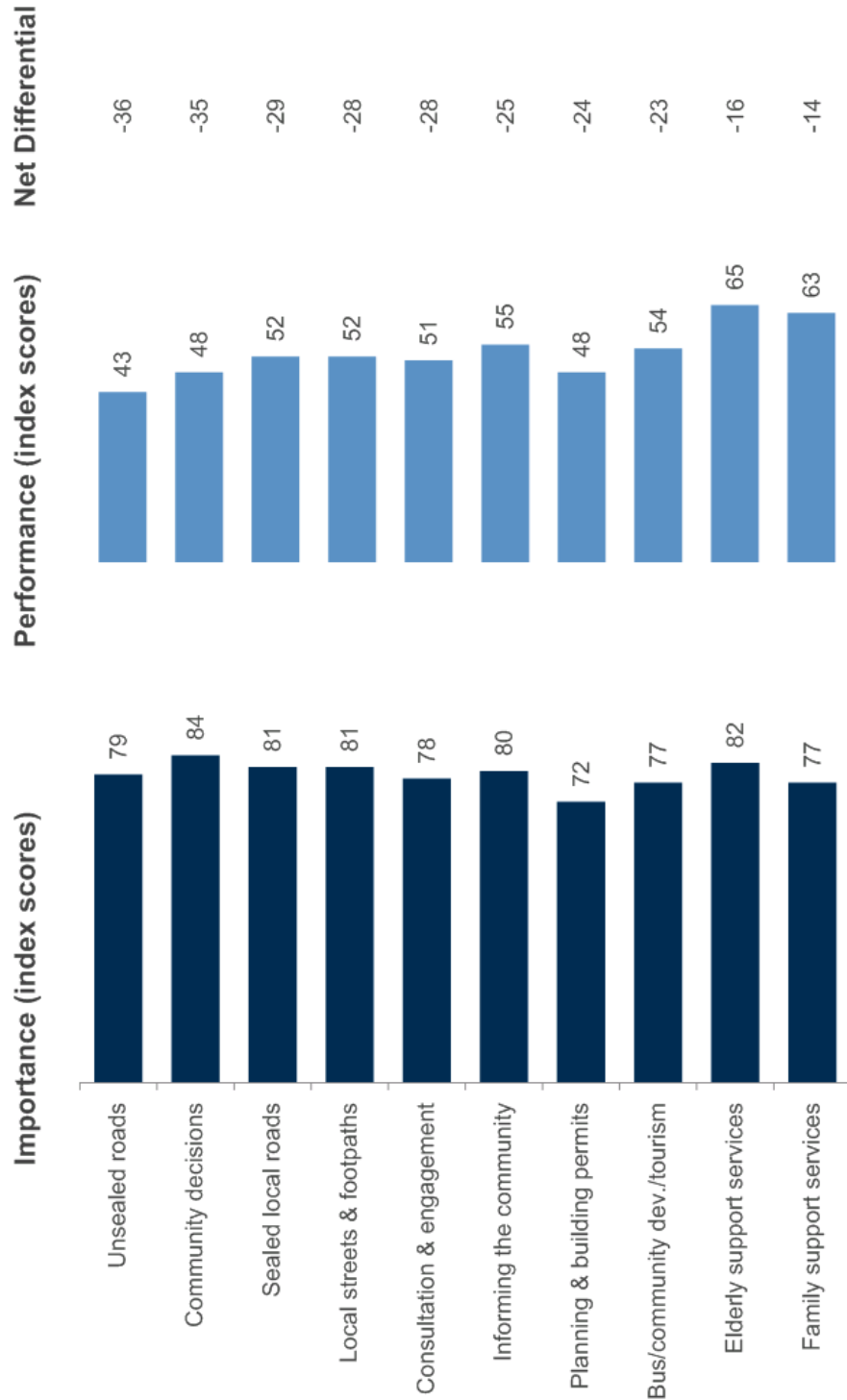


Q1. Firstly, how important should [RESPONSIBILITY AREA] be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 34 Councils asked group: 9



Individual service areas importance vs performance

Service areas where importance exceeds performance by 10 points or more, suggesting further investigation is necessary.



Note: Net differentials are calculated based on the un-rounded importance and performance scores, then rounded to the nearest whole number, which may result in differences of +/-1% in the importance and performance scores and the net differential scores.



Influences on perceptions of overall performance

The individual service area that has the strongest influence on the overall performance rating (based on regression analysis) is:

- Decisions made in the interest of the community.

Good communication and transparency with residents about decisions Council has made in the community's interest provides the greatest opportunity to drive up overall opinion of Council's performance. Currently this is one of Council's poorest performing areas (index score of 48).

Following on from that, other individual service areas with a moderate-to-strong influence on the overall performance rating are:

- The condition of sealed local roads
- Informing the community
- Planning and building permits
- The appearance of public areas.

Looking at these key service areas only, the appearance of public areas has a high performance index (71) and a moderate influence on the overall performance rating. Maintaining this positive result should remain a focus but there is greater work to be done elsewhere.

Other service areas that have a moderate-to-strong influence on overall perceptions, but perform less well, are the condition of sealed local roads and informing the community (performance index score of 52 and 55 respectively).

Good communication with residents about key local issues and Council activities, and attending to the maintenance of sealed roads, can help shore up positive community opinion.

However, most in need of Council attention is its approach to planning and building permits, which is poorly rated (index score of 48) and a moderate influence on overall community opinion.

It will also be important to attend to resident concerns about planning and building permits to help improve overall ratings of Council performance.



Regression analysis explained

We use regression analysis to investigate which individual service areas, such as community consultation, condition of sealed local roads, etc. (the independent variables) are influencing respondent perceptions of overall council performance (the dependent variable).

In the charts that follow:

- The horizontal axis represents the council performance index for each individual service. Service areas appearing on the right-side of the chart have a higher performance index than those on the left.
- The vertical axis represents the Standardised Beta Coefficient from the multiple regression performed. This measures the contribution of each service area to the model. Service areas near the top of the chart have a greater positive effect on overall performance ratings than service areas located closer to the axis.

The regressions are shown on the following two charts.

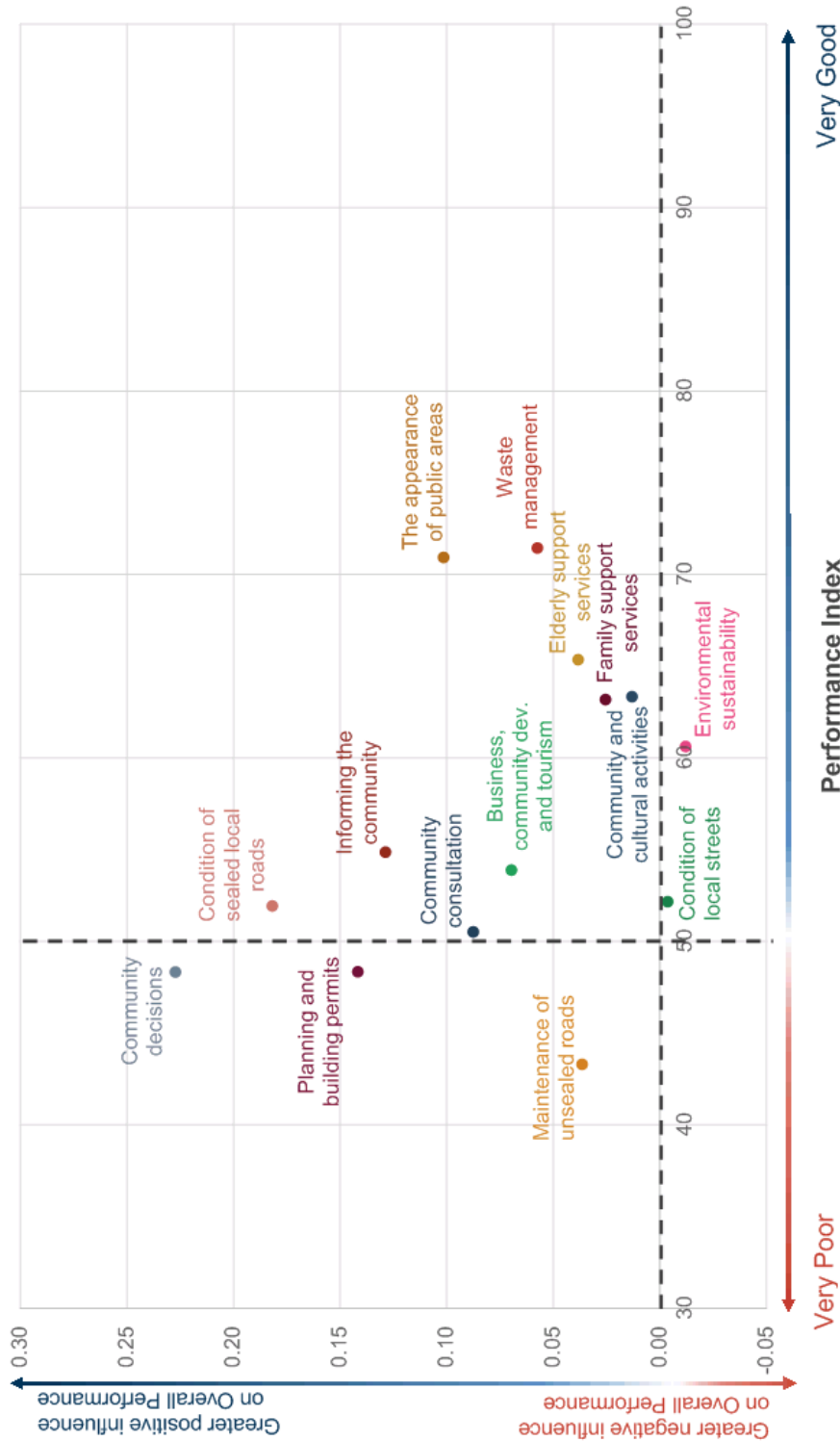
1. **The first chart** shows the results of a regression analysis of *all* individual service areas selected by Council.
2. **The second chart** shows the results of a regression performed on a smaller set of service areas, being those with a moderate-to-strong influence on overall performance. Service areas with a weaker influence on overall performance (i.e. a low Standardised Beta Coefficient) have been excluded from the analysis.

Key insights from this analysis are derived from the second chart.



Influence on overall performance: all service areas

2021 regression analysis (all service areas)

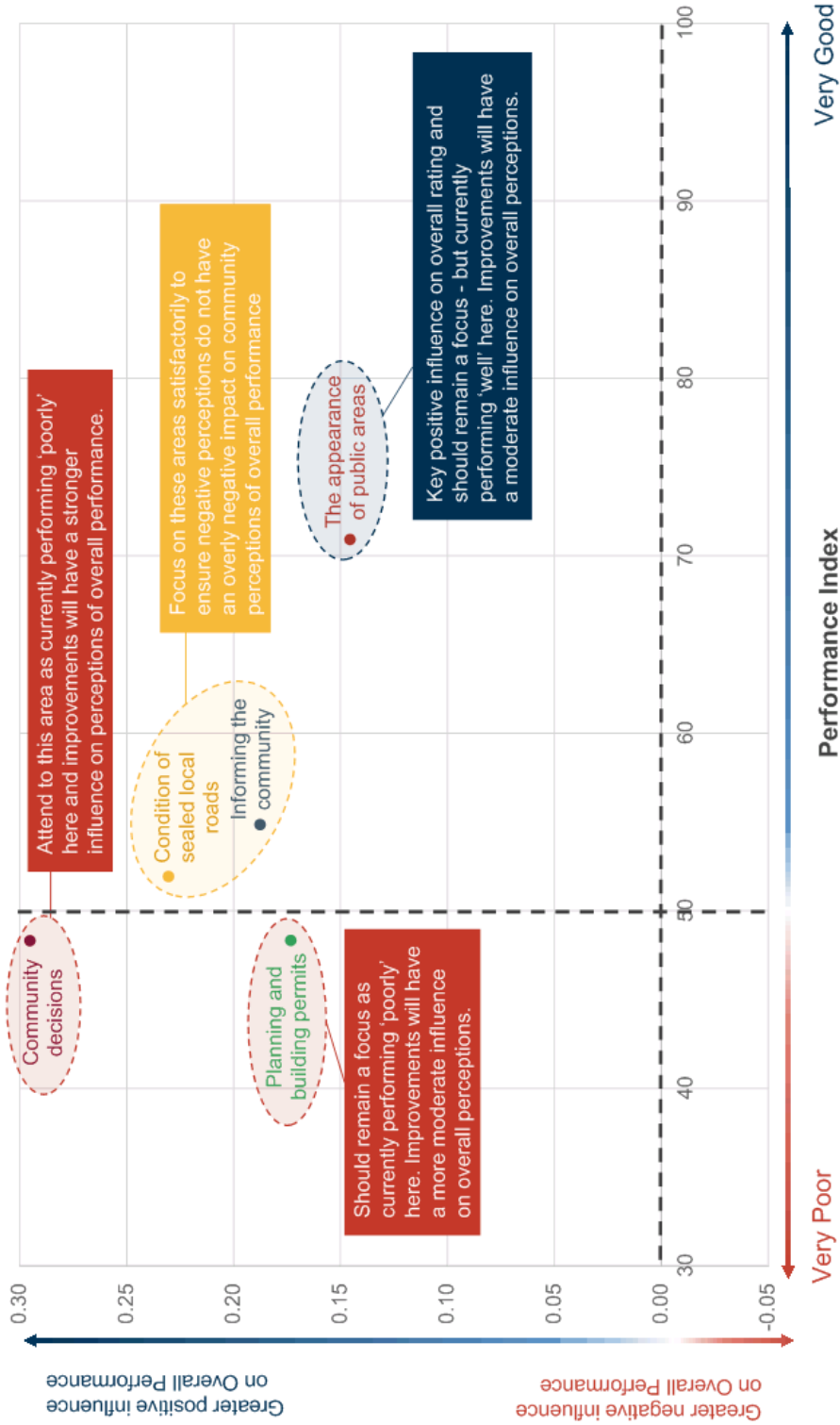


The multiple regression analysis model above (all service areas) has an R² value of 0.613 and adjusted R² value of 0.599, which means that 61% of the variance in community perceptions of overall performance can be predicted from these variables. The overall model effect was statistically significant at p = 0.0001, F = 43.57. This model should be interpreted with some caution as some data is not normally distributed and not all service areas have linear correlations.



Influence on overall performance: key service areas

2021 regression analysis (key service areas)

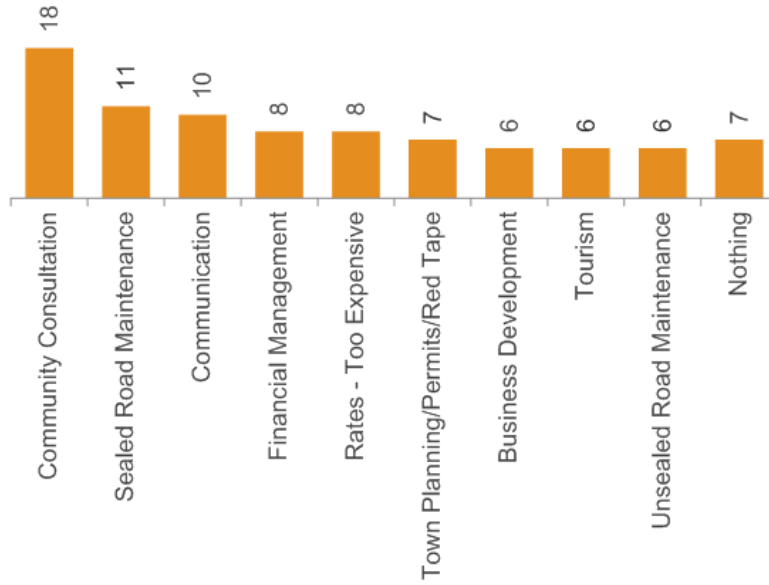


The multiple regression analysis model above (reduced set of service areas) has an R² value of 0.600 and adjusted R² value of 0.595, which means that 60% of the variance in community perceptions of overall performance can be predicted from these variables. The overall model effect was statistically significant at p = 0.0001, F = 118.27.



Areas for improvement

2021 areas for improvement (%)
- Top mentions only -



Q17. What does Swan Hill Rural City Council MOST need to do to improve its performance?
Base: All respondents. Councils asked state-wide: 45 Councils asked group: 12
A verbatim listing of responses to this question can be found in the accompanying dashboard.



Customer service

J W S R E S E A R C H 30



Contact with council and customer service

Contact with council

Fewer than two thirds of Council residents (63%) have had contact with Council in the last 12 months. Rate of contact is at Council's highest rate ever. Rate of contact is significantly higher among residents aged 35 to 49 years (77%) and significantly lower among those aged 65+ years (51%).

The main methods of contacting Council are by telephone (32%, up two points) and in person (31%, down four points).



Among those who had contact with Council, 59% provide a positive customer service rating of 'very good' or 'good', including 26% of residents who rate Council's customer service as 'very good'.

Customer service

Council's customer service index of 66 is down three points on 2020. While this is not a significant decline, perceptions of customer service are trending downward following a slight drop in 2020. Customer service ratings are now at their lowest point since 2014, a trend that Council should seek to arrest.

- Customer service is rated in line with the Large Rural council group average and significantly lower than the State-wide average (index scores of 68 and 70 respectively).

Among those who have had contact with Council, six in ten residents (59%) provide a positive customer service rating of 'very good' or 'good'.

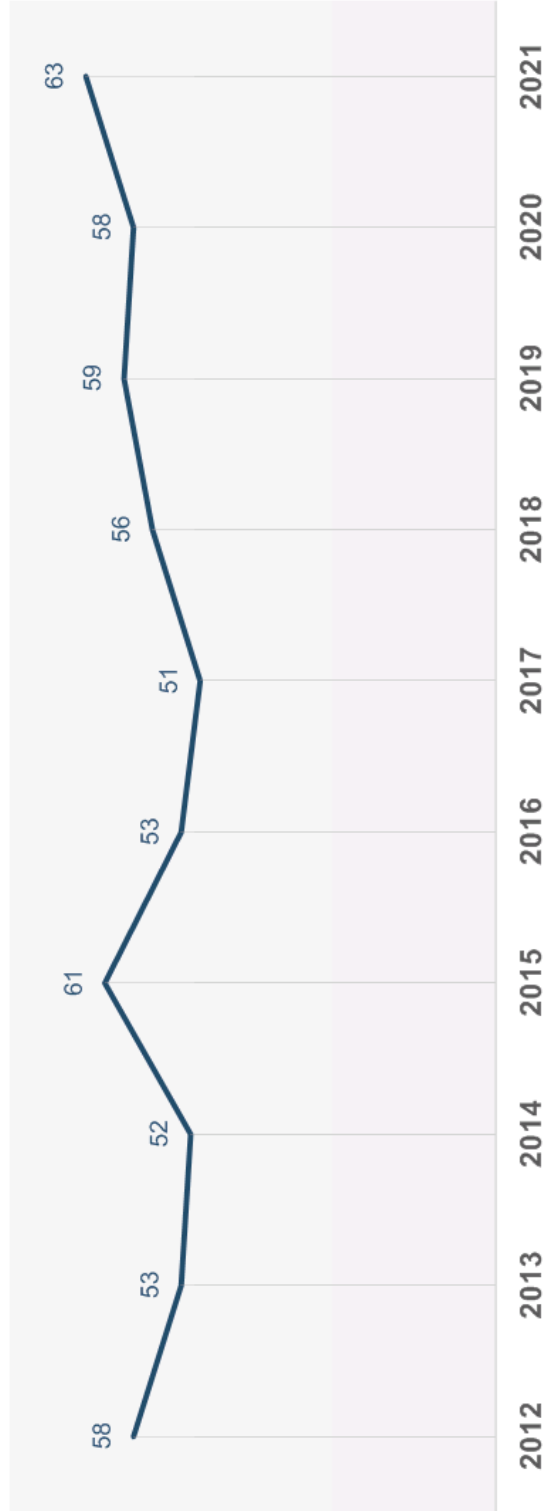
- Perceptions of customer service are lowest among Lakes residents (index score of 49, significantly below average, noting the small sample size) and highest among residents aged 65 years and over (index score of 70).

Customer service ratings are highest among those who contacted Council in person (index score of 69) and lowest among those who contacted Council by telephone (index score of 60).



Contact with council

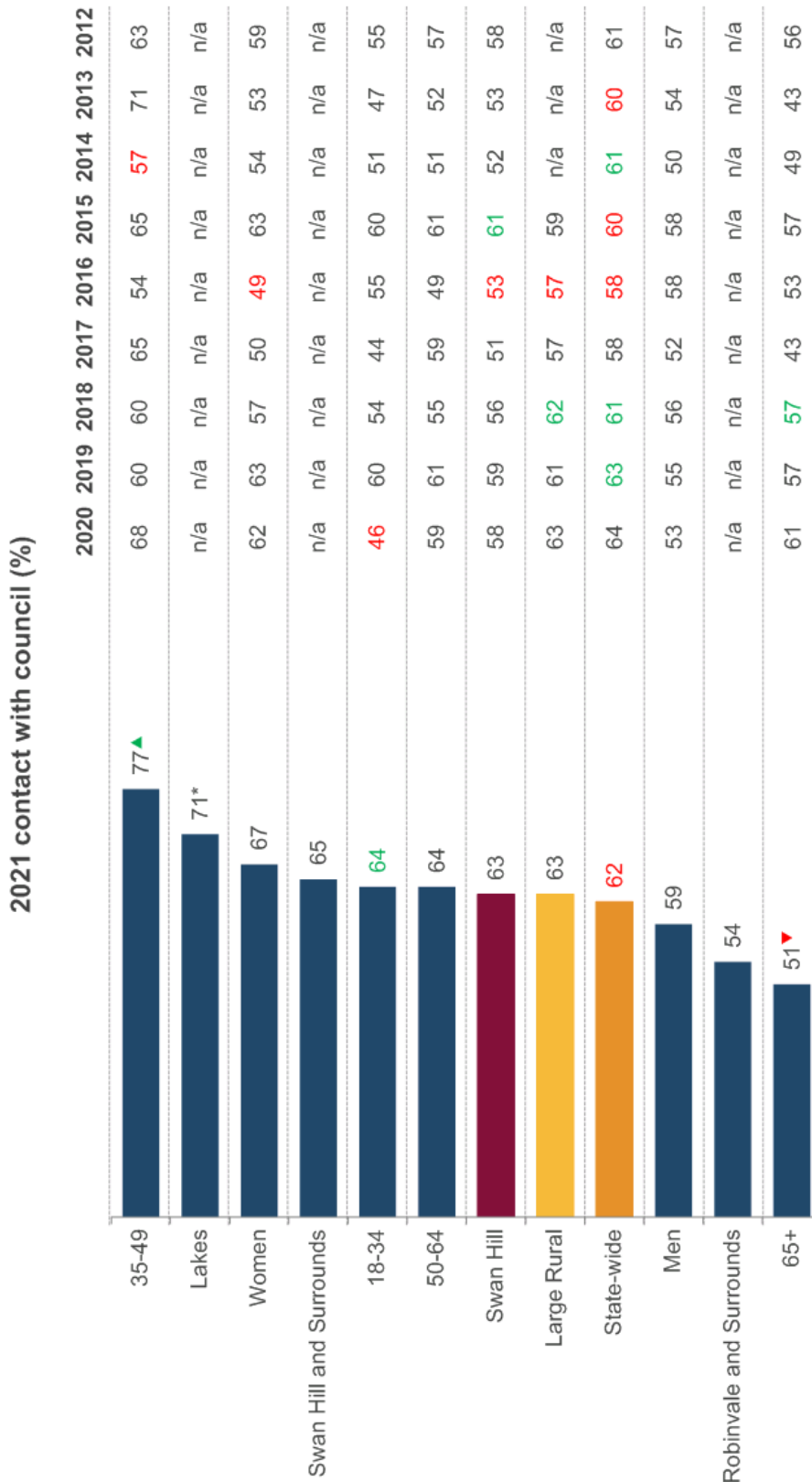
2021 contact with council (%)
Have had contact



Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 27 Councils asked group: 9



Contact with council



Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?

Base: All respondents. Councils asked state-wide: 27 Councils asked group: 9

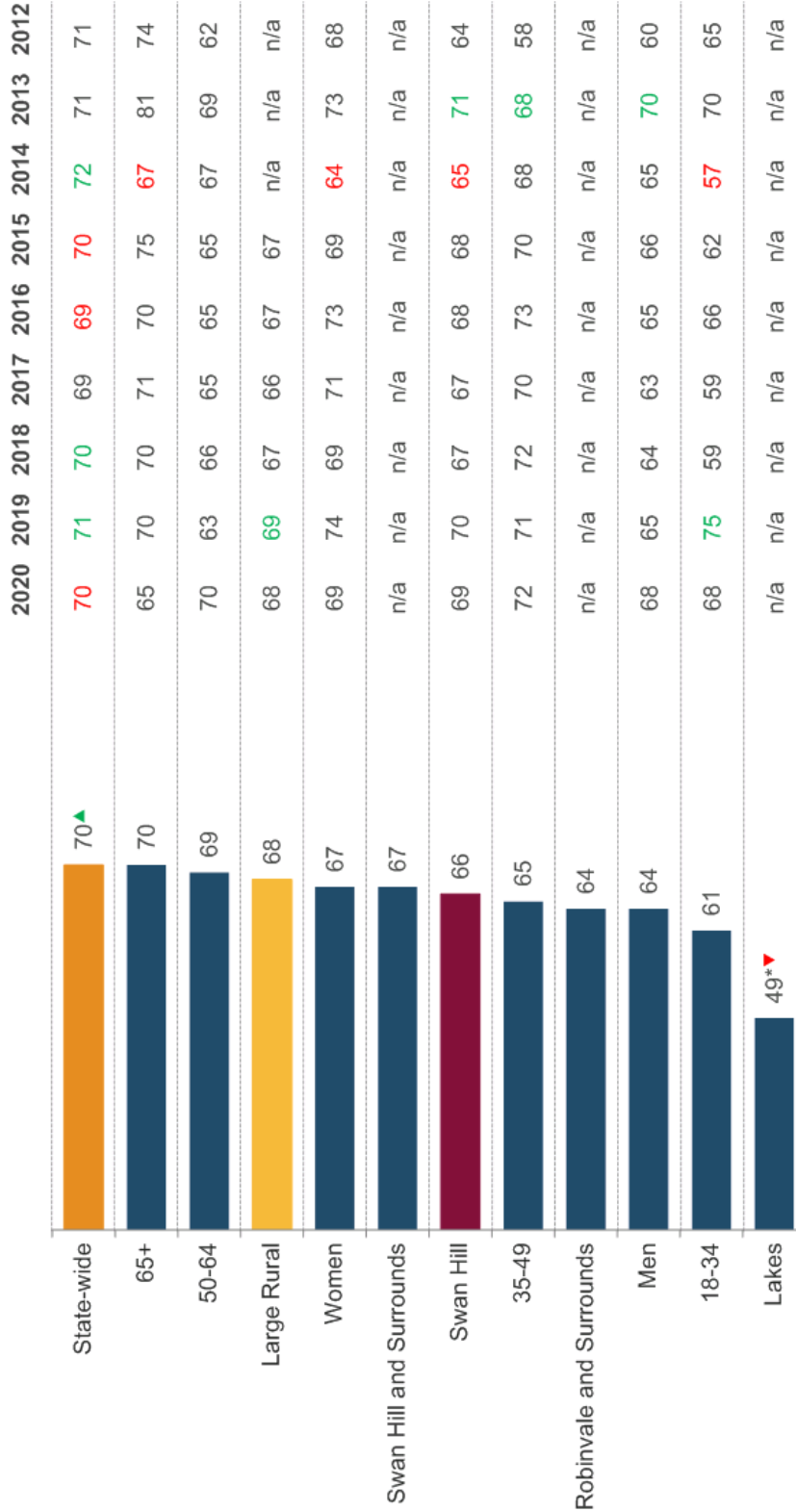
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30



Customer service rating

2021 customer service rating (index scores)

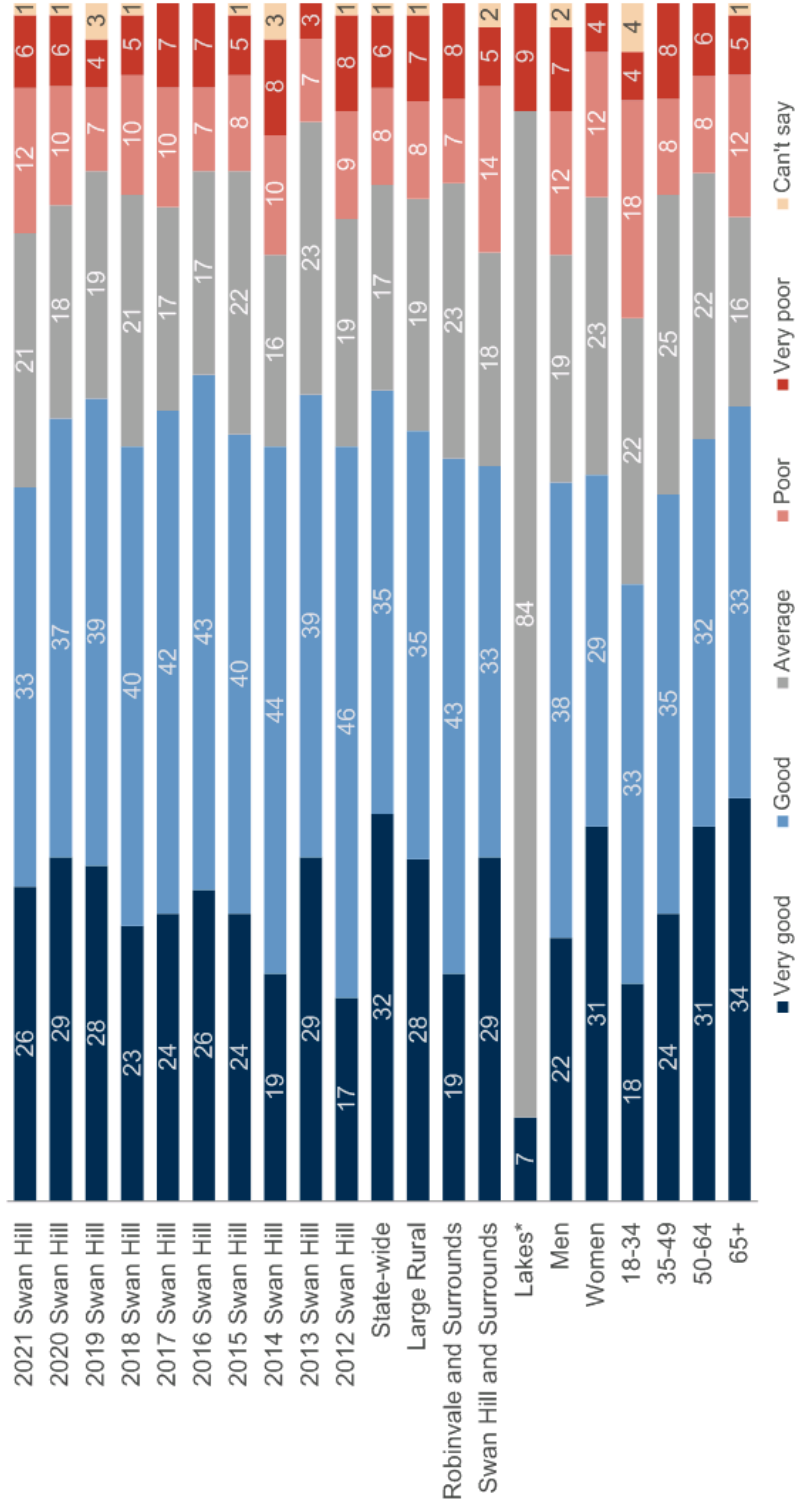


Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service?
 Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
 Base: All respondents who have had contact with Council in the last 12 months.
 Councils asked state-wide: 66 Councils asked group: 19
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Customer service rating

2021 customer service rating (%)



Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

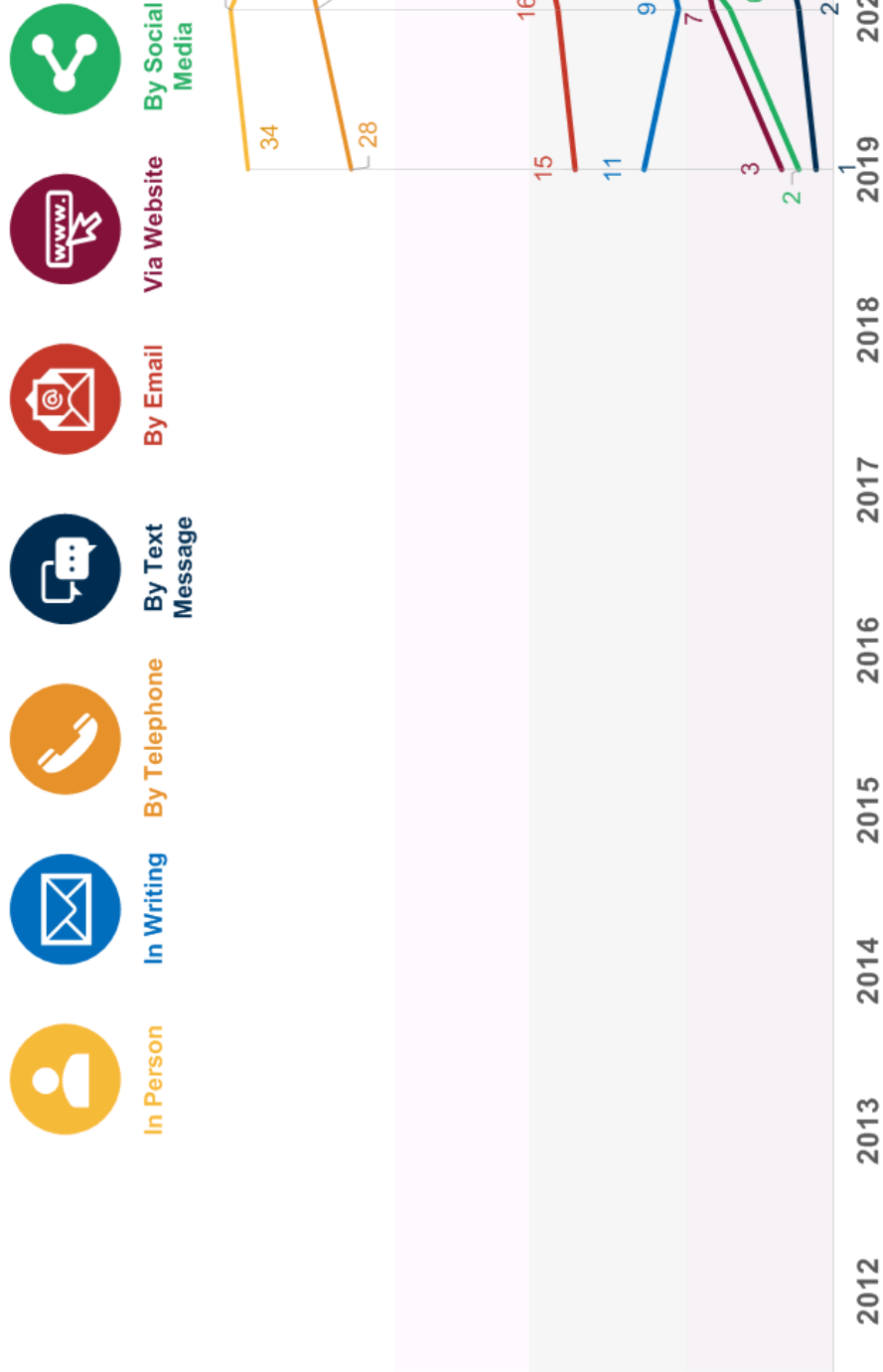
Councils asked state-wide: 66 Councils asked group: 19

*Caution: small sample size < n=30



Method of contact with council

2021 method of contact (%)

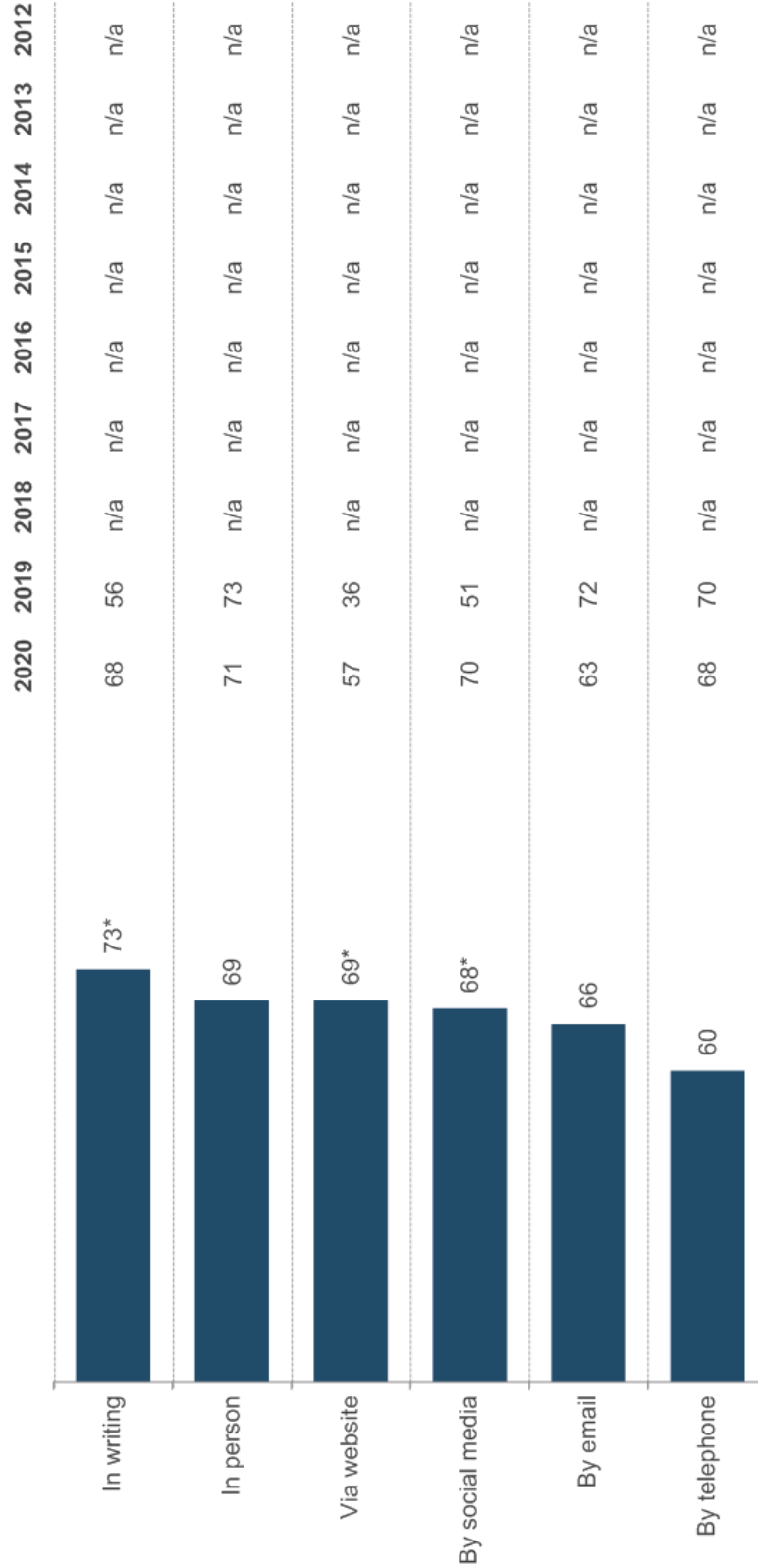


Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
 Base: All respondents. Councils asked state-wide: 27 Councils asked group: 9
 Note: Respondents could name multiple contact methods so responses may add to more than 100%



Customer service rating by method of last contact

2021 customer service rating (index score by method of last contact)



Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 27 Councils asked group: 9

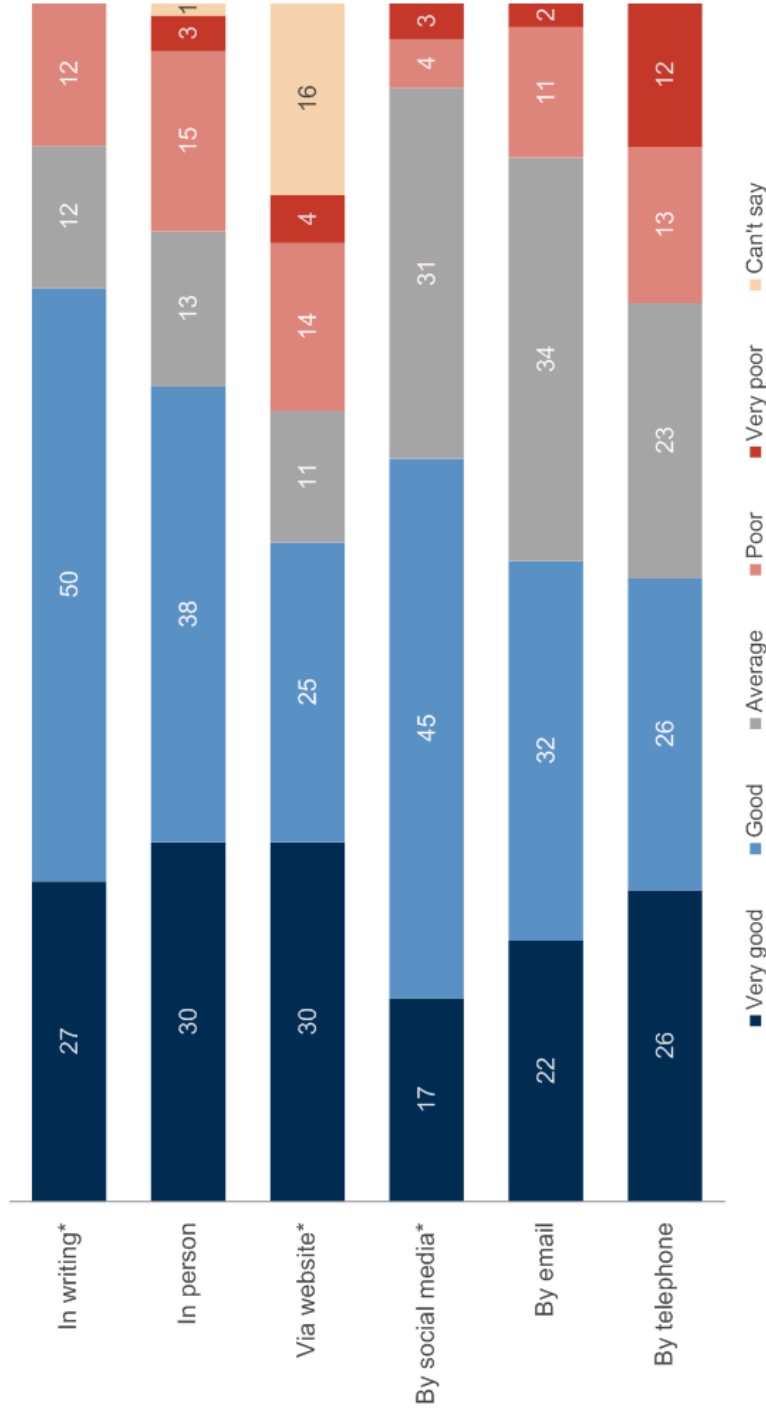
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30



Customer service rating by method of last contact

2021 customer service rating (% by method of last contact)



Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service?
Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 27 Councils asked group: 9

*Caution: small sample size < n=30



J W S R E S E A R C H 39

Communication



Communication

The preferred form of communication from Council is newsletters sent via email (22%), followed by newsletters via mail and advertising in a local newspaper (both 18%). The greatest change since 2020 has been the increase in preference for newsletter sent via email, which increased by seven points.

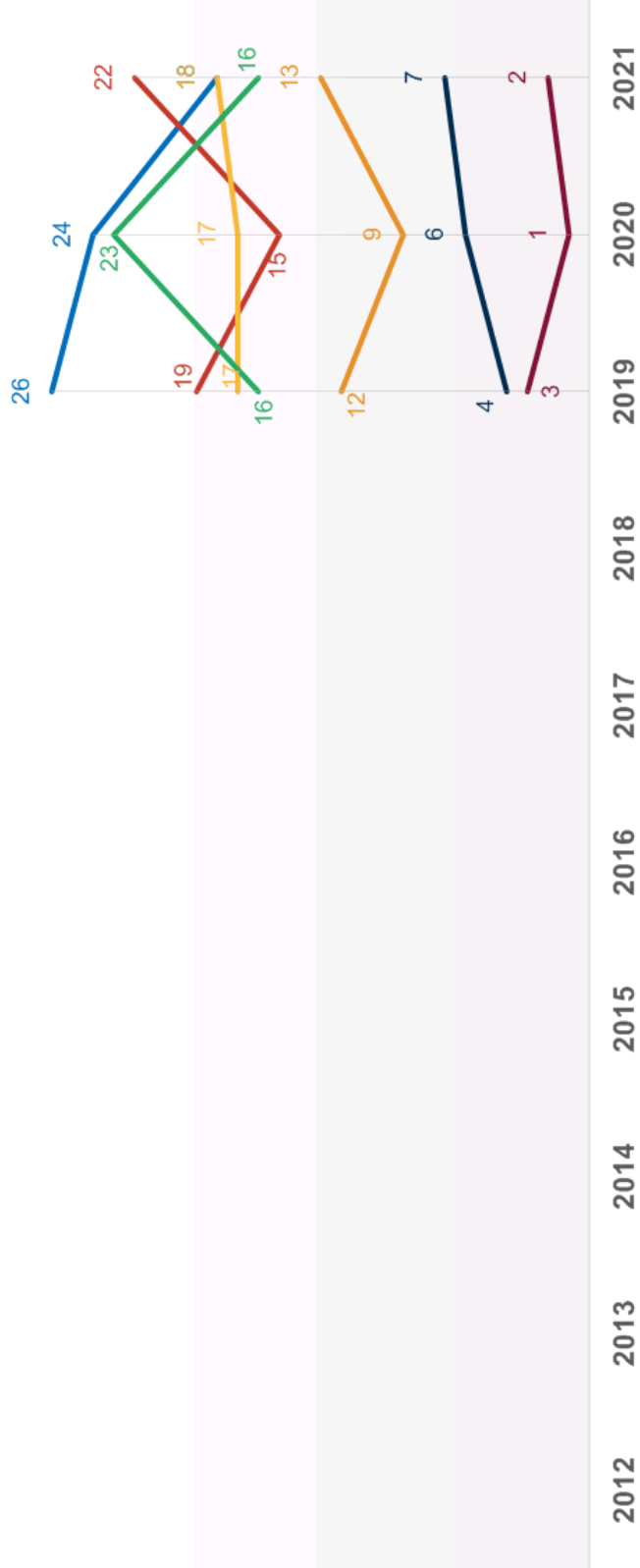
- The preferred form of communication among under 50s is newsletters sent via email (28%) followed by social media (26%) – noting that preferences have not stabilised and are changing over time.
- The preferred form of communication among over 50s is newsletters sent via mail (25%) followed by advertising in a local newspaper (22%).





Best form of communication

2021 best form of communication (%)

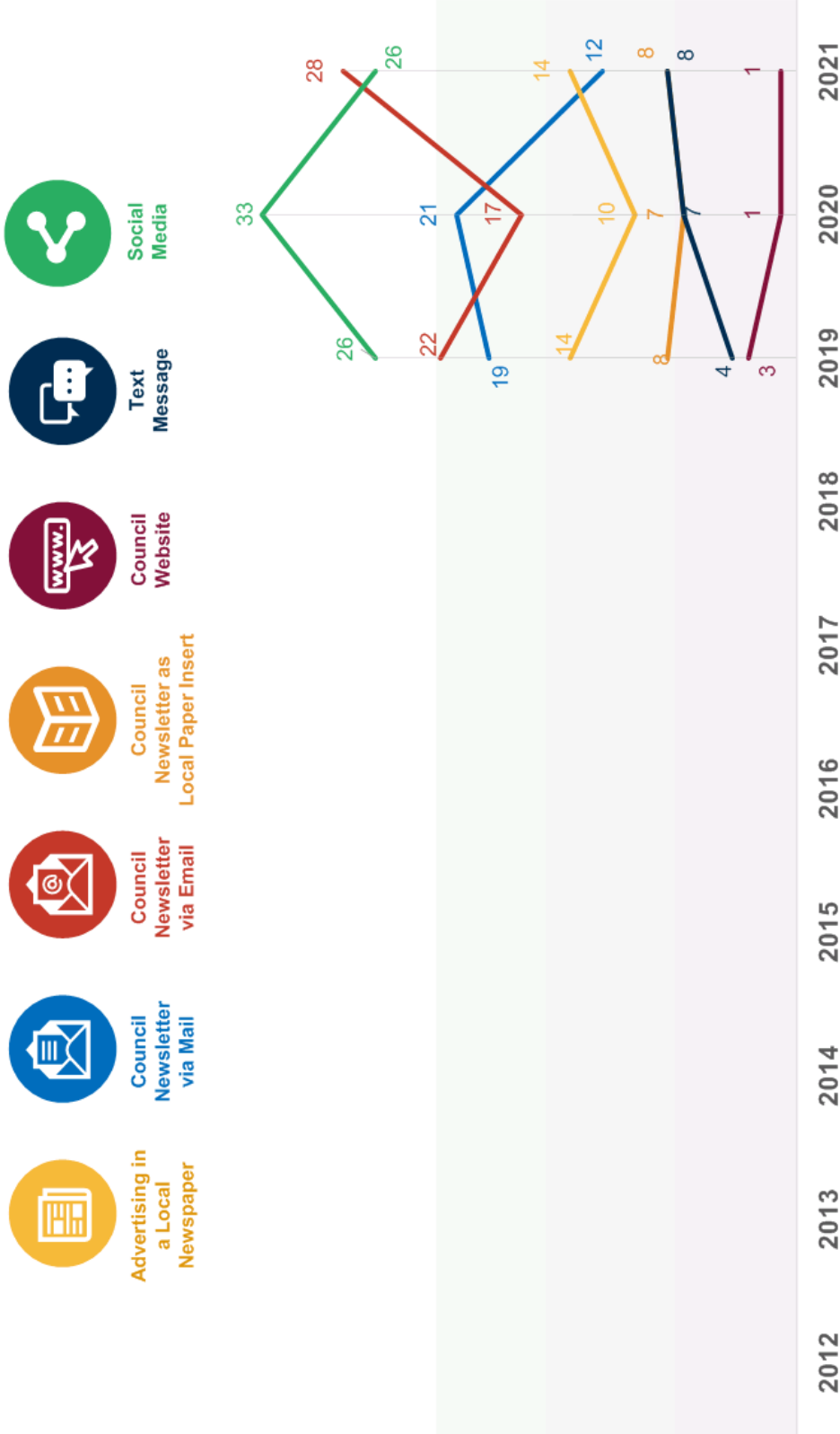


Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?
 Base: All respondents. Councils asked state-wide: 35 Councils asked group: 10
 Note: 'Social Media' was included in 2019.



Best form of communication: under 50s

2021 under 50s best form of communication (%)



Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?

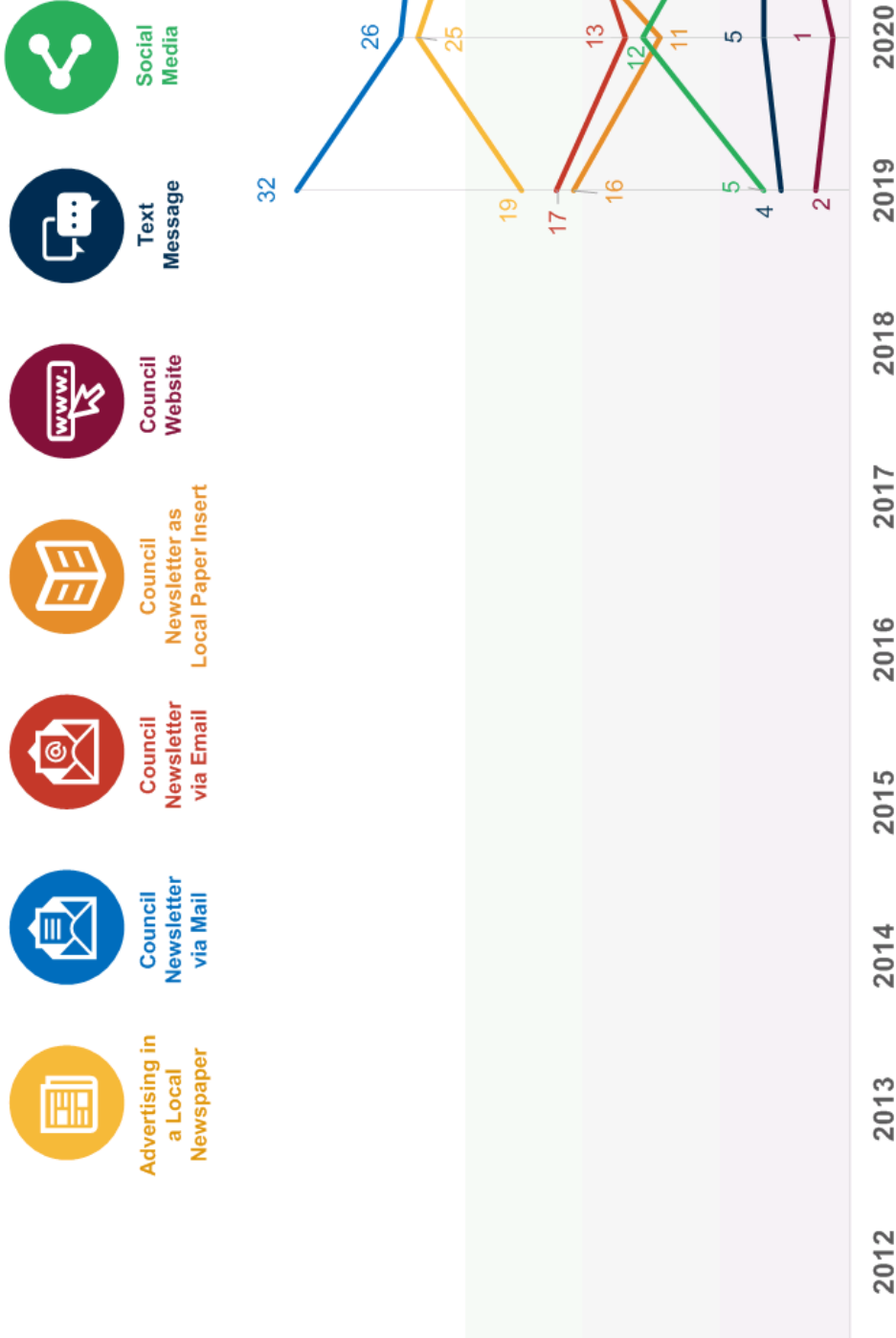
Base: All respondents aged under 50. Councils asked state-wide: 35 Councils asked group: 10

Note: 'Social Media' was included in 2019.



Best form of communication: over 50s

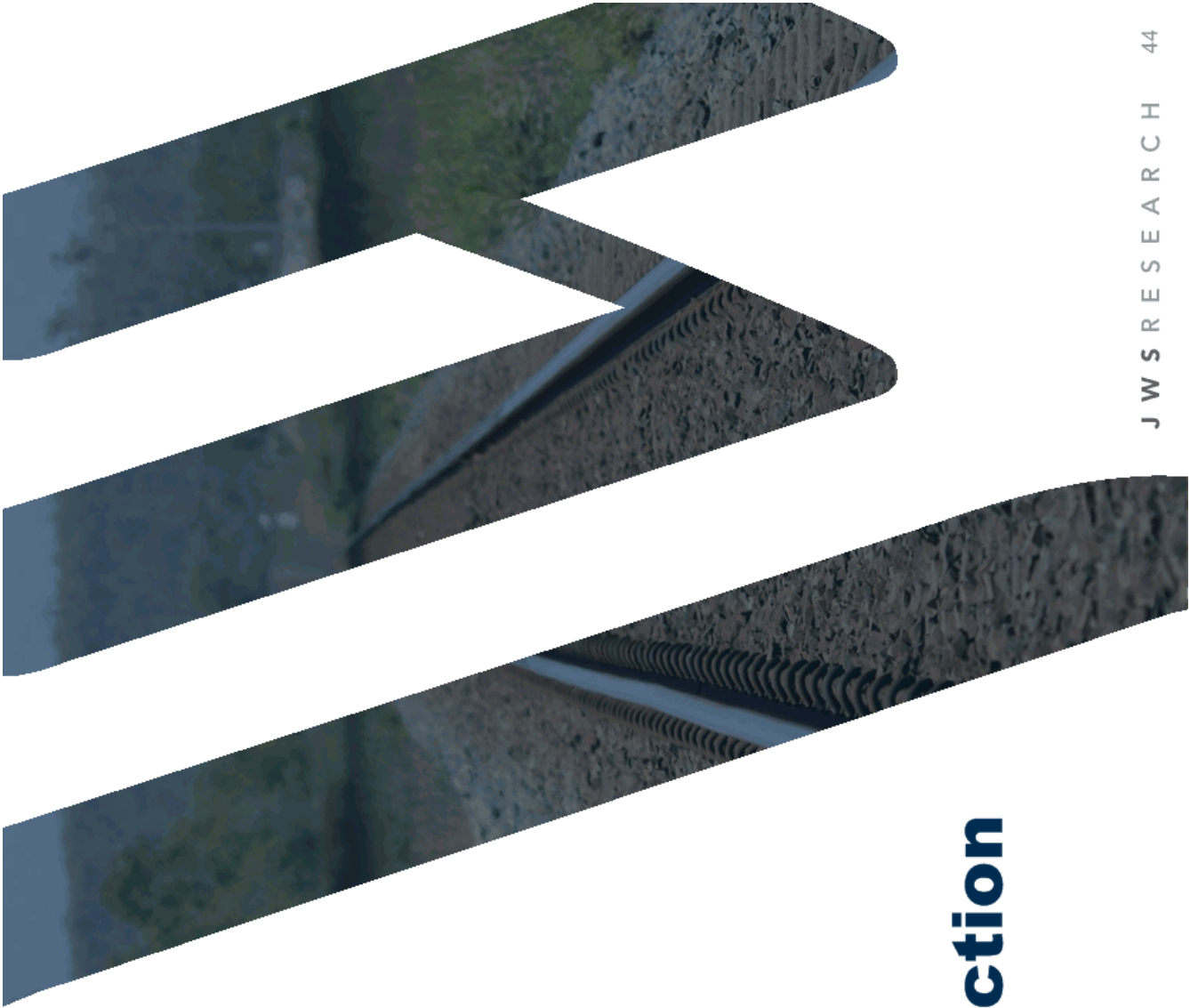
2021 over 50s best form of communication (%)



Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?

Base: All respondents aged over 50. Councils asked state-wide: 35 Councils asked group: 10

Note: 'Social Media' was included in 2019.



Council direction

J W S R E S E A R C H 44



Council direction

Perceptions of Council's overall direction is up two points on last year, to an index score of 52.

Two thirds of residents (66%) believe the direction of Council's overall performance has stayed the same over the last 12 months (up eight points on 2020).

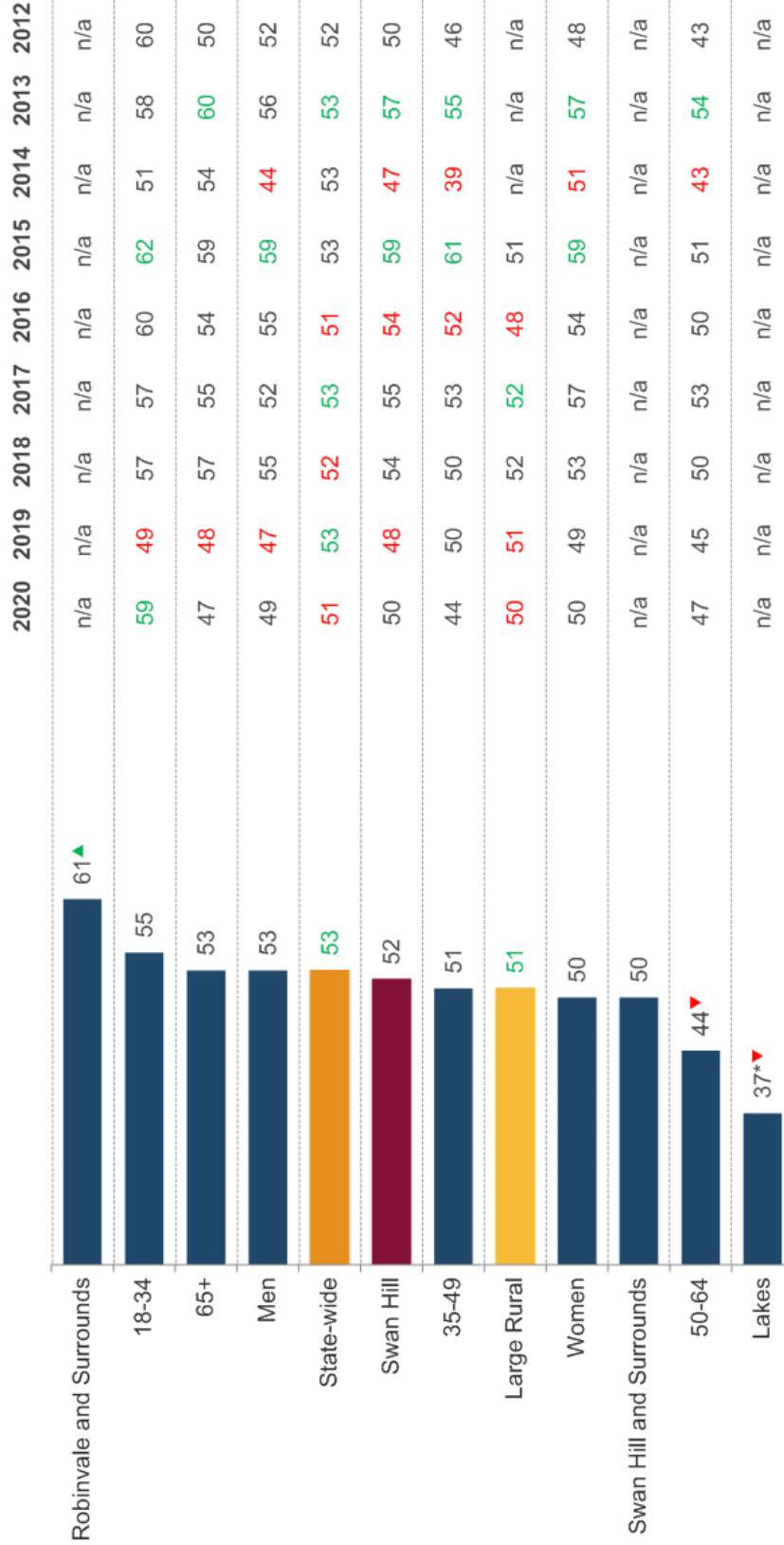
- 17% believe the direction has improved, down two points .
 - 14% believe it has deteriorated, down five points.
 - The most satisfied with Council direction are Robinvale and Surrounds residents. Perceptions of Council direction are significantly higher than average among this group.
 - The least satisfied with Council direction are Lakes residents and those aged 50 to 64 years. Perceptions are significantly below average among both groups.
- Residents are more likely to prefer cuts in Council services to keep Council rates at the same level as they are now (49%) over Council rate rises to improve local services (29%). Perceptions are consistent with recent years.





Overall council direction last 12 months

2021 overall council direction (index scores)



Q6. Over the last 12 months, what is your view of the direction of Swan Hill Rural City Council's overall performance?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

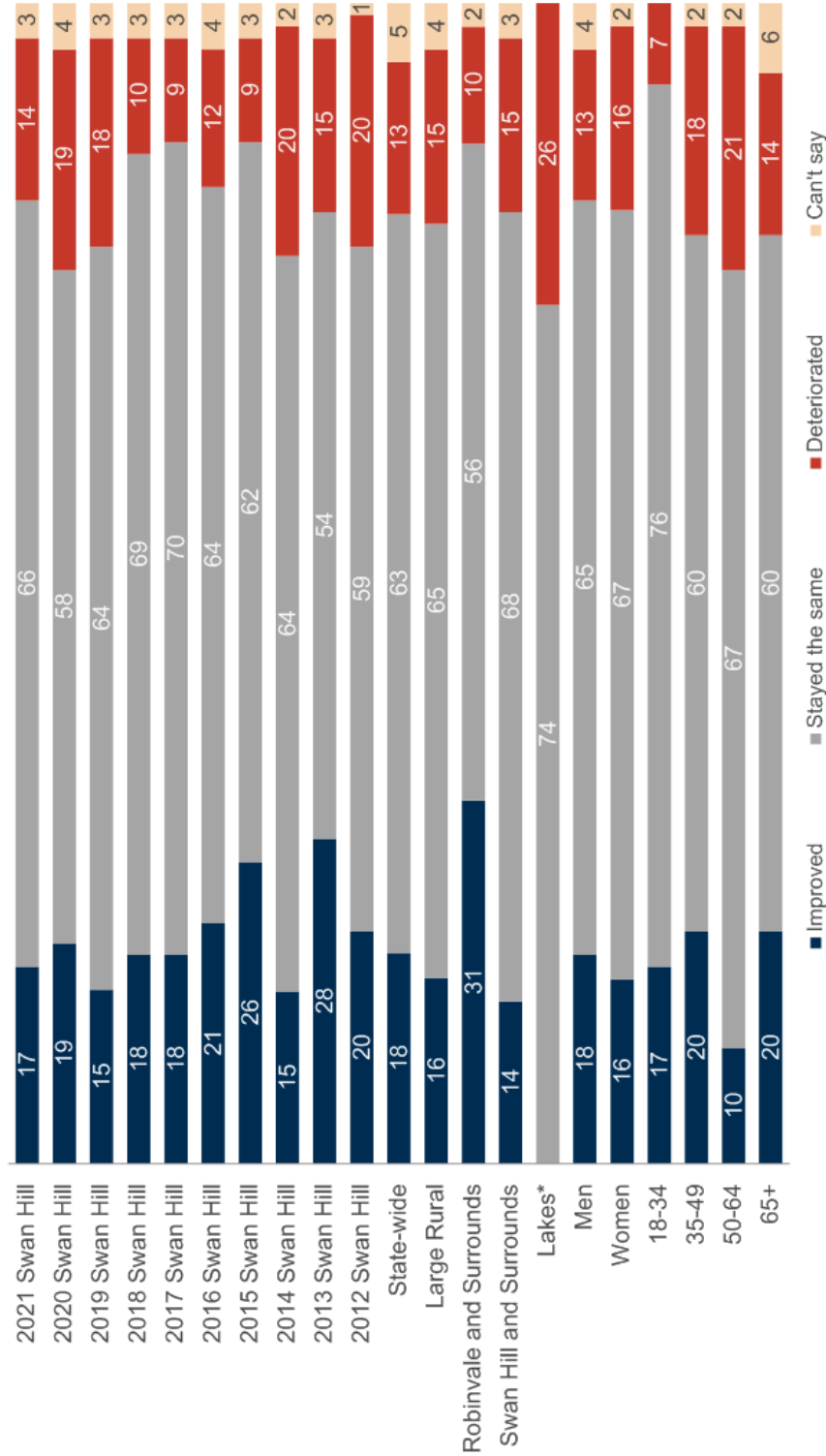
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30



Overall council direction last 12 months

2021 overall council direction (%)



Q6. Over the last 12 months, what is your view of the direction of Swan Hill Rural City Council's overall performance?

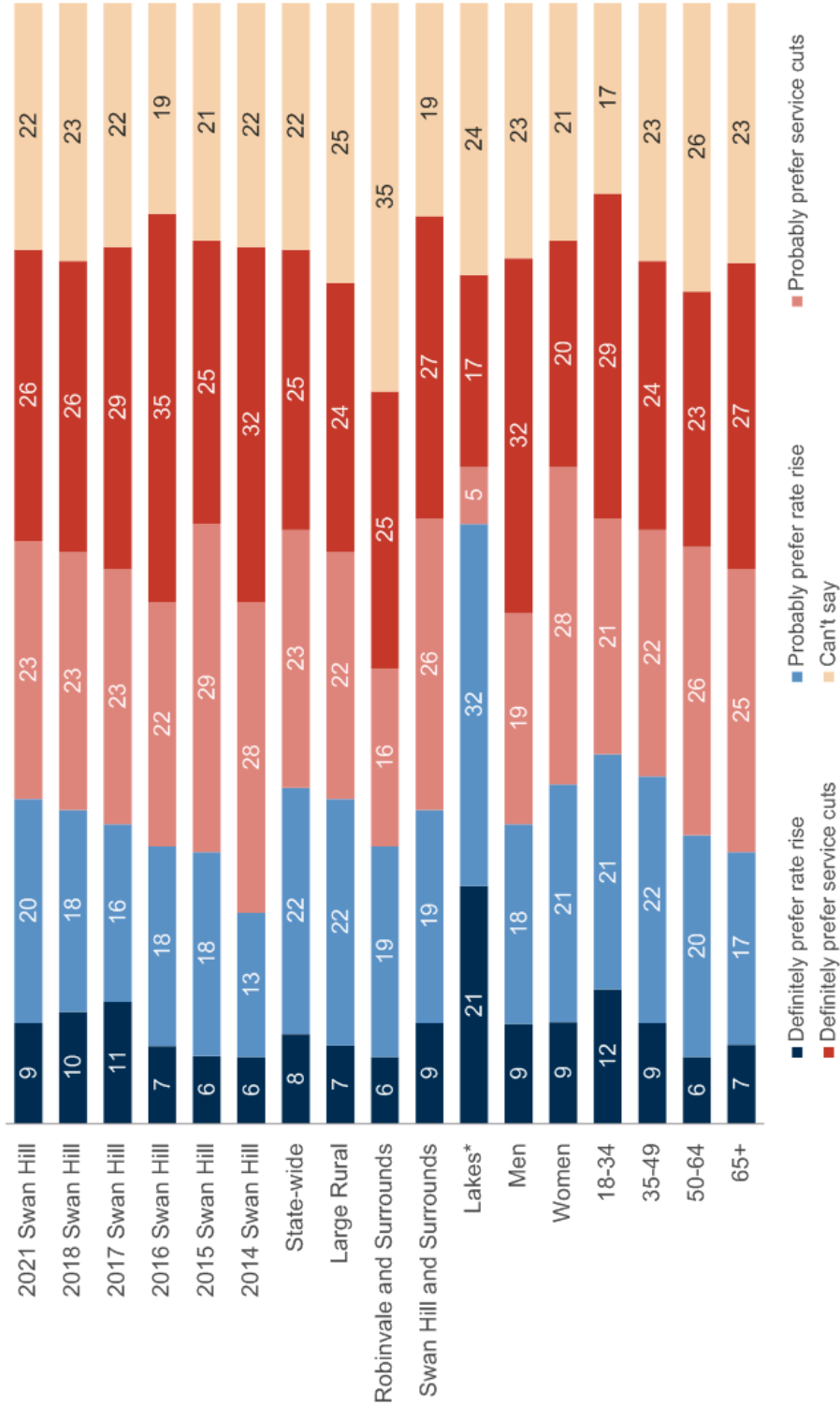
Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

*Caution: small sample size < n=30



Rates / services trade-off

2021 rates / services trade-off (%)



Q10. If you had to choose, would you prefer to see council rate rises to improve local services OR would you prefer to see cuts in council services to keep council rates at the same level as they are now?

Base: All respondents. Councils asked state-wide: 16 Councils asked group: 5
 *Caution: small sample size < n=30



Individual service areas

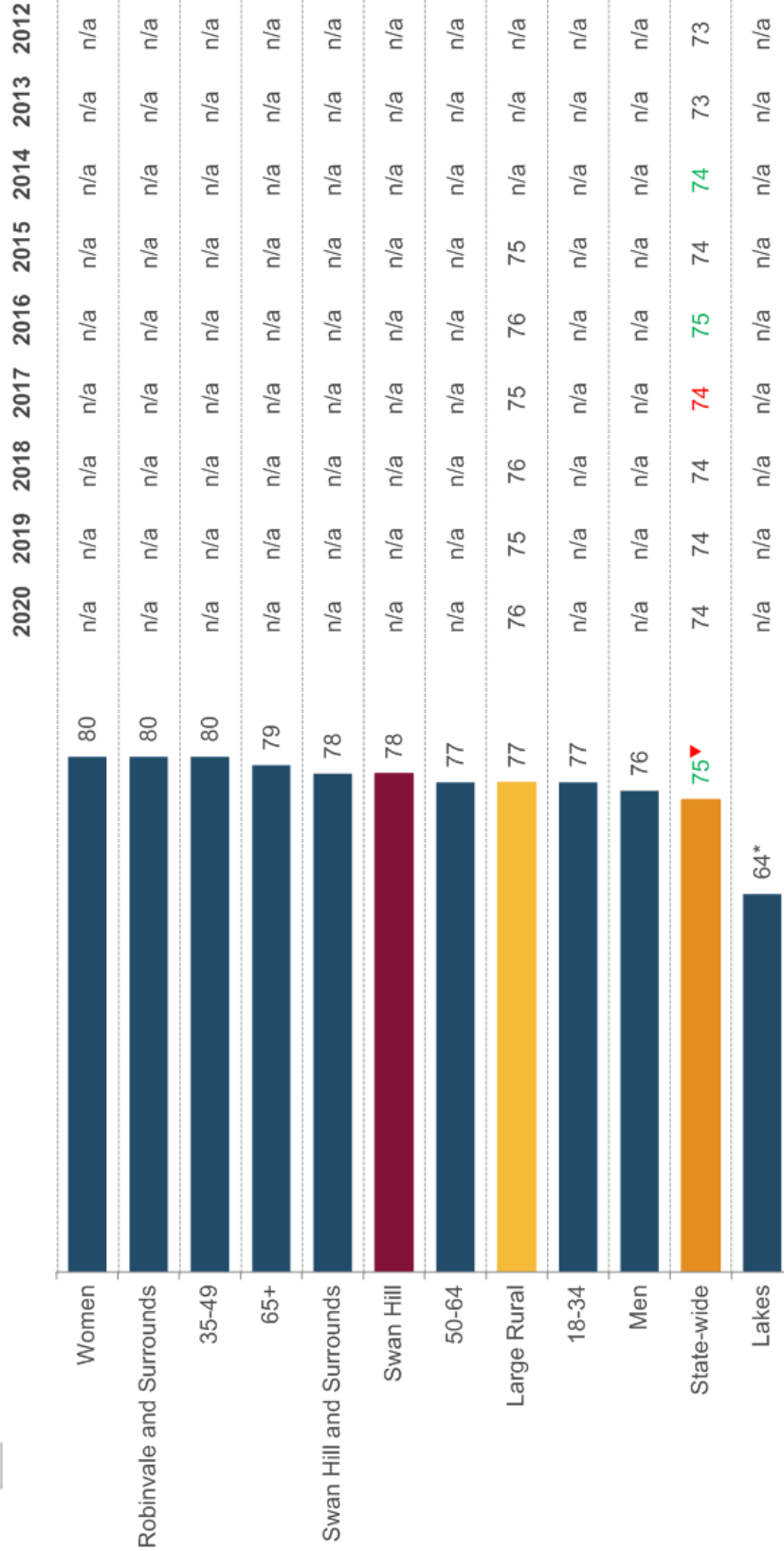
J W S R E S E A R C H 49



Community consultation and engagement importance



2021 consultation and engagement importance (index scores)



Q1. Firstly, how important should 'Community consultation and engagement' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 29 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.

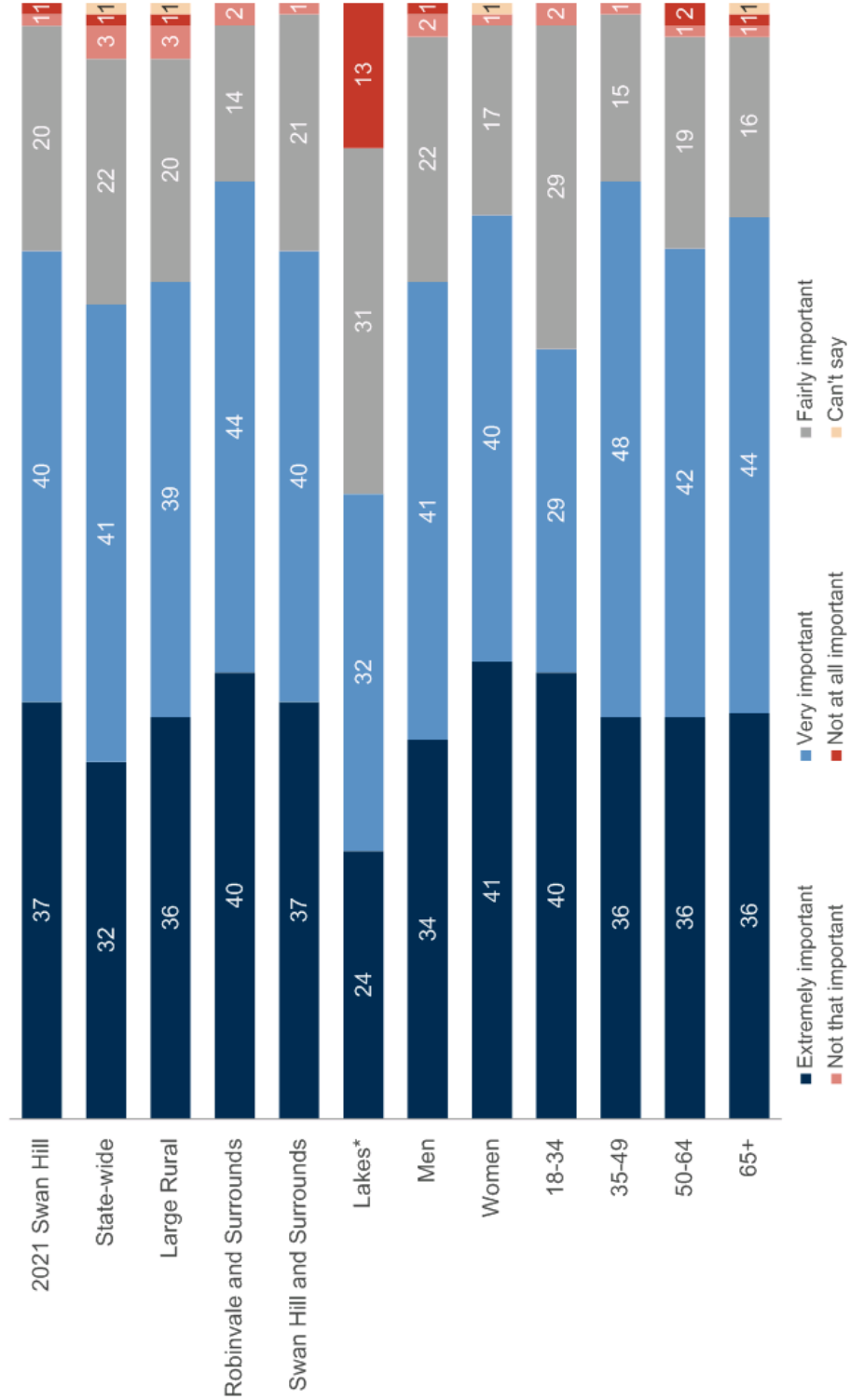
*Caution: small sample size < n=30



Community consultation and engagement importance



2021 consultation and engagement importance (%)



Q1. Firstly, how important should 'Community consultation and engagement' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 29 Councils asked group: 9

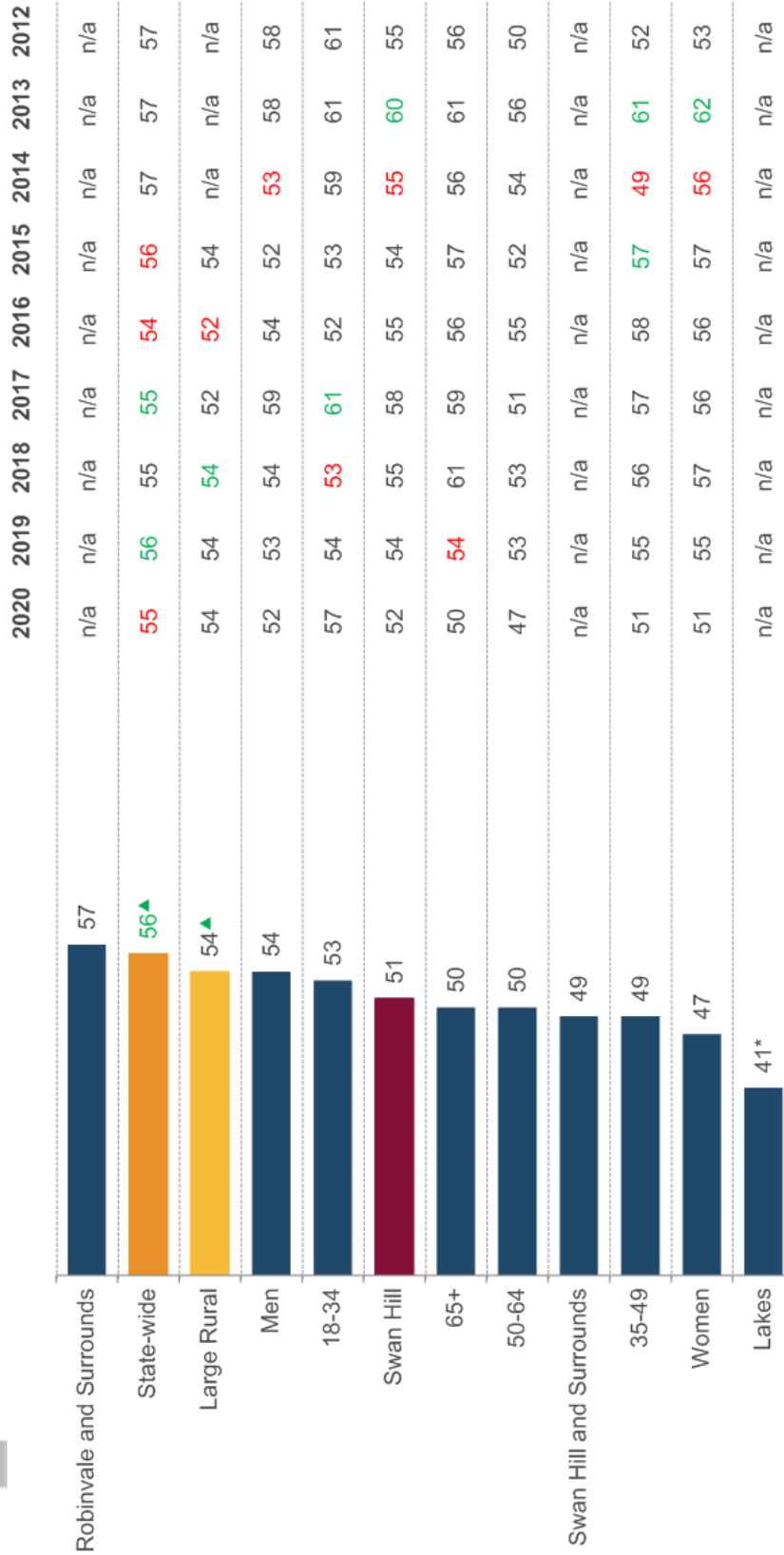
*Caution: small sample size < n=30



Community consultation and engagement performance



2021 consultation and engagement performance (index scores)



Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

Note: Please see Appendix A for explanation of significant differences.

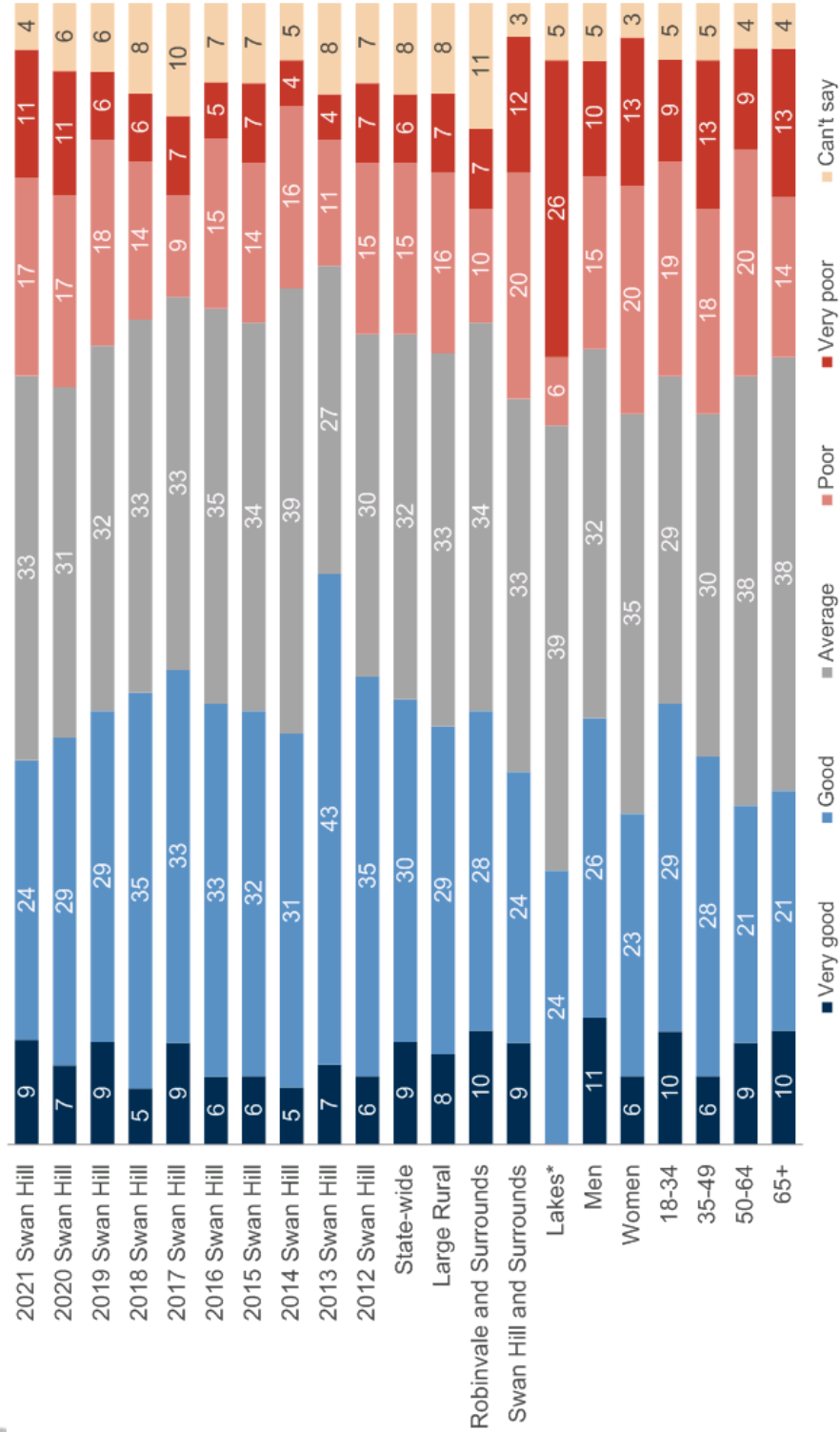
*Caution: small sample size < n=30



Community consultation and engagement performance



2021 consultation and engagement performance (%)

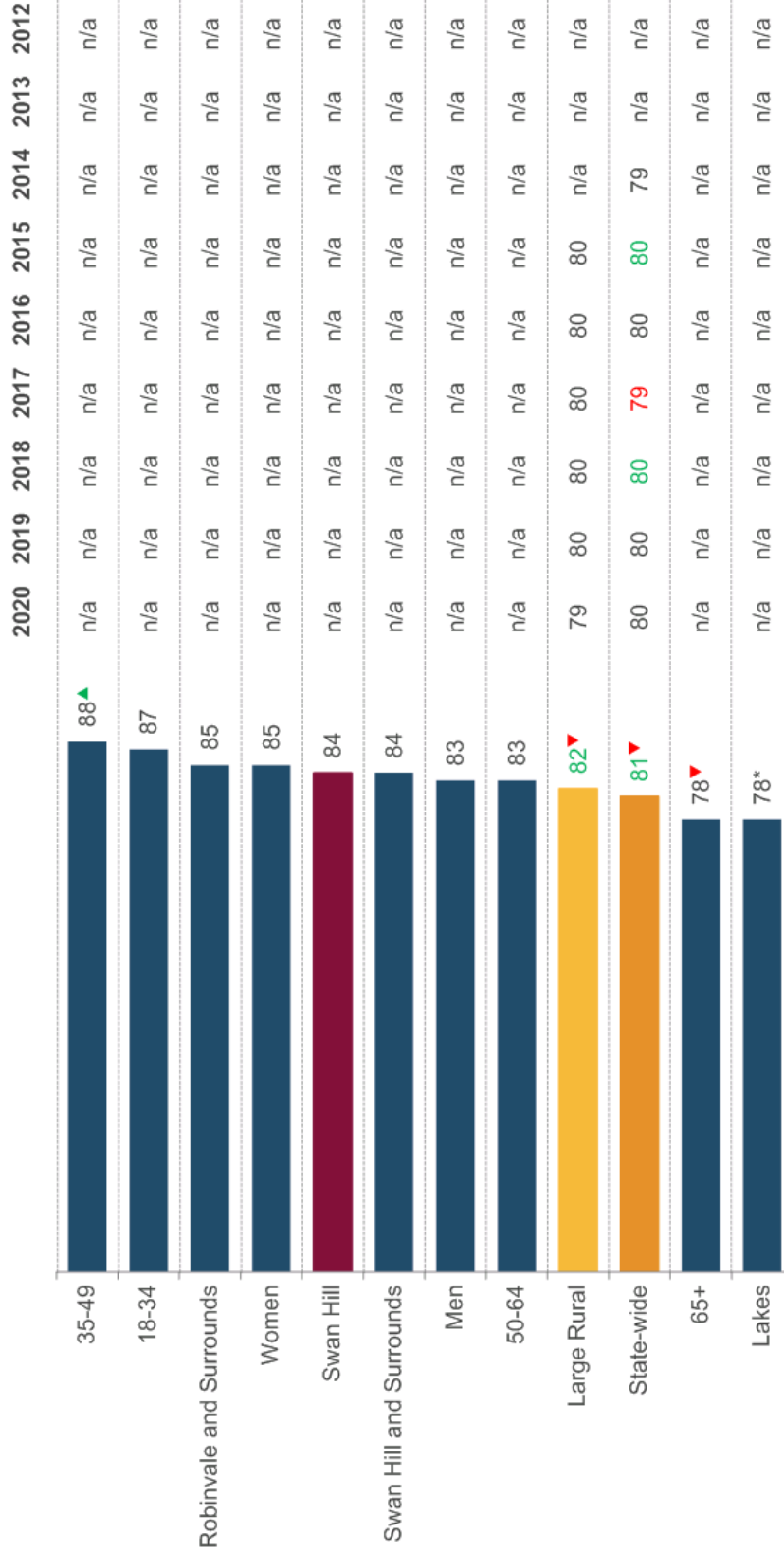


Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 *Caution: small sample size < n=30

Decisions made in the interest of the community importance



2021 community decisions made importance (index scores)



Q1. Firstly, how important should 'Decisions made in the interest of the community' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 24 Councils asked group: 8

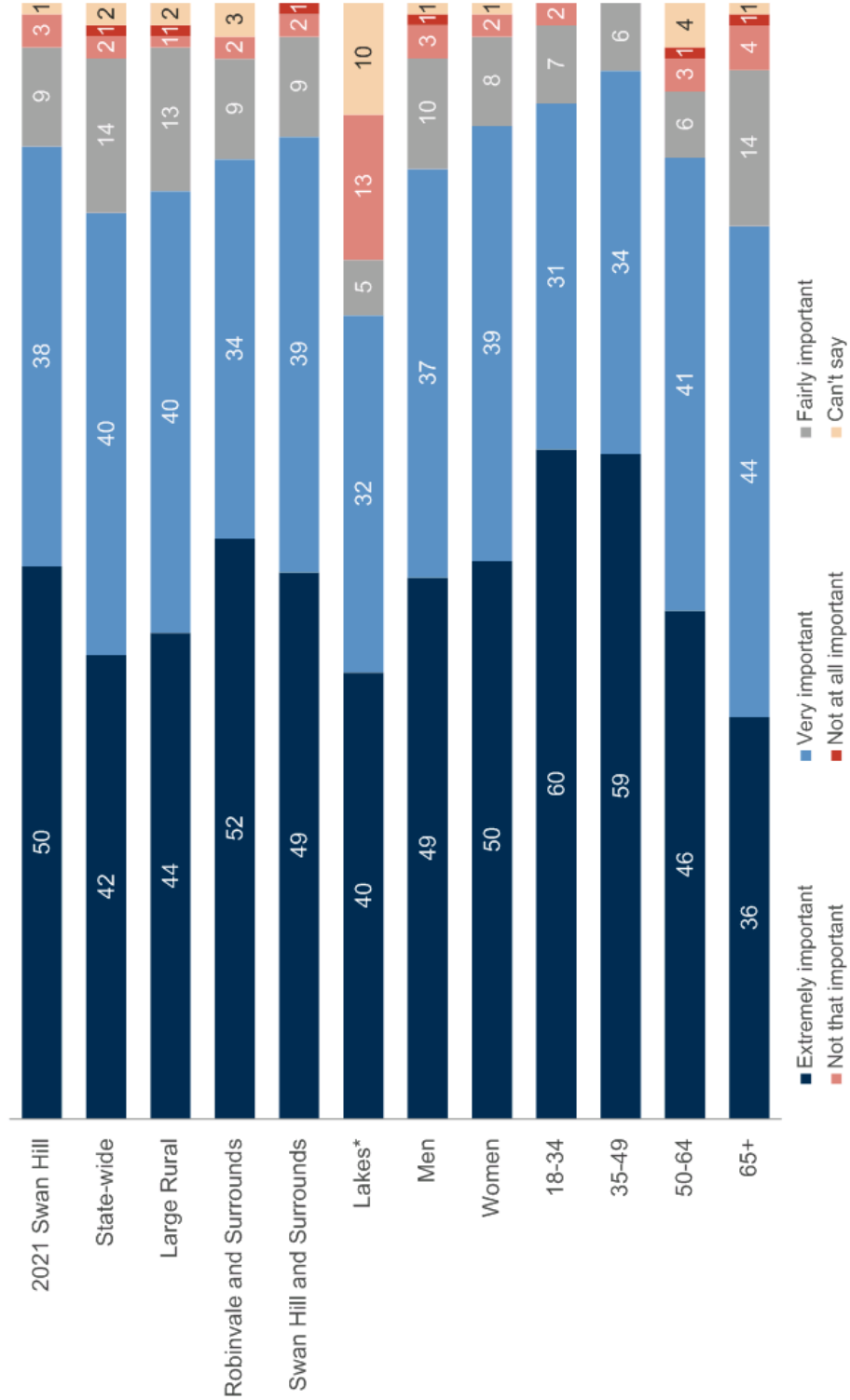
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

Decisions made in the interest of the community importance



2021 community decisions made importance (%)



Q1. Firstly, how important should 'Decisions made in the interest of the community' be as a responsibility for Council?

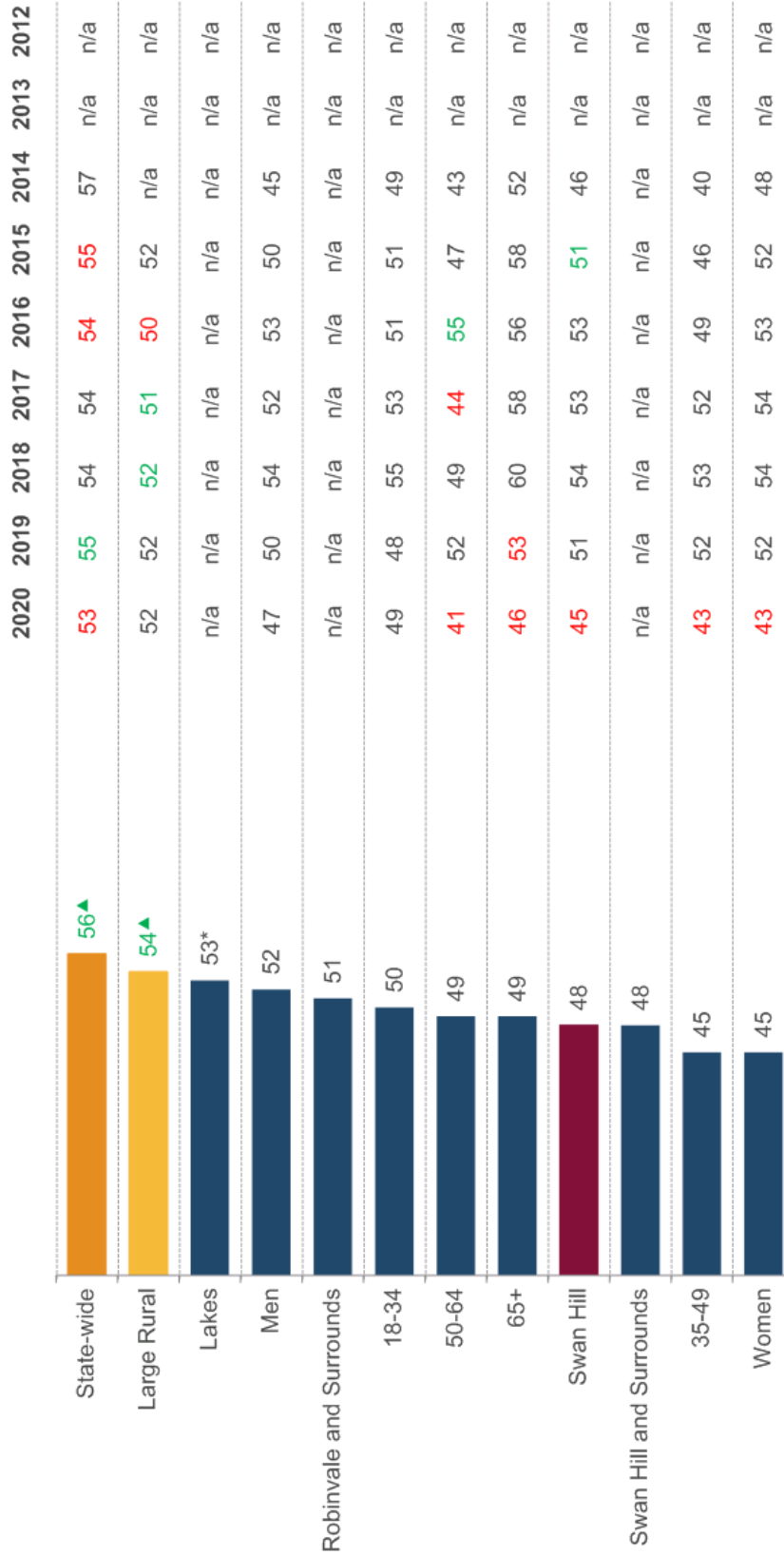
Base: All respondents. Councils asked state-wide: 24 Councils asked group: 8

*Caution: small sample size < n=30

Decisions made in the interest of the community performance



2021 community decisions made performance (index scores)



Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

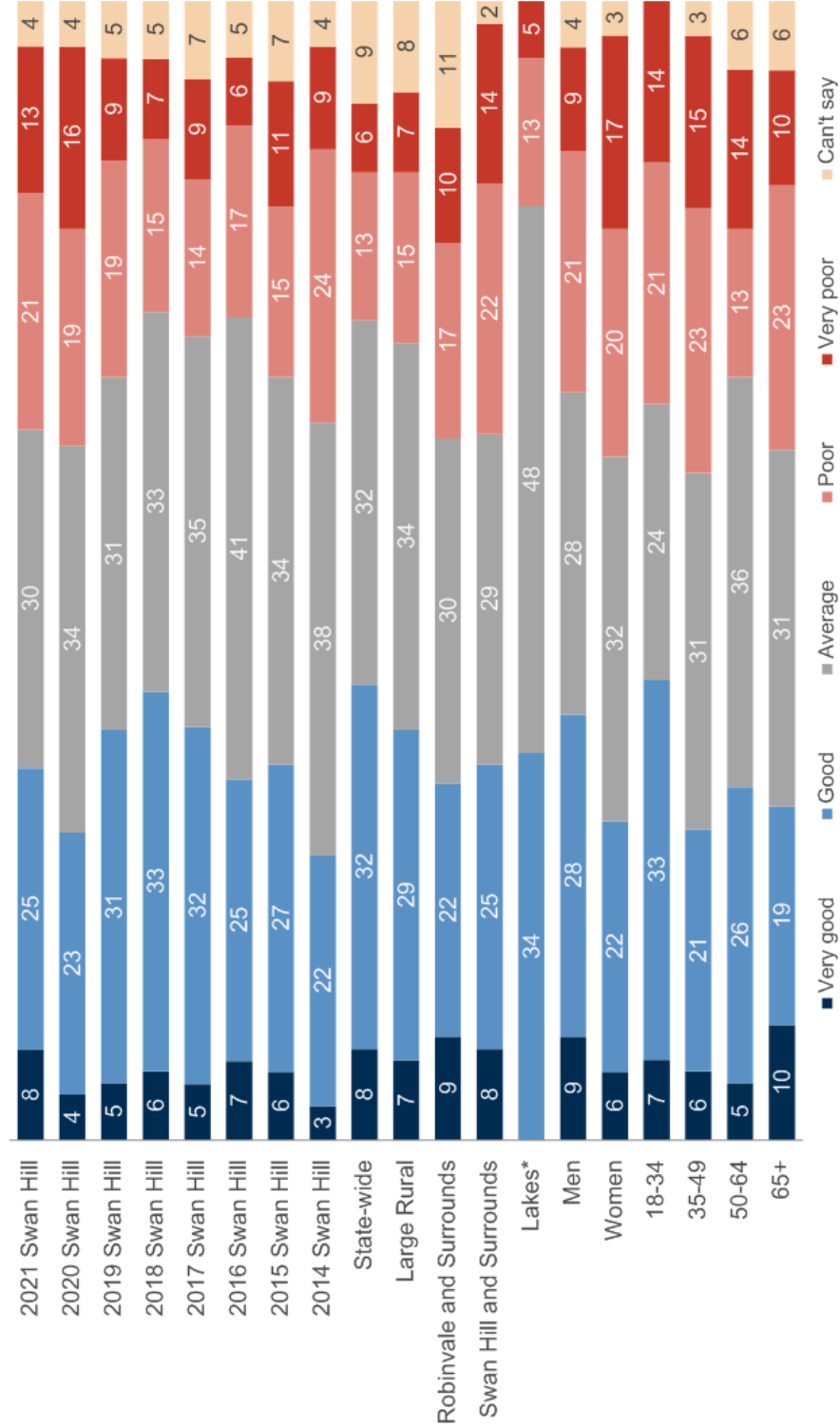
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

Decisions made in the interest of the community performance



2021 community decisions made performance (%)



Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?

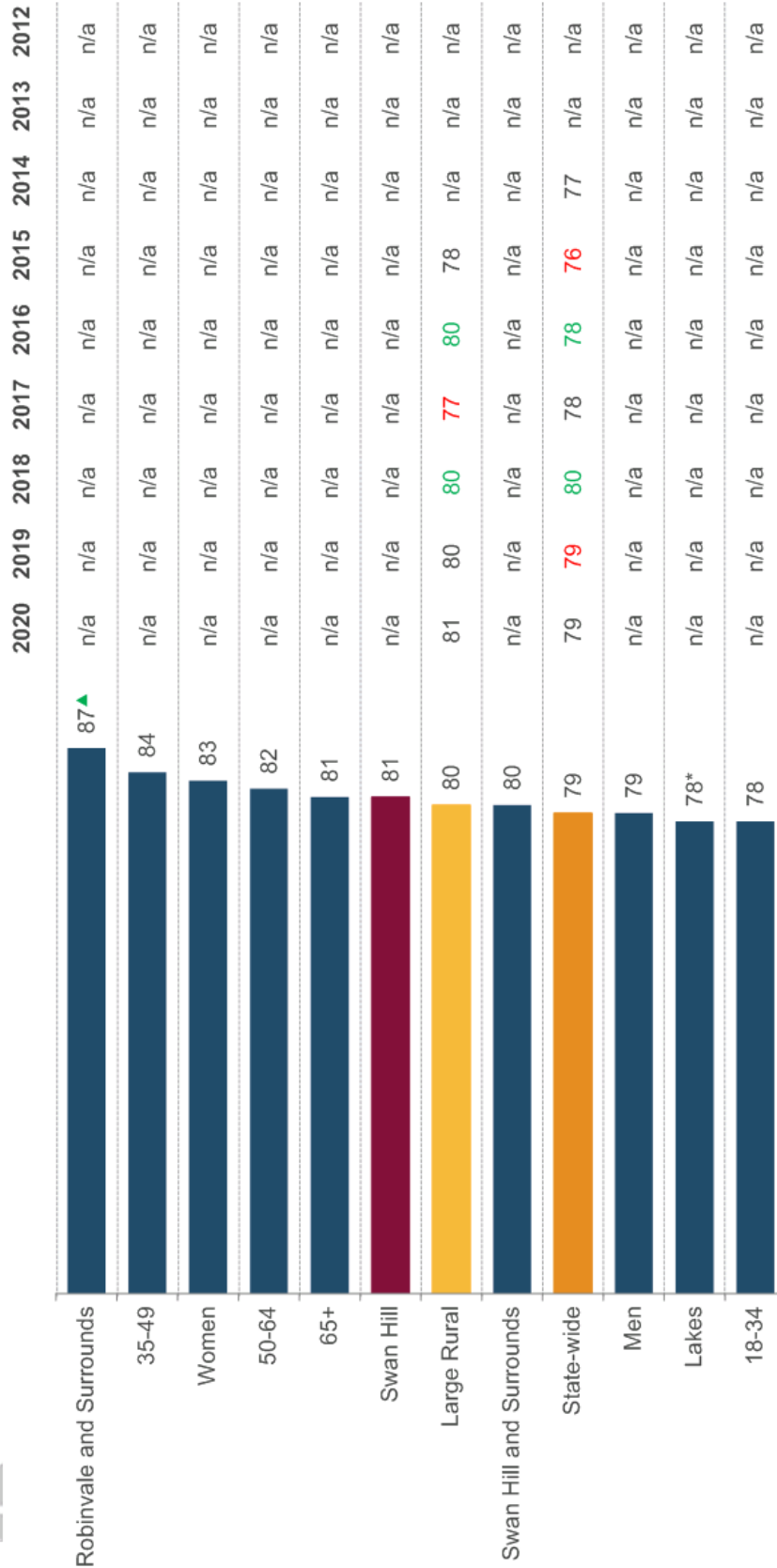
Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

*Caution: small sample size < n=30

The condition of sealed local roads in your area importance



2021 sealed local roads importance (index scores)



Q1. Firstly, how important should 'The condition of sealed local roads in your area' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 24 Councils asked group: 6

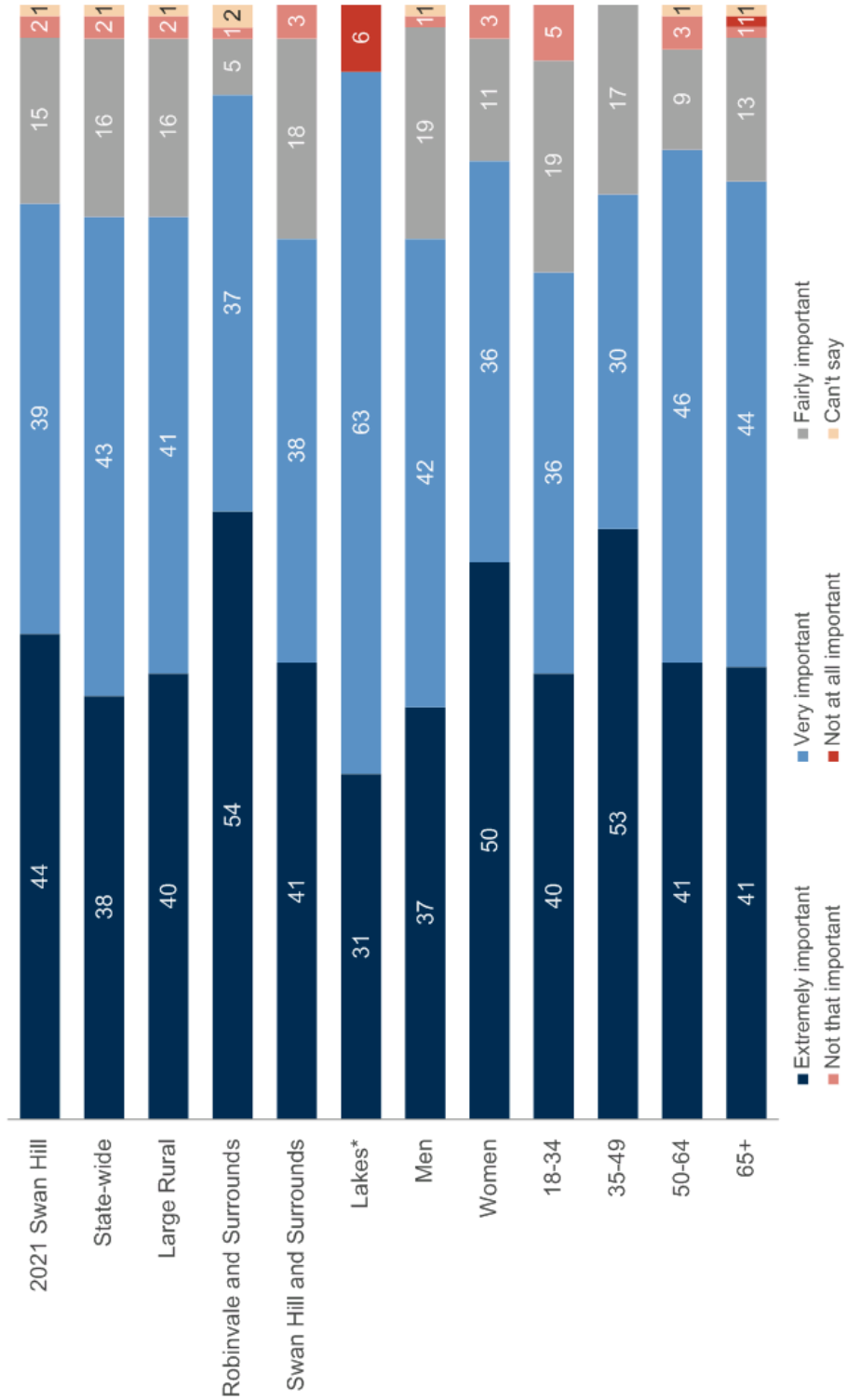
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

The condition of sealed local roads in your area importance



2021 sealed local roads importance (%)



Q1. Firstly, how important should 'The condition of sealed local roads in your area' be as a responsibility for Council?

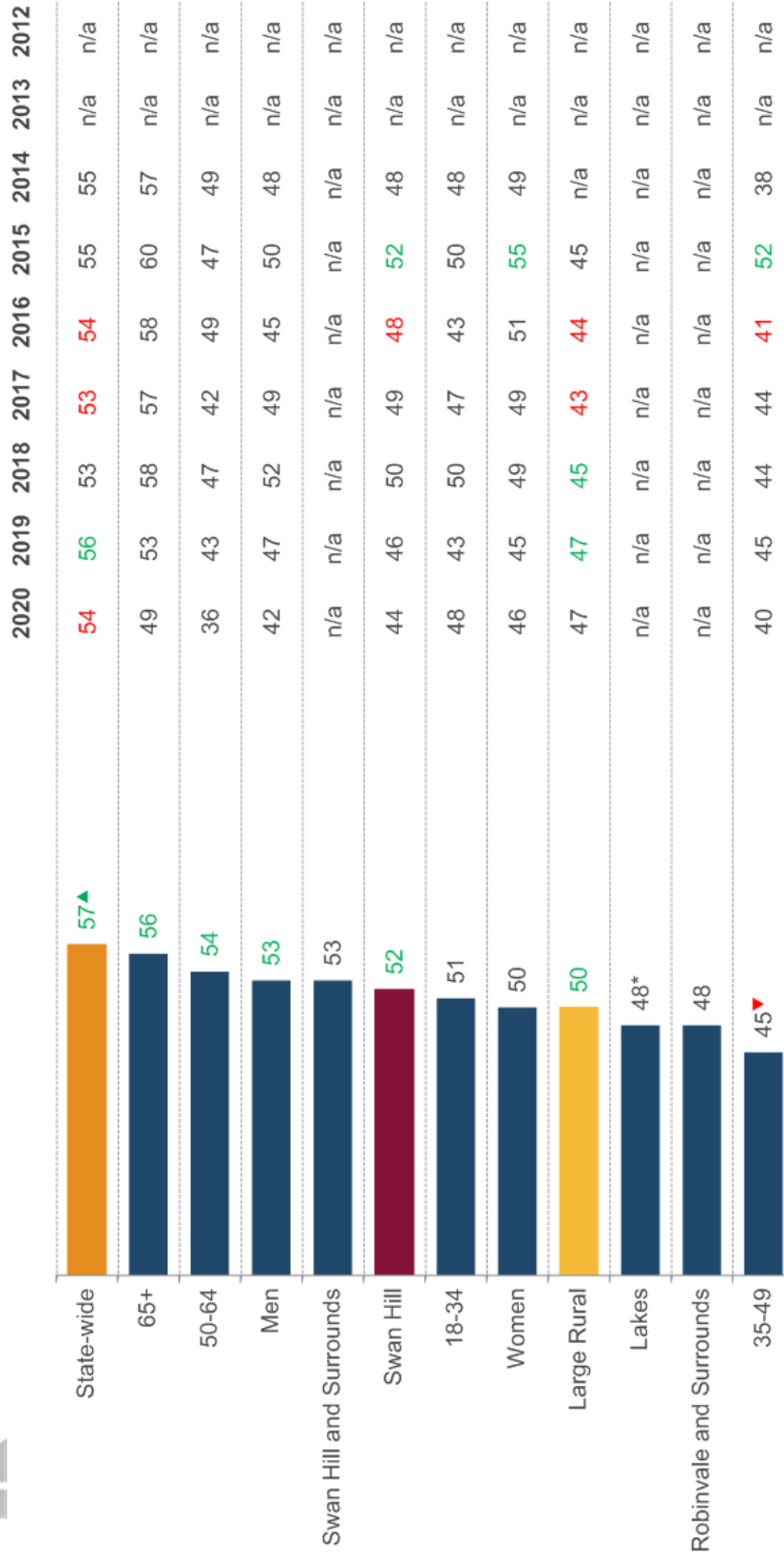
Base: All respondents. Councils asked state-wide: 24 Councils asked group: 6

*Caution: small sample size < n=30

The condition of sealed local roads in your area performance



2021 sealed local roads performance (index scores)



Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

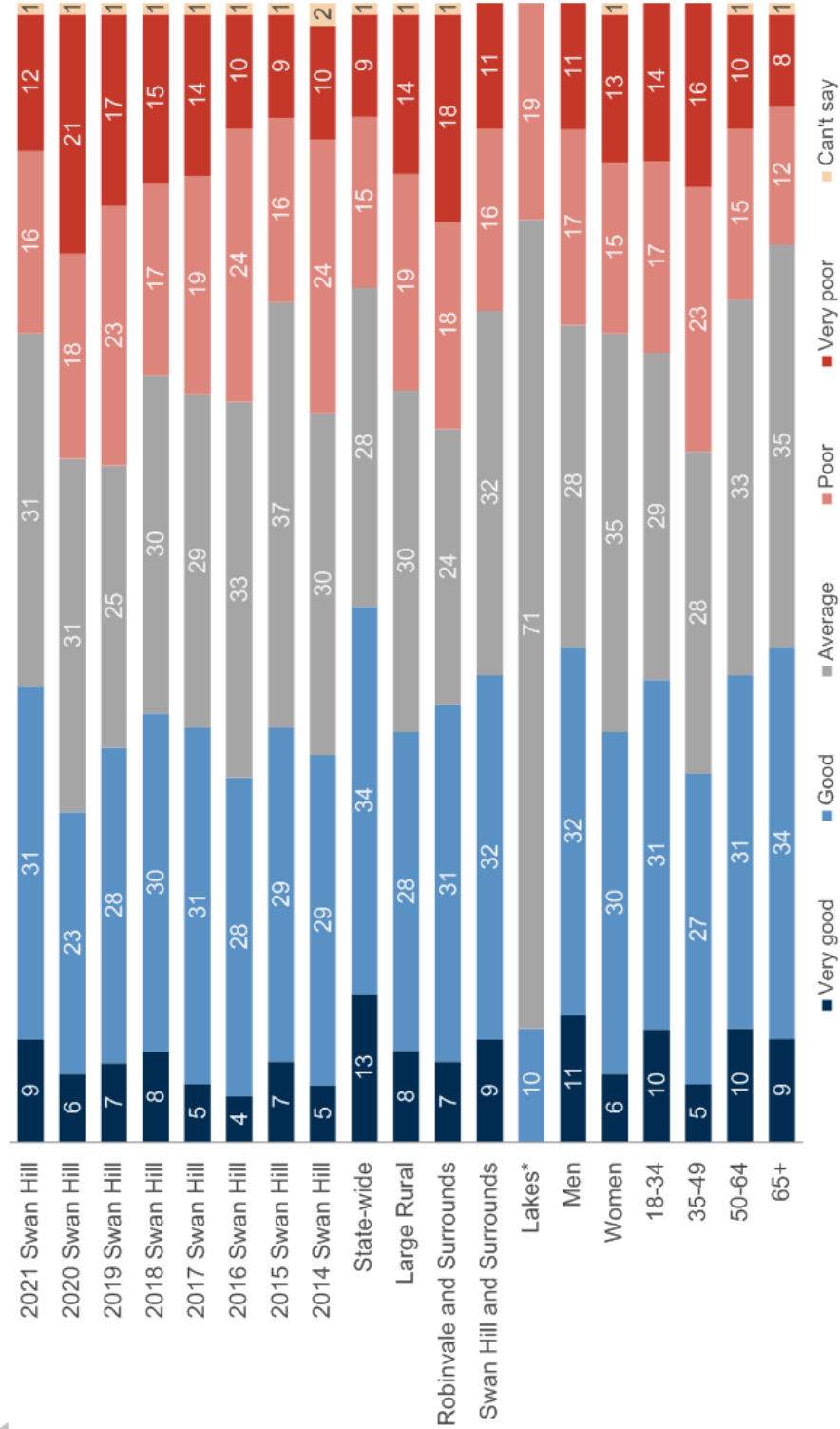
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

The condition of sealed local roads in your area performance



2021 sealed local roads performance (%)



Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

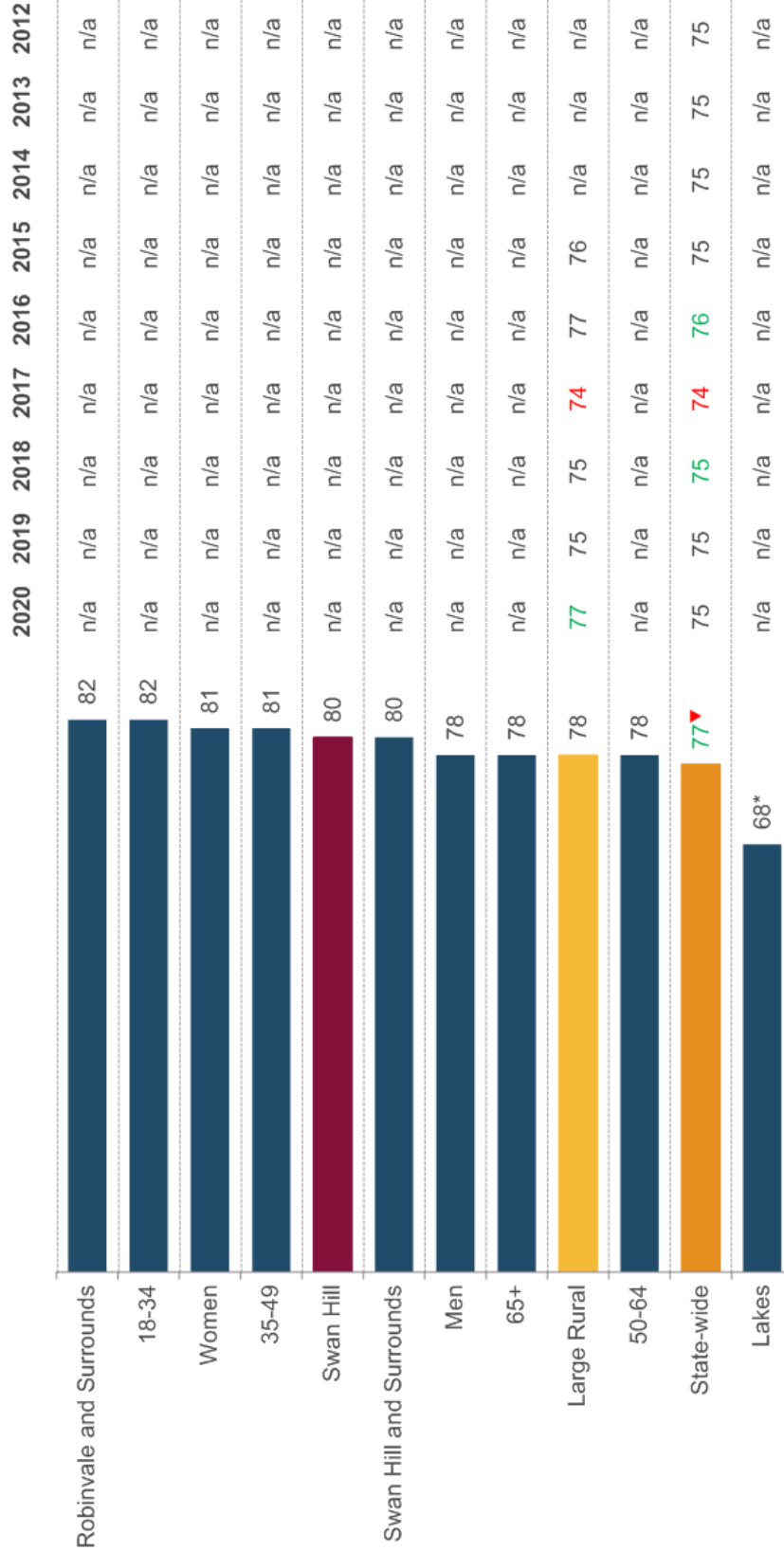
*Caution: small sample size < n=30



Informing the community importance



2021 informing community importance (index scores)



Q1. Firstly, how important should 'Informing the community' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 27 Councils asked group: 6

Note: Please see Appendix A for explanation of significant differences.

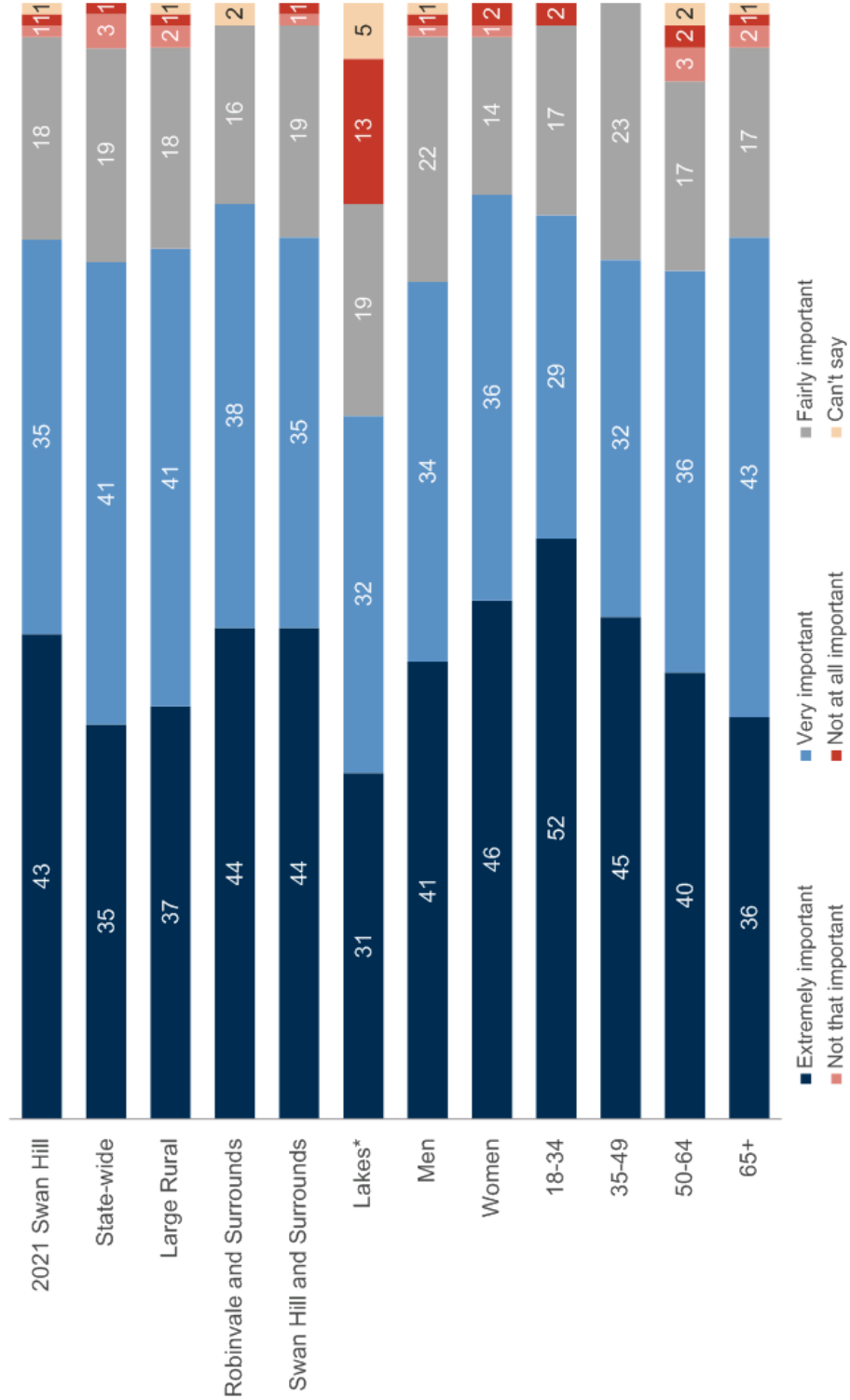
*Caution: small sample size < n=30



Informing the community importance



2021 informing community importance (%)



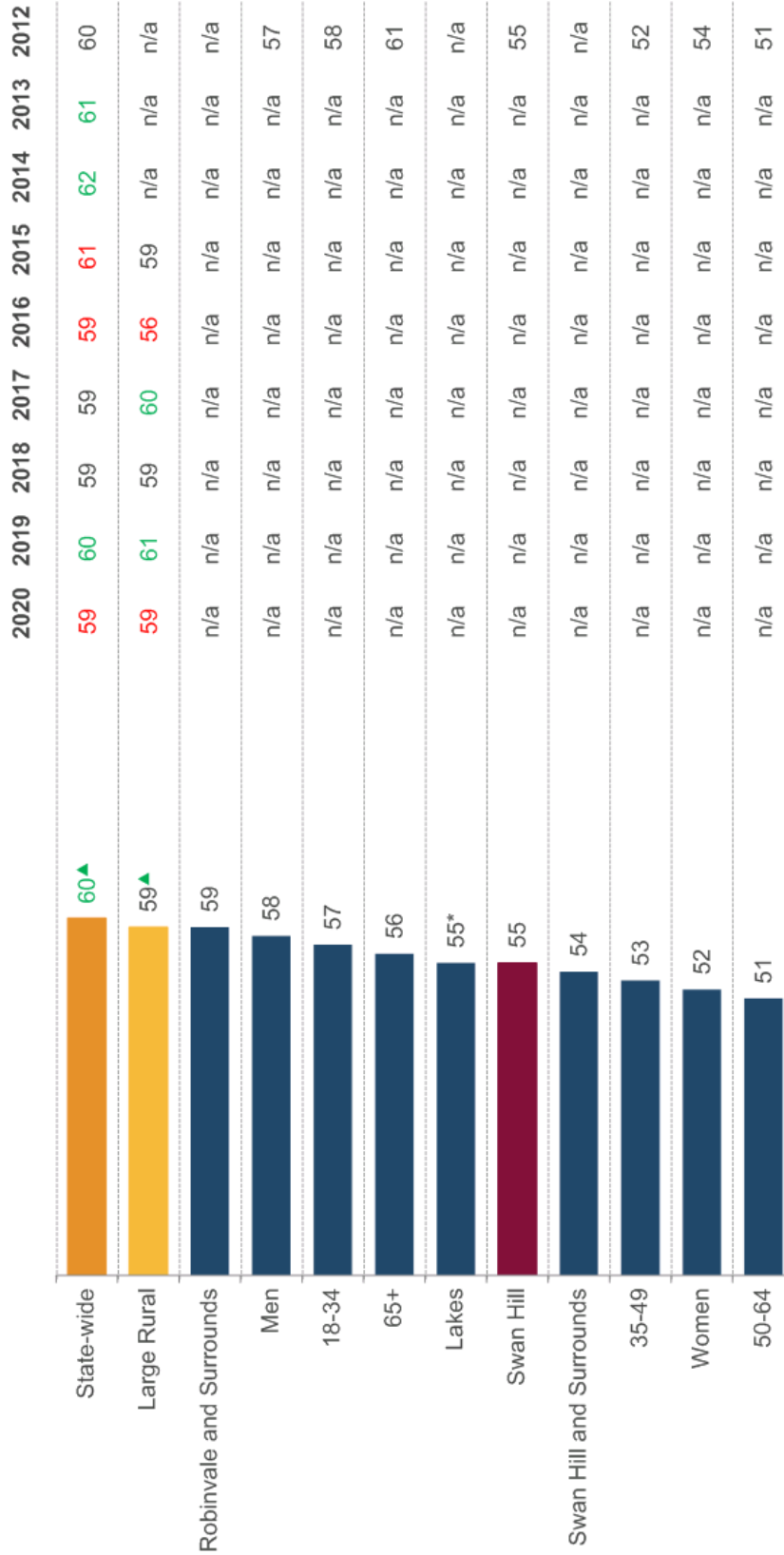
Q1. Firstly, how important should 'informing the community' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 27 Councils asked group: 6
 *Caution: small sample size < n=30



Informing the community performance



2021 informing community performance (index scores)



Q2. How has Council performed on 'Informing the community' over the last 12 months?

Base: All respondents. Councils asked state-wide: 35 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

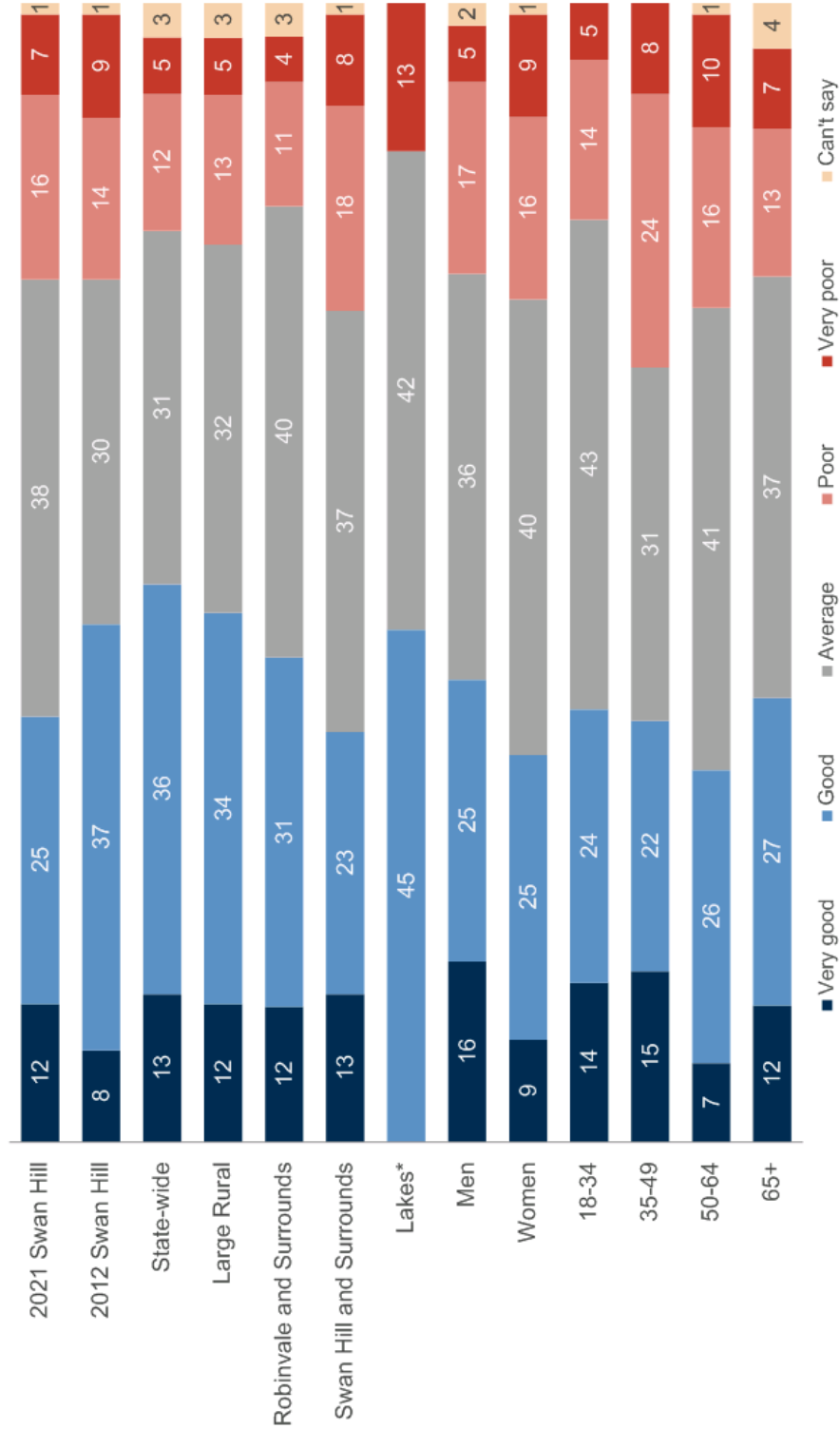
*Caution: small sample size < n=30



Informing the community performance



2021 informing community performance (%)



Q2. How has Council performed on 'Informing the community' over the last 12 months?

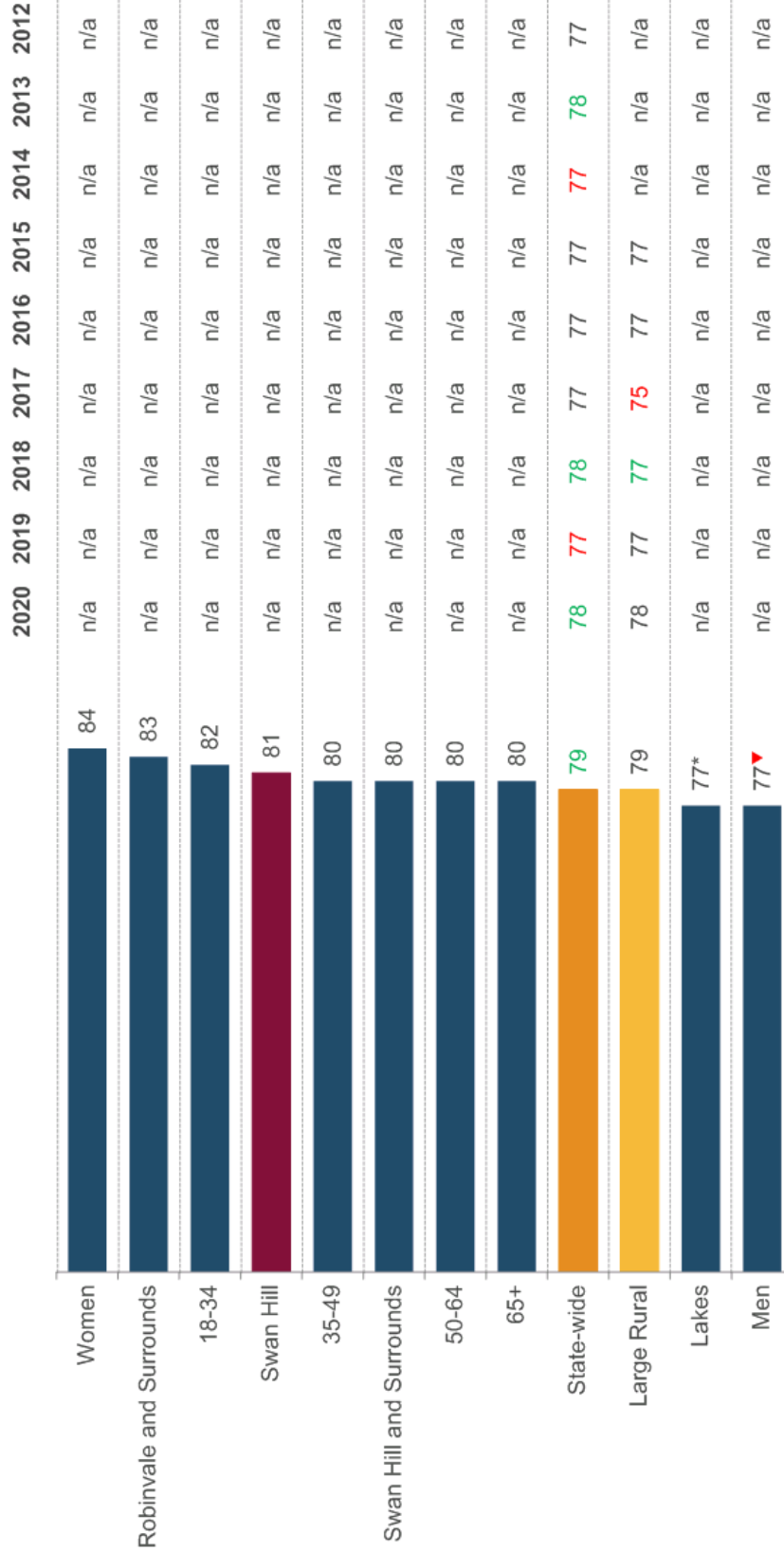
Base: All respondents. Councils asked state-wide: 35 Councils asked group: 8

*Caution: small sample size < n=30

The condition of local streets and footpaths in your area importance



2021 streets and footpaths importance (index scores)



Q1. Firstly, how important should 'The condition of local streets and footpaths in your area' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 25 Councils asked group: 7

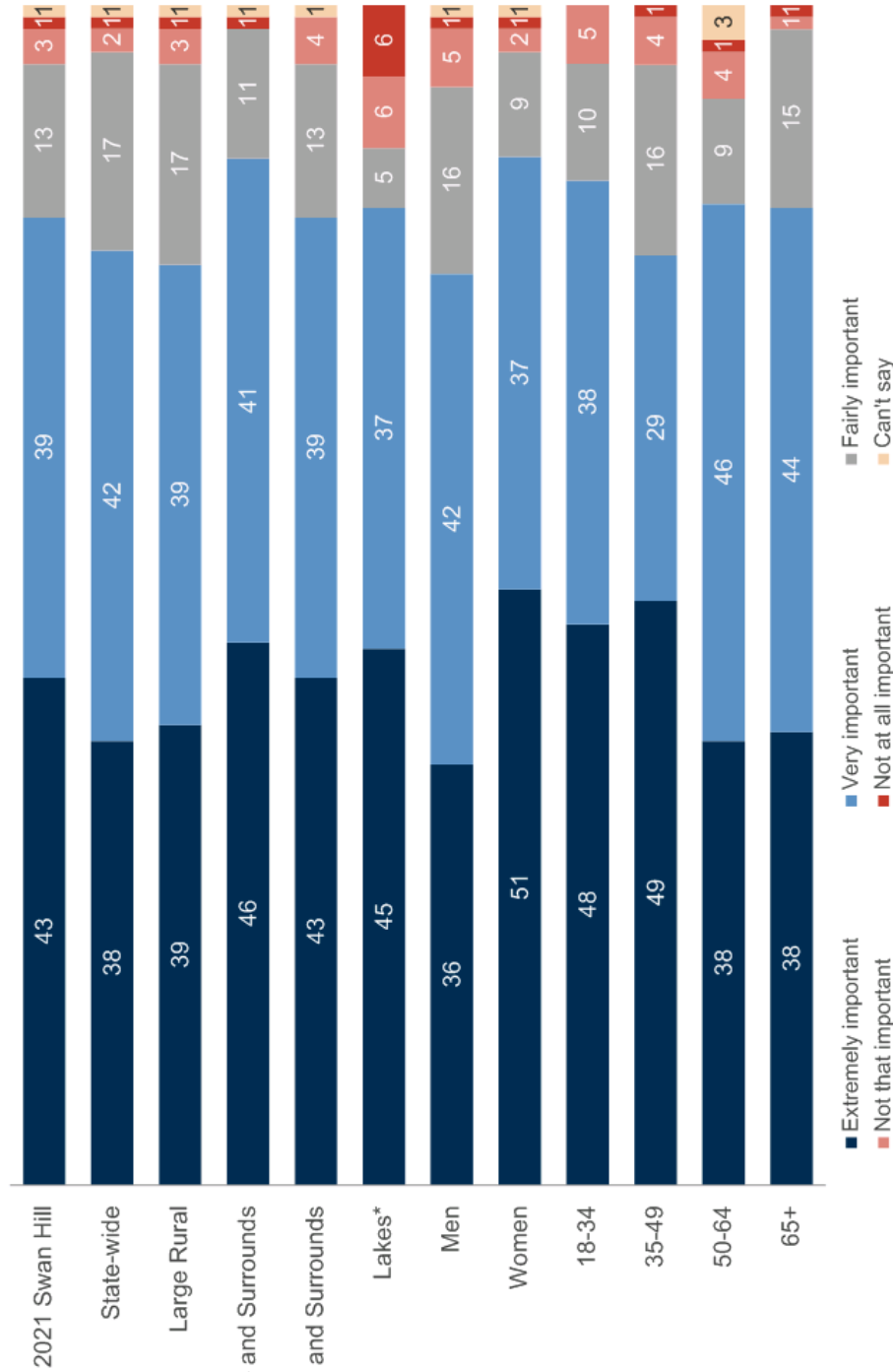
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

The condition of local streets and footpaths in your area importance



2021 streets and footpaths importance (%)

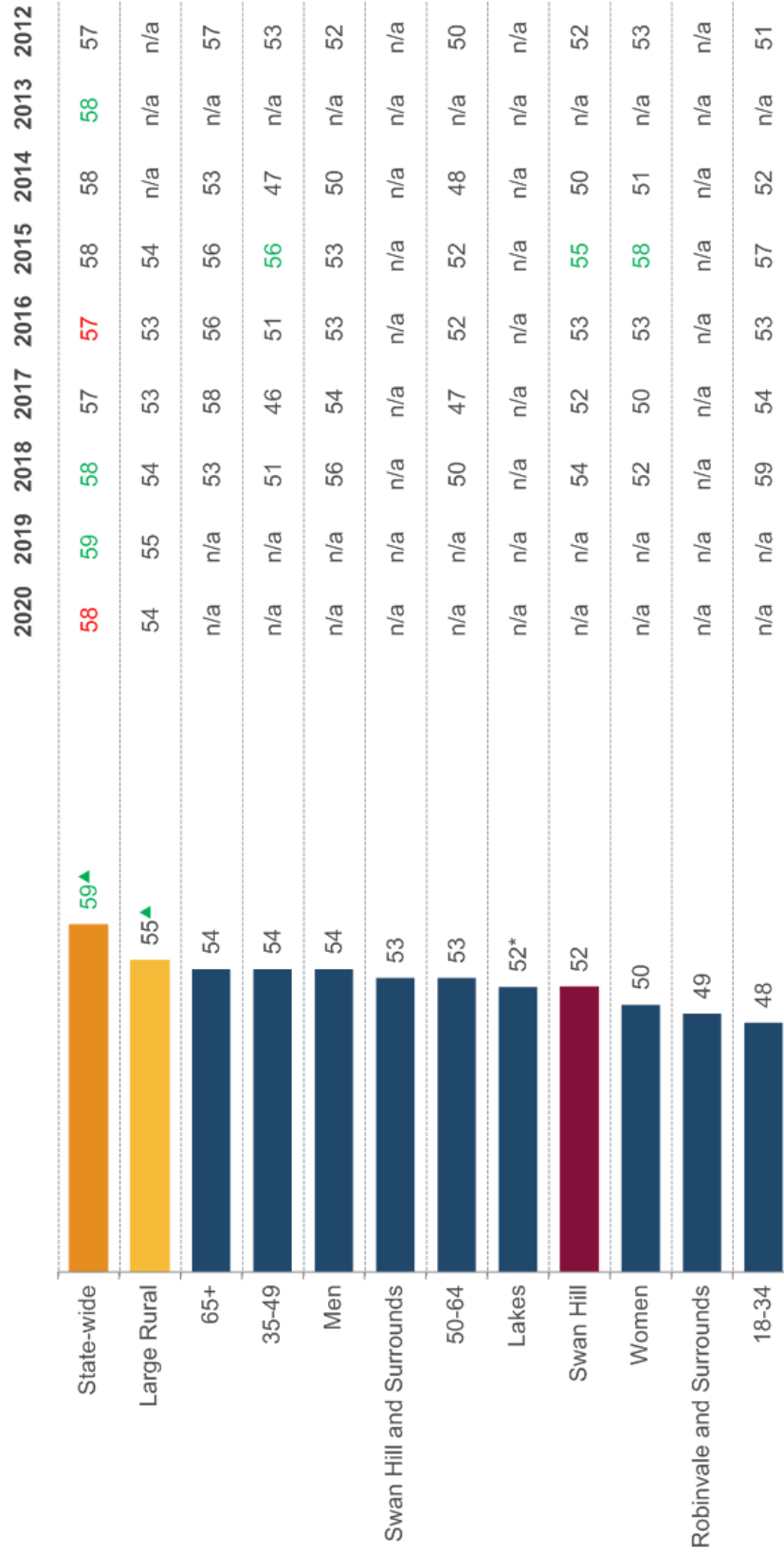


Q1. Firstly, how important should 'The condition of local streets and footpaths in your area' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 25 Councils asked group: 7
 *Caution: small sample size < n=30

The condition of local streets and footpaths in your area performance



2021 streets and footpaths performance (index scores)



Q2. How has Council performed on 'The condition of local streets and footpaths in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 32 Councils asked group: 10

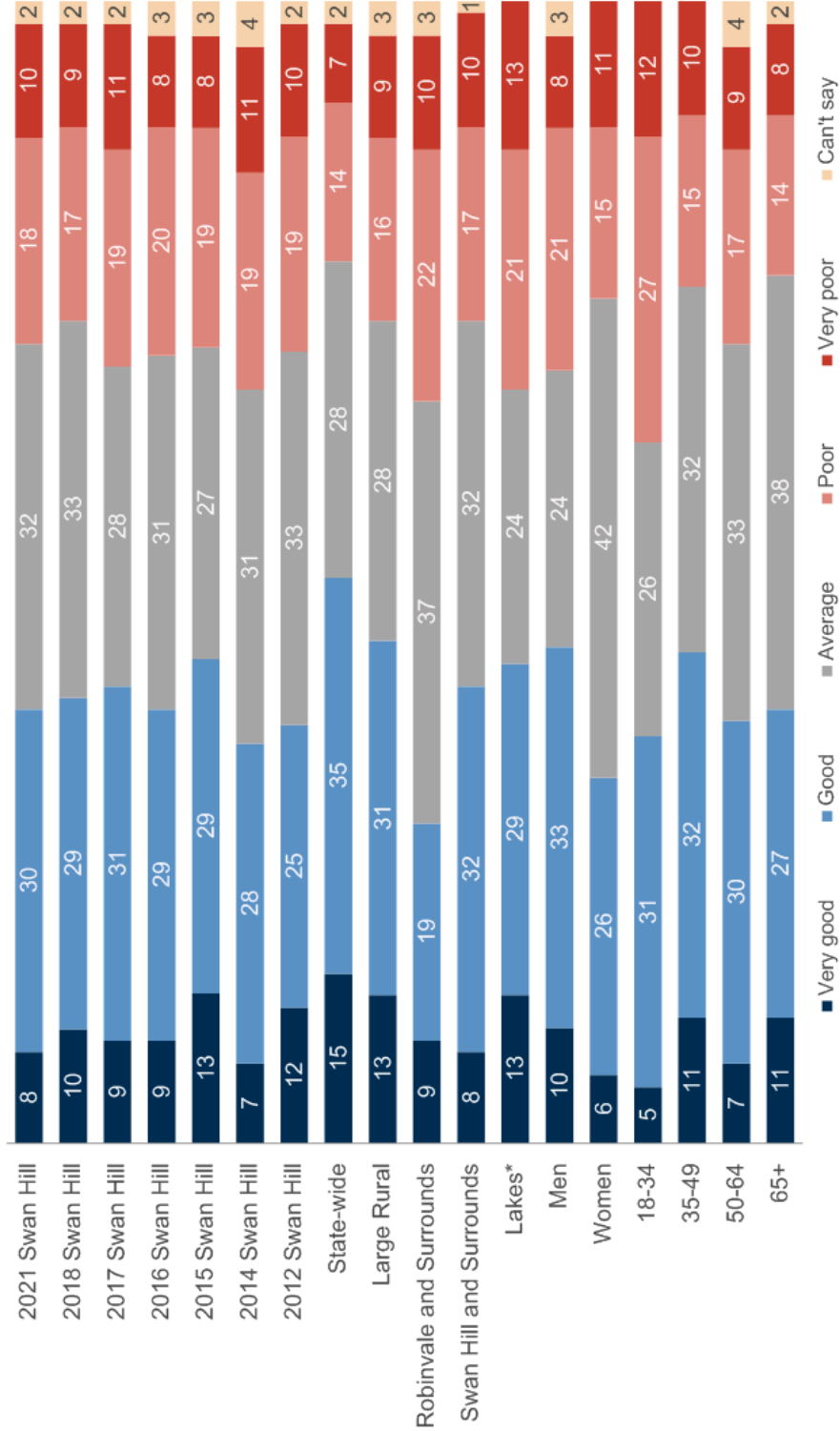
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

The condition of local streets and footpaths in your area performance



2021 streets and footpaths performance (%)



Q2. How has Council performed on 'The condition of local streets and footpaths in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 32 Councils asked group: 10

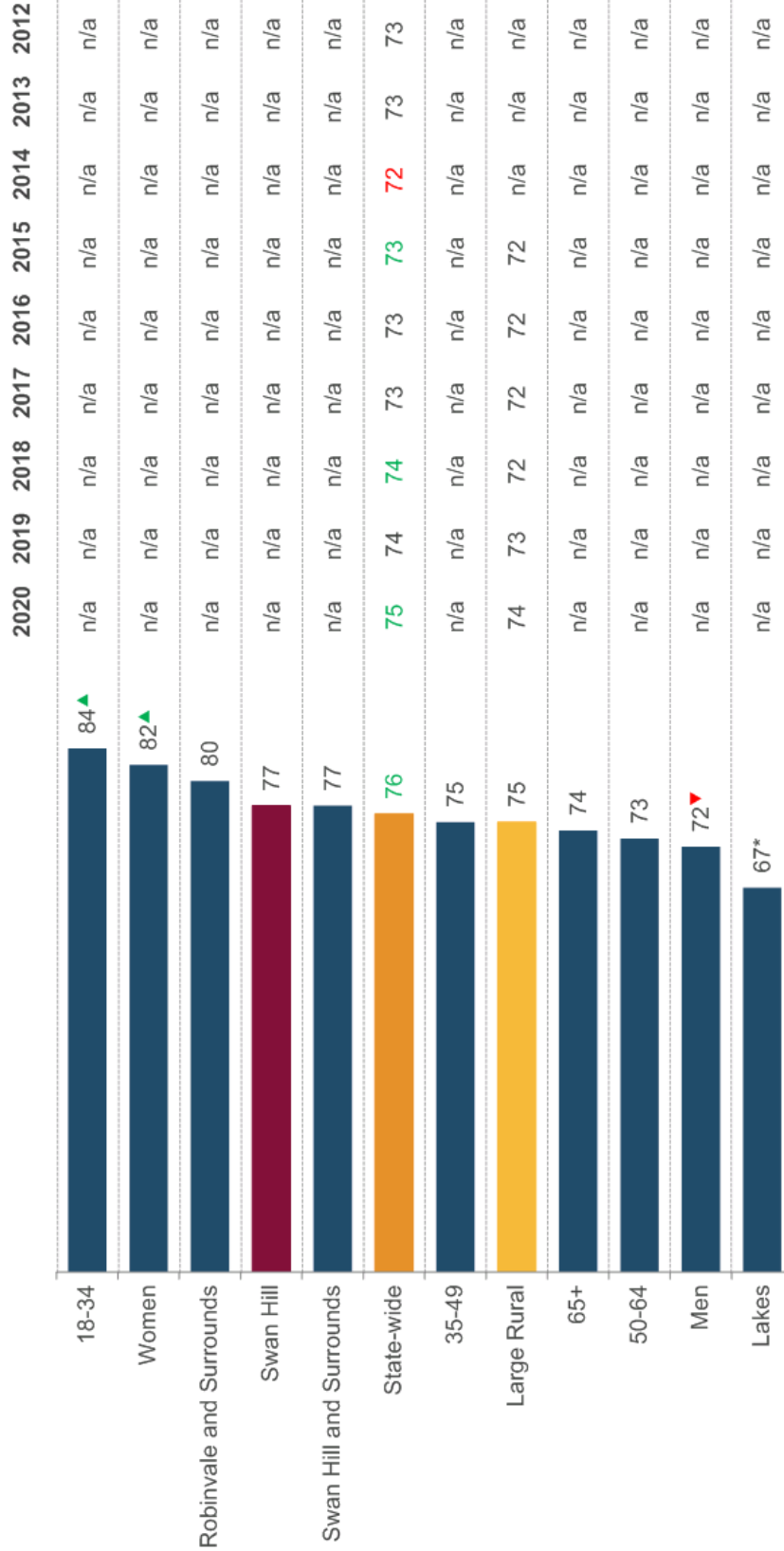
*Caution: small sample size < n=30



Family support services importance



2021 family support importance (index scores)



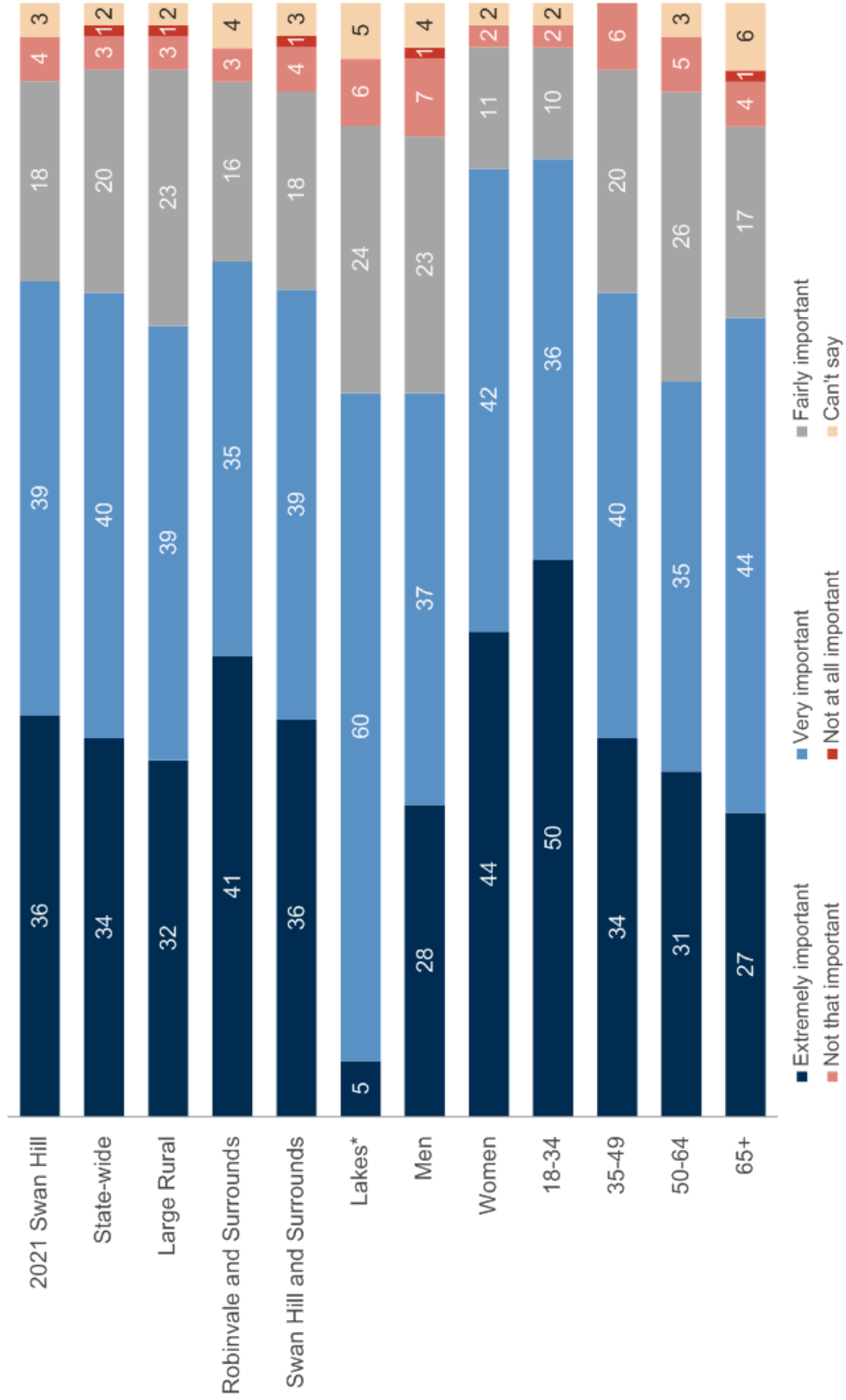
Q1: Firstly, how important should 'Family support services' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 20 Councils asked group: 5
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Family support services importance



2021 family support importance (%)



Q1. Firstly, how important should 'Family support services' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 20 Councils asked group: 5

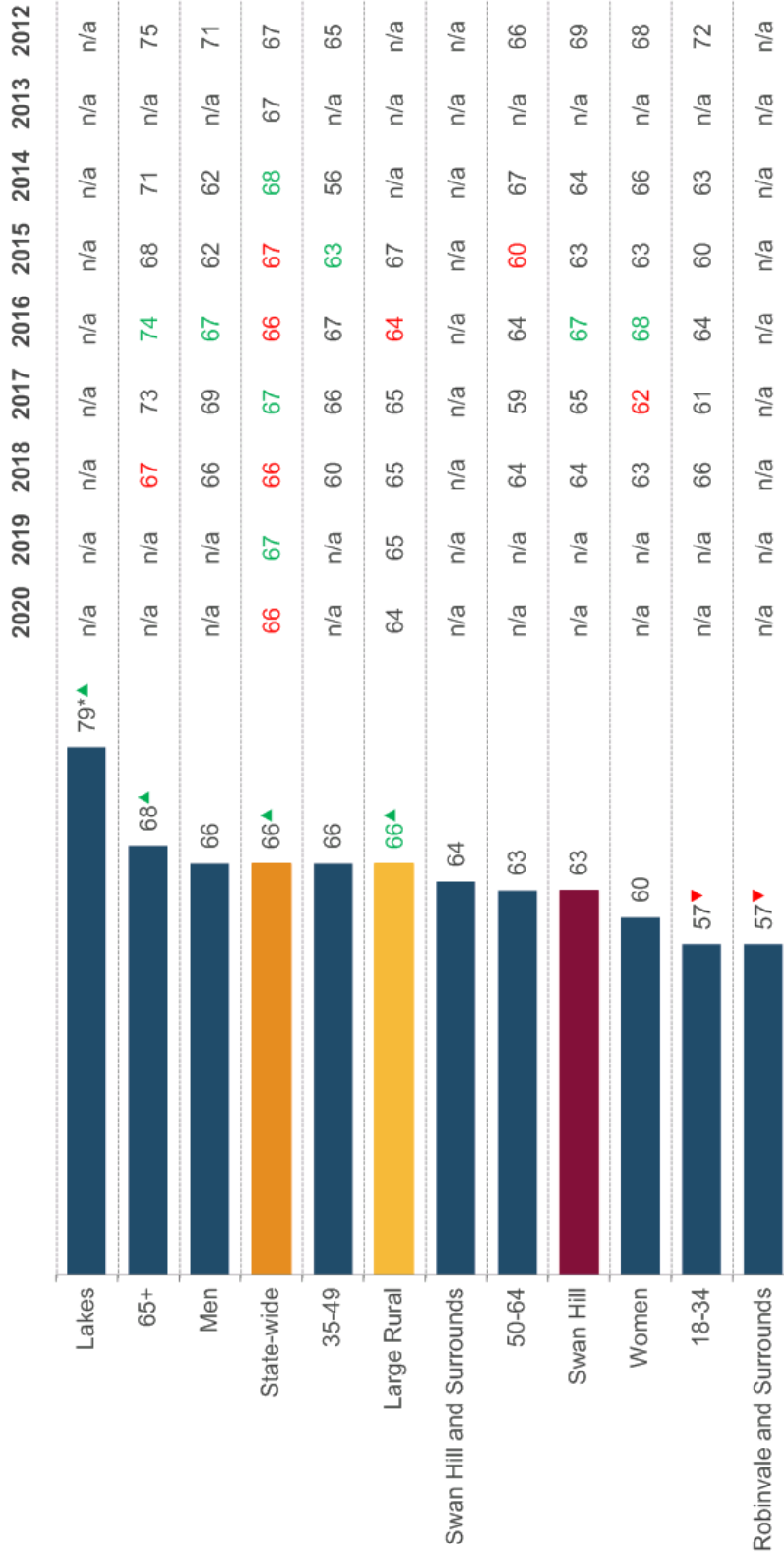
*Caution: small sample size < n=30



Family support services performance



2021 family support performance (index scores)



Q2. How has Council performed on 'Family support services' over the last 12 months?

Base: All respondents. Councils asked state-wide: 29 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

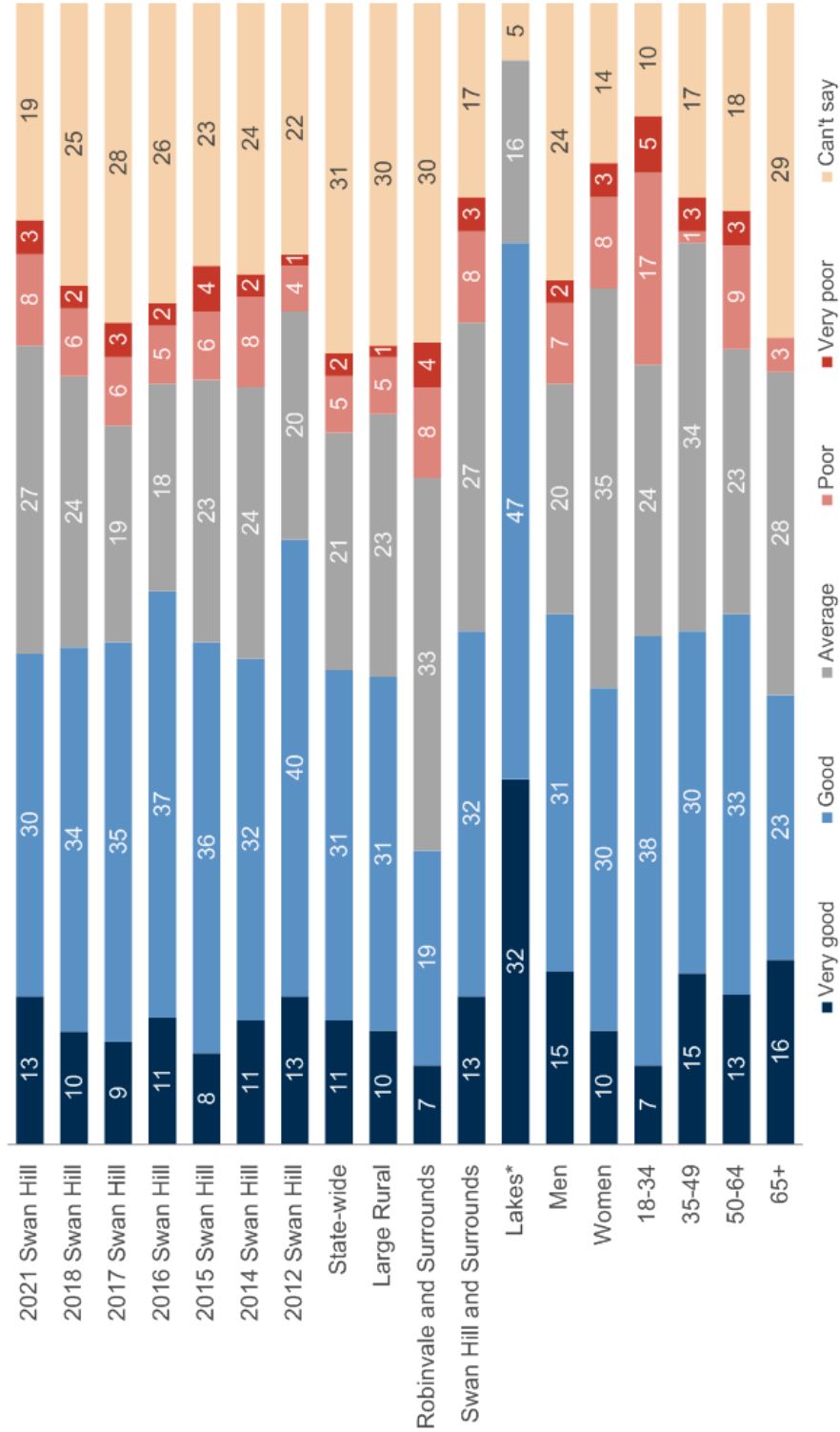
*Caution: small sample size < n=30



Family support services performance



2021 family support performance (%)



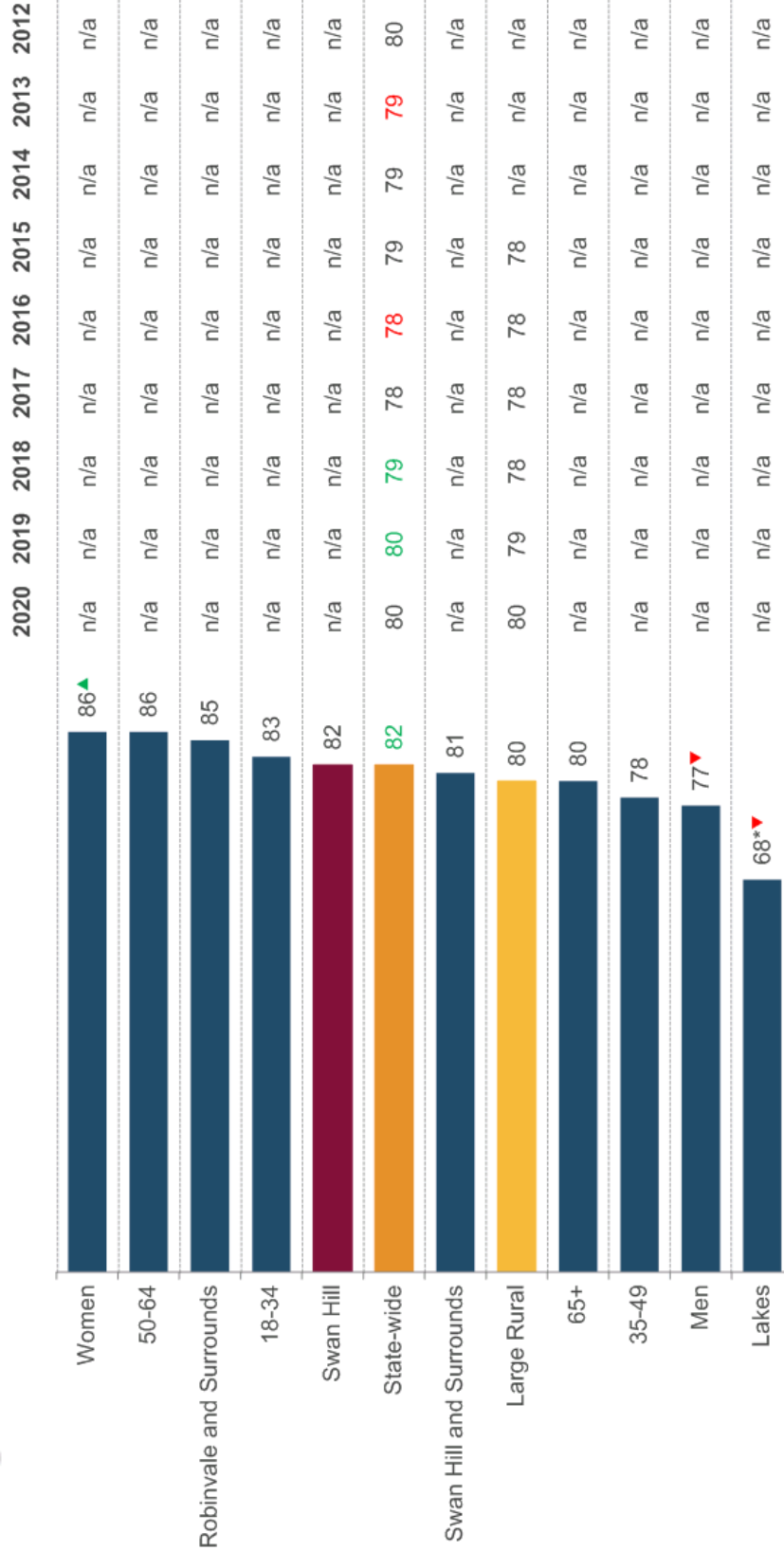
Q2. How has Council performed on 'Family support services' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 29 Councils asked group: 8
 *Caution: small sample size < n=30



Elderly support services importance



2021 elderly support importance (index scores)



Q1: Firstly, how important should 'Elderly support services' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 21 Councils asked group: 4

Note: Please see Appendix A for explanation of significant differences.

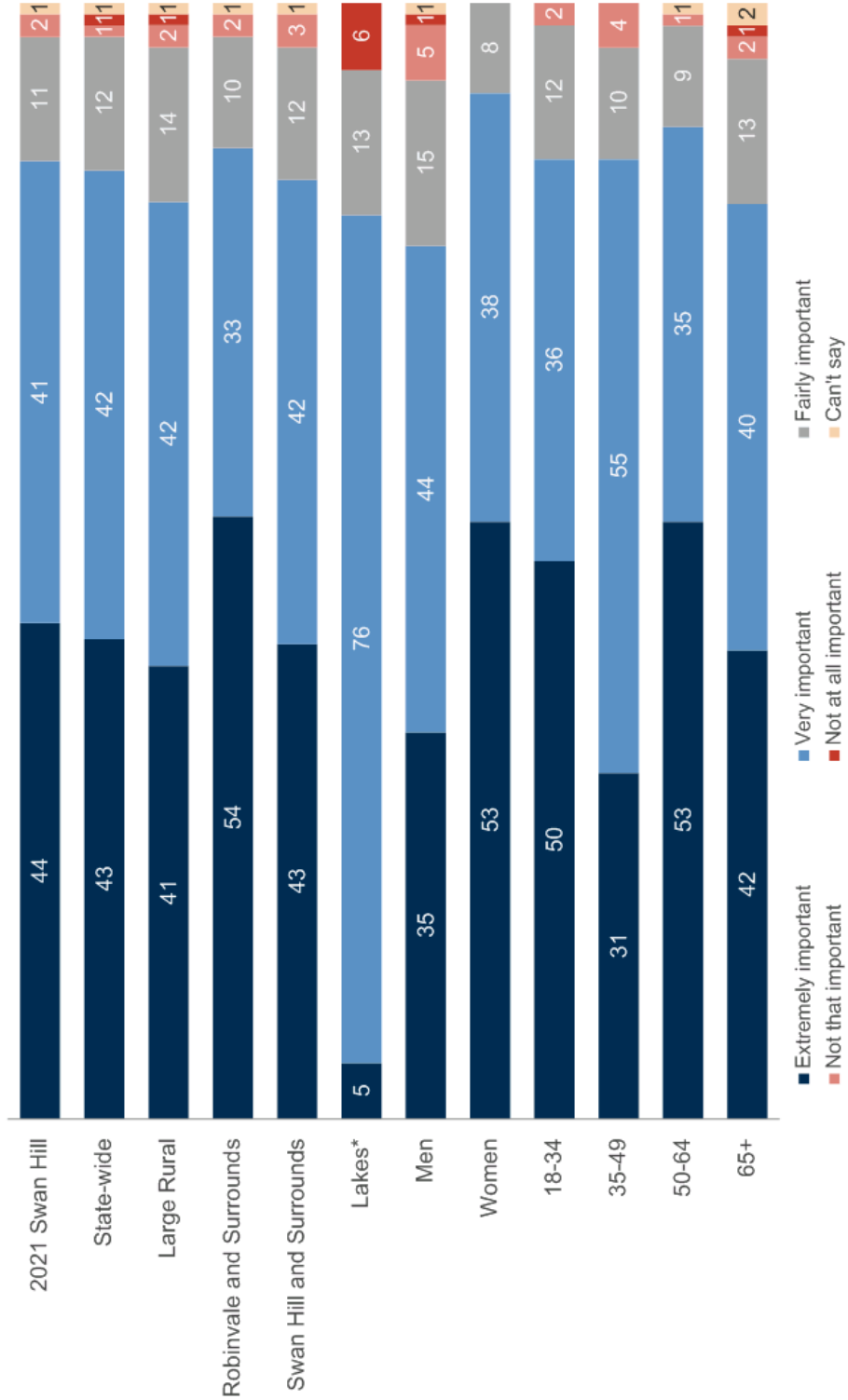
*Caution: small sample size < n=30



Elderly support services importance



2021 elderly support importance (%)



Q1. Firstly, how important should 'Elderly support services' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 21 Councils asked group: 4

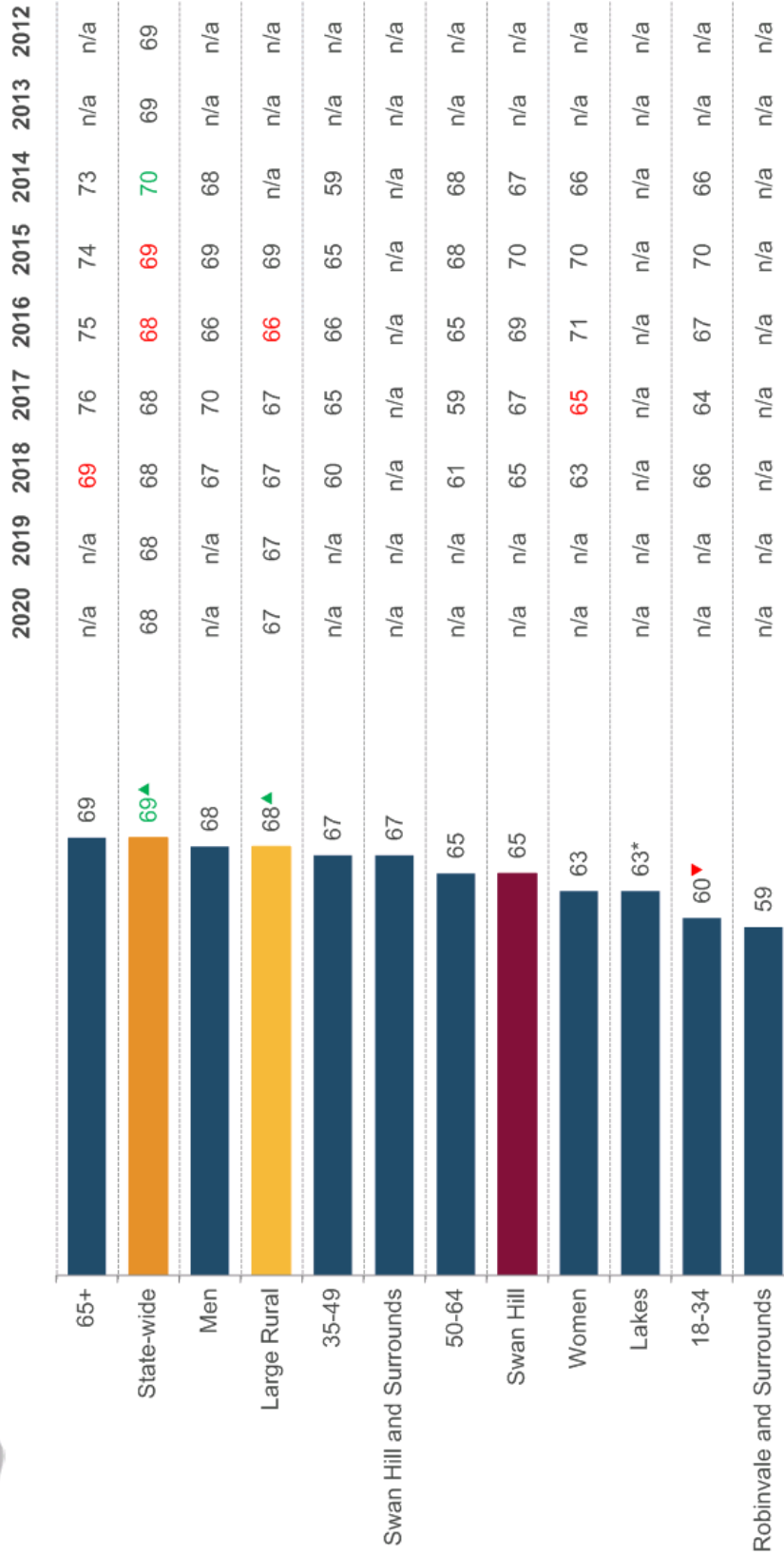
*Caution: small sample size < n=30



Elderly support services performance



2021 elderly support performance (index scores)



Q2: How has Council performed on 'Elderly support services' over the last 12 months?

Base: All respondents. Councils asked state-wide: 32 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

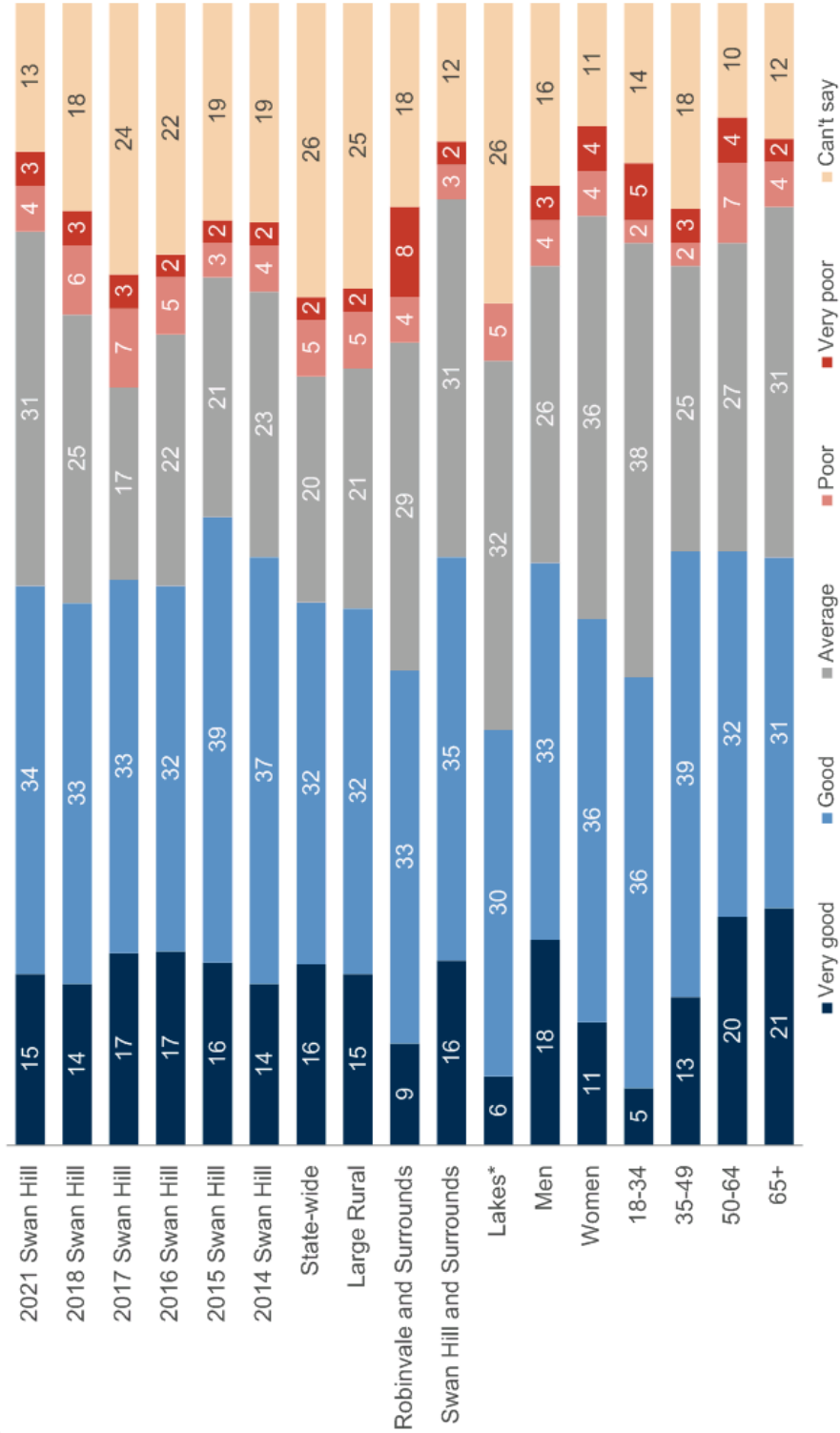
*Caution: small sample size < n=30



Elderly support services performance



2021 elderly support performance (%)



Q2. How has Council performed on 'Elderly support services' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 32 Councils asked group: 8
 *Caution: small sample size < n=30



Recreational facilities importance



2021 recreational facilities importance (index scores)

	2020	2019	2018	2017	2016	2015	2014	2013	2012
Robinvale and Surrounds	77	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
35-49	77	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Women	76	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
18-34	75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Swan Hill	74	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Swan Hill and Surrounds	74	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
State-wide	74	72	73	72	73	72	72	72	72
Large Rural	73	72	74	72	72	72	n/a	n/a	n/a
65+	73	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Men	72	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
50-64	72	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Lakes	64*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Q1. Firstly, how important should 'Recreational facilities' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 33 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

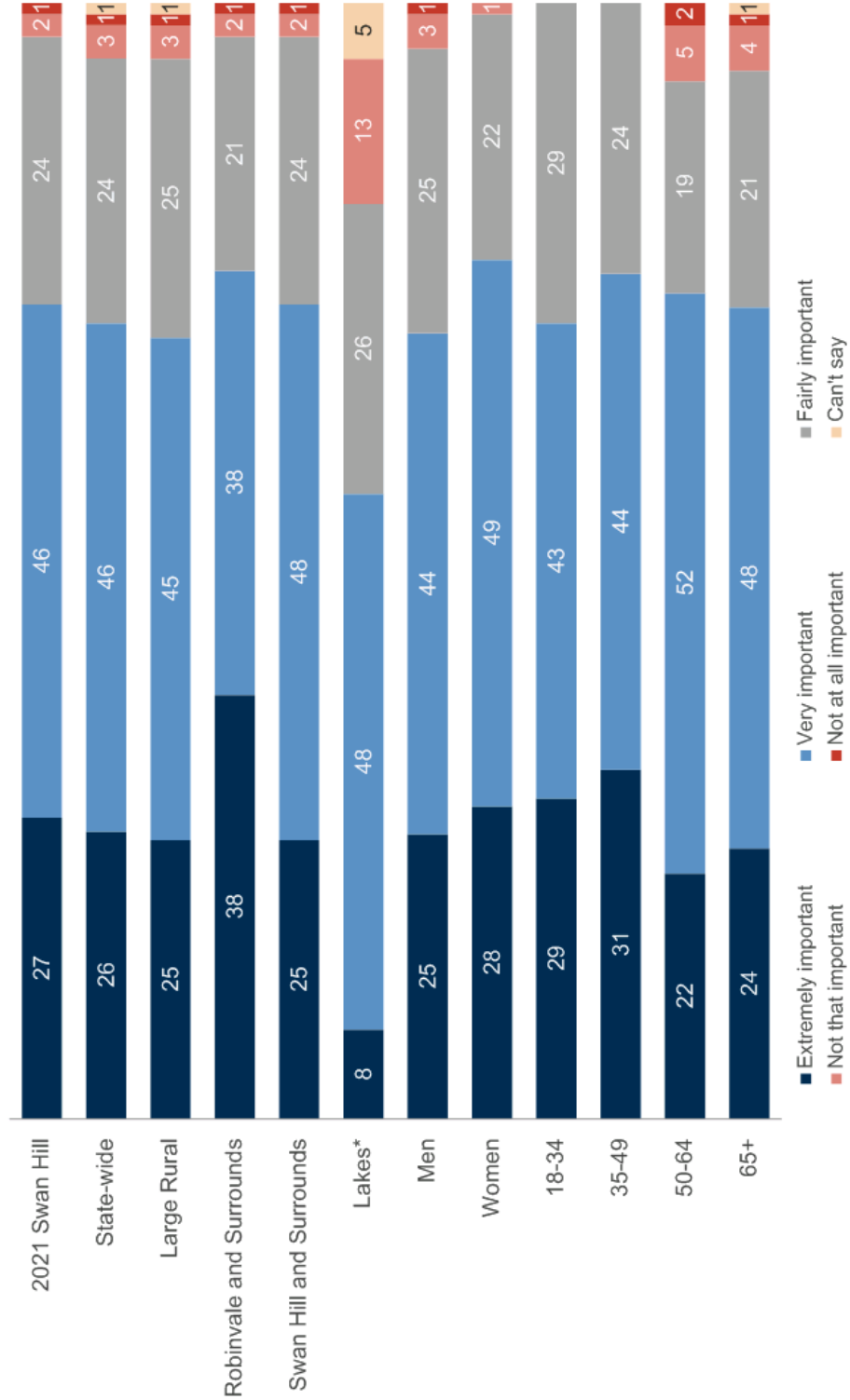
*Caution: small sample size < n=30



Recreational facilities importance



2021 recreational facilities importance (%)



Q1. Firstly, how important should 'Recreational facilities' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 33 Councils asked group: 8

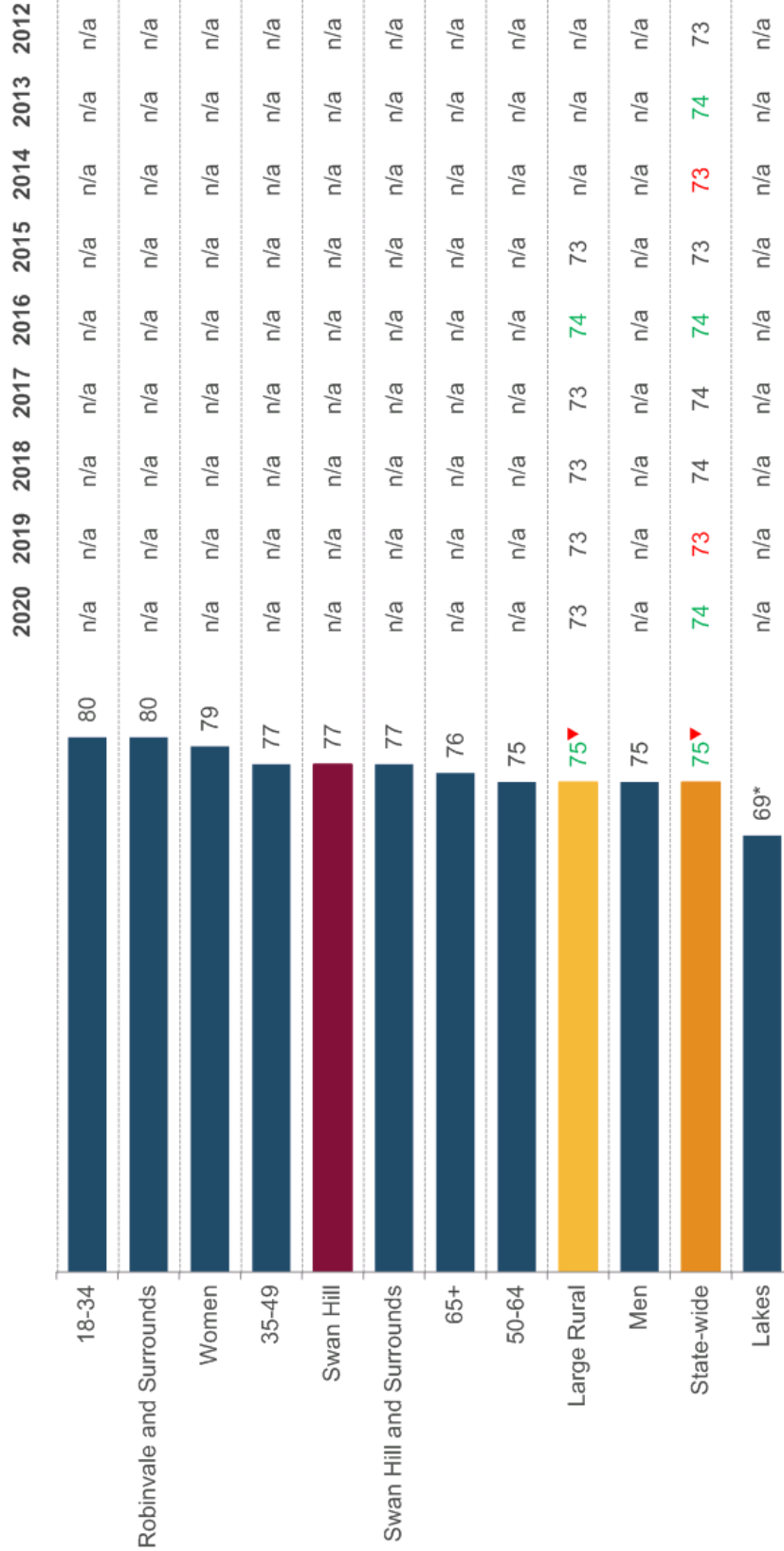
*Caution: small sample size < n=30



The appearance of public areas importance



2021 public areas importance (index scores)



Q1. Firstly, how important should 'The appearance of public areas' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 31 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

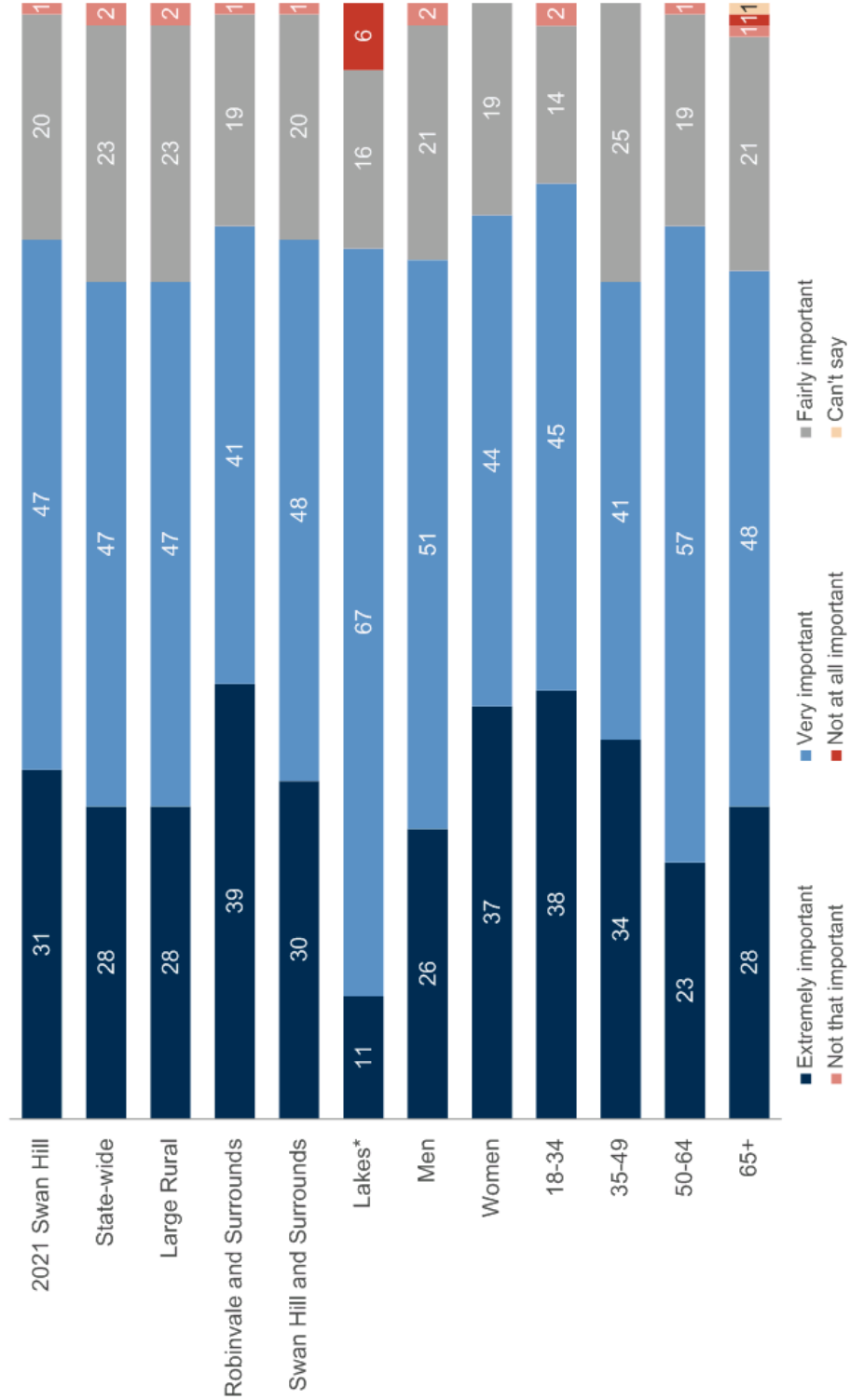
*Caution: small sample size < n=30



The appearance of public areas importance



2021 public areas importance (%)



Q1. Firstly, how important should 'The appearance of public areas' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 31 Councils asked group: 8

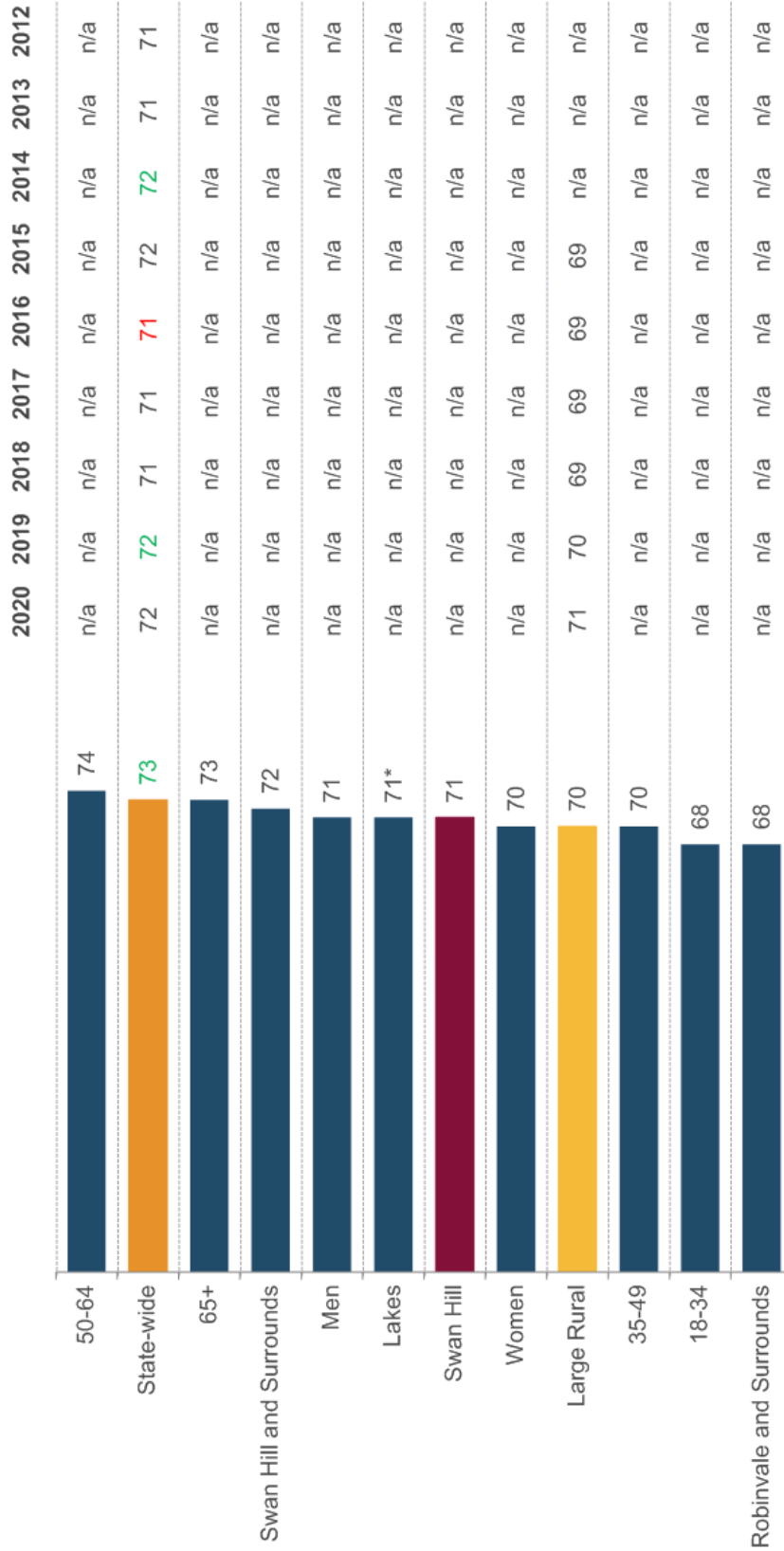
*Caution: small sample size < n=30



The appearance of public areas performance



2021 public areas performance (index scores)



Q2. How has Council performed on 'The appearance of public areas' over the last 12 months?

Base: All respondents. Councils asked state-wide: 40 Councils asked group: 11

Note: Please see Appendix A for explanation of significant differences.

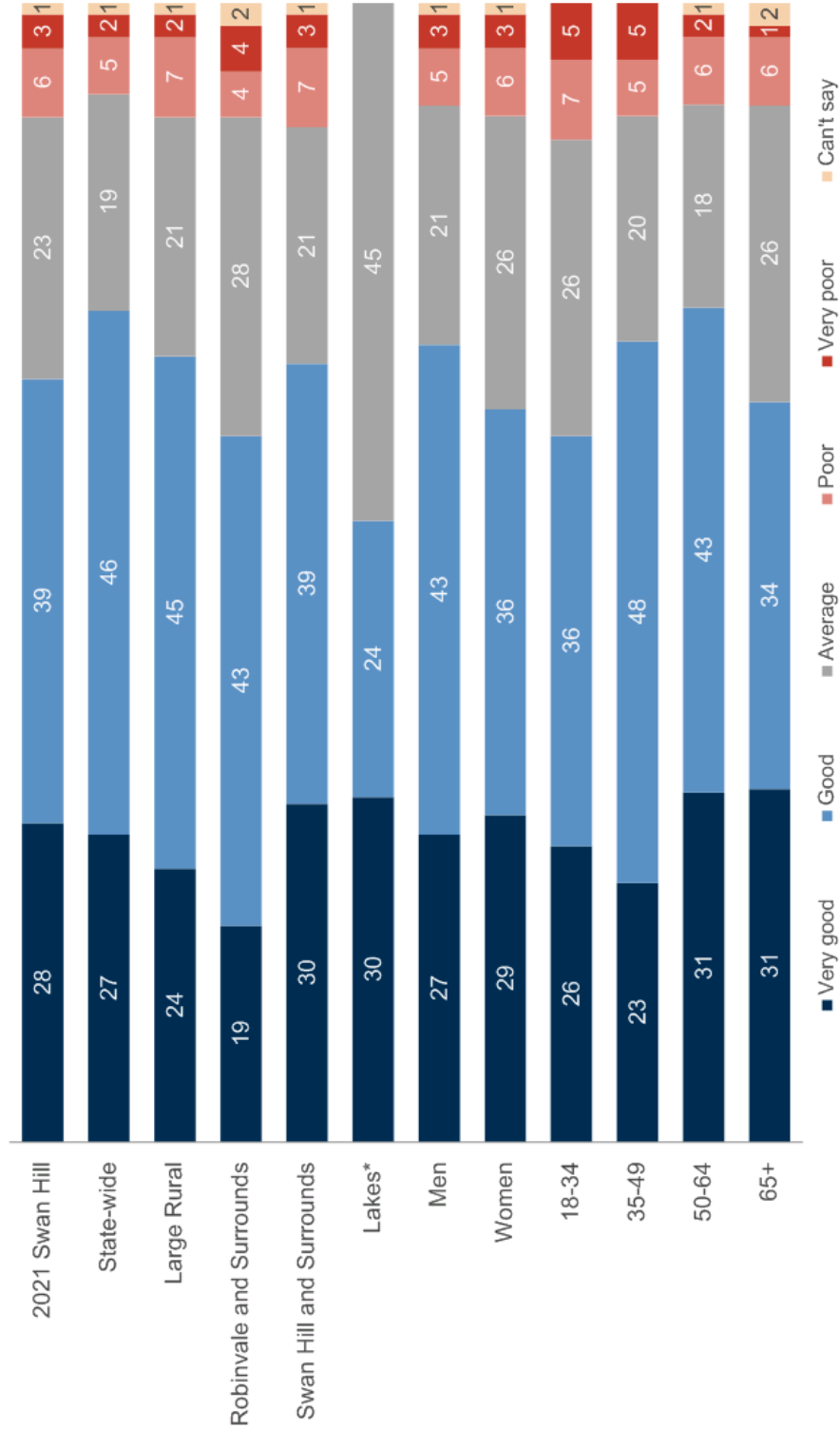
*Caution: small sample size < n=30



The appearance of public areas performance



2021 public areas performance (%)



Q2. How has Council performed on 'The appearance of public areas' over the last 12 months?

Base: All respondents. Councils asked state-wide: 40 Councils asked group: 11

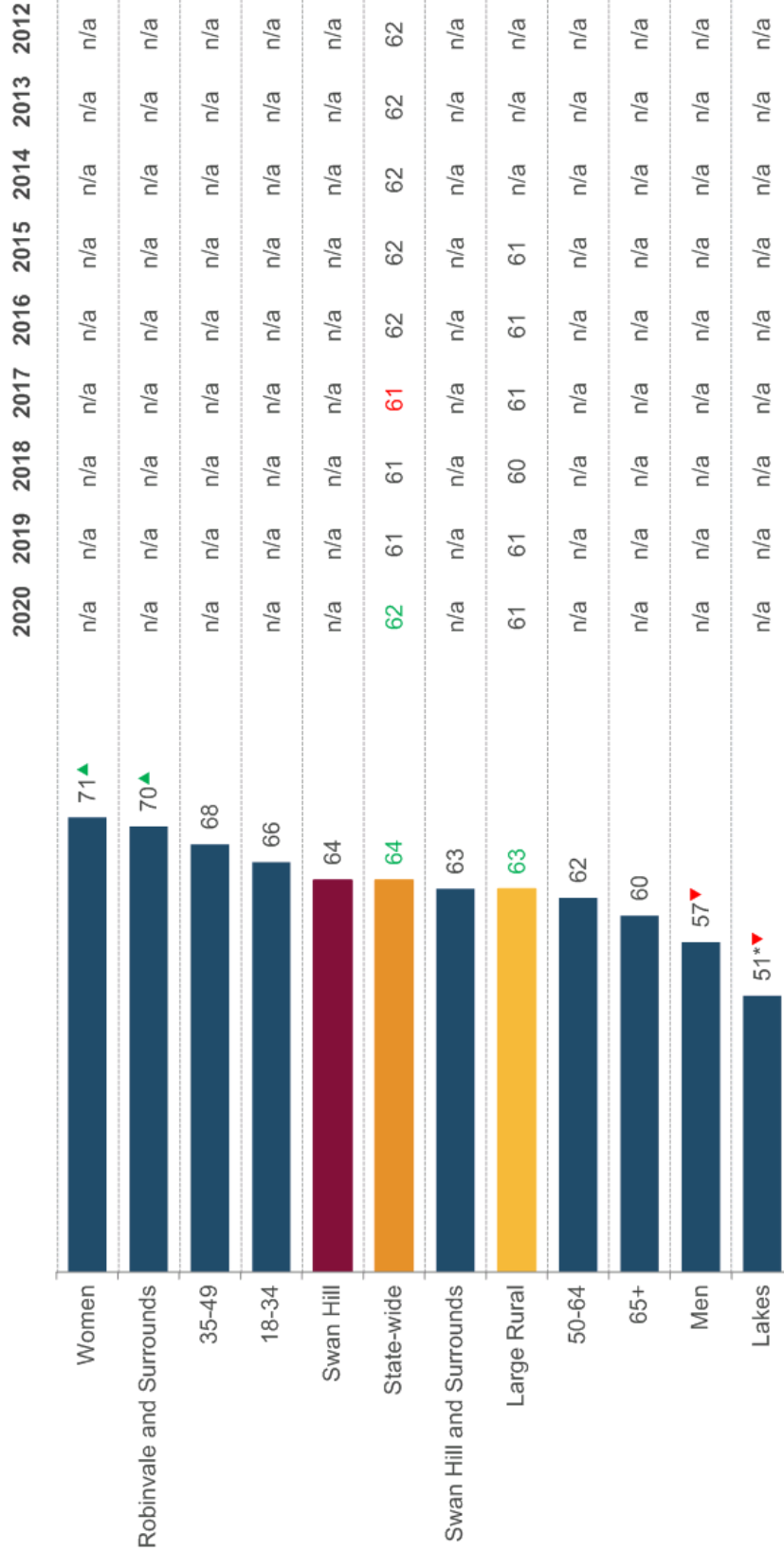
*Caution: small sample size < n=30



Community and cultural activities importance



2021 community and cultural activities importance (index scores)



Q1. Firstly, how important should 'Community and cultural activities' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 22 Councils asked group: 5

Note: Please see Appendix A for explanation of significant differences.

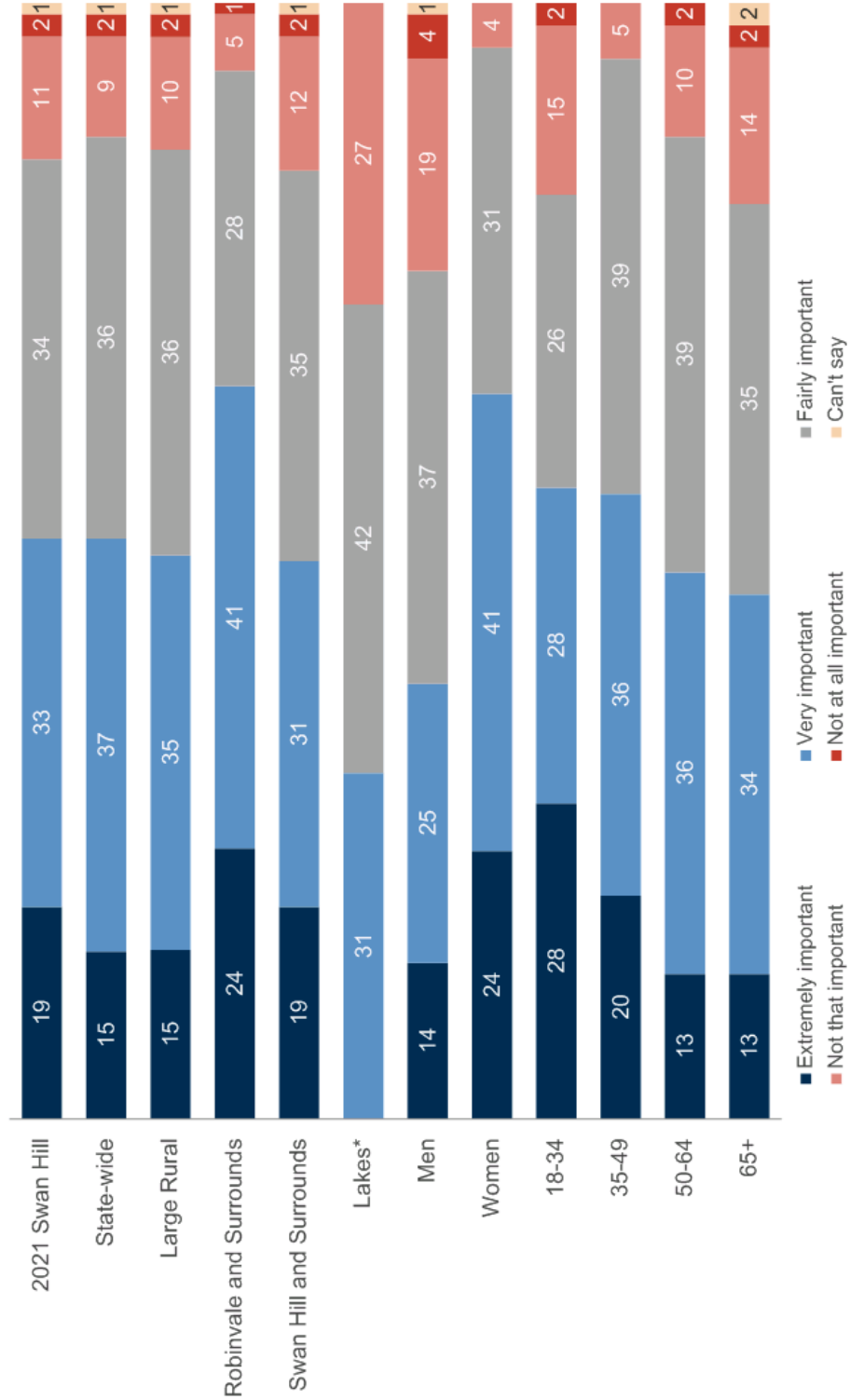
*Caution: small sample size < n=30



Community and cultural activities importance



2021 community and cultural activities importance (%)



Q1. Firstly, how important should 'Community and cultural activities' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 22 Councils asked group: 5

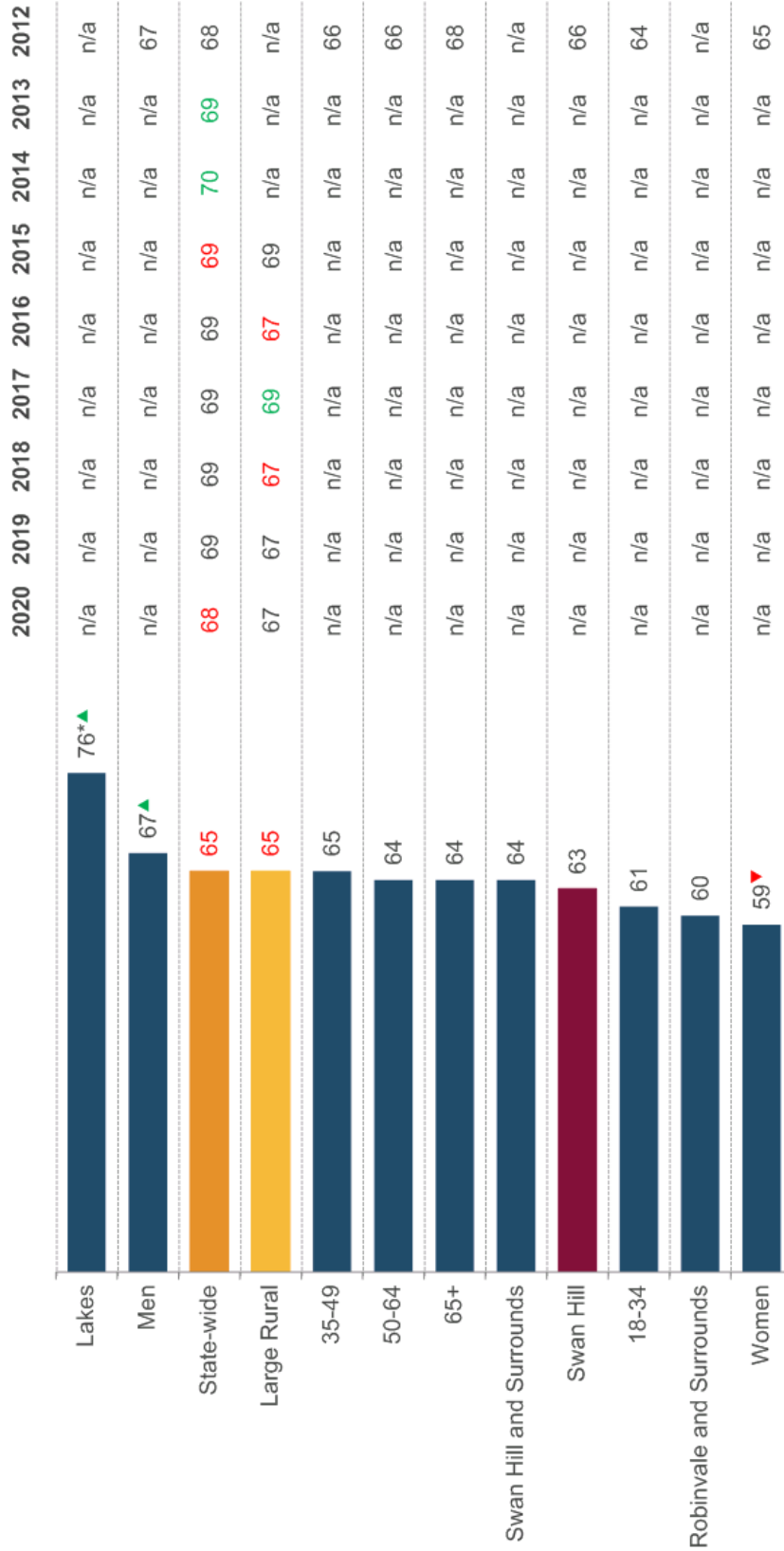
*Caution: small sample size < n=30



Community and cultural activities performance



2021 community and cultural activities performance (index scores)



Q2. How has Council performed on 'Community and cultural activities' over the last 12 months?

Base: All respondents. Councils asked state-wide: 28 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

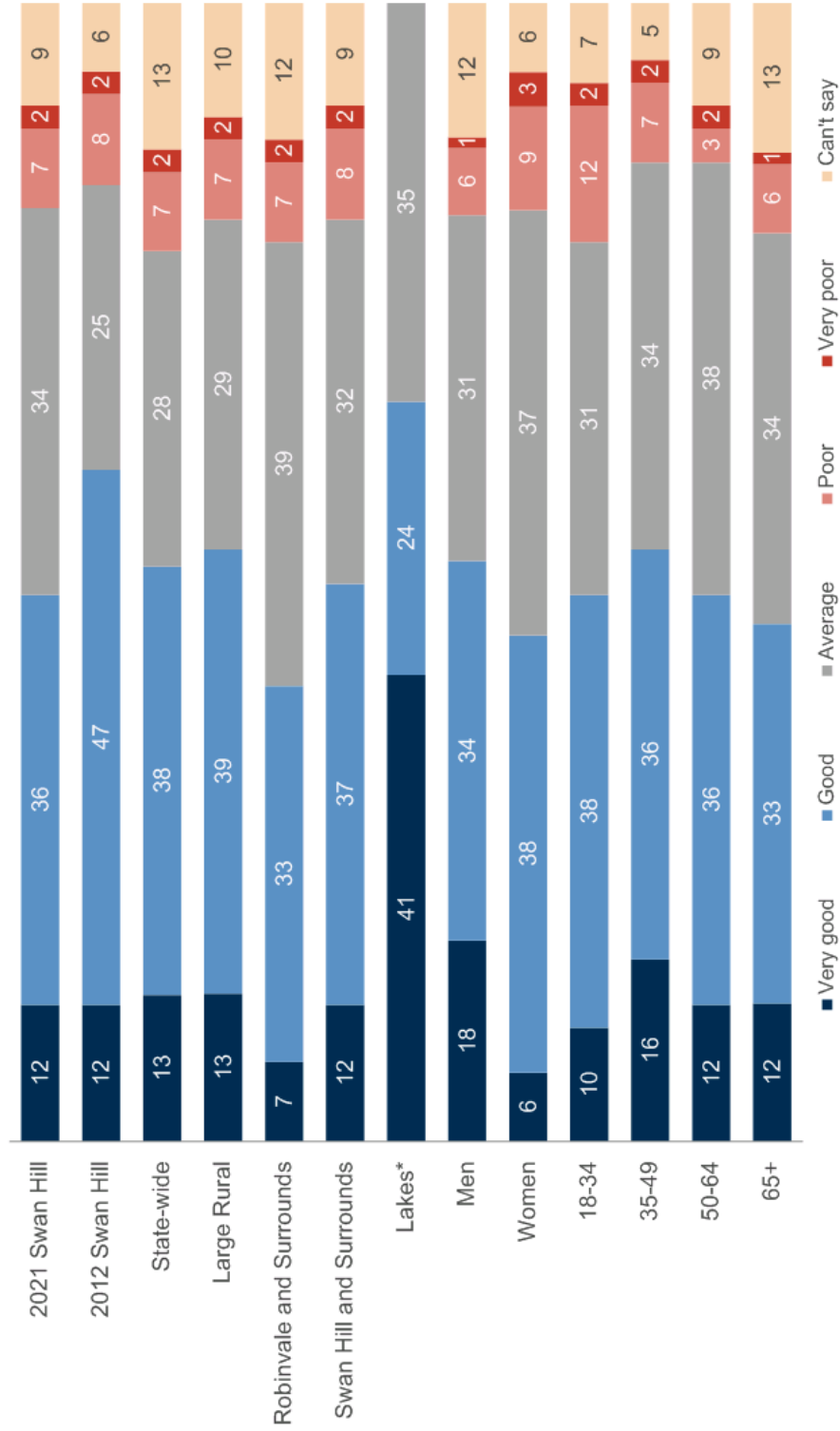
*Caution: small sample size < n=30



Community and cultural activities performance



2021 community and cultural activities performance (%)



Q2. How has Council performed on 'Community and cultural activities' over the last 12 months?

Base: All respondents. Councils asked state-wide: 28 Councils asked group: 8

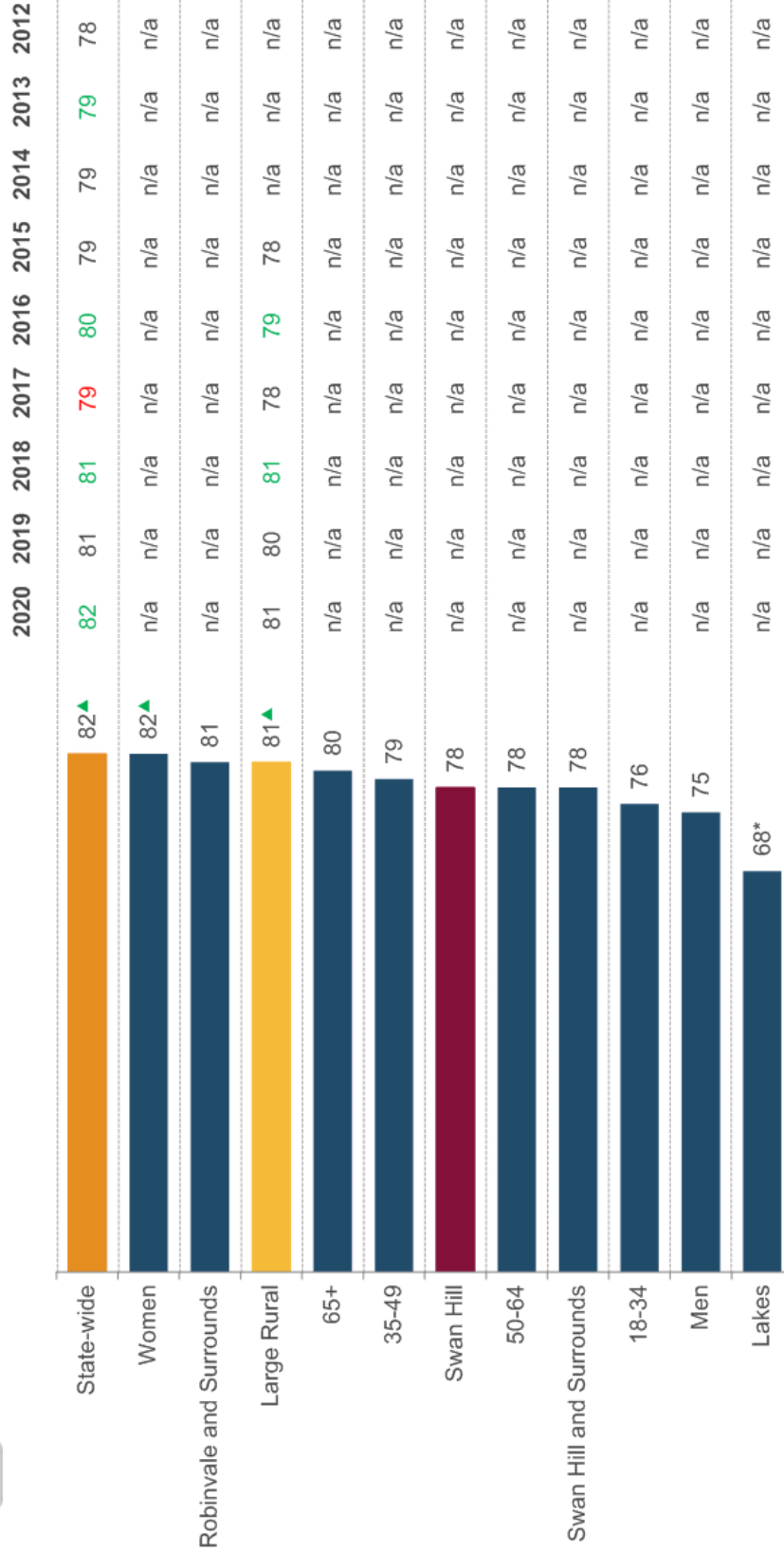
*Caution: small sample size < n=30



Waste management importance



2021 waste management importance (index scores)



Q1: Firstly, how important should 'Waste management' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 32 Councils asked group: 8

Note: Please see Appendix A for explanation of significant differences.

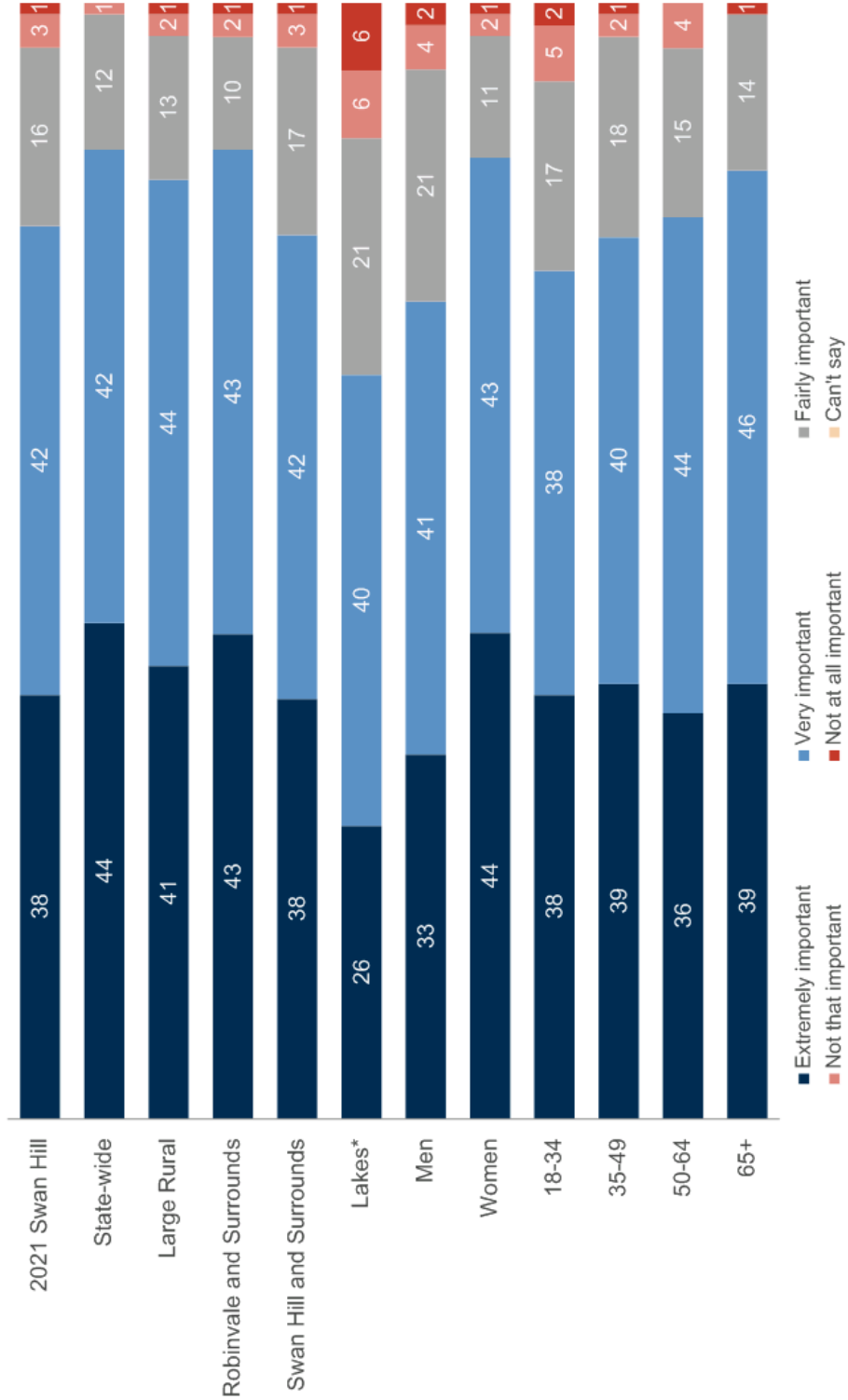
*Caution: small sample size < n=30



Waste management importance



2021 waste management importance (%)



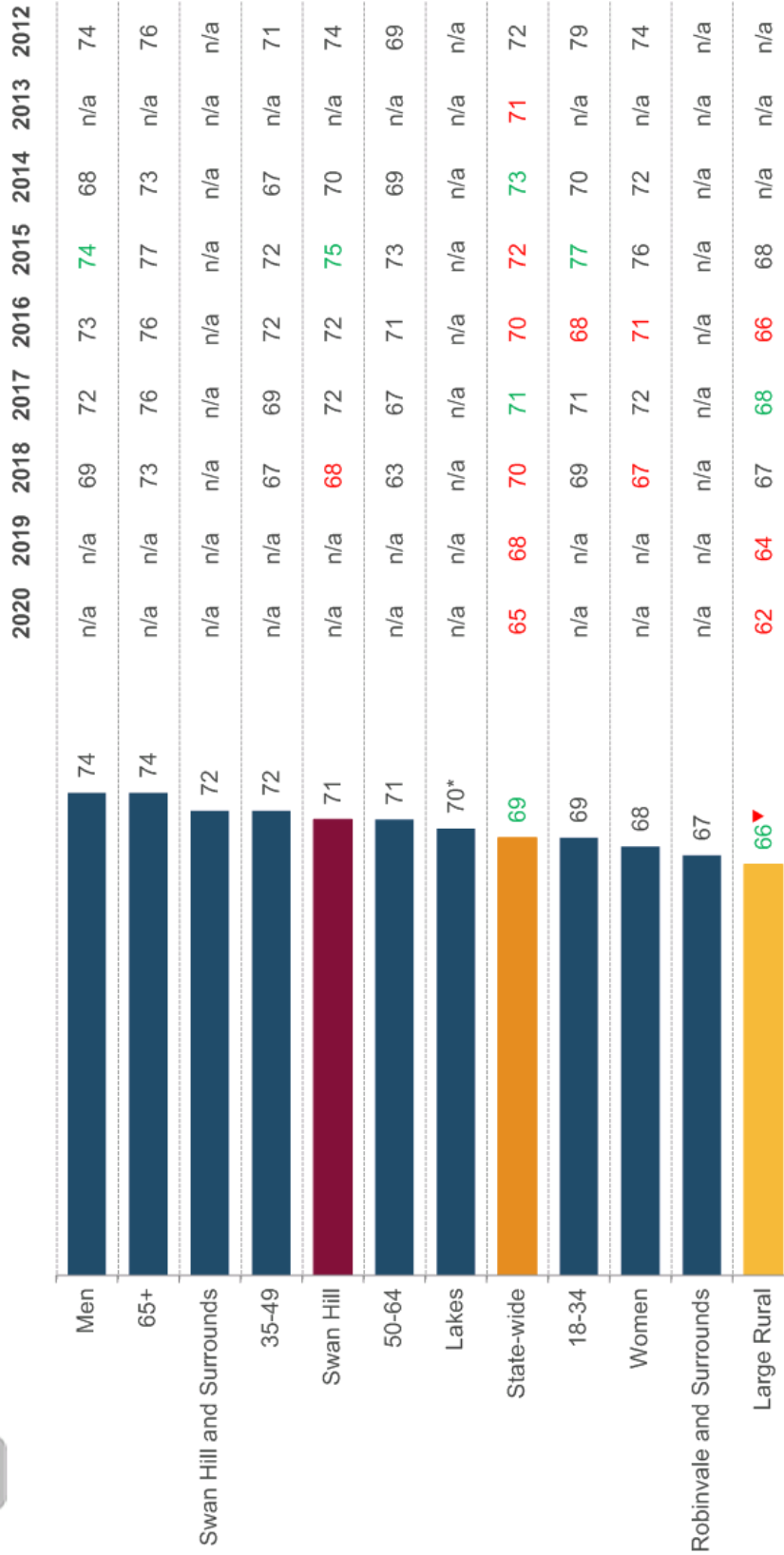
Q1. Firstly, how important should 'Waste management' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 32 Councils asked group: 8
 *Caution: small sample size < n=30



Waste management performance



2021 waste management performance (index scores)



Q2. How has Council performed on 'Waste management' over the last 12 months?

Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19

Note: Please see Appendix A for explanation of significant differences.

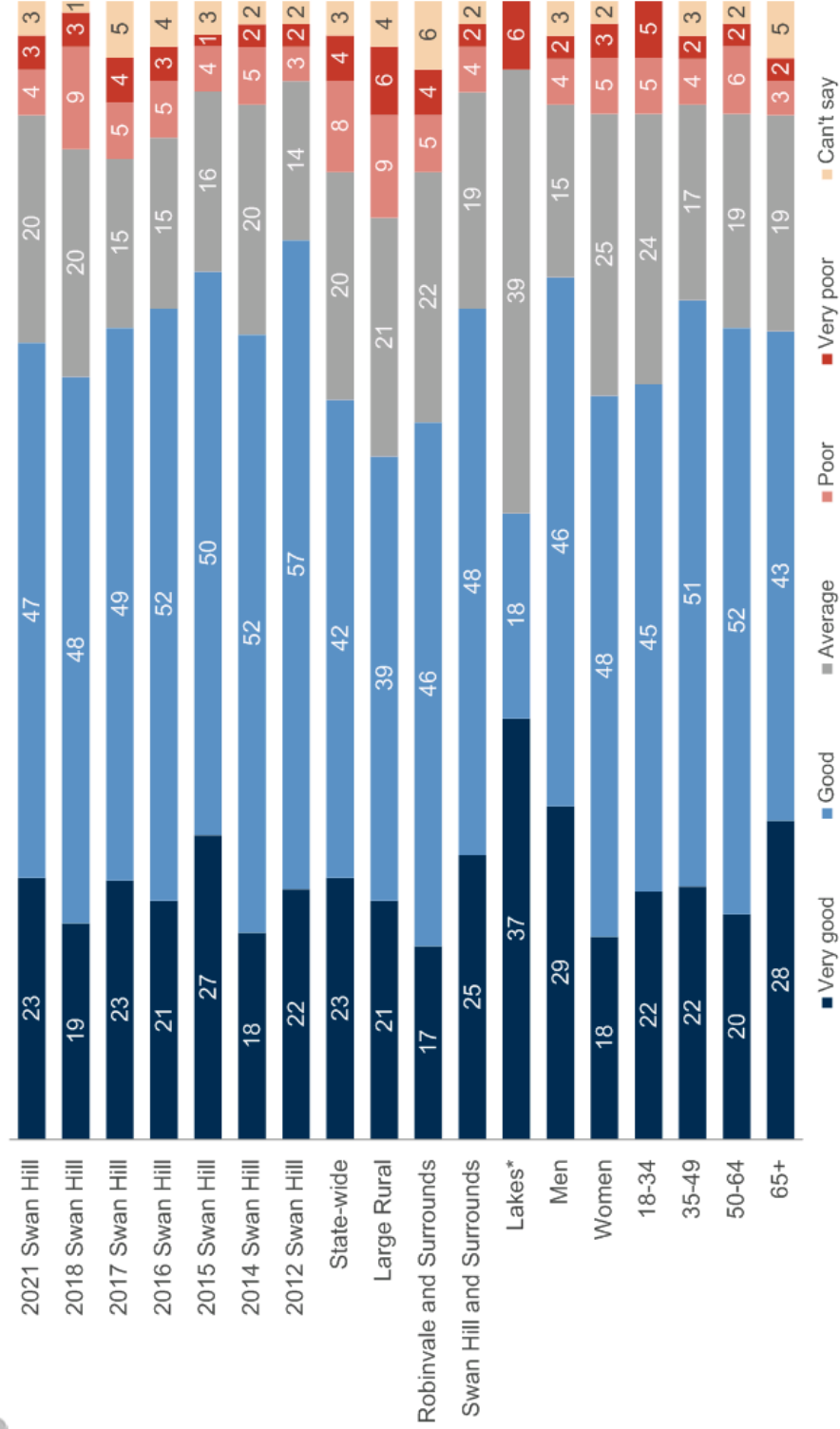
*Caution: small sample size < n=30



Waste management performance



2021 waste management performance (%)

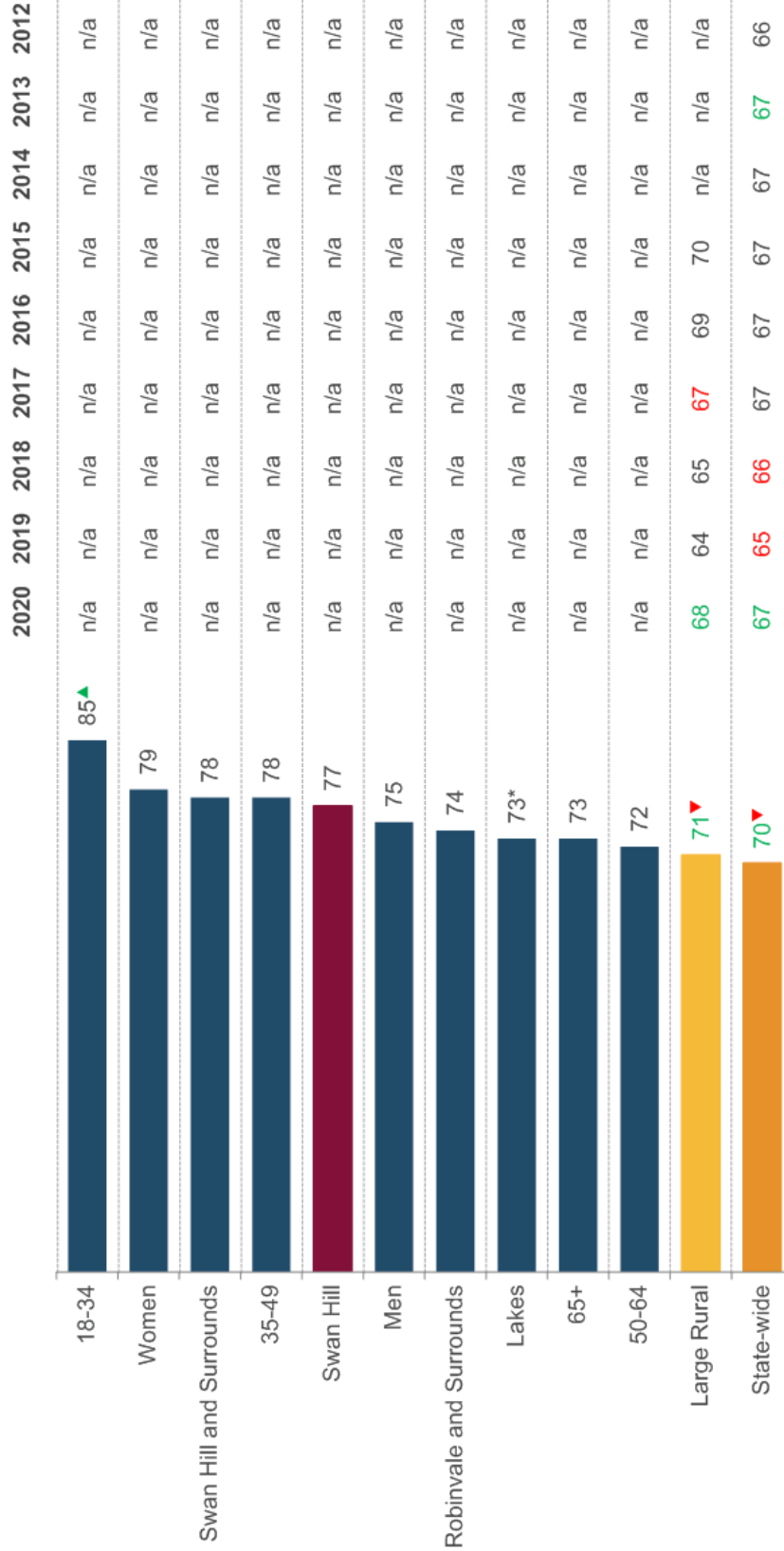


Q2. How has Council performed on 'Waste management' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 *Caution: small sample size < n=30

Business and community development and tourism importance



2021 business/development/tourism importance (index scores)



Q1. Firstly, how important should 'Business and community development and tourism' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 22 Councils asked group: 6

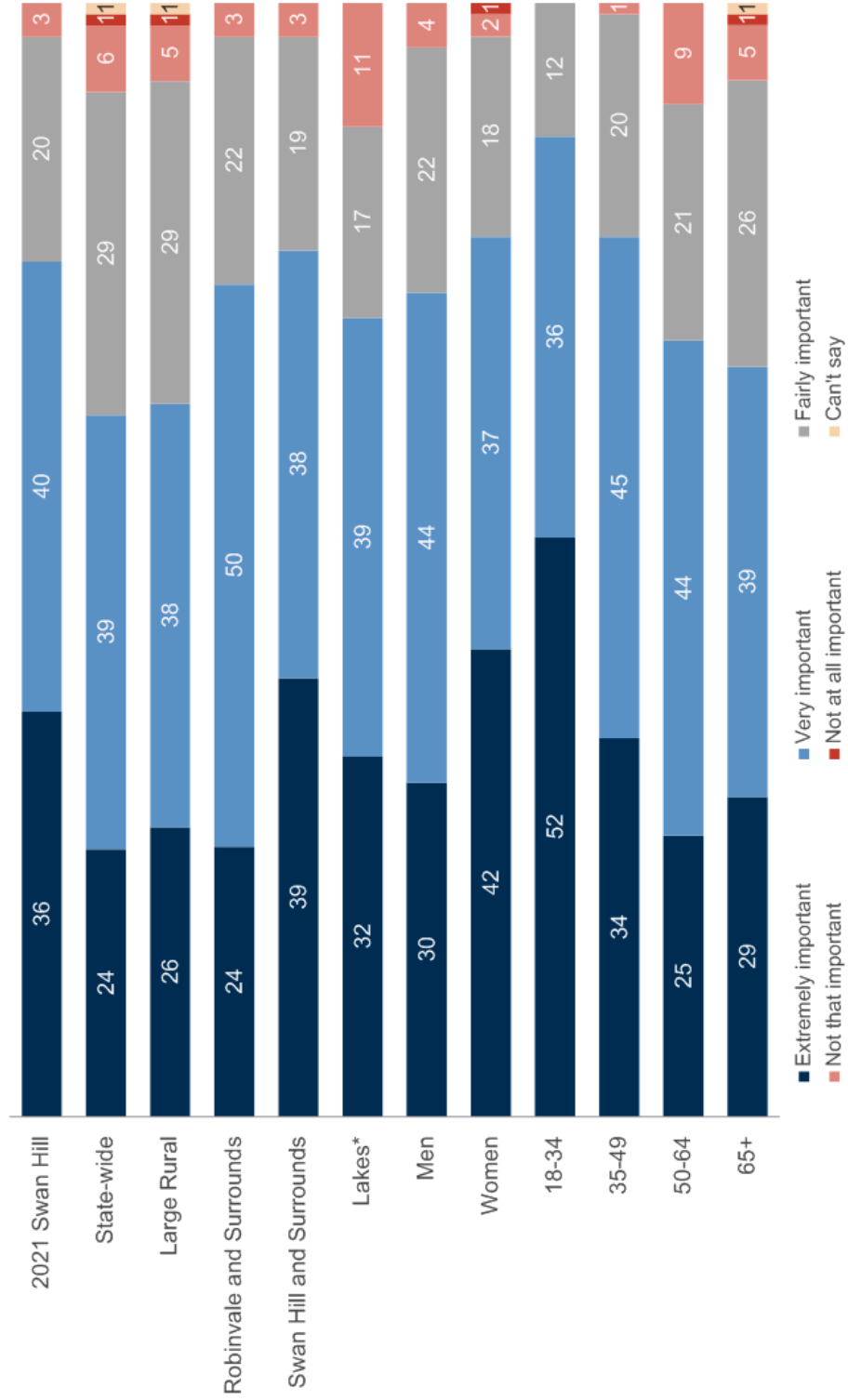
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

Business and community development and tourism importance



2021 business/development/tourism importance (%)



Q1. Firstly, how important should 'Business and community development and tourism' be as a responsibility for Council?

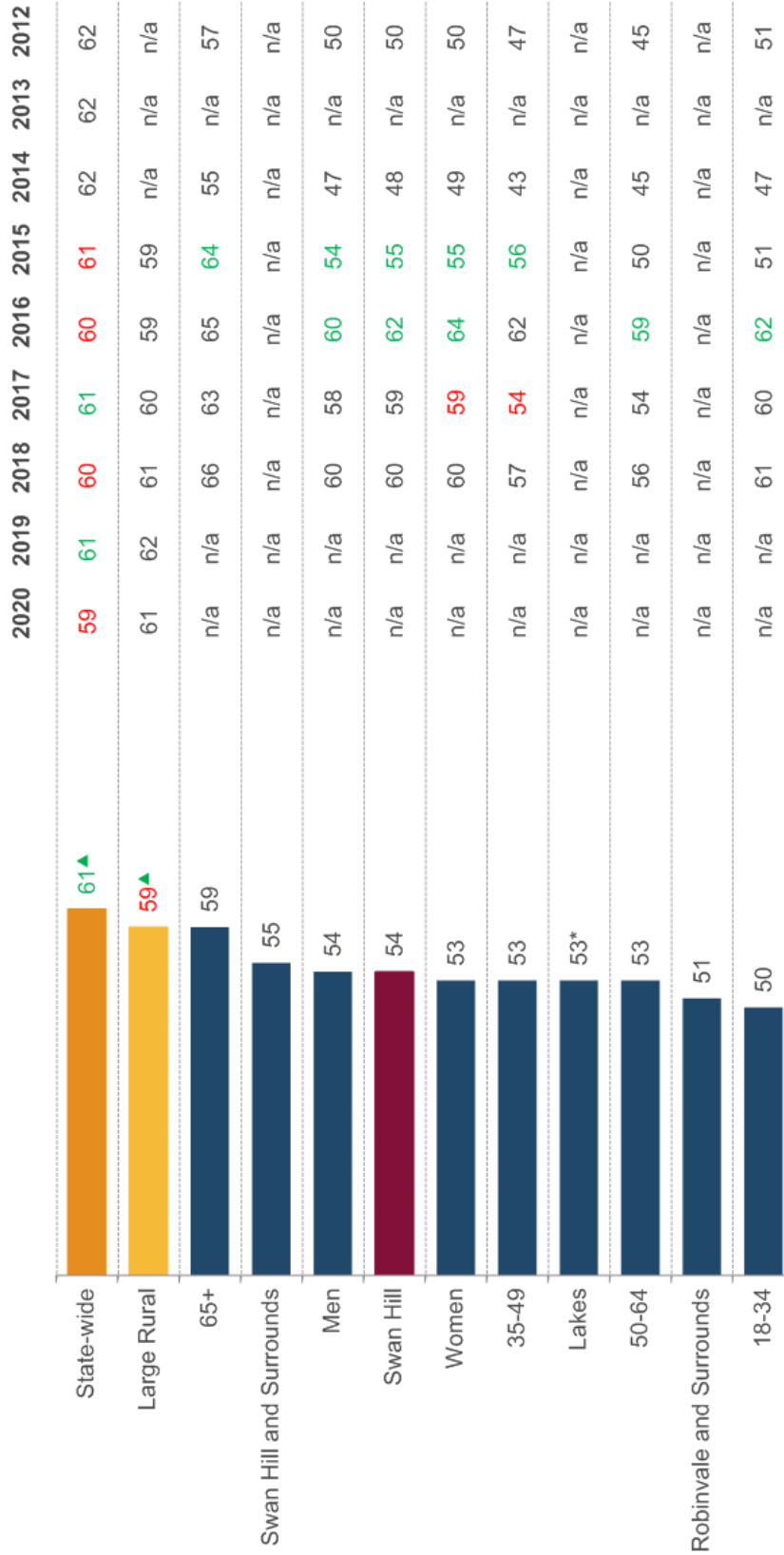
Base: All respondents. Councils asked state-wide: 22 Councils asked group: 6

*Caution: small sample size < n=30

Business and community development and tourism performance



2021 business/development/tourism performance (index scores)



Q2. How has Council performed on 'Business and community development and tourism' over the last 12 months?

Base: All respondents. Councils asked state-wide: 28 Councils asked group: 8

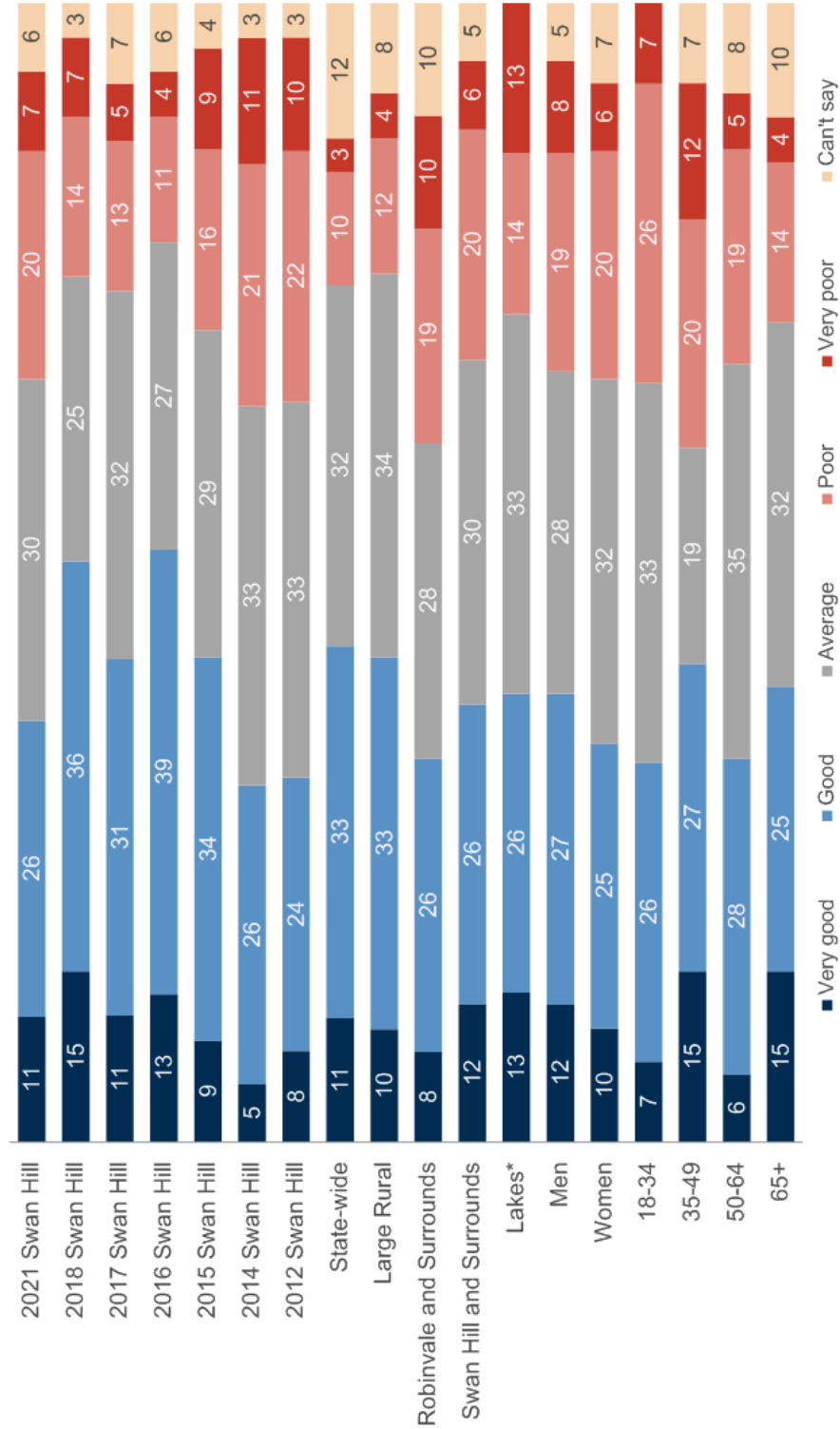
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

Business and community development and tourism performance



2021 business/development/tourism performance (%)



Q2. How has Council performed on 'Business and community development and tourism' over the last 12 months?

Base: All respondents. Councils asked state-wide: 28 Councils asked group: 8

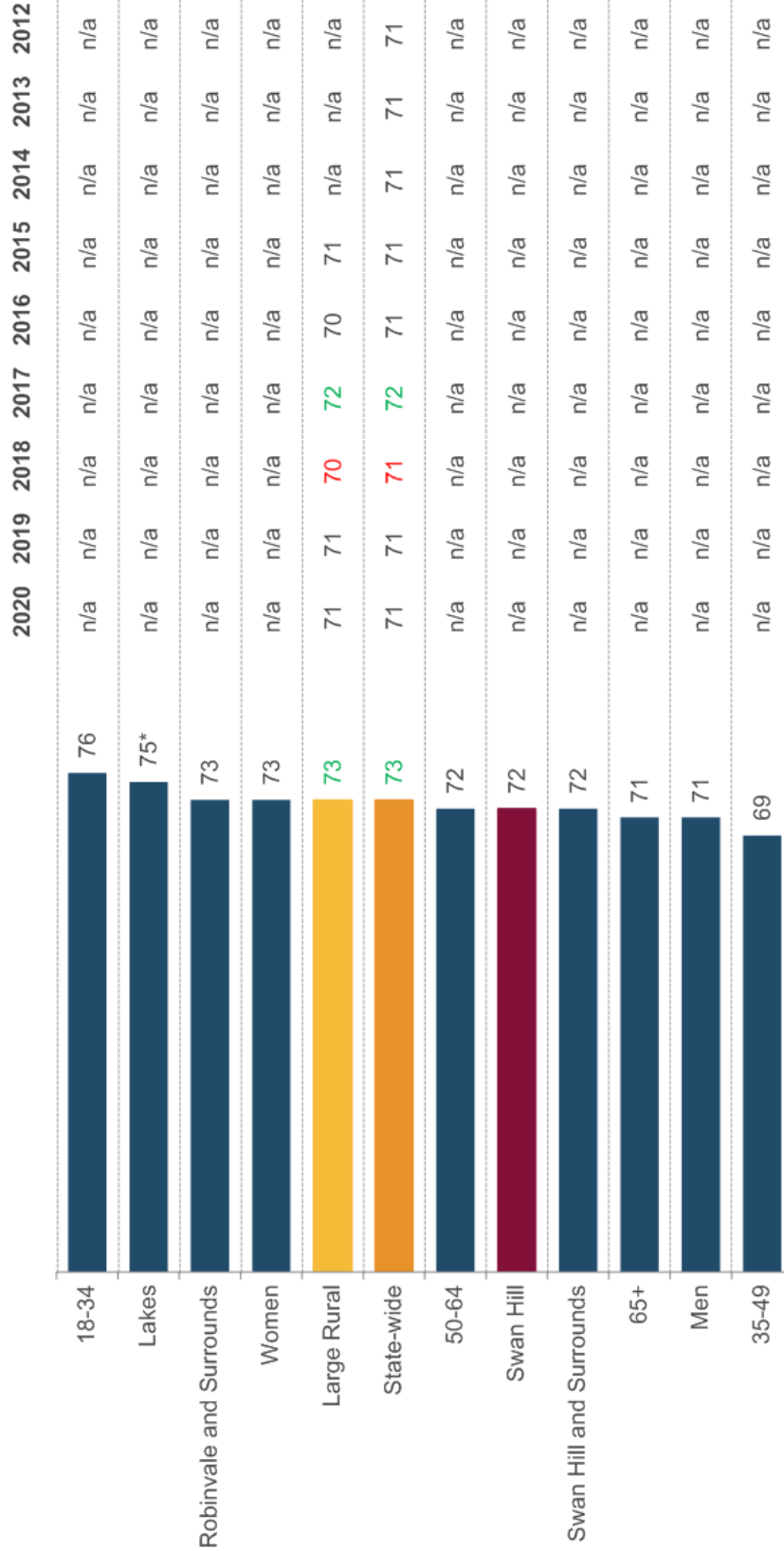
*Caution: small sample size < n=30



Planning and building permits importance



2021 planning and building permits importance (index scores)



Q1: Firstly, how important should 'Planning and building permits' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 23 Councils asked group: 6

Note: Please see Appendix A for explanation of significant differences.

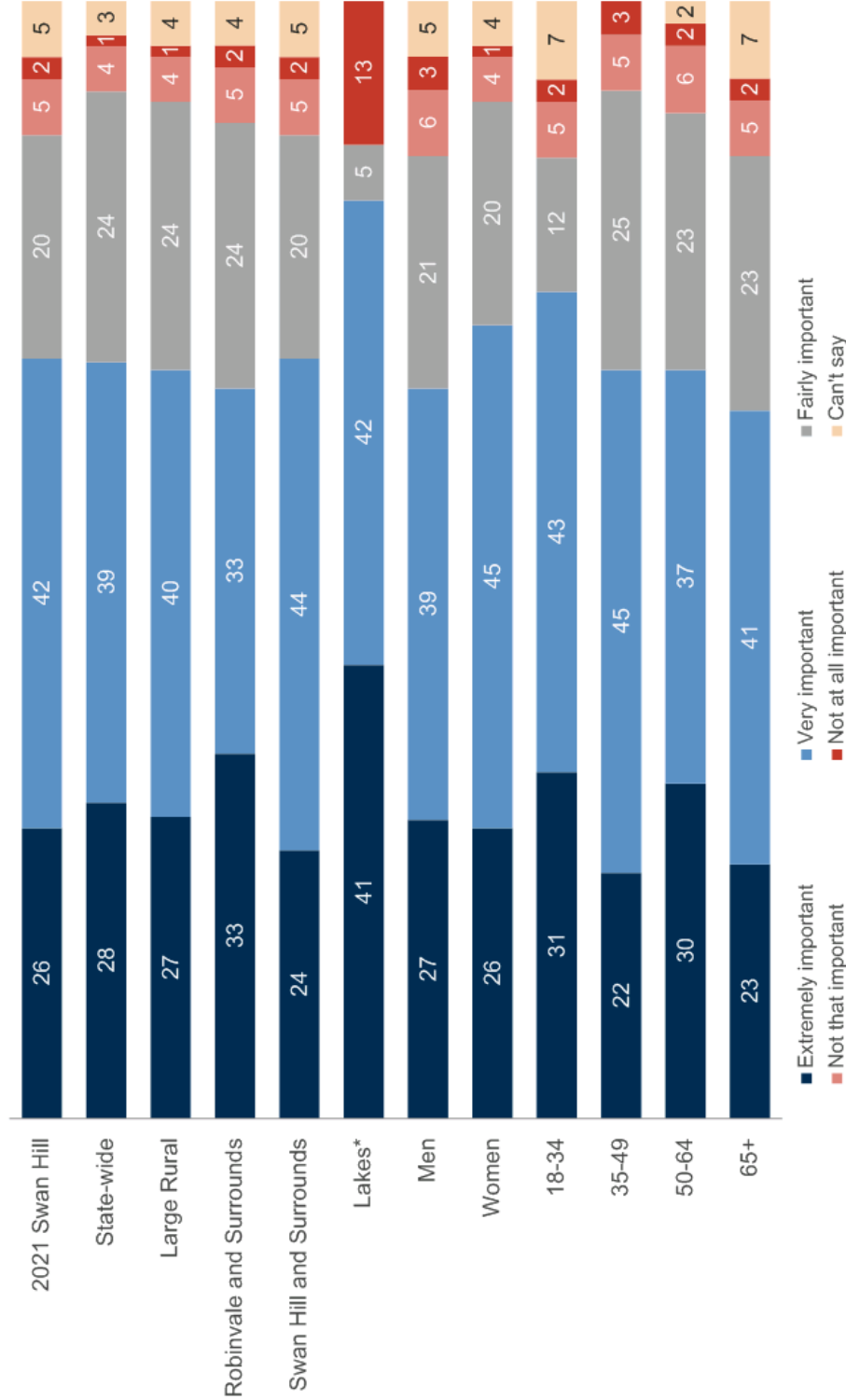
*Caution: small sample size < n=30



Planning and building permits importance



2021 planning and building permits importance (%)



Q1. Firstly, how important should 'Planning and building permits' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 23 Councils asked group: 6

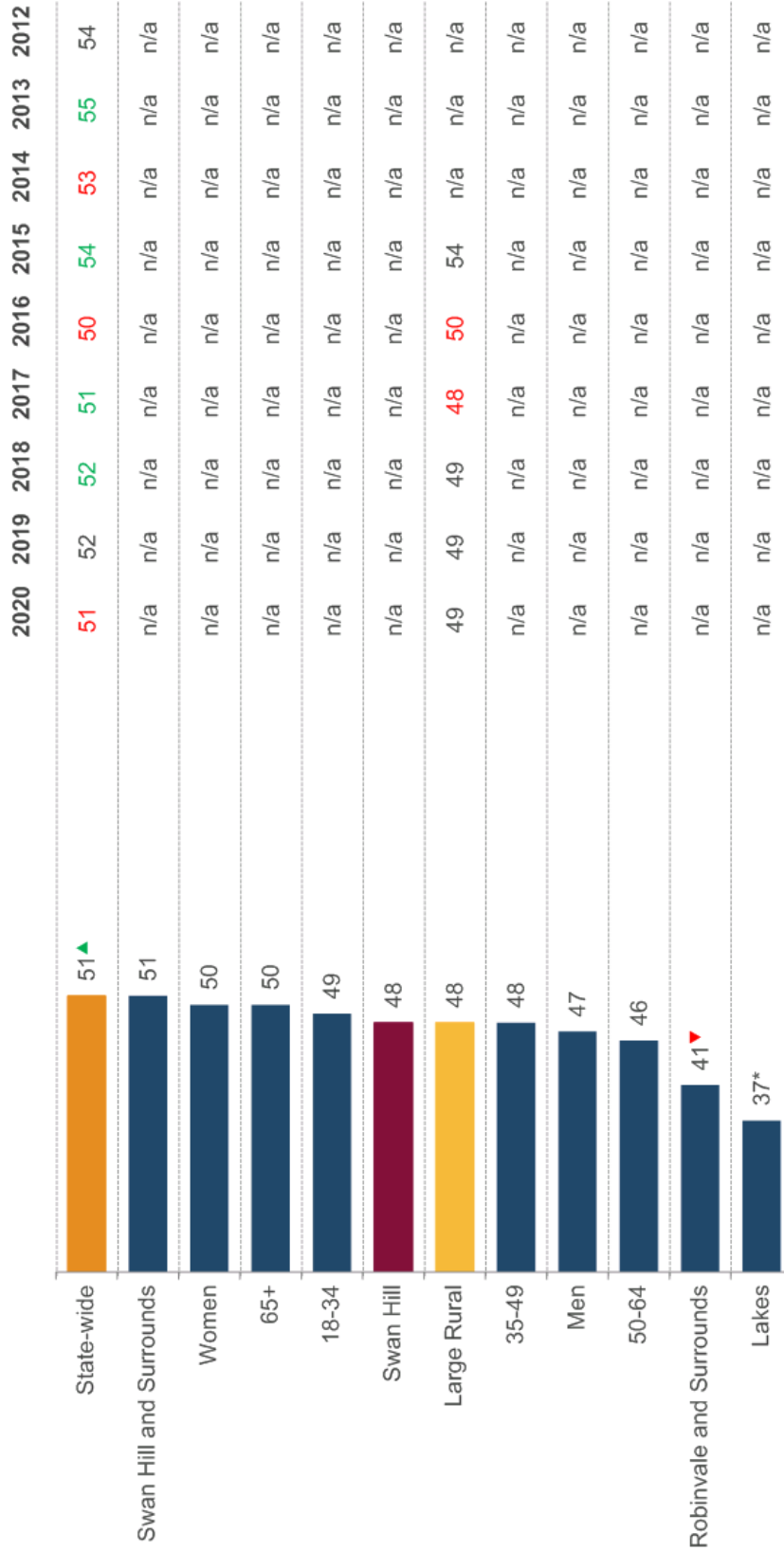
*Caution: small sample size < n=30



Planning and building permits performance



2021 planning and building permits performance (index scores)



Q2. How has Council performed on 'Planning and building permits' over the last 12 months?

Base: All respondents. Councils asked state-wide: 29 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.

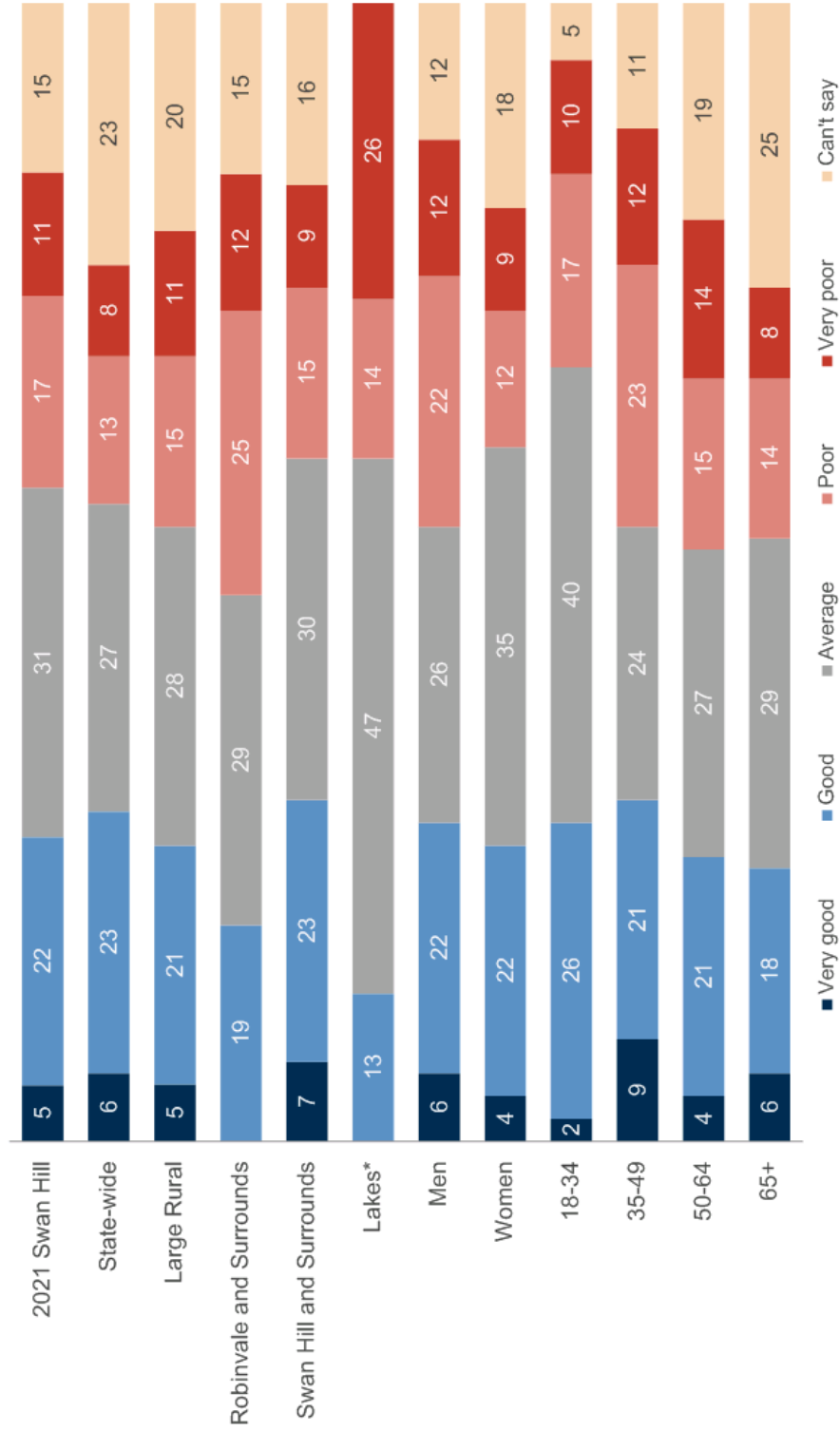
*Caution: small sample size < n=30



Planning and building permits performance



2021 planning and building permits performance (%)



Q2. How has Council performed on 'Planning and building permits' over the last 12 months?

Base: All respondents. Councils asked state-wide: 29 Councils asked group: 9

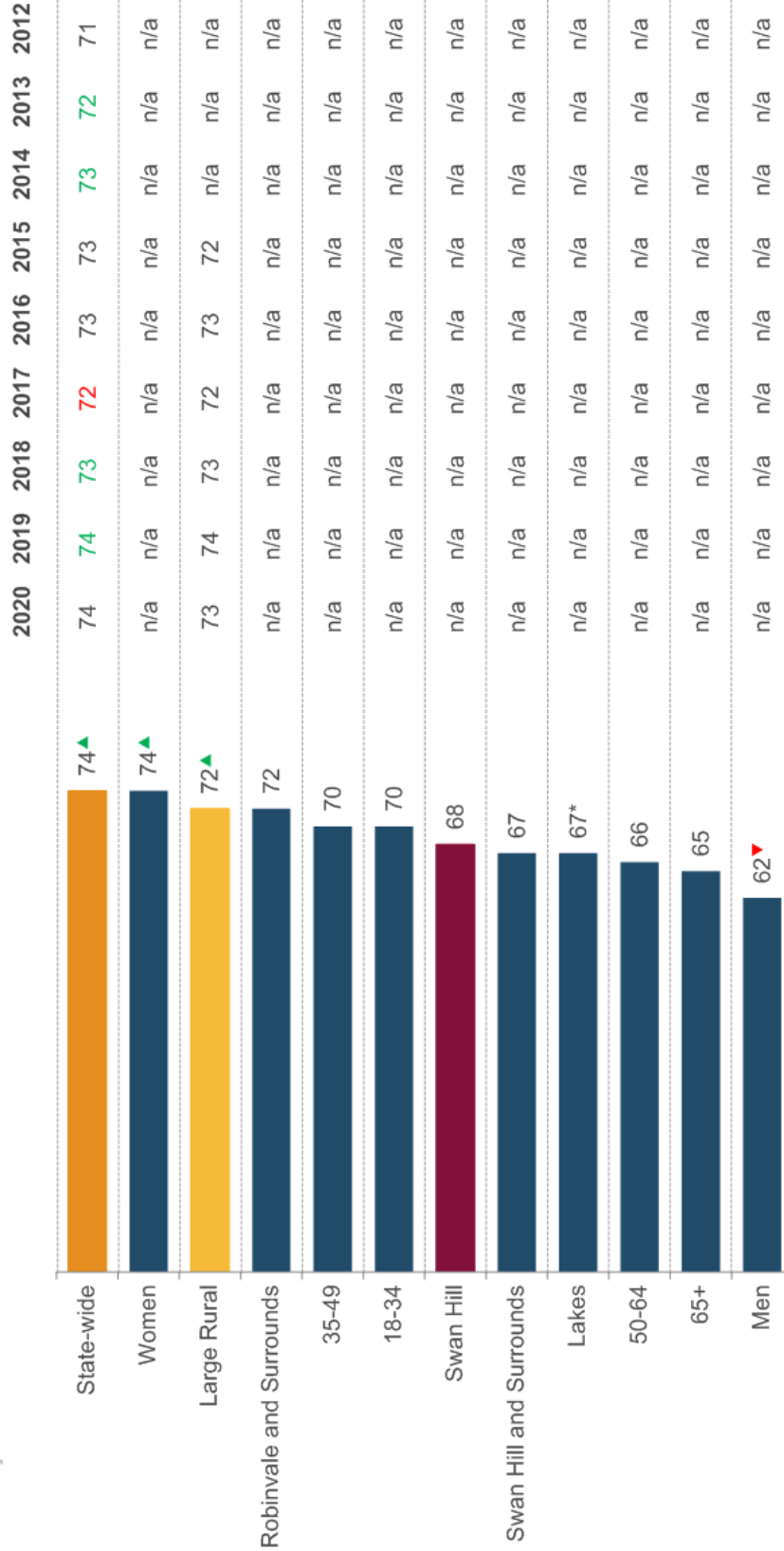
*Caution: small sample size < n=30



Environmental sustainability importance



2021 environmental sustainability importance (index scores)



Q1. Firstly, how important should 'Environmental sustainability' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 26 Councils asked group: 7

Note: Please see Appendix A for explanation of significant differences.

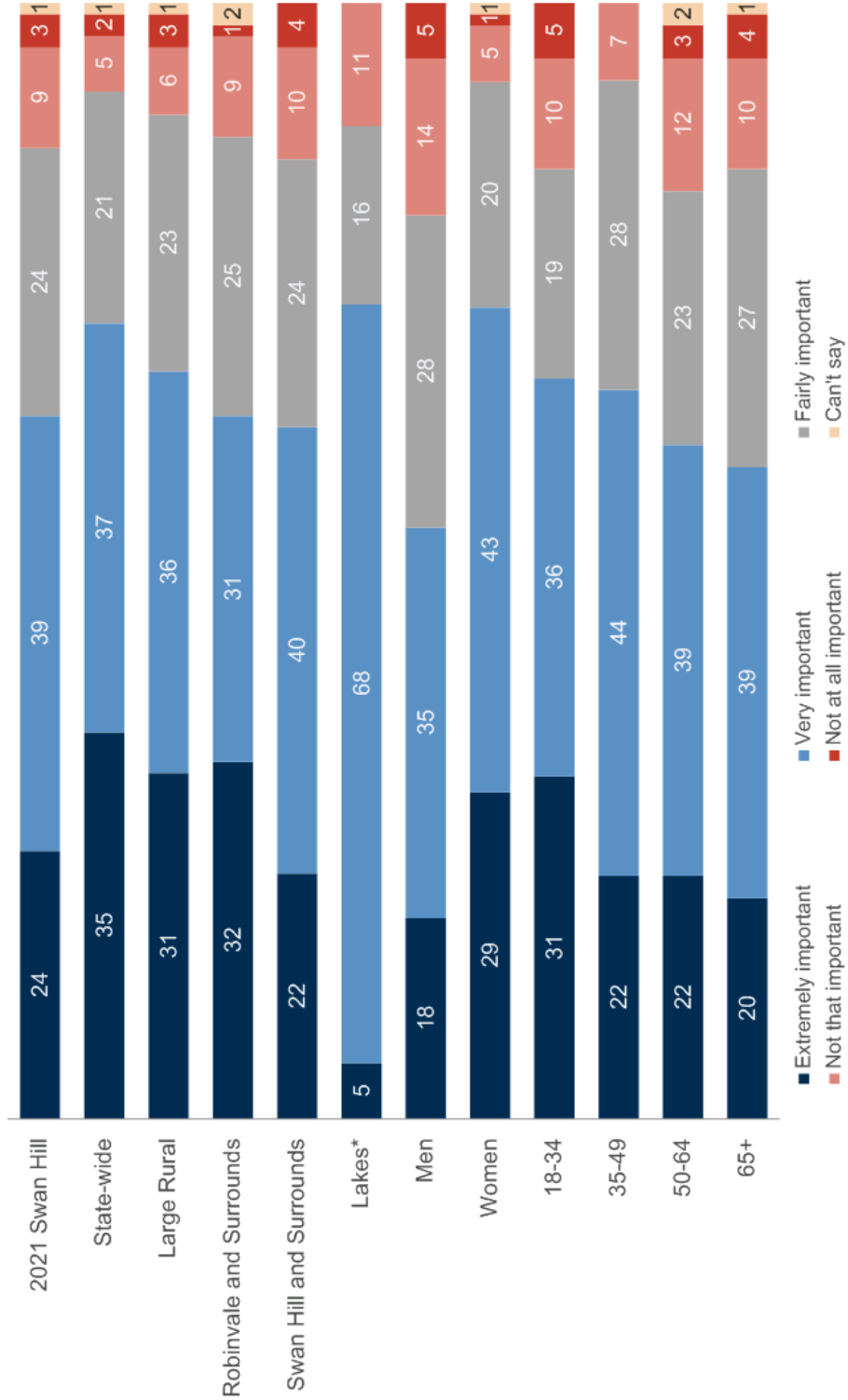
*Caution: small sample size < n=30



Environmental sustainability importance



2021 environmental sustainability importance (%)



Q1. Firstly, how important should 'Environmental sustainability' be as a responsibility for Council?
 Base: All respondents. Councils asked state-wide: 26 Councils asked group: 7

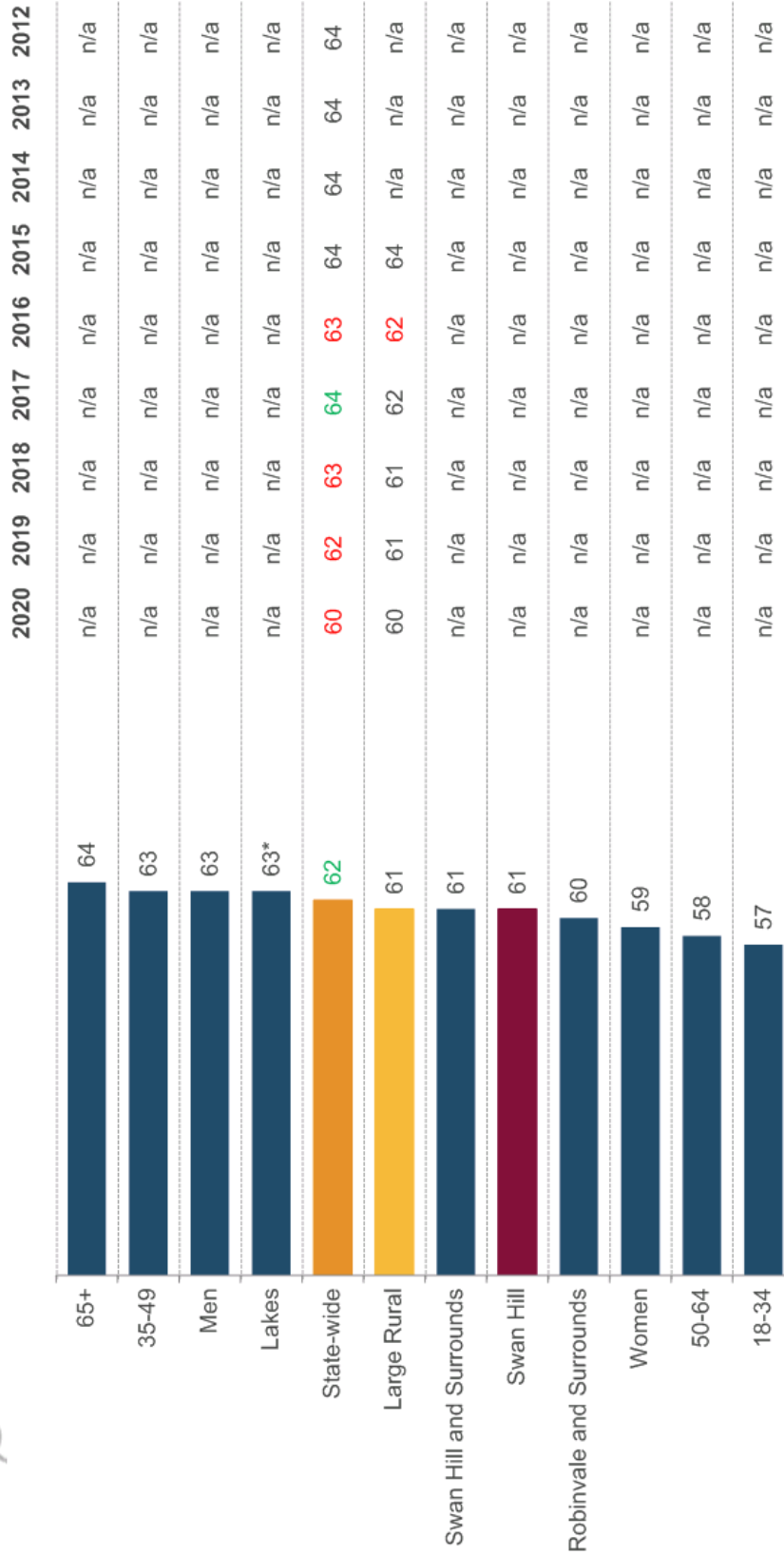
*Caution: small sample size < n=30



Environmental sustainability performance



2021 environmental sustainability performance (index scores)



Q2. How has Council performed on 'Environmental sustainability' over the last 12 months?

Base: All respondents. Councils asked state-wide: 34 Councils asked group: 10

Note: Please see Appendix A for explanation of significant differences.

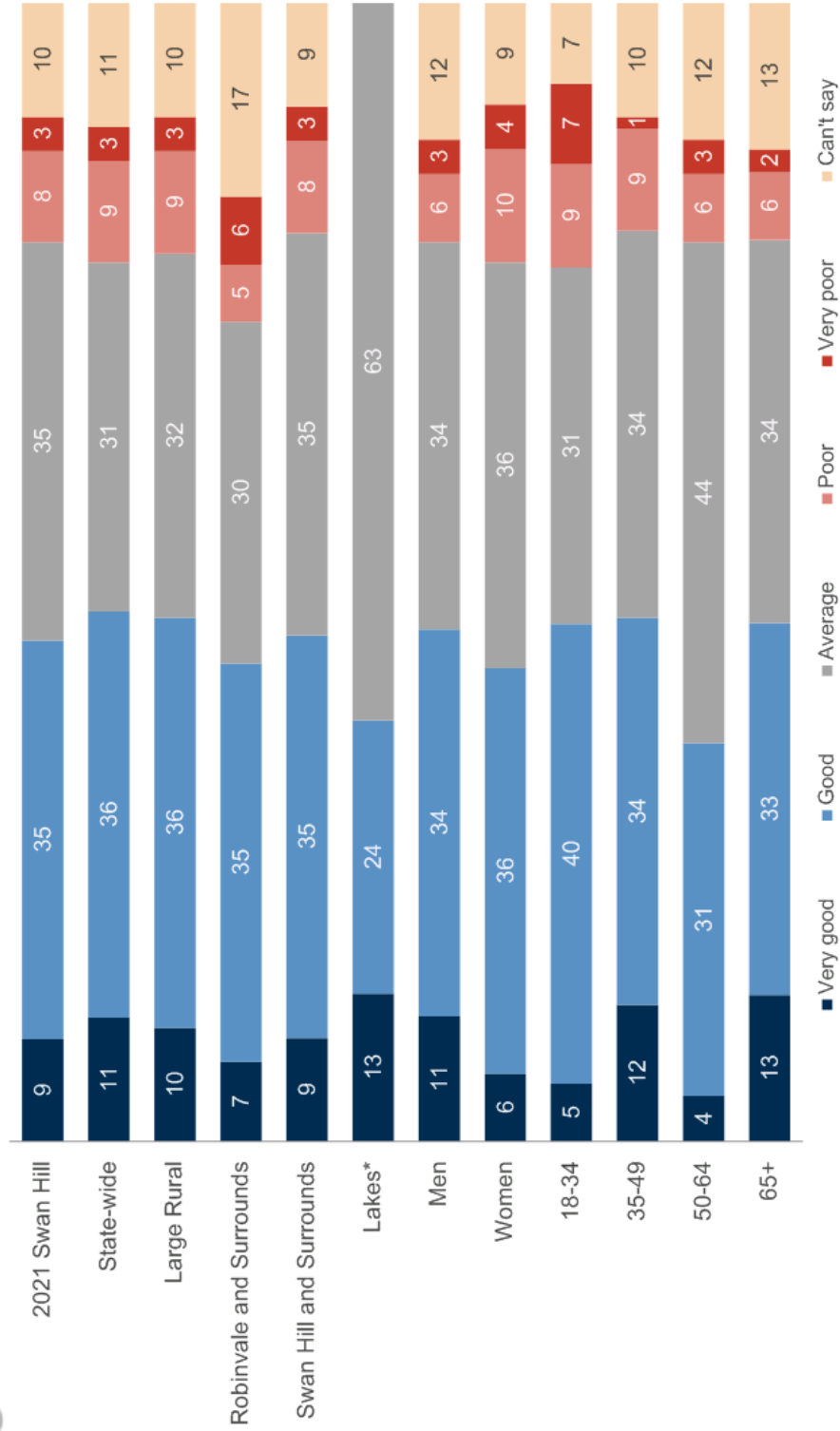
*Caution: small sample size < n=30



Environmental sustainability performance



2021 environmental sustainability performance (%)



Q2. How has Council performed on 'Environmental sustainability' over the last 12 months?

Base: All respondents. Councils asked state-wide: 34 Councils asked group: 10

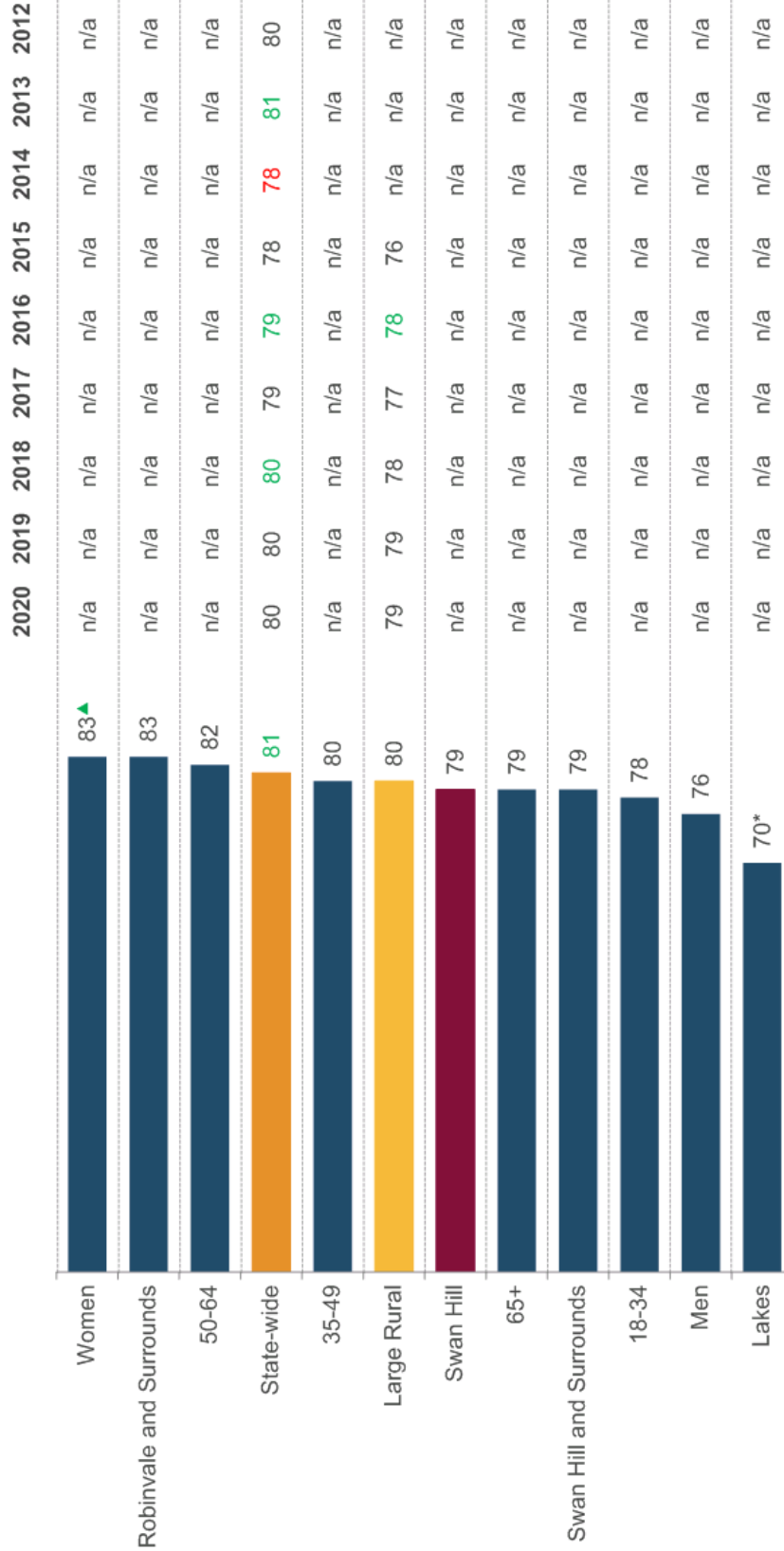
*Caution: small sample size < n=30



Maintenance of unsealed roads in your area importance



2021 unsealed roads importance (index scores)



Q1. Firstly, how important should 'Maintenance of unsealed roads in your area' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 16 Councils asked group: 6

Note: Please see Appendix A for explanation of significant differences.

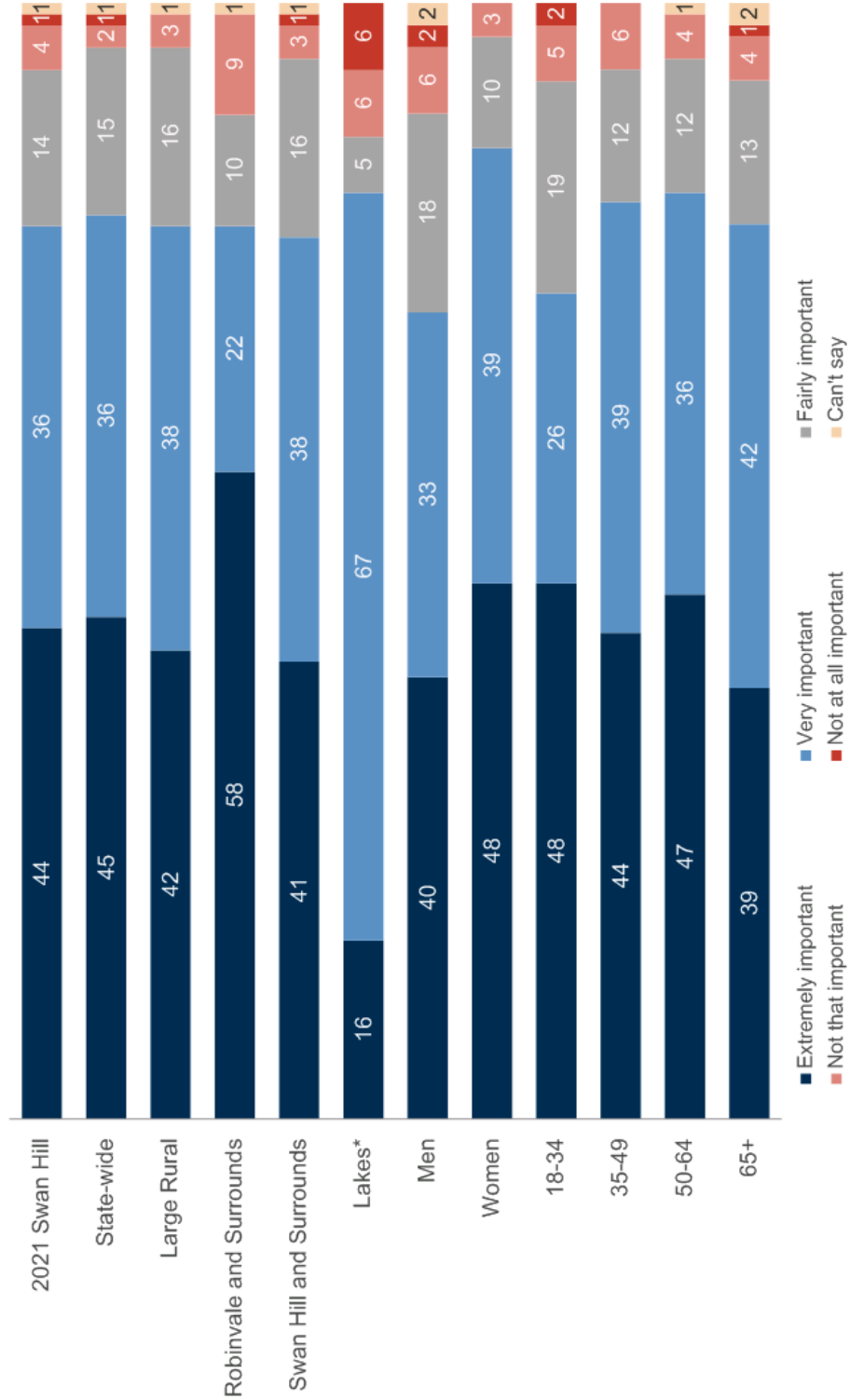
*Caution: small sample size < n=30



Maintenance of unsealed roads in your area importance



2021 unsealed roads importance (%)



Q1. Firstly, how important should 'Maintenance of unsealed roads in your area' be as a responsibility for Council?

Base: All respondents. Councils asked state-wide: 16 Councils asked group: 6

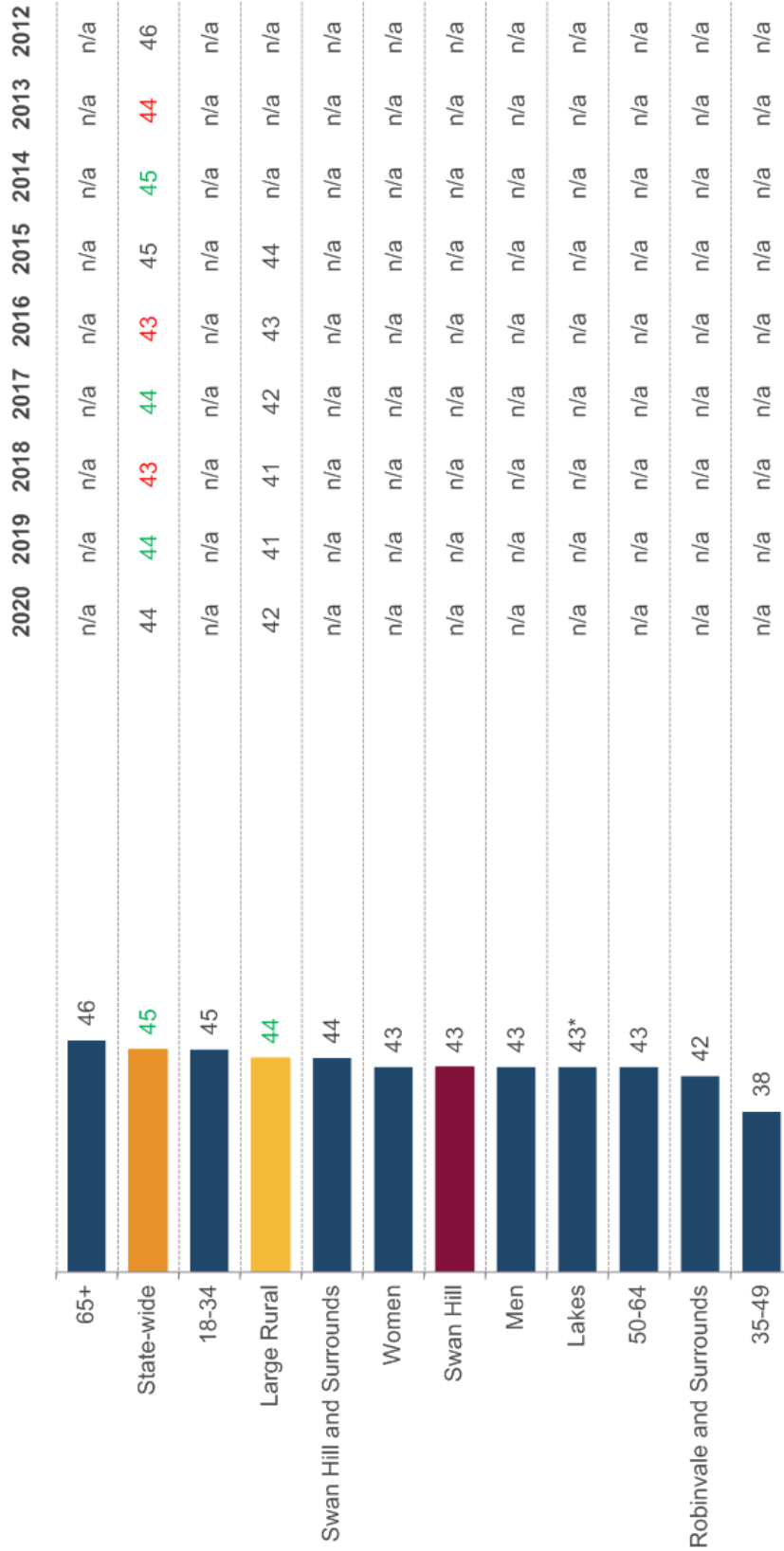
*Caution: small sample size < n=30



Maintenance of unsealed roads in your area performance



2021 unsealed roads performance (index scores)



Q2. How has Council performed on 'Maintenance of unsealed roads in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 24 Councils asked group: 10

Note: Please see Appendix A for explanation of significant differences.

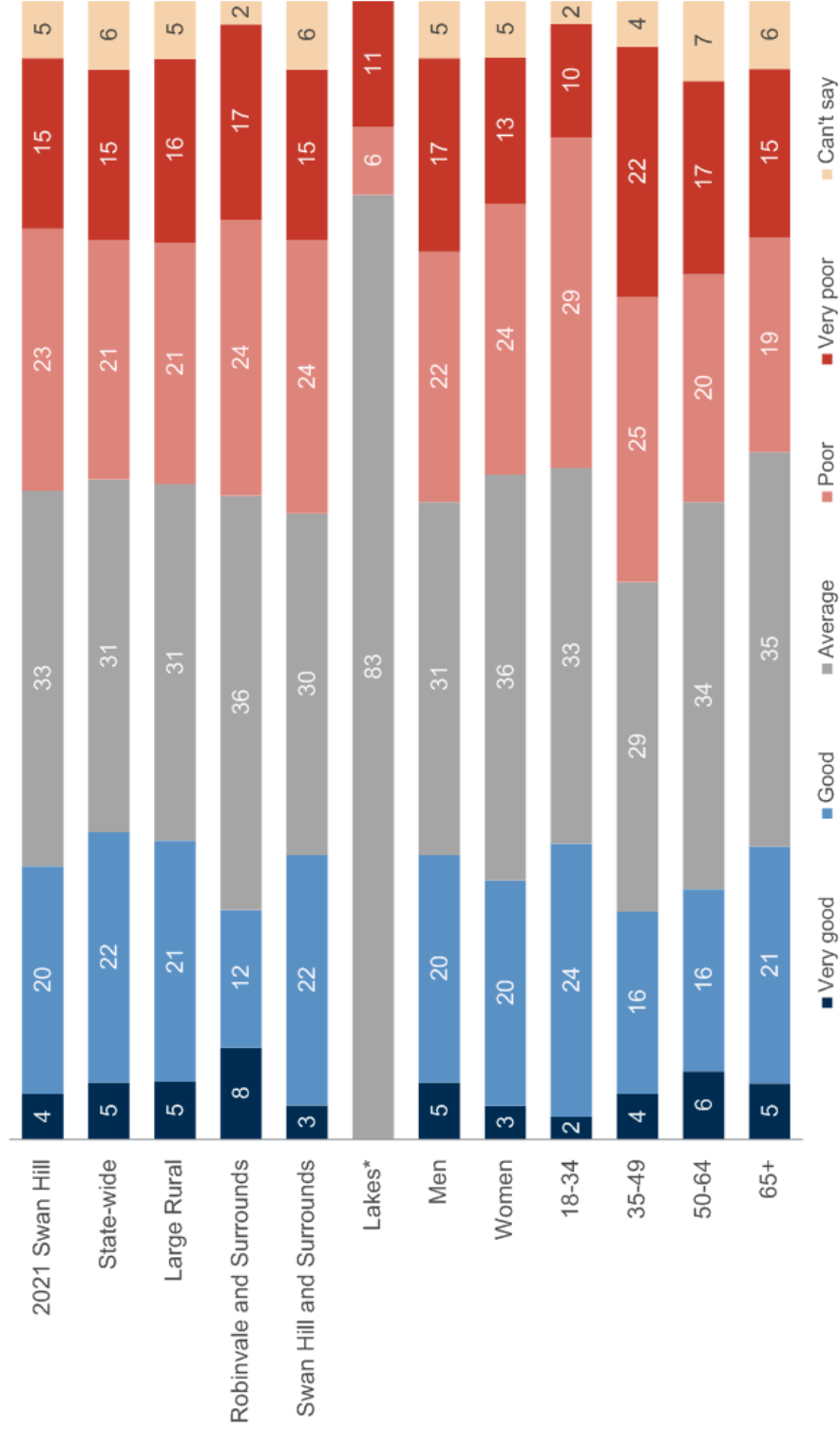
*Caution: small sample size < n=30



Maintenance of unsealed roads in your area performance



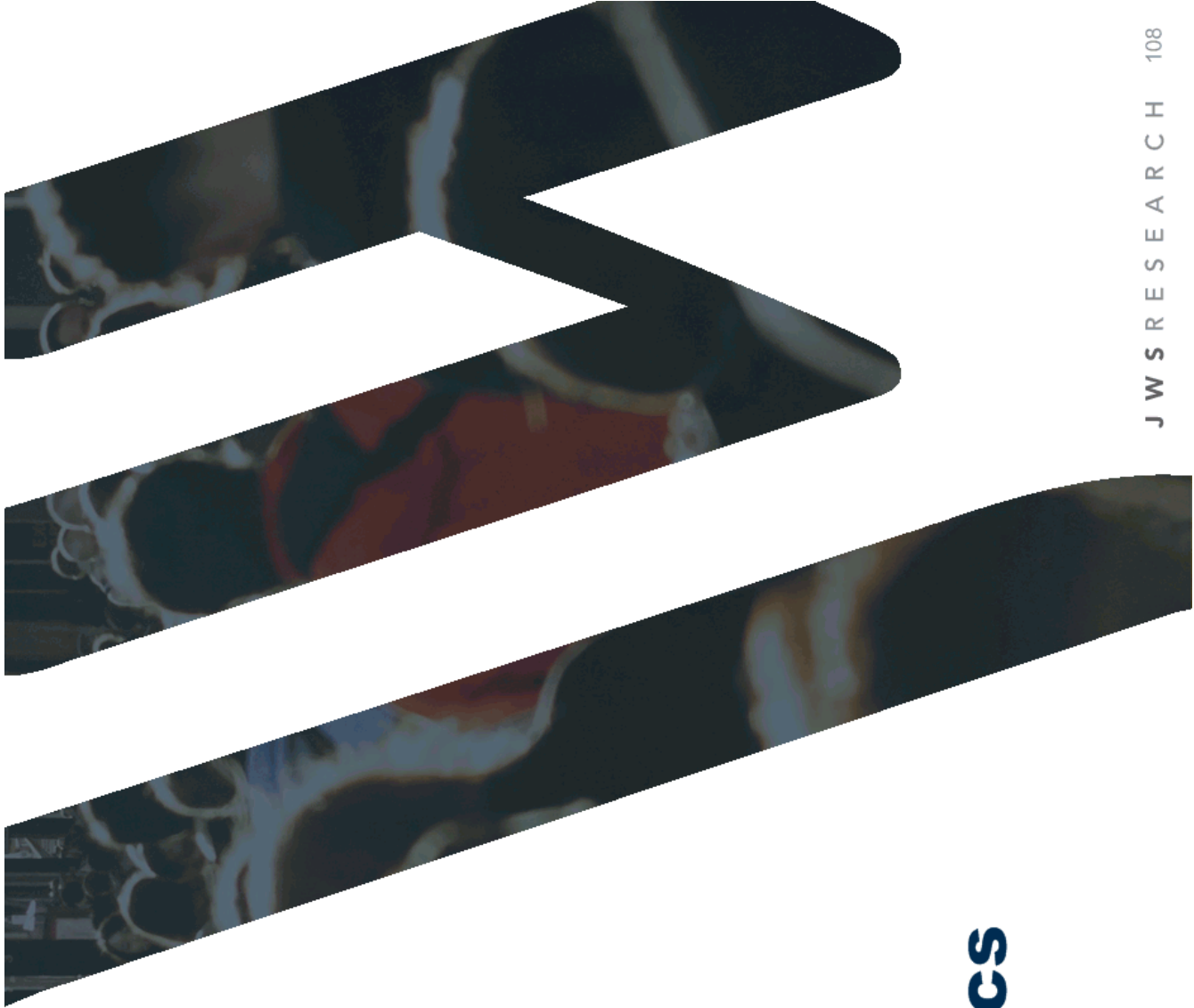
2021 unsealed roads performance (%)



Q2. How has Council performed on 'Maintenance of unsealed roads in your area' over the last 12 months?

Base: All respondents. Councils asked state-wide: 24 Councils asked group: 10

*Caution: small sample size < n=30

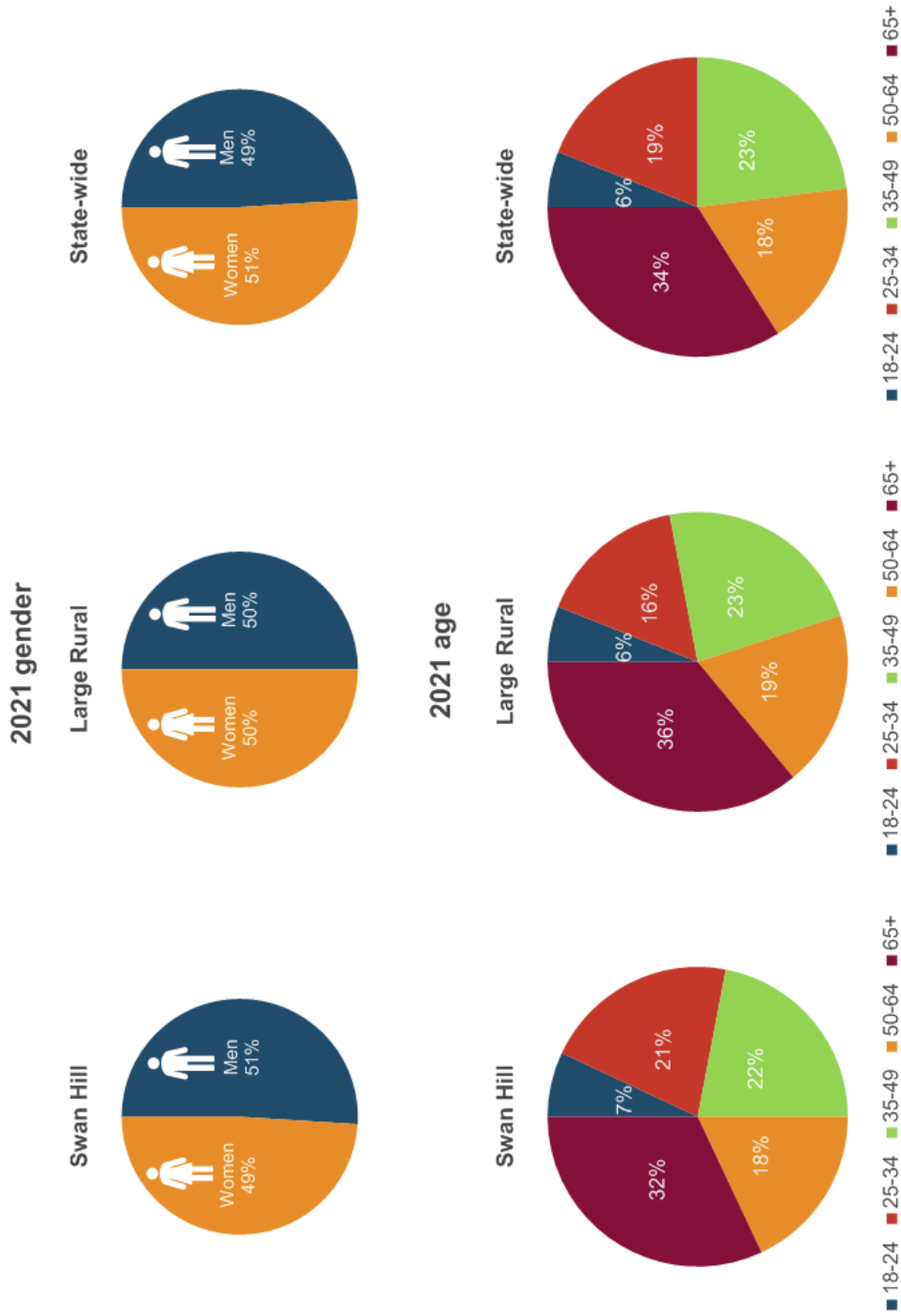


Detailed demographics

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Gender and age profile



S3. [Record gender] / S4. To which of the following age groups do you belong?
 Base: All respondents. Councils asked state-wide: 66 Councils asked group: 19
 Please note that for the reason of simplifying reporting, interlocking age and gender reporting has not been included in this report. Interlocking age and gender analysis is still available in the dashboard and data tables provided alongside this report.

Appendix A: Index scores, margins of error and significant differences



Appendix A: Index Scores

Index Scores

Many questions ask respondents to rate council performance on a five-point scale, for example, from 'very good' to 'very poor', with 'can't say' also a possible response category. To facilitate ease of reporting and comparison of results over time, starting from the 2012 survey and measured against the statewide result and the council group, an 'Index Score' has been calculated for such measures.

The Index Score is calculated and represented as a score out of 100 (on a 0 to 100 scale), with 'can't say' responses excluded from the analysis. The '% RESULT' for each scale category is multiplied by the 'INDEX FACTOR'. This produces an 'INDEX VALUE' for each category, which are then summed to produce the 'INDEX SCORE', equating to '60' in the following example.

Similarly, an Index Score has been calculated for the Core question 'Performance direction in the last 12 months', based on the following scale for each performance measure category, with 'Can't say' responses excluded from the calculation.

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Very good	9%	100	9
Good	40%	75	30
Average	37%	50	19
Poor	9%	25	2
Very poor	4%	0	0
Can't say	1%	--	INDEX SCORE 60

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Improved	36%	100	36
Stayed the same	40%	50	20
Deteriorated	23%	0	0
Can't say	1%	--	INDEX SCORE 56



Appendix A: Margins of error

The sample size for the 2021 State-wide Local Government Community Satisfaction Survey for Swan Hill Rural City Council was n=400. Unless otherwise noted, this is the total sample base for all reported charts and tables.

The maximum margin of error on a sample of approximately n=400 interviews is +/-4.8% at the 95% confidence level for results around 50%. Margins of error will be larger for any sub-samples. As an example, a result of 50% can be read confidently as falling midway in the range 45.2% - 54.8%.

Maximum margins of error are listed in the table below, based on a population of 15,900 people aged 18 years or over for Swan Hill Rural City Council, according to ABS estimates.

Demographic	Actual survey sample size	Weighted base	Maximum margin of error at 95% confidence interval
Swan Hill Rural City Council	400	400	+/-4.8
Men	175	204	+/-7.4
Women	225	196	+/-6.5
Robinvale and Surrounds	72	75	+/-11.6
Swan Hill and Surrounds	316	313	+/-5.5
Lakes	12	13	+/-29.5
18-34 years	42	111	+/-15.3
35-49 years	69	88	+/-11.9
50-64 years	105	73	+/-9.6
65+ years	184	127	+/-7.2



Appendix A: Significant difference reporting notation

Within tables and index score charts throughout this report, statistically significant differences at the 95% confidence level are represented by upward directing green (▲) and downward directing red arrows (▼).

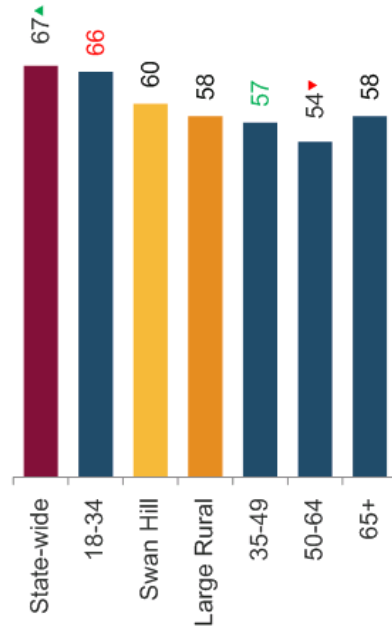
Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 'Total' result for the council for that survey question for that year. Therefore in the example below:

- ▲ The state-wide result is significantly higher than the overall result for the council.
- ▼ The result among 50-64 year olds is significantly lower than for the overall result for the council.

Further, results shown in green and red indicate significantly higher or lower results than in 2020. Therefore in the example below:

- The result among 35-49 year olds in the council is significantly higher than the result achieved among this group in 2020.
- The result among 18-34 year olds in the council is significantly lower than the result achieved among this group in 2020.

2021 overall performance (index scores)
(example extract only)





Appendix A: Index score significant difference calculation

The test applied to the Indexes was an Independent Mean Test, as follows:

$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$5^2 / \$3) + (\$6^2 / \$4))$$

Where:

- \$1 = Index Score 1
- \$2 = Index Score 2
- \$3 = unweighted sample count 1
- \$4 = unweighted sample count 2
- \$5 = standard deviation 1
- \$6 = standard deviation 2

All figures can be sourced from the detailed cross tabulations.

The test was applied at the 95% confidence interval, so if the Z Score was greater than +/- 1.954 the scores are significantly different.

Appendix B: Further project information

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Appendix B: Further information

Further information about the report and explanations about the State-wide Local Government Community Satisfaction Survey can be found in this section including:

- Background and objectives
- Analysis and reporting
- Glossary of terms

Detailed survey tabulations

Detailed survey tabulations are available in supplied Excel file.

Contacts

For further queries about the conduct and reporting of the 2021 State-wide Local Government Community Satisfaction Survey, please contact JWS Research on

(03) 8685 8555 or via email:
admin@jwsresearch.com



Appendix B: Survey methodology and sampling

The 2021 results are compared with previous years, as detailed below:

- 2020, n=400 completed interviews, conducted in the period of 30th January – 22nd March.
- 2019, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2018, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2017, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2016, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2015, n=401 completed interviews, conducted in the period of 1st February – 30th March.
- 2014, n=400 completed interviews, conducted in the period of 31st January – 11th March.
- 2013, n=400 completed interviews, conducted in the period of 1st February – 24th March.
- 2012, n=400 completed interviews, conducted in the period of 18th May – 30th June.

Minimum quotas of gender within age groups were applied during the fieldwork phase. Post-survey weighting was then conducted to ensure accurate representation of the age and gender profile of the Swan Hill Rural City Council area.

Any variation of +/-1% between individual results and net scores in this report or the detailed survey tabulations is due to rounding. In reporting, '—' denotes not mentioned and '0%' denotes mentioned by less than 1% of respondents. 'Net' scores refer to two or more response categories being combined into one category for simplicity of reporting.

This survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Swan Hill Rural City Council.

Survey sample matched to the demographic profile of Swan Hill Rural City Council as determined by the most recent ABS population estimates was purchased from an accredited supplier of publicly available phone records, including up to 60% mobile phone numbers to cater to the diversity of residents within Swan Hill Rural City Council, particularly younger people.

A total of n=400 completed interviews were achieved in Swan Hill Rural City Council. Survey fieldwork was conducted in the period of 19th February – 21st March, 2021.



Appendix B: Analysis and reporting

All participating councils are listed in the State-wide report published on the DELWP website. In 2021, 66 of the 79 Councils throughout Victoria participated in this survey. For consistency of analysis and reporting across all projects, Local Government Victoria has aligned its presentation of data to use standard council groupings. Accordingly, the council reports for the community satisfaction survey provide analysis using these standard council groupings. Please note that councils participating across 2012-2021 vary slightly.

Council Groups

Swan Hill Rural City Council is classified as a Large Rural council according to the following classification list:

- Metropolitan, Interface, Regional Centres, Large Rural & Small Rural.

Councils participating in the Large Rural group are:

- Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, Glenelg, Golden Plains, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, South Gippsland, Southern Grampians, Surf Coast, Swan Hill and Wellington.

Wherever appropriate, results for Swan Hill Rural City Council for this 2021 State-wide Local Government Community Satisfaction Survey have been compared against other participating councils in the Large Rural group and on a state-wide basis. Please note that council groupings changed for 2015, and as such comparisons to council group results before that time can not be made within the reported charts.

Appendix B: 2012 survey revision



The survey was revised in 2012. As a result:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local councils, whereas previously it was conducted as a 'head of household' survey.
- As part of the change to a representative resident survey, results are now weighted post survey to the known population distribution of Swan Hill Rural City Council according to the most recently available Australian Bureau of Statistics population estimates, whereas the results were previously not weighted.
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As such, the results of the 2012 State-wide Local Government Community Satisfaction Survey should be considered as a benchmark. Please note that comparisons should not be made with the State-wide Local Government Community Satisfaction Survey results from 2011 and prior due to the methodological and sampling changes. Comparisons in the period 2012-2021 have been made throughout this report as appropriate.



Appendix B: Core, optional and tailored questions

Core, optional and tailored questions

Over and above necessary geographic and demographic questions required to ensure sample representativeness, a base set of questions for the 2021 State-wide Local Government Community Satisfaction Survey was designated as 'Core' and therefore compulsory inclusions for all participating Councils.

These core questions comprised:

- Overall performance last 12 months (Overall performance)
- Value for money in services and infrastructure (Value for money)
- Contact in last 12 months (Contact)
- Rating of contact (Customer service)
- Overall council direction last 12 months (Council direction)
- Community consultation and engagement (Consultation)
- Decisions made in the interest of the community (Making community decisions)
- Condition of sealed local roads (Sealed local roads)
- Waste management

Reporting of results for these core questions can always be compared against other participating councils in the council group and against all participating councils state-wide. Alternatively, some questions in the 2021 State-wide Local Government Community Satisfaction Survey were optional. Councils also had the ability to ask tailored questions specific only to their council.



Appendix B: Analysis and reporting

Reporting

Every council that participated in the 2021 State-wide Local Government Community Satisfaction Survey receives a customised report. In addition, the state government is supplied with this State-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all council areas surveyed, which is available at:

<https://www.localgovernment.vic.gov.au/our-programs/council-community-satisfaction-survey>

Tailored questions commissioned by individual councils are reported only to the commissioning council and not otherwise shared unless by express written approval of the commissioning council.



Appendix B: Glossary of terms

Core questions: Compulsory inclusion questions for all councils participating in the CSS.

CSS: 2021 Victorian Local Government Community Satisfaction Survey.

Council group: One of five classified groups, comprising: metropolitan, interface, regional centres, large rural and small rural.

Council group average: The average result for all participating councils in the council group.

Highest / lowest: The result described is the highest or lowest result across a particular demographic sub-group e.g. men, for the specific question being reported. Reference to the result for a demographic sub-group being the highest or lowest does not imply that it is significantly higher or lower, unless this is specifically mentioned.

Index score: A score calculated and represented as a score out of 100 (on a 0 to 100 scale). This score is sometimes reported as a figure in brackets next to the category being described, e.g. men 50+ (60).

Optional questions: Questions which councils had an option to include or not.

Percentages: Also referred to as 'detailed results', meaning the proportion of responses, expressed as a percentage.

Sample: The number of completed interviews, e.g. for a council or within a demographic sub-group.

Significantly higher / lower: The result described is significantly higher or lower than the comparison result based on a statistical significance test at the 95% confidence limit. If the result referenced is statistically higher or lower then this will be specifically mentioned, however not all significantly higher or lower results are referenced in summary reporting.

State-wide average: The average result for all participating councils in the State.

Tailored questions: Individual questions tailored by and only reported to the commissioning council.

Weighting: Weighting factors are applied to the sample for each council based on available age and gender proportions from ABS census information to ensure reported results are proportionate to the actual population of the council, rather than the achieved survey sample.

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SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.21.13 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
1064	Construction and Use of Private Works License – Direct Suction Connection to the TO No 10 Channel	Between Swan Hill Rural City Council and Goulburn-Murray Rural Water Corporation	03-08-2021
1065	Section 173 Agreement – Planning Permit – 195A McCallum Street, Swan Hill	Between Swan Hill Rural City Council and C.L.Devereux	03-08-2021
1066	Occupancy Lease – Robinvale Resource Centre	Between Swan Hill Rural City Council and First Peoples – State Relations Department of Premier and Cabinet	03-08-2021
1067	Section 173 Agreement for private asset in road reserve, Vol 12316 Fol 253, Parish of Boga.	Between Swan Hill Rural City Council and VJ Land Holdings Pty Ltd.	10-08-2021

DECISIONS WHICH NEED ACTION/RATIFICATION

17 August 2021

1068	New Homes Contract, Ronald Street, Robinvale, Lot 1.	Between Swan Hill Rural City Council and Estilo Pty Ltd Trading as GJ Gardner Homes	10-08-2021
1069	New Homes Contract, Ronald Street, Robinvale, Lot 2.	Between Swan Hill Rural City Council and Estilo Pty Ltd Trading as GJ Gardner Homes	10-08-2021
1070	New Homes Contract, Ronald Street, Robinvale, Lot 3.	Between Swan Hill Rural City Council and Estilo Pty Ltd Trading as GJ Gardner Homes	10-08-2021
1071	New Homes Contract, Ronald Street, Robinvale, Lot 4.	Between Swan Hill Rural City Council and Estilo Pty Ltd Trading as GJ Gardner Homes	10-08-2021

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.

117/21 Motion

MOVED Cr McPhee

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

SECONDED Cr King

The Motion was put and CARRIED

C.21.14 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.

DECISIONS WHICH NEED ACTION/RATIFICATION

17 August 2021

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.

118/21 Motion

MOVED Cr McPhee

That Council note the contents of the report.

SECONDED Cr Benham

The Motion was put and CARRIED

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
27 July 2021 at 1pm, Virtual Zoom Meeting**

AGENDA ITEMS

- Planning Permit 210 Prince Road
- 5 River Oaks Drive
- Community Satisfaction Survey
- Swan Hill Show Society-Steps Forward
- Insurance Excess on properties
- Drainage issues Notting Rd
- Fencing contributions
- Stradbroke Avenue bus stop
- Waste Management Program Grant Funding Applications

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Chris Jeffery
- Cr Nicole McKay
- Cr Les McPhee
- Cr Stuart King
- Cr Ann young

Apologies

- Cr Jade Benham

OFFICERS

- John McLinden, Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Svetla Petkova, Director Infrastructure
- Joel Lieschke, Director Corporate Services
- Heather Green, Director Development & Planning
- Tamara Broadsmith, Planning Team Member
- Julie Wiggins, Procurement & Properties Coordinator
- Nathan Keighran, Liveability & Project Development Coordinator
- Helen Morris, Organisational Development Manager
- Nazrul Islam, Engineering & Capital Projects Manager

Other

- Roy Costa, Planning Consultant
- Graham Cutts
- Phil & Jann Barkman
- Peter & Mary Hooper
- Keith & Christine Plant
- John Forrest
- Dale & Esya McMillan
- Bryan Edge
- Ross Hamilton

CONFLICT OF INTEREST

- Chris Jeffery- An Indirect interest due to a close contact

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
3 August 2021 at 1.00pm, Swan Hill Town Hall**

AGENDA ITEMS

- Save Swan Hill Serenity Action Group
- Youth Support Policy
- Councillor and Staff Interactions Policy
- Our Place Update
- Grain-Corp Purchase
- Murray River Council – Border Lockdown advocacy program
- Lake Boga Caravan Park Fence
- Councillor Only Session

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Jade Benham
- Cr Nicole McKay
- Cr Les McPhee
- Cr Stuart King

Apologies

- Cr Chris Jeffery
- Cr Nicole McKay
- Cr Ann Young

OFFICERS

- John McLinden, Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Kane Sparks, Youth Support Co-Ordinator
- Helen Morris, Organisational Development Manager
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment

Other

- Dr Jacquie Kelly, Save Swan Hill Serenity Action Group

CONFLICT OF INTEREST

Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
10 August 2021 at 1.00pm, Swan Hill Town Hall**

AGENDA ITEMS

- Circular transition plan
- Saleyards User Agreement
- After Hours Emergency Response
- Swan Hill FNC Pavilion
- Public Health and Wellbeing Plan update
- Insurance Excess

ADDITIONAL ITEMS DISCUSSED

- COVID-19 Lockdown

ATTENDANCE

Councillors

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

Apologies

- Cr Chris Jeffery

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
- Nathan Keighran, Liveability and Project Development Coordinator
- Helen Morris, Organisational Development Manager

Other

- The Hon. Peter Walsh MP, Ali Cupper and Oliver Juergens Senior Advisor to Helen Dalton MP – unscheduled item on COVID-19 lockdown.

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

D.21.7 MURRAY VALLEY HIGHWAY

Having given due notice, **Councillor Stuart King MOVED that:**
Council write to Regional Roads Victoria; The State Minister for Transport Infrastructure, The Hon Jacinta Allan MP; and The Member for Murray Plains, The Hon Peter Walsh MP to express our concern with the quality of construction works, in particular the quality of the road surface, on the recently completed \$30M project to upgrade the Murray Valley Highway between Lake Boga and Kangaroo Lake, and request details and timing of proposed rectification works to repair current defects.

Preamble

The Murray Valley Highway is an important road to the Swan Hill Region as a major freight route for our regional economy and for tourism. The region endured a lengthy construction timeframe from 2019 through to 2021 with significant restrictions, delays and interruptions.

The significant interruption of the extended construction process has had an impact on the regional economy, including damage to the local road network as a consequence of people avoiding the construction zone.

It is disappointing that despite the expenditure of \$30M on a road that didn't really need fixing, the value that \$30M could have provided to the local road network, and the economic impact on our regional economy during construction, that the result is a sub-standard finished product.

Community expectation was that a \$30M road construction project would produce a superior road surface, not an inferior one.

119/21

MOVED Cr King

Having given due notice, **Councillor Stuart King MOVED that:**
Council write to Regional Roads Victoria; The State Minister for Transport Infrastructure, The Hon Jacinta Allan MP; and The Member for Murray Plains, The Hon Peter Walsh MP to express our concern with the quality of construction works, in particular the quality of the road surface, on the recently completed \$30M project to upgrade the Murray Valley Highway between Lake Boga and Kangaroo Lake, and request details and timing of proposed rectification works to repair current defects.

SECONDED Cr McPhee

The Motion was put and CARRIED

D.21.8 COVID-19 LOCKDOWNS

Having given due notice, **Councillor Stuart King MOVED that:**
Council write to:

- **The Premier of Victoria The Hon Daniel Andrews MP**
- **The Member for Murray Plains The Hon Peter Walsh MP**
- **The Prime Minister of Australia The Hon Scott Morrison MP**
- **The Member for Mallee, Victoria, The Hon Dr Anne Webster MP**

to express our concerns with lockdowns and ongoing restrictions due to COVID-19 and the extreme pressure and strain that this is causing within our regional community due to:

- **Economic and financial loss**
- **Emotional and mental health problems**
- **Major disruption of sport and other group activities**
- **Extended periods of online schooling and tertiary studies**
- **Destruction of the social fabric of our communities**

and call on Federal and State Governments alike to show leadership which allows regional communities - with very few or in most instances nil cases of COVID-19 - to have a different level of restrictions to metropolitan areas. We also ask to be urgently informed of the plan of how and when our regional communities can confidently resume life as somewhat normal."

Preamble

COVID-19 is a serious disease that has had major health implications and caused many deaths around the world. Around 18 months ago in February 2020 we could not have predicted that our lives as we knew them would be disrupted the way they have. At the time, the majority of the Australian community was willingly compliant with Federal and State Government directions to "flatten the curve" of infection numbers whilst our health system prepared itself for the pending impact of the Covid-19 pandemic.

However, over the last 18 months restrictions have gone well beyond the initial plea for compliance to "flatten the curve". These restrictions are disproportionate for our municipality and for regional Victoria in general.

According to the DHHS website the Swan Hill LGA has had just 6 cases of Covid-19 for the entirety of the Covid-19 pandemic. Our immediate neighbors Mildura Rural City Council have had 11 cases, Gannawarra 2 cases and Buloke 0 cases. Yet for much of the pandemic we have endured the same restrictions as metropolitan Melbourne with case numbers in the thousands.

It is time that Governments allow the Swan Hill LGA, and other regional communities, a risk appropriate approach to the management of Covid-19 and put in place restrictions that are reflective of such an approach.

120/21

MOVED Cr King

Having given due notice, **Councillor Stuart King MOVED that:**
Council write to:

- **The Premier of Victoria The Hon Daniel Andrews MP**
- **The Members for Northern Victoria:**
 - Mr Mark Gepp MLC**
 - The Hon Wendy Lovell MLC**
 - Ms Tania Maxwell MLC**
 - Mr Tim Quilty MLC**
 - The Hon Jaclyn Symes MLC**
- **Ms Ali Cupper Member for Mildura**
- **The Member for Murray Plains The Hon Peter Walsh MP**
- **The Prime Minister of Australia The Hon Scott Morrison MP**
- **The Member for Mallee, Victoria, The Hon Dr Anne Webster MP**

to express our concerns with lockdowns and ongoing restrictions due to COVID-19 and the extreme pressure and strain that this is causing within our regional community due to:

- **Economic and financial loss**
- **Emotional and mental health problems**
- **Major disruption of sport and other group activities**
- **Extended periods of online schooling and tertiary studies**
- **Destruction of the social fabric of our communities**

and call on Federal and State Governments alike to show leadership which allows regional communities - with very few or in most instances nil cases of COVID-19 - to have a different level of restrictions to metropolitan areas. We also ask to be urgently informed of the plan of how and when our regional communities can confidently resume life as somewhat normal."

SECONDED Cr Jeffery

The Motion was put and CARRIED

D.21.9 COVID-19 VACCINATION PROGRAM

Having given due notice, **Councillor Nicole McKay MOVED that Council:**

- 1. Advocate for Swan Hill Rural City and all border communities to be prioritised for the COVID vaccination program by:
 - a) Expediting supply of vaccines to the border regions, and**
 - b) Provision of increased resources to facilitate larger scale and innovative vaccination campaigns particularly in rural areas.****
- 2. Write to the Victorian Health Minister, the Honourable Martin Foley, the Victorian Minister for Regional Development and Agriculture, the Honourable Mary-Ann Thomas, and the Federal Health Minister, the Honourable Greg Hunt, and the Federal Agriculture Minister, the Honourable David Littleproud asking for their support in advocating for increased immunisation efforts in our community.**
- 3. Write to all State and Federal MPs in border electorates in Victoria and NSW seeking support for our advocacy and to consider collaboration on this important cross-border advocacy campaign.**

Preamble

Along with other border communities, the individuals and businesses on the Swan Hill and Murray electorate (NSW) border have experienced the ongoing personal difficulties and economic consequences of border closures.

Our region is fortunate to have had very minimal COVID infections.

However, we do have recognisable risks that are particular to the border regions.

The horticultural industry in our region is enormous and its labour demands are high at all times of the year. During the approaching harvest labour demands will increase and there will be a significant element of migration of workers from other regions to provide that necessary workforce.

Swan Hill Rural City is aware of housing and accommodation shortages in the region that lead to extensive use of: share accommodation; rooming houses; and caravan parks by the agricultural workforce.

In addition, extensive areas of the border region electorates have remote/rural communities with limited access to transport and health services. There are extensive horticulture businesses also located in isolated areas.

Reaching protective immunity through faster vaccination and improved access rollout in our region will:

1. Facilitate an open border
2. Protect the vulnerable agricultural workforce
3. Protect our outlying communities, who experience difficulty accessing health care and have higher rates of elderly residents.
4. Support the horticultural industry throughout the approaching harvest.

It is important to acknowledge that the Victorian Government has prioritised and provided resources to provide support around the high risk communities, and for this we are grateful.

121/21

MOVED Cr McKay

Having given due notice, **Councillor Nicole McKay MOVED that Council:**

1. **Advocate for Swan Hill Rural City and all border communities to be prioritised for the COVID vaccination for at risk and vulnerable communities by:**
 - a) **Expediting supply of vaccines to the border regions, and**
 - b) **Provision of increased resources to facilitate larger scale and innovative vaccination campaigns particularly in rural areas.**
2. **Write to the Victorian Health Minister, the Honourable Martin Foley, the Victorian Minister for Regional Development and Agriculture, the Honourable Mary-Ann Thomas, and the Federal Health Minister, the Honourable Greg Hunt, and the Federal Agriculture Minister, the Honourable David Littleproud asking for their support in advocating for increased immunisation efforts in our community.**
3. **Write to all State and Federal MPs in border electorates in Victoria and NSW seeking support for our advocacy and to consider collaboration on this important cross-border advocacy campaign.**

SECONDED Cr McPhee

The Motion was put and CARRIED

D.21.10 INCREASED ENVIRONMENTAL WATER

Having given due notice, **Councillor Nicole McKay MOVED that: Council write to the Victorian Mallee Catchment Management Authority, with copies to the Commonwealth, Victorian and NSW Environmental Water Holders and the NSW Environmental Water Holder to advocate for increased environmental releases utilising available tributaries and the Murray immediately and over the coming months to enable natural flows into the floodplain between Swan Hill and Robinvale over the Spring period.**

Preamble

Currently flows in the Murray and Murrumbidgee are at a moderately high level, what was once normal height for this time of the year.

The Redgum forests, lakes, billabongs and creeks of the region between Swan Hill and Robinvale have not had natural flows since 2016.

Over the past week water levels have been sufficiently high to start to reach into creeks of the floodplain. This is occurring at an ecologically appropriate time to enable fish spawning and water bird breeding. However, this will only occur if the flows are sustained.

Should the higher levels be sustained it would ensure the survival of areas of Murray River wilderness and the filling of lakes in our area. These aquatic and wilderness areas are highly valued by our community for recreation; camping; and fishing, and importantly tourism.

We are all aware of the lesser outcomes achieved by pumping water into lakes and onto the floodplain.

It is rare in the current situation for an excess of water to be available. Under these circumstances it is beneficial for the people and riverine environments of Swan Hill Rural City to have the water available and doing good in the waterways and lakes of our region rather than flowing past us and our region.

We are a community of river lovers. Our people enjoy camping, fishing and being on the waterways of the Murray-Darling. The Aboriginal communities have advocated for sustainable natural flows. There are businesses and industries that rely on healthy and flourishing waterways.

This Notice of Motion is in line with the Swan Hill Rural City "Management of the Murray Darling Basin Position Paper", which calls for efficient use of environmental water to provide best possible ecological and recreational outcomes.

It is possible that environmental releases during this period will improve availability of water for irrigation due to reducing possibility of a dam spill.

In the future to achieve optimal outcomes in our region also requires improved co-operation of managers of irrigation and environmental water across the states to achieve environmental outcomes without negative impacts. Effective use of the tributaries in co-ordination with one another is essential to optimise outcomes in the Lower Murray without causing excessive impacts on private property.

To achieve these outcomes in the long term will require action on the constraints projects and improved co-ordination across river operations.

122/21

MOVED Cr McKay

Having given due notice, **Councillor Nicole McKay MOVED that:**
Council write to the Victorian Mallee Catchment Management Authority, with copies to the Commonwealth, Victorian and NSW Environmental Water Holders and the NSW Environmental Water Holder to advocate for increased environmental releases utilising available tributaries and the Murray immediately and over the coming months to enable natural flows into the floodplain between Swan Hill and Robinvale over the Spring period.

SECONDED Cr Benham

The Motion was put and CARRIED

D.21.11 SUPPORT FOR COUNTRY SPORTING VENUES

Having given due notice, **Councillor Jade Benham MOVED that Council:**

- 1. Draft a template letter which all relevant State sporting, recreation and small business bodies can use to send to Victorian Premier Daniel Andrews and local members.**
- 2. Write to all relevant state sporting, recreation and small business bodies who have been affected by border closures & regional lockdowns asking them to send the letter template on official letterhead to the Premier's office and their local members.**

Preamble

The social fabric of regional Victoria is being torn apart by disproportionate lockdowns and border closures, and after six state lockdowns and yet more border restrictions in place, it is time to take the matter directly to government, but we, as Council, cannot do this alone.

We need those who are directly being affected to have a voice and we as Council can help to facilitate this.

Not allowing community sport, or spectators at community sport, some of which is the only weekly social outing for a lot of people in small communities, is having monumental economic and mental health consequences in our communities.

The confusion around rules is also having adverse effects. By allowing three hundred people to gather in an outdoor venue of 1200²m, but not allowing people to gather, mostly in their cars and in a vast open space like a country football oval or netball court is playing with the psyche of country Victorian's and those who we consider part of Victoria, but who live on the other side of the river.

We can have a voice, but we'd like to amplify that voice with those of all of the sports & recreation governing bodies, small business groups and associations and any other relevant bodies who have been and still are being critically affected by border restrictions and state lockdowns.

Clubs are struggling, people are suffering, communities are dying without their sports and clubs to be part of. This is ripping the heart out of regional Victoria and we are asking everyone to join in the chorus.

123/21 Motion

MOVED Cr Benham

Having given due notice, **Councillor Jade Benham MOVED that Council:**

- 1. Draft a template letter which State sporting, recreation and small business bodies, relevant to municipalities within the border bubble can use to send to Victorian Premier Daniel Andrews and local members.**
- 2. Write to all relevant state sporting, recreation and small business bodies within that border bubble, who have been affected by border closures & regional lockdowns as well as Murray Region Tourism Board asking them to send the letter template on official letterhead to the Premier's office and their local members**
- 3. Write to Murray Region Tourism Board asking for assistance with this advocacy by way of distributing these templates and communications with members.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

SECTION E – FORESHADOWED ITEMS

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA

MOVED Cr King an urgent item

That the following is Councils formal position:

COVID-19 Response Advocacy

There is a strong case for treating rural communities in a different way to densely populated areas when managing any infectious pandemic. COVID-19 response measures implemented to-date are not proportionate to the risks experienced in rural areas. To date rural communities have been compliant and understanding but they see an ever increasing gap between the justification for increased restrictions and the real on-ground experience in rural Victoria.

Council suggest a number of solutions and improvements.

- Lockdowns should be imposed using Local Government borders.
- The government should instigate a policy whereby lockdowns are implemented by local government area and where it is felt that one LGA boundary is insufficient to contain the spread of the virus then two or more adjoining LGA's, should be wrapped up in the one lockdown. That will allow people within adjacent LGA's, to move between home and work.
- There should be one set of rules for highly urbanised areas such as metropolitan Melbourne. A second set of rules for regional cities and those peri urban areas on the outskirts of Melbourne and third set of rules that recognises the sparsity of population in rural Victoria.
- Council supports and is prepared to actively promote its support for increased vaccination rates within all communities. That said, Swan Hill Rural City Council also recognises that it is an individual's choice to vaccinate or not vaccinate.
- Council strongly supports the QR code track and trace system.
- Our border bubble boundaries and rules need to be harmonised. The differences in rules between Victoria and New South Wales and South Australia leads to confusion.
- The rules around restriction of movement should be well and truly settled by now, and not subject to constant review and change.
- We call for better investment in our Health System. In regional Victoria, as well as centralised facilities.

124/21 Motion

MOVED Cr King

That Council accept the COVID-19 Response Advocacy as a matter of urgency.

SECONDED Cr Jeffery

The Motion was put and CARRIED

125/21 Motion

MOVED Cr King

That the following is Councils formal position:

COVID-19 Response Advocacy

There is a strong case for treating rural communities in a different way to densely populated areas when managing any infectious pandemic. COVID-19 response measures implemented to-date are not proportionate to the risks experienced in rural areas. To date rural communities have been compliant and understanding but they see an ever increasing gap between the justification for increased restrictions and the real on-ground experience in rural Victoria.

Council suggest a number of solutions and improvements.

- Lockdowns should be imposed using Local Government borders.
- The government should instigate a policy whereby lockdowns are implemented by local government area and where it is felt that one LGA boundary is insufficient to contain the spread of the virus then two or more adjoining LGA's, should be wrapped up in the one lockdown. That will allow people within adjacent LGA's, to move between home and work.
- There should be one set of rules for highly urbanised areas such as metropolitan Melbourne. A second set of rules for regional cities and those peri urban areas on the outskirts of Melbourne and third set of rules that recognises the sparsity of population in rural Victoria.
- Council supports and is prepared to actively promote its support for increased vaccination rates within all communities. That said, Swan Hill Rural City Council also recognises that it is an individual's choice to vaccinate or not vaccinate.
- Council strongly supports the QR code track and trace system.
- Our border bubble boundaries and rules need to be harmonised. The differences in rules between Victoria and New South Wales and South Australia leads to confusion.
- The rules around restriction of movement should be well and truly settled by

now, and not subject to constant review and change.

- We call for better investment in our Health System. In regional Victoria, as well as centralised facilities.

SECONDED Cr Benham

The Motion was put and CARRIED

MOVED Cr McKay an urgent item

That Council advocate to the Minister for immigration and our local member Dr Anne Webster that Afghan residents on temporary visas be fast tracked for consideration for permanent residency and that priority be given to the reuniting of families in view of the dangerous situation in Afghanistan.

126/21 Motion

MOVED Cr McKay

That Council accept this item as a matter of urgency.

SECONDED Cr Young

The Motion was put and CARRIED

127/21 Motion

MOVED Cr McKay

That Council advocate to the Minister for immigration and our local member Dr Anne Webster that Afghan residents on temporary Visas be fast tracked for consideration for permanent residency and that priority be given to the reuniting of families in view of the dangerous situation in Afghanistan.

SECONDED Cr Benham

The Motion was put and CARRIED

128/21 Motion

MOVED Cr King

That an Extension of Time be granted for half an hour.

SECONDED Cr Jeffery

The Motion was put and CARRIED

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Cr Les McPhee		
List events / meeting you have attended		
Date	Organisation / Group	Details (if relevant)
27/07/2021	Community Plan engagement session at Lake Boga Via Zoom	
3/08/2021	Residents and Ratepayers Association	Annual General Meeting and General Meeting

Cr Stuart King		
List events / meeting you have attended		
Date	Organisation / Group	Details (if relevant)
27/7/21	Council Plan community consultation - Lake Boga Community	Zoom (meeting cancelled insufficient numbers to proceed)
3/8/21	Swan Hill Residents & Rate Payers Assoc Inc	AGM & ordinary meeting
4/8/21	Hydrogen Hub information session	Zoom meeting
5/8/21	Council Plan community consultation - Swan Hill community	SH Town Hall. 6 participants with limited cross section of the community demographic represented
13/8/21	Swan Hill Leisure Centre Committee of Management	Qtrly reporting meeting
16/8/21	Swan Hill Incorporated	Monthly Board Meeting

Cr Nicole McKay

List events / meeting you have attended

Date	Organisation / Group	Details (if relevant)
	Nyah Football Club	
	Nyah Market	
	Dr Anne Webster MP	
	Victorian Flood Plain Restoration Project	
	Meeting with the community at the Vinifera Forest	
	Community consultation for the Council Plan	

Ann Young

List events / meeting you have attended

Date	Organisation / Group	Details (if relevant)
29/07/21	Muriel Farewell	
02/08/21	Agri Buisness Meeting	
04/08/21	Hydrogen Hub	Zoom Meeting
05/08/21	Council Plan Community Engagement Session-Piangil	Piangil Community Centre
05/08/21	Council Plan Community Engagement Session-Swan Hill	Swan Hill Town Hall
11/08/21	BPW Meeting	Swan Hill Club
13/08/21	Lunch with Dr Anne Webster	Town Hall
17/08/21	Community Vision and Council Plan-Robinvale	Zoom Community Workshop
17/08/21	Trip to Manangatang- Meet with Chair & Members MIG	Visit the District

Cr Chris Jeffery

List events / meeting you have attended

Date	Organisation / Group	Details (if relevant)
	Nil to report	

Cr Jade Benham

List events / meeting you have attended

Date	Organisation / Group	Details (if relevant)
2nd August 2021	Robinvale Euston Business Association	Monthly meeting with some robust discussion. Always very productive.
4th August 2021	MAV EQ Training workshop	Terrific workshop on emotional intelligence.
11th August 2021	Guest speaker at Business Professional Women's association	Spoke at their AGM, and chaired the election of office bearers.
13th August 2021	Catch up with Anne Webster	Spoke about the vaccination pharmacy program for those without Medicare among other issues.

Bill Moar

List events / meeting you have attended

Date	Organisation / Group	Details (if relevant)
04/08/21	Hydrogen Hub	Zoom Meeting
05/08/21	Murray River Group of Councils	Meeting in Yarrawonga
13/08/21	Dr Anne Webster visit	Aerodrome visit
13/08/21	RCV	Zoom Meeting

129/21 Motion

MOVED Cr McPhee

That the In-Camera item should be heard in the Open Council Meeting

SECONDED Cr McKay

The Motion was put and CARRIED

B.21.75 HERITAGE REGISTRATION OF PIONEER SETTLEMENT

Responsible Officer: Director Development and Planning
File Number: S09-07-04-01
Attachments: Nil

This item is to be considered at an In Camera meeting in accordance with Section 3(1) (f) of the Local Government Act 2020, on the grounds that the item concerns legal advice.

Declarations of Interest:

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

Summary

This report recommends Council delegate to the CEO the authority to negotiate a position in relation to the proposed Heritage registration of the Pioneer Settlement.

Discussion

Council at its Unscheduled Council Meeting of 1 June 2021, resolved to object to the proposal to register the whole of the Pioneer Settlement and the associated integral objects. Officers now seek Council to adjust that position and to delegate to the Chief Executive Officer the authority to make the decision that will reflect the best interests of the Council in this matter.

Background

Heritage Victoria has recommended that the Pioneer Settlement and specified objects associated with the Settlement be included on the Victorian Heritage Register.

Council has sought legal advice and representation and has engaged the services of a reputable Heritage Architectural firm, Lovell Chen to assess the site and the proposed registration.

Lovell Chen recommends that Council negotiate a position of not opposing the Heritage Registration, but rather work with Heritage Victoria to negotiate zones of sensitivity and establish a set of exemptions and conditions that will have the least practicable impact on the Pioneer Settlement operations, economic viability and visitor experience outcomes. This approach would recommend that more than half the site be excluded from the registration.

Consultation

Council has consulted with key heritage advisors and legal representatives.

Financial Implications

The cost of contracting the services of both legal and technical contractors is to be determined depending on the approach taken to pursue the proposed registration.

Social Implications

Having the Pioneer Settlement on the State Heritage Register may provide a sense of pride and comfort for many in the community.

Economic Implications

Not applicable.

Environmental Implications

The registration if successful will protect vegetation on the site, allowing for general maintenance activity and excluding vegetation that is considered dangerous.

Risk Management Implications

There is a risk should Council pursue the objection to the registration that it might be unsuccessful. Having a second option is necessary to ensure the best outcome of achieving Councils objectives of minimising red tape for the operation of the settlement and the building of Our Place proceeding.

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

Council may choose to adopt or amend the recommendation.

Recommendations

That Council delegate to the Chief Executive Officer the authority to negotiate a compromise outcome to the proposed listing of the Swan Hill Pioneer Settlement on the State Heritage Register which may include partial registration of the site and a significant number of exemptions aimed at minimizing disruptions to the operations of the settlement.

130/21 Motion

MOVED Cr Jeffery

That Council delegate to the Chief Executive Officer the authority to negotiate a compromise outcome to the proposed listing of the Swan Hill Pioneer Settlement on the State Heritage Register which may include partial registration of the site and a significant number of exemptions aimed at minimizing disruptions to the operations of the settlement and that Council be provided with a briefing prior to the hearing.

SECONDED Cr McPhee

The Motion was put and CARRIED

There being no further business the Mayor, Councillor Bill Moar closed the meeting at 5.19pm.