



AGENDA

SCHEDULED MEETING OF COUNCIL

Tuesday, 15 February 2022

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

COUNCIL:

Cr J Benham – Mayor

Cr B Moar
Cr A Young
Cr LT McPhee
Cr C Jeffery
Cr S King
Cr N McKay

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SECTION A – PROCEDURAL MATTERS

- **Welcome**

- **Acknowledgement of Country**

- **Prayer**

- **Apologies/Leaves of Absence**

- **Directors/Officers Present**

- **Confirmation of Minutes**
 - 1) Scheduled Meeting Of Council held on 21 December 2021

- **Disclosures of Conflict of Interest**

- **Joint Letters and Reading of Petitions**

- **Public Question Time**

- **Open Forum**

SECTION B – REPORTS

B.22.1 USE AND DEVELOPMENT OF A DWELLING IN THE FARMING ZONE AFFECTED BY LAND SUBJECT TO INUNDATION OVERLAY LOCATED AT NO. 27 RIVER ROAD, SWAN HILL

Responsible Officer: Director Development and Planning
File Number: 2021-116
Attachments: 1 [↓](#) Preliminary proposed plans
2 [↓](#) Referrals
3 [↓](#) Conditions

Declarations of Interest:

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

Applicant	Roy Costa and Associates Pty Ltd
Proposal	Single dwelling
Zoning	Farming zone
Overlay	Land subject to inundation
Reason for reporting to Council	Refusal recommendation
Advertised	No
Number of objections	N/A

Summary

The purpose of this report is to consider a planning permit application for the use and development of the land at 27 River Road Swan Hill for the purposes of a dwelling. The land is contained within a Farming zone, and is impacted by a Land Subject to Inundation Overlay (LSIO).

The officer recommendation is to issue a Notice to Decision to issue a Refusal to Grant a Permit in this instance.

Discussion

Subject Site

The subject site comprises an irregularly shaped parcel having an area of 2.305ha. The land is occupied by a shed which is located centrally on the parcel. Access to the land is available only by the River Road frontage.

The parcel was created through a boundary realignment that was enacted by Lower Murray Water, when a reserve was created to the south of the subject land to allow for the development of the land for the purposes of the Swan Hill Water Treatment

Plant (WTP). The subdivision was exempt from the need for a planning permit as the subdivider was an acquiring authority.

The incompatibility of the proposed development of the subject site with the soon to be developed WTP will be discussed later in this report.



Figure 1 – subject land outline in red.

Surrounding existing land use and development

The subject land (see figure 1) is located on the periphery of the Swan Hill township, being approximately 1.5 kilometres north-east of the Swan Hill CBD. The area within which the subject site is located has developed a rural residential character despite maintaining a Farming zoning due to the cumulative impact of house lot excisions and permissions granted to construct dwellings on small lots.

The land is on the western side of River Road, being 144 metres north of the River Road's intersection with Arnoldt Street. A Goulburn Murray Water channel is on the eastern side of River Road, with the Murray River immediately to the east of the channel.

The land is flat and has been recently developed with a large barn style shed.

Land to the south is the vacant parcel that will be developed for the WTP. Abutting the site to the north and east are rural residential type properties.

The subdivisional pattern prevalent in the general locality is mixed with lots ranging 1.3 ha to over 13 ha.

Proposed water treatment plant abutting the site

As introduced in the previous section of this report, Lower Murray Water (LMW) has purchased 25 River Road to be developed and used for the Swan Hill Water Treatment Plant. This facility is more akin to an industrial use in appearance and function, and would certainly impact the amenity of residents should Council be of a mind to grant a planning permit for the proposal. LMW have lodged an objection to this application on that basis

The proposed WTP is an important future piece of infrastructure for the Swan Hill community and its establishment should not be hampered by the construction of a dwelling on a small lot in the Farming zone. Indeed, LMW stated in their objection to the proposal that their understanding, and correctly so, was that dwellings on small lots in the Farming zone were explicitly discouraged by the Planning Scheme.



Figure 2 – Surrounding area.

Proposal

The planning application seeks approval to use and develop the land for a single storey dwelling having a total floor area of 379.99 sqm. The dwelling will be setback 58 metres from the River Road frontage and will utilise the existing access and driveway.

Assessment

After a preliminary assessment of the proposal, the applicant was advised that due to significant conflict between the requirements of the Farming Zone, the proposed development of a water treatment plant on the abutting allotment and the advice from the relevant floodplain manager, the application would be unlikely to be supported.

The future development of what effectively will present and operate as an industrial use in close proximity of the proposed dwelling has drawn formal objection from Lower Murray Water, who express extreme concern about the incompatibility of the two land uses. Indeed, LMW specifically selected this site because of the understanding that it is not good planning practice to construct dwellings on small sites in the Farming Zone.

The applicant then advised that they would be willing to enter into a section 173 agreement acknowledging the potential reduction in amenity. Council officers advised that a section 173 agreement was not an appropriate mechanism as it removes the natural justice right of the future occupants for amenity and quiet enjoyment of the dwelling.

It is necessary at this point to advise that the other external referral authority, North Central Catchment Management Authority, as the floodplain manager, also lodged an objection to the proposal due to flooding concerns.

Policy direction

Planning Policy Framework – Swan Hill Planning Scheme

Clause 13.03-1S – Floodplain management – The objective of this policy is to protect life and property from the hazards of riverine and overland flows above all other policy consideration. The proposal does not meet the objective of the zone as it creates a risk to any future inhabitants of the dwelling as well as adding additional strain on emergency services in the event of an emergency.

This policy also seeks to ensure that the effects from flooding are minimised by avoiding intensification of inappropriately located use and development and appropriate consideration be given to the cumulative impacts of proposals on flood behaviour. It is acknowledged that a single dwelling will not have a severe impact as a result of flooding. However, it is important to consider this application in the context of many proposals that have been received and approved in the past. Additionally, if approved, the proposed dwelling has the potential to inspire similar proposals, which in turn reinforces the cumulative effect all these proposals have had and will have in the event that the area floods.

Clause 13.07-1S – Land use compatibility – This clause seeks to protect amenity and human health and safety while allowing for uses that are likely to have a negative impact on these matters. The strategies further seek to ensure that

incompatible uses are located away from each other and that appropriate mitigation measures are implemented if this cannot be achieved. It is acknowledged that the applicant has agreed to enter into a Section 173 agreement, mitigating the expectation of a reduction of amenity given the existing and future uses of nearby and adjoining land. However, this is not considered to be an effective tool in this instance as the effects of the reduction in amenity will still be borne by potential future residents on the land. Additionally, it is considered that the introduction of an incompatible land use has the potential to inhibit the future growth and expansion of Lower Murray Water's proposed water treatment facility and thereby unjustly prejudicial to that development.

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

The purpose of the zone is to ensure compliance with the Municipal Planning Strategy and the Planning Policy Framework while providing for agriculture and complementary use and development and preventing uses not related to agriculture. Existing surrounding land uses makes it unlikely for the proposed dwelling in this particular location to be affected by, or have an effect on, agricultural activities on adjacent land. However, the grant of a permit for a dwelling does have the potential to lead to a proliferation of new dwellings in the area, which in turn would impact the remaining productive agricultural land nearby.

It is worth highlighting the fact that this area has slowly evolved into a rural residential locality without the proper strategic work to justify such a change in land use. Furthermore, land use and development should accord with the relevant planning framework attributed to the land at any time, and not at the request of a few land owners at the expense of due process, proper strategic work and justification to the contrary. This application exemplifies the type of proposals that seeks to shape strategy by way of incremental and cumulative effect prior to the undertaking of necessary strategic work to warrant zoning change and should not be supported at this time.

Land subject to Inundation Overlay provisions – Clause 44.04 of the Swan Hill Planning Scheme

The purpose of the overlay is to reduce risk to life, health and safety from flooding and the overlay requires the Responsible Authority to consider any advice received from the relevant floodplain manager. The subject land is within the North Central Catchment Management Authority's (NCCMA) responsibility. The NCCMA as a section 55 referral has objected to the proposed use and development based on the projected flood risks and likely depth of flooding of the land. In the response received by the NCCMA, it is stated that the depth of flooding for this particular piece of land is estimated to be above the recommended depth of flooding for the construction of a single dwelling. The recommended depth for a single dwelling is between 0.3m to 0.5m, while the estimated depth of flooding in the event of a 1% Annual Exceedance Probability is up to 1.3m deep for the subject land.

Consultation

Public notification

The application was notified by sending letters to adjoining land owners and by placing a sign on the site.

Advertising of the application drew one objection, from a neighbouring property that has a planning permit for a Caravan and Camping Park.

Then grounds of objection were as follows:

Potential Flooding on our property.

Potential Fire hazard.

Potential Noise pollution

Potential Waste disruption

Potential Rural zoning change

Potential Green wedge change

Potential Recycling Town water

Lower Murray Water -approval.

Potential interference with major rural - Tourism project -subject to Local Council laws/litigation

Potential interference with major rural - Tourism project -subject to Victorian - Objection -Potential litigation

Potential with National Rural -Tourism Project - subject to National - Objection - Litigation.

External referrals

The application was referred externally to the following authorities for comment

1. Lower Murray Water – Objection
2. North Central Catchment Management Authority – Objection

Both responses are appended to this report.

Financial Implications

The proposal will not have financial implications to Council.

Social Implications

A possible social impact is the potential to create a land use conflict between the future water treatment plant and the proposed dwelling.

Economic Implications

Not applicable.

Environmental Implications

In the event of a flood it is possible for the wastewater onsite can have negative environmental impacts through mixing with floodwaters and being transported off the site and into the environment.

Risk Management Implications

If the proposed development is approved by Council and is subsequently subject to flooding which claims the loss of life or property damage Council could be liable for issuing the permit when knowing the flood risk and making a decision when the flood plain manager has advised against it.

Conclusion

A recommendation for refusal of the Use and Development for a Dwelling in the Farming Zone is based on an assessment against the requirements of the Swan Hill Planning Scheme and the incompatibility of the proposed residential use of the land abutting the proposed Water Treatment Plant.

Council Plan Strategy Addressed

Liveability - A modern municipality: Vibrant, connected and resilient.

Options

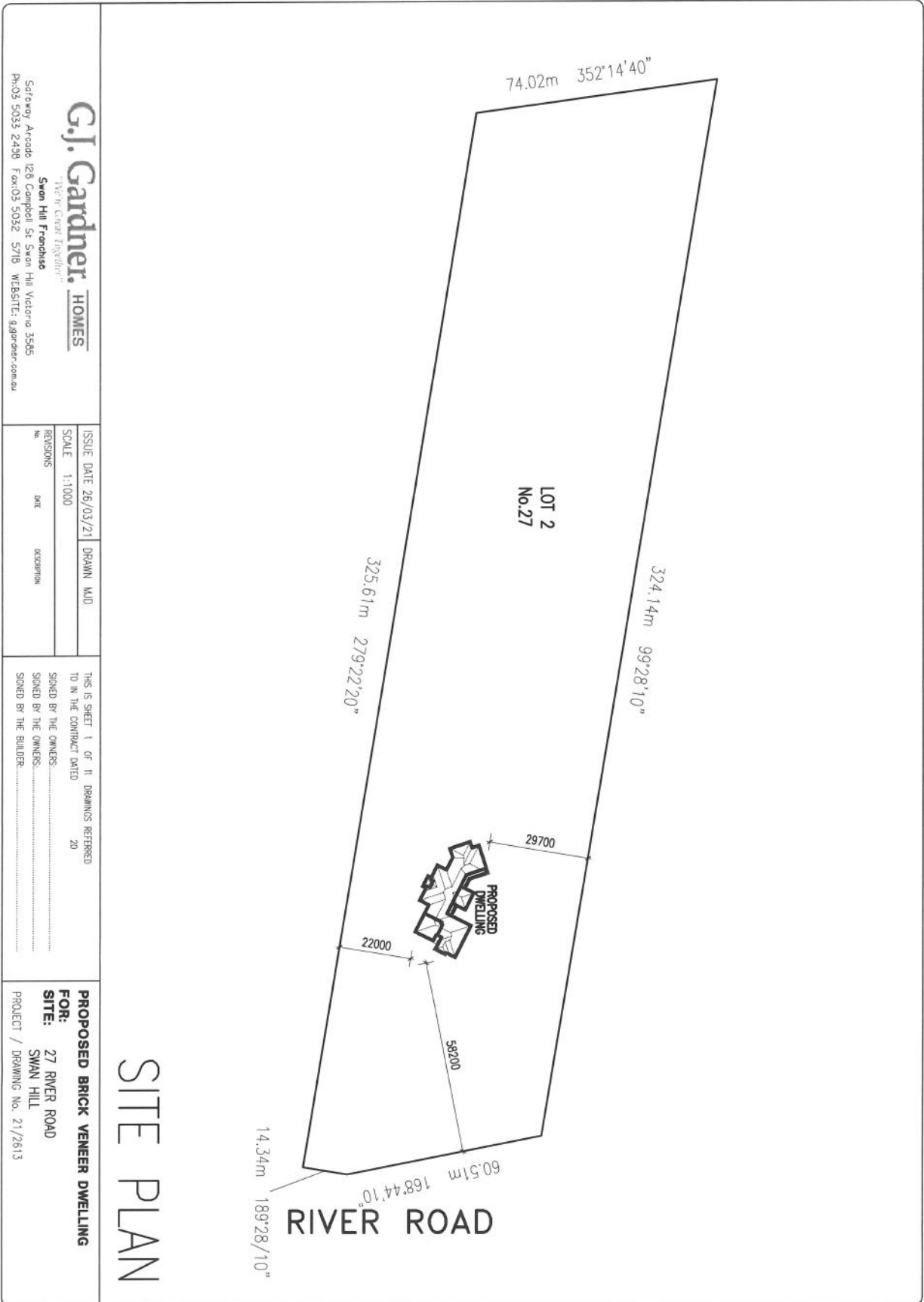
1. That Council issues a Refusal to Grant a Planning Permit for the Use and Development of a Dwelling in the Farming Zone at No. 27 River Road, Swan Hill for the following reasons:
 - a. Proposal is inconsistent with the State and Local Planning policies, in particular it does not meet the requirements of the following provisions of the Swan Hill Planning Scheme:
 - Clause 13.03-1S – Floodplain management
 - Clause 13.07-1S – Land use compatibility
 - Clause 21.06-1 – Rural areas
 - b. Proposal is inconsistent with the Provisions of the Farming Zone.
 - c. The proposal is inconsistent with the Land Subject to Inundation Overlay

2. That Council grants a permit for the Use and Development of a Dwelling in the Farming Zone at No. 27 River Road, Swan Hill, subject to conditions and in accordance with the endorsed plans.

Recommendation

That Council issues a Notice of Refusal to Grant a Permit for the Use and Development of a Dwelling in the Farming Zone at No. 27 River Road, Swan Hill, for the following reasons:

- a. Proposal is inconsistent with the State and Local Planning policies, in particular it does not meet the requirements of the following provisions of the Swan Hill Planning Scheme:
 - Clause 13.03-1S – Floodplain management
 - Clause 13.07-1S – Land use compatibility
 - Clause 21.06-1 – Rural areas
- b. Proposal is inconsistent with the Provisions of the Farming Zone.
- c. The proposal is inconsistent with the Land Subject to Inundation Overlay



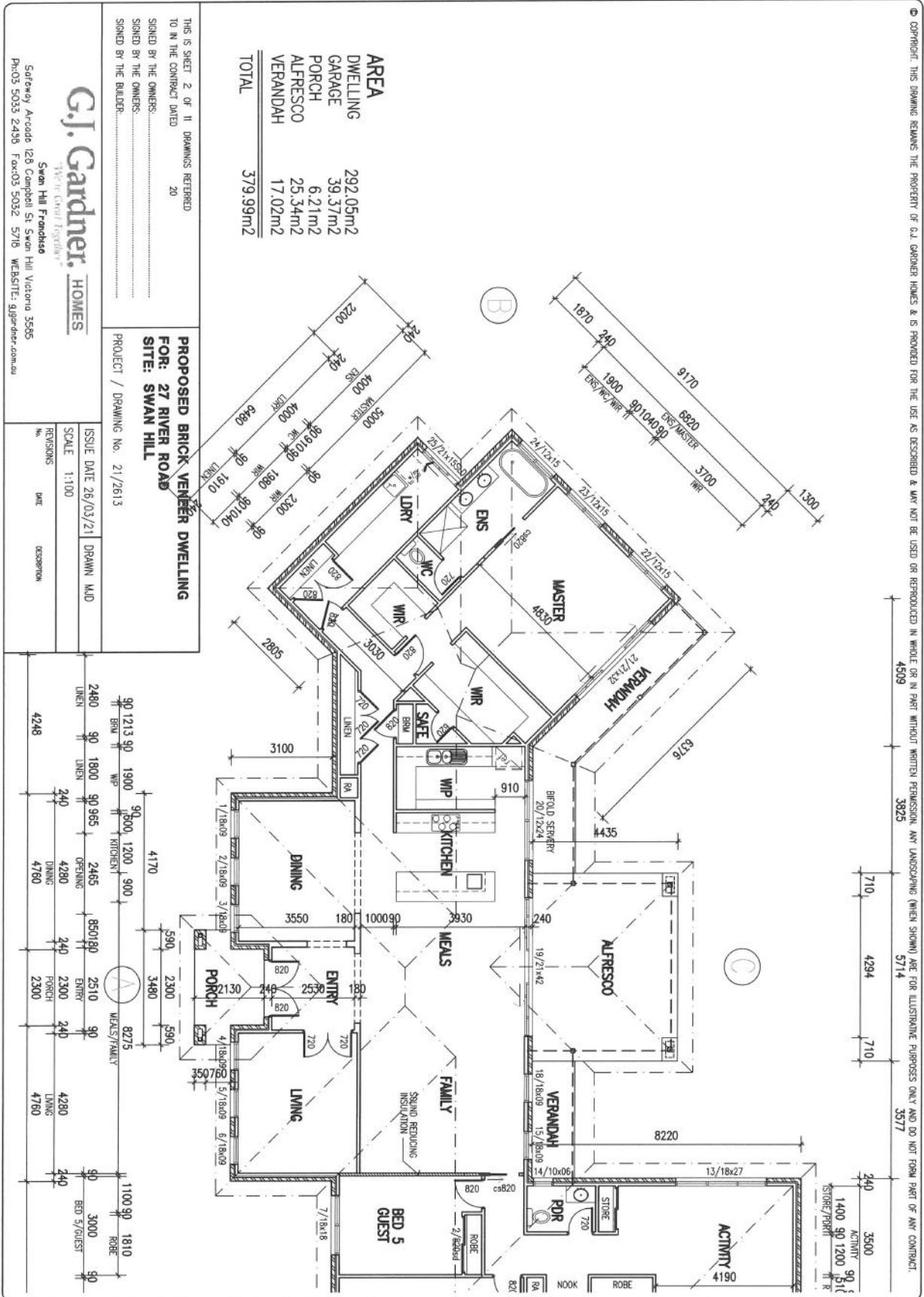
SITE PLAN

G.J. Gardner. HOMES
 We're Good Together!
 Swan Hill Franchise
 Softey, Arcadia, 128 Campbell St, Swan Hill Victoria 3585
 Ph:03 5033 2498 Fax:03 5032 5718 WEBSITE: g Gardner.com.au

ISSUE DATE	26/03/21	DRAWN	MJD
SCALE	1:1000		
REGIONS		DATE	02/03/2021

THIS IS SHEET 1 OF 11 DRAWINGS REFERRED TO IN THE CONTRACT DATED 20
 SIGNED BY THE OWNERS.....
 SIGNED BY THE BUILDER.....

PROPOSED BRICK VENEER DWELLING
FOR: 27 RIVER ROAD
SITE: SWAN HILL
 PROJECT / DRAWING No. 21/2613



THIS IS SHEET 2 OF 11 DRAWINGS REFERRED TO IN THE CONTRACT DATED 20

SIGNED BY THE OWNERS:.....

SIGNED BY THE BUILDER:.....

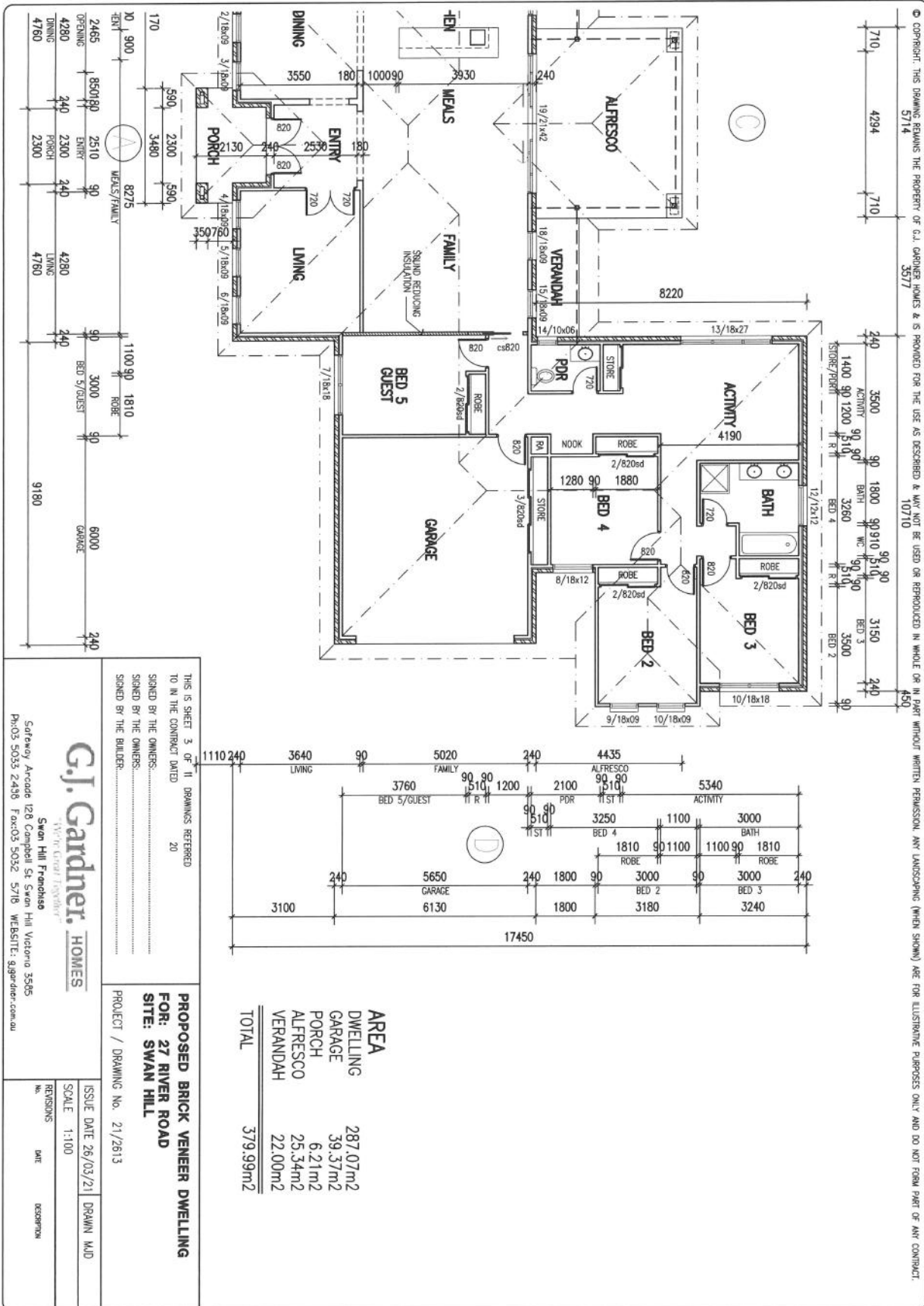
PROPOSED BRICK VENEER DWELLING FOR: 27 RIVER ROAD SITE: SWAN HILL

PROJECT / DRAWING No. 21/2613

G.J. Gardner HOMES
The Great Together
 Swan Hill Franchise
 Softway Arcade 128 Campbell St Swan Hill Victoria 3585
 PH:03 5033 2438 Fax:03 5032 5718 WEBSITE: g Gardner.com.au

ISSUE DATE	26/03/21	DRAWN	MAD
SCALE	1:100		
REVISIONS			
No.		DATE	DESCRIPTION
2480	90	1800	90 965
2481	90	1800	90 965
2482	90	1800	90 965
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2484	90	1800	90 965
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2497	90	1800	90 965
2498	90	1800	90 965
2499	90	1800	90 965
2500	90	1800	90 965

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AREA

DWELLING	287.07m ²
GARAGE	39.37m ²
PORCH	6.21m ²
ALFRESCO	25.34m ²
VERANDAH	22.00m ²
TOTAL	379.99m²

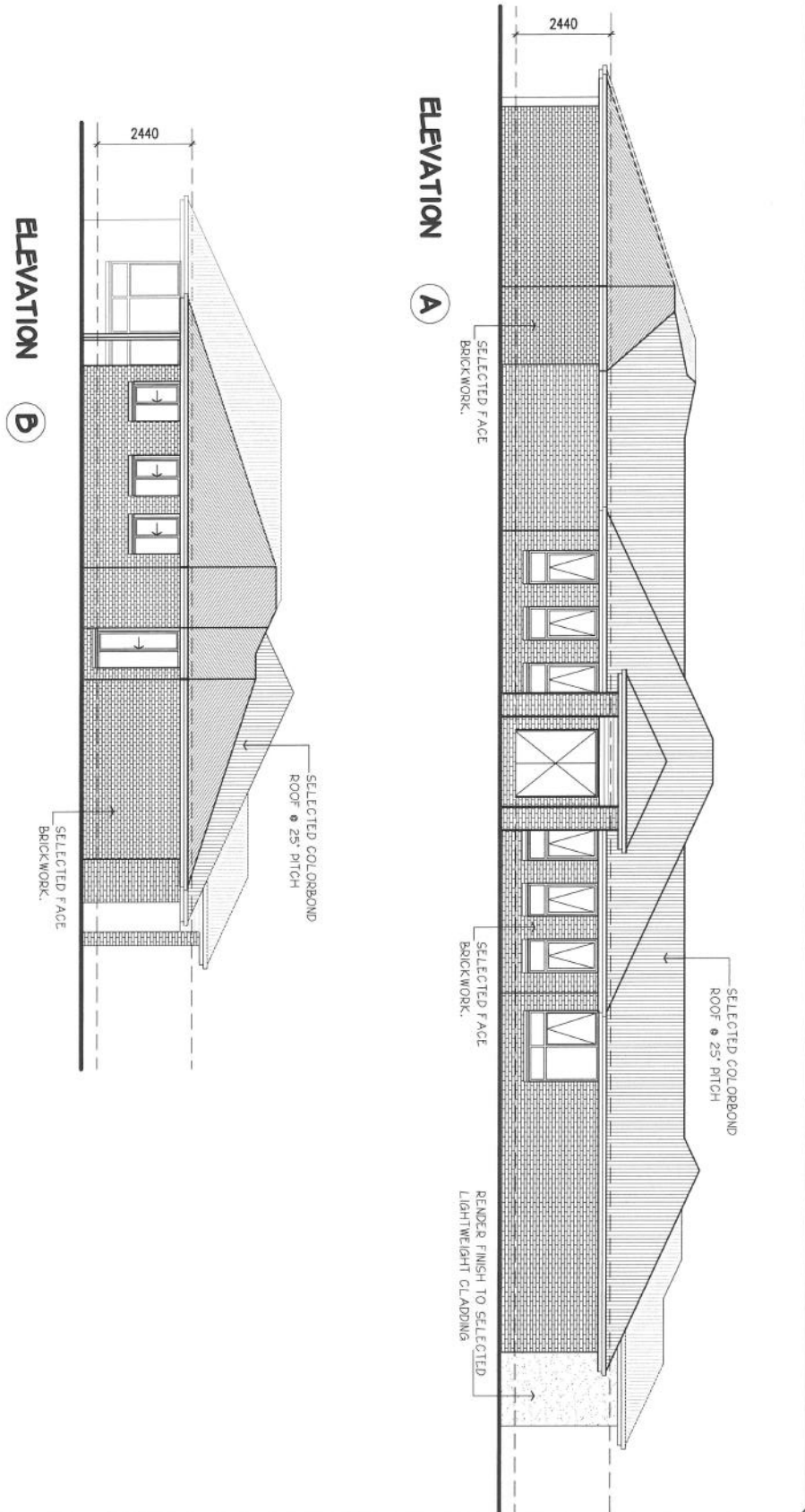
THIS IS SHEET 3 OF 11 DRAWINGS REFERRED TO IN THE CONTRACT DATED 20
SIGNED BY THE OWNERS:
SIGNED BY THE BUILDERS:

G.J. Gardner. HOMES
"Work Good Together"

Swan Hill Franchise
Safetyway Arcade 128 Campbell St Swan Hill Victoria 3585
Ph:03 5035 2438 Fax:03 5032 5718 WEBSITE: g.jgardner.com.au

PROPOSED BRICK VENEER DWELLING
FOR: 27 RIVER ROAD
SITE: SWAN HILL
PROJECT / DRAWING No. 21/2613

ISSUE DATE	26/03/21	DRAWN	MJD
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REVISIONS			
No.	DATE	DESCRIPTION	



CONTROL JOINTS AS PER ENGINEER'S DESIGN

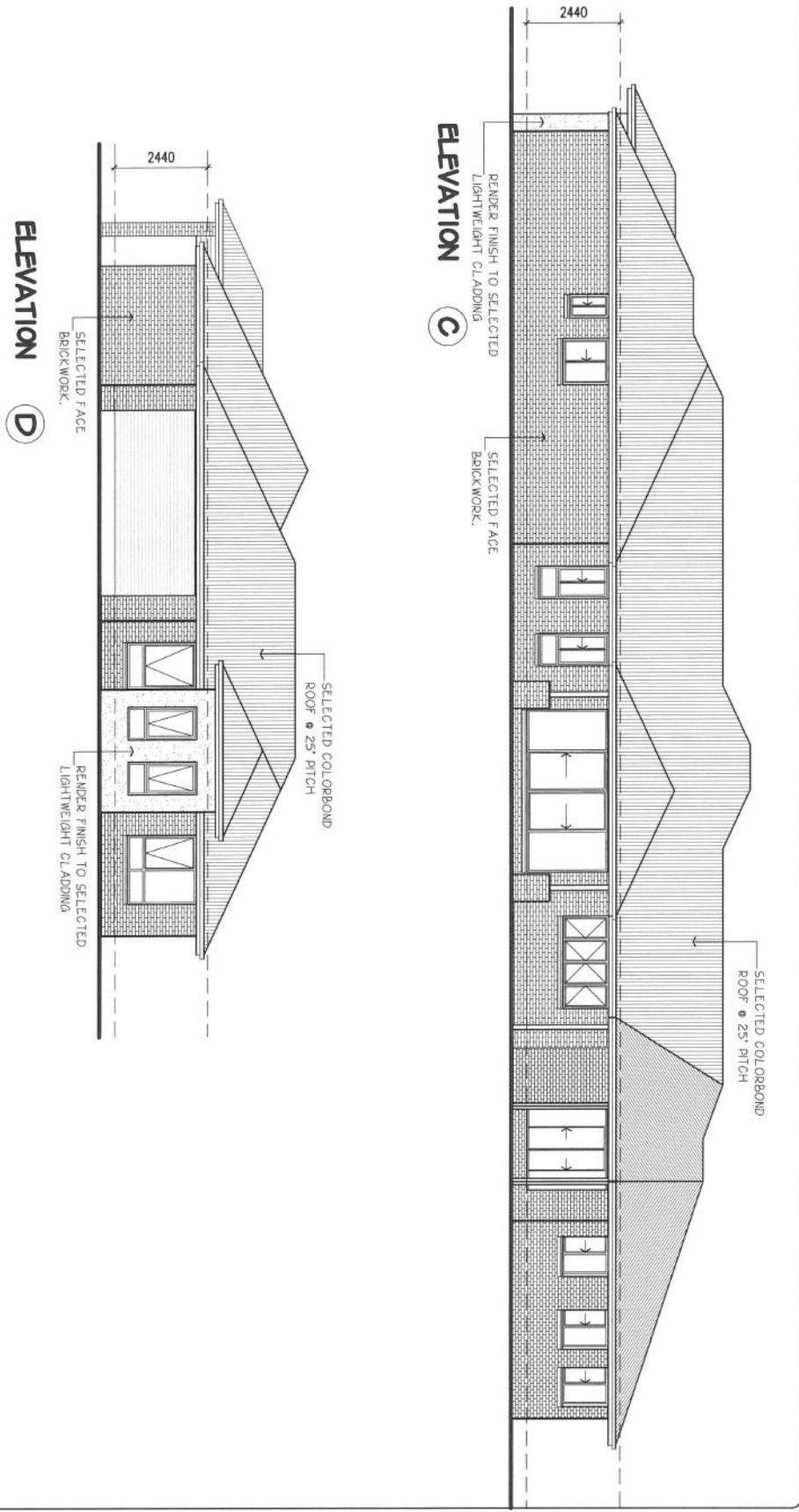
ELEVATIONS

G.J. Gardner HOMES
The Great Equalizer
 Swan Hill Franchise
 Softway Arcade 128 Campbell St Swan Hill Victoria 3585
 PH:05 5033 2438 F:05 5032 5718 WEBSITE: ggardner.com.au

ISSUE DATE	26/03/21	DRAWN	MAD
SCALE			
REVISIONS			
NO.		DATE	DESCRIPTION

THIS IS SHEET 4 OF 11 DRAWINGS REFERRED TO IN THE CONTRACT DATED 20
 SIGNED BY THE OWNERS.....
 SIGNED BY THE OWNERS.....
 SIGNED BY THE BUILDER.....

PROPOSED BRICK VENEER DWELLING
FOR SITE: 27 RIVER ROAD SWAN HILL
 PROJECT / DRAWING NO. 21/2613



CONTROL JOINTS AS PER ENGINEER'S DESIGN

ELEVATIONS

G.J. Gardner HOMES
The "Good" Builder™
Swan Hill Franchise
 Softway Arcade 128 Campbell St Swan Hill Victoria 3585
 Ph:03 5033 2438 Fax:03 5032 5718 Website: gjgardner.com.au

ISSUE DATE	26/03/21	DRAWN	MJD
SCALE			
REVISIONS		DATE	DESCRIPTION
No.			

THIS IS SHEET 5 OF 11 DRAWINGS REFERRED TO IN THE CONTRACT BUILT TO 20

SIGNED BY THE OWNERS:

SIGNED BY THE BUILDER:

PROPOSED BRICK VENEER DWELLING

FOR: 27 RIVER ROAD
SITE: SWAN HILL
 PROJECT / DRAWING No. 21/2613



26 July 2021

**PROP 62938
PM**

SWAN HILL RURAL CITY COUNCIL
DX 31066
SWAN HILL VIC 3585
Attention: Julie Lunde

Dear Madam

OBJECTION

**PLANNING APPLICATION #2021-116
USE AND DEVELOPMENT OF A DWELLING IN THE FARMING ZONE
27 RIVER ROAD, SWAN HILL, LOT 2 PS 643888**

Receipt of the above application for a Planning Permit for the Use and Development of a Dwelling in the Farming Zone is acknowledged.

Lower Murray Water (LMW) advise that it **objects** to the granting of a permit for a Dwelling.

Lower Murray Water have purchased the land at 25 River Road Swan Hill (Reserve 1 PS 643888L). This land will be used for the future site of the Swan Hill Water Treatment Plant (WTP).

The land selected for the location of the future Swan Hill WTP was based upon many factors such as proximity to the Murray River (raw water source) and the existing Goulburn Murray Water pump station, the ability to easily connect back into Swan Hill urban reticulation and also importantly the proximity to neighbours. Knowing that the planning scheme did not allow for construction of dwellings within the farming zone on the size of lots surrounding the future WTP site was considered as part of site selection. Allowing a dwelling to be constructed within the farming zone, close to the future WTP would impact on the future design and distance of key infrastructure from existing houses, increasing the risk of impacting on amenity.

LMW is in the initial stages of commencing the rezoning process of 25 River Road to Public Utility Zone.

Mildura (Head Office)
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741-759 Fourteenth Street
Mildura Victoria 3500
PO Box 1438
Mildura Victoria 3502
AUSDOC DX 50023

Swan Hill (Area Office)
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73 Beveridge Street
Swan Hill Victoria 3585
PO Box 1447
Swan Hill Victoria 3585
AUSDOC DX 30164

Kerang (Area Office)
T 03 5450 3960
56 Wellington Street
Kerang Victoria 3579
PO Box 547
Kerang Victoria 3579
AUSDOC DX 57908

E contactus@lmw.vic.gov.au

lmw.vic.gov.au



ABN 18 475 808 826

**All Emergencies
1800 808 830**



Should you require any further information, please contact Lower Murray Water's Land Development Team on 03 5051 3400.

Yours faithfully

A handwritten signature in grey ink, appearing to read 'Stuart Mensch', written in a cursive style.

**STUART MENSCH
MANAGER LAND DEVELOPMENT**



NCCMA Ref: NCCMA-F-2021-00944
 Council Ref: 2021-116
 Date: 10 August 2021

Julie Lunde
 Planner
 Swan Hill Rural City Council
 Po Box 488,
 Swan Hill Vic 3585

Dear Julie

Planning Permit Application No: 2021-116
Development Description: Single dwelling
Street Address: 27 River Road Swan Hill Vic 3585
Cadastral Location: Lot 2 PS643888, Parish Of Castle Donnington
Applicant: Roy Costa, Roy Costa Planning and Development

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987* dated 06 August 2021, and received by North Central Catchment Management Authority (CMA) on 06 August 2021, regarding the above matter.

North Central CMA, pursuant to *Section 56 of the Planning and Environment Act 1987*, **objects** to the granting of a permit on the following grounds:

1. *The proposal is not consistent with the objectives of the Victorian Planning Policy Framework (VPP) Clause 13.03-15 as the proposal is likely to increase the risk to life, property and community infrastructure to flood hazard. The policy identifies that any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority should be considered. In July 2019, North Central CMA's Board adopted the "Guidelines for Development in Flood Affected Areas". These guidelines were released by the Department of Environment, Land, Water and Planning (DELWP) in February 2019 and provide an assessment framework and method to assist decisions on development in flood affected areas. As detailed in these guidelines, development should not intensify the harmful impacts of flooding. These guidelines identify that an appropriate depth of flooding for the subdivision of land and construction of a single dwelling is between 0.3 to 0.5 metres. The estimated depth of flooding at the location of the proposed dwelling in the event of a 1% AEP flood is up to 1.3 metres deep. This potential depth of flooding poses an unacceptable increase in risk to the life and safety of future occupants.*
2. *The proposal is not consistent with the purpose of the Land Subject to Inundation Overlay (LSIO) as the proposed development is not compatible with the flood hazard.*
3. *The proposal is not consistent with the decision planning provisions in the Victorian Planning Provisions Practice Note 11 'Applying for a Planning Permit Under the Flood Provisions', in that:*
 - a. *It is likely to result in danger to the life, health and safety of the occupants due to flooding on the site.*
 - b. *It relies on low-level access to and from the site.*

Connecting rivers, landscapes, people

ABN 73 937 058 422
 628-634 Midland Highway, Huntly
 PO Box 18, Huntly Victoria 3551

Telephone 03 5448 7124
 Email info@nccma.vic.gov.au
www.nccma.vic.gov.au

www.nccma.vic.gov.au





- c. *It is likely to increase the burden on emergency services and the risk to emergency personnel.*
- d. *It is likely to increase the amount of flood damage to public or private assets.*
- 4. *The incremental long-term effects of such developments. While a single development may not cause a significant change, the cumulative effect of several similar developments may be substantial.*

Advice to Applicant / Council

Flood levels for the 1 % AEP (100-year ARI) flood event have been declared for this area under provisions of the Water Act 1989. North Central CMA advises that in the event of a 1% AEP flood event it is possible that the property may be subject to inundation from Murray River. The declared 1% AEP flood level for the location described above is 67.9 metres AHD. The estimated depth of flooding on the above property is in the order of 0.5 metres to 1.7 metres deep. However, it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the property.

North Central CMA advises that this property may be afforded protection by the Murray River levee from flood events up to and including the 1% AEP flood. The condition of these works is unknown and there is currently no formal arrangement for the management of these works. Therefore, this levee cannot be relied upon to provide protection from future flood events.

Should you have any queries, please do not hesitate to contact me on **(03) 5440 1896**.

To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote **NCCMA-F-2021-00944** in your correspondence.

Yours sincerely

A handwritten signature in black ink that reads "Peter O'Toole".

Peter O'Toole

Waterways and Floodplain Officer

Cc: Roy Costa, Roy Costa Planning and Development

Information contained in this correspondence is subject to the definitions and disclaimers attached.





Attached: Definitions and Disclaimers

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.
4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

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PO Box 18, Huntly Victoria 3551

Telephone 03 5448 7124
Email info@nccma.vic.gov.au
www.nccma.vic.gov.au

www.nccma.vic.gov.au



1. Prior to commencement of works 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 southern boundary of proposed lot 1 for the length of the entire southern boundary. The vegetated screen is to have a minimum depth of 4 metres and is to consist of indigenous native species with adequate spacing.
2. The development and use allowed by this permit and as shown on the endorsed plans to accompany the permit shall not be amended for any reason without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the dwelling, a vegetated screen as shown on the endorsed plan is to be planted, to the satisfaction of the Responsible Authority.
4. Prior to commencement of works, the owners of the land 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 south abutting is subject to intensive water treatment uses.
 - b) The land and its occupants may experience off site 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 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.
5. Prior to the commencement of works:
 - a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act. 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.
6. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
7. Prior to the occupation of the dwelling hereby permitted, the dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waste of Victoria) under the Environment Protection Act 1970 and to the satisfaction of the Responsible Authority.

8. Prior to the occupation of the dwelling hereby permitted, the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
9. Prior to the occupation of the dwelling hereby permitted, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the building(s), the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
11. Prior to the occupation of the dwelling, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment.

12. EXPIRY

This permit will expire if one of the following circumstances applies:

- a. The development is not commenced within two (2) years of the date of this permit.
- b. The development is not completed within four (4) years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

B.22.2 SUBDIVISION OF LAND IN THE FARMING ZONE LOCATED AT 210 PRINCE ROAD, MURRAWEE

Responsible Officer: Director Development and Planning
File Number: 2021-159-1
Attachments:
1 [↓](#) Proposed Plan
2 [↓](#) Grounds of Refusal
3 [↓](#) Draft Permit Conditions

Declarations of Interest:

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

Applicant	Roy Costa and Associates Pty Ltd
Proposal	House lot excision
Zoning	Farming zone
Overlay	Nil
Reason for reporting to Council	Refusal recommendation
Advertised	No
Number of objections	N/A

Summary

Councillors may recall a planning permit application for a house lot excision at 210 Prince Road, Murrawee that went before the 17 August 2021 meeting of Council.

At this meeting, Councillors resolved to refuse the application.

The application for proposed subdivision has been subsequently resubmitted, but with a request from the proponent to apply a condition should any planning permit issue that requires a Section 173 agreement to be entered into between Council and the land owner that will prevent the construction of a dwelling on the balance lot.

For the reasons that will be explained in this report, it is considered that pursuing this outcome would result in an unacceptable planning outcome.

Accordingly, it is recommended that the application be refused.

Background

Previous application

The previous application for this site was refused by Council at meeting of 17 August 2021 on the following grounds:

1. 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.

2. The proposal contradicts to the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.

The subject site and surrounds

Location and existing conditions of the subject land

The subject land (marked in red on figure 1) is located at 210 Prince Road, Murrawee approximately 5 kilometres north-west of the Swan Hill Central Business District. The surrounding area has a mix of rural residential and intensive irrigated agricultural uses with some rural industries.

The subject land is 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 allotment was created as a result of an historic subdivision in 1977 from an 80ha parent title, which was divided into four separate lots. Land ownership to the south and south-west is fragmented.

The properties to the north and northeast are 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 proposed house lot excision remains unchanged from the previous application, with two approximately equally sized allotments of 1.6ha and 1.604ha (the house lot).

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 in shape with a size of approximately 1.6ha and is currently vacant.

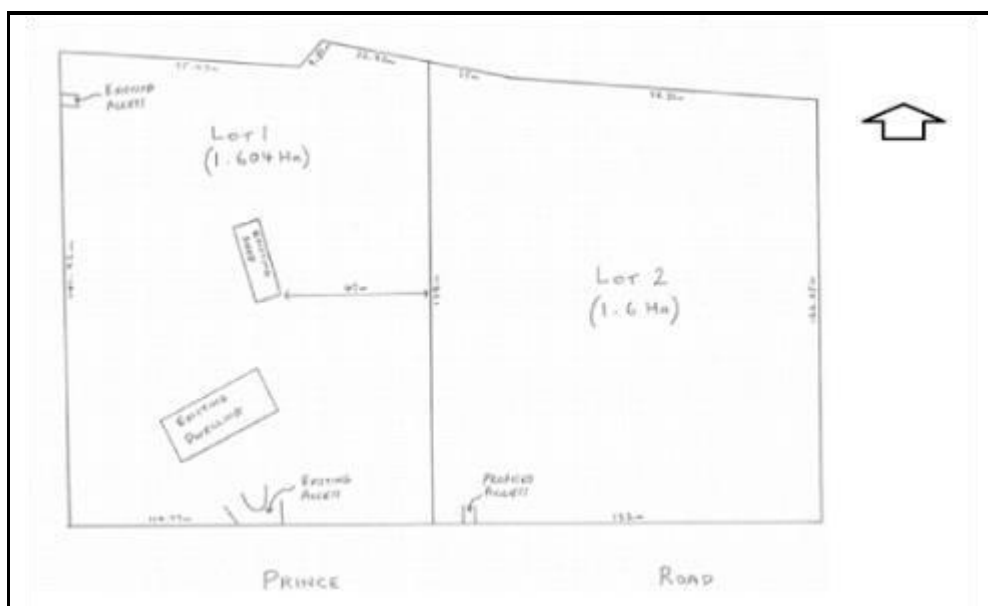


Figure 2: Proposed subdivision

The only change that is proposed from this application from the last that was refused by Council is a request from the proponent to apply a condition should any planning permit issue that requires a Section 173 agreement to be entered into between Council and the land owner that will prevent the construction of a dwelling on the balance lot.

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 are 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.

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 minimum subdivision size for allotments the Farming zone in irrigated areas is 20 hectares and in dryland areas 100 hectares, however clause 35.07-3 of the Swan Hill Planning Scheme allows house lot excisions to be contemplated, which is the enabling instrument for this application to be considered.

However, this subdivision has already been considered by Council to be discordant with Planning policy and sound planning practise. The inclusion of a legal agreement

to prevent the construction of a dwelling on the balance lot has the result of sterilising this parcel – effectively reducing it for use perhaps as a vacant stock paddock. The potential for consolidation onto north and east abutting landholdings is significantly diminished by the ringing of the site with roads and channels.

Consultation

As there was no material change in this application from the one considered and refused by Council less than twelve months ago, no advertising or referrals were undertaken.

Financial Implications

The proposal will not have financial implications to Council.

Social Implications

Not applicable.

Economic Implications

Agriculture has been identified as a significant part of the municipality's economy. The permanent removal of agricultural land for no real purpose will have negative economic impact to the municipality and the region.

Environmental Implications

A possible environmental impact is the potential for the site to fall into poor land management practises, such as weed infestation, due to its narrow use base. This could harm surrounding agricultural uses within an irrigated and productive farming area.

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.

1. 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.

2. The proposal contradicts the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.
3. 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 the purpose of the zone and threaten the valuable agriculture economy of the municipality.

Council Plan Strategy Addressed

Liveability - Building Healthy Communities.

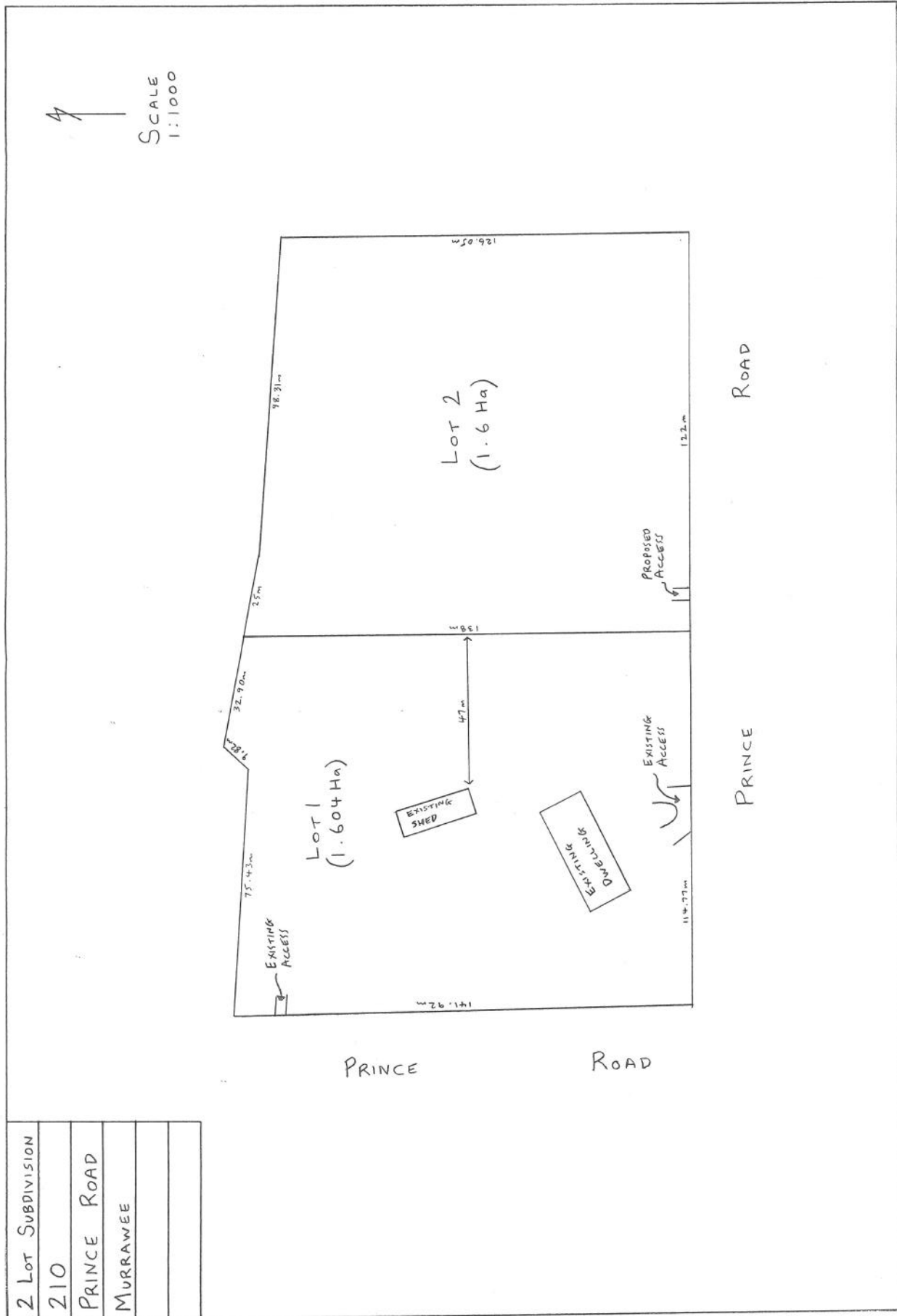
Options

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 and in accordance with the endorsed plans.

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 as the proposal does not accord with State and Local Planning Policy or the purpose of the Farming Zone.

1. 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.
2. The proposal contradicts to the purpose of the Farming Zone outlined in Clause 35.07 of the Swan Hill Planning Scheme.
3. 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 the purpose of the zone and threaten the valuable agriculture economy of the municipality.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura
PO Box 2925 Mildura 3502
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-031
Your Ref:

September 18, 2021

Planning Department
Swan Hill Rural City Council
PO Box 488
SWAN HILL 3585

Dear Sir/Madam,

**PLANNING APPLICATION
2 LOT SUBDIVISION
210 PRINCE ROAD, MURRAWEE**

Enclosed, please find a planning application lodged on behalf of the owner, proposing the creation of a 2 Lot Subdivision upon the above property.

The site is 3.204ha in area, with a dwelling and shed existing upon the site.

This application is seeking to subdivide the dwelling from the remainder of the land.

The dwelling allotment is to be 1.604ha in area, with the balance of the land to be 1.6ha in area.

The owner and husband are seeking to retire within the existing dwelling; and sell the remainder of the land.

PREVIOUS APPLICATION

This application was previously presented to the Ordinary Meeting of Swan Hill Rural City Council on 17 August 2021 for a determination; at which time the Council determined to refuse the application.

The Council in making their determination made the following comments:

- The land is valuable agricultural land.
- That an additional dwelling should not be allowed upon the land.
- Asked whether the owner consented to a requirement that no dwelling be constructed upon the new allotment.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



- That the land could be used for continued farming purposes associated with surrounding properties.

Our client has considered that factors raised by Council and has determined to relodge this application based on the following:

- That our clients agree to enter into a section 173 agreement prohibiting the use & development of a dwelling upon proposed Lot 2 of the subdivision.

This will alleviate the concerns of the Council and ensure that proposed Lot 2 will be used for agricultural purposes; and no dwelling will be constructed upon Lot 2.

Therefore, this application is now seen to meet the provisions of the Swan Hill Planning Scheme in the protection of valuable agricultural land and continued use of such land.

OTHER FACTORS

One important factor to note in respect to this proposal is the subject site and surrounding area.

The site is bounded by Prince Road to the south and west and an open channel to the east and north.

Therefore, the property does not adjoin any other property except for a small portion to the north-west covered with native vegetation.

Given the above the property can not be joined to any other property to enlarge any agricultural holding; thus, a re-alignment of boundaries cannot occur with any adjoining farm producing property.

However, by creating this additional allotment, Lot 2 can be purchased by a surrounding property owner for agricultural use purposes.

In addition, the Wards have lived upon the land for over 25 years and given their age seek to remain within their dwelling, however, sell the remainder of the land that they now have difficulty maintaining.

This subdivision is not removing any valuable agricultural land from production or removing land that can be joined with any surrounding property/s for the expansion of any agricultural production.

The creation of Lot 2 with the restriction of no dwelling upon Lot 2 will enable Lot 2 to be purchased and continued for agricultural pursuits.

Therefore, the proposed subdivision will not undermine the important agricultural sector of the municipality.

The proposed subdivision meets the provisions of the Swan Hill Planning Scheme and Farming Zone subdivision provisions as detailed below.

The intentions of the Swan Hill Planning Scheme provisions in respect to agriculture is to ensure the continuation of valuable agricultural production land, which this subdivision will not adversely affect in any way.

The subdivision will not affect the agricultural strategic directions of the Swan Hill Planning Scheme.

SWAN HILL PLANNING SCHEME

In accordance with the Swan Hill Planning Scheme, the subject land is zoned Farming Zone (FZ).

No overlays affect the subject land.

The proposal complies with the Swan Hill Planning Scheme as detailed below.

PLANNING POLICY FRAMEWORK

Clause 14.01-1S PROTECTION OF AGRICULTURAL LAND

Clause 14.01-2S SUSTAINABLE AGRICULTURAL LAND USE

Clause 14.01-2R AGRICULTURAL PRODUCTIVITY – LODDON MALLEE NORTH

The proposal is seen to meet these objectives by:

- * The intention of these provisions is to protect valuable agricultural land.
- * This subdivision will not adversely affect any valuable agricultural land in any way.
- * The proposed subdivision will not change the existing character of the area; and in fact, is in keeping with the established character of the area.
- * The subdivision will not remove any productive land; or remove land that could be available for expansion of agricultural land in the area.
- * The subdivision will be beneficial to the rural economy of the municipality as the end result will create a lot that can be continued for agricultural use.
- * Therefore, the sustainability and viability of the agricultural industry will not be adversely affected by this subdivision.
- * The subdivision will not create permanent land use changes that will affect the agricultural production of the municipality.
- * The adjacent land will not be adversely affected by this subdivision, as the land is surrounded by roads, open channel, and native vegetation.
- * One of the main aims of these provisions is to avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land; and as detailed above the subdivision will create an allotment that will not be able to have a dwelling located upon it, and the lot can be continued for agricultural purposes.

LOCAL PLANNING POLICY FRAMEWORK

Clause 21.06 NATURAL RESOURCE MANAGEMENT

Clause 21.06-1 RURAL AREAS

Clause 21.06-2 AGRICULTURE AND HORTICULTURE

As stated in these provisions, the agricultural sector is a significant source of economic activity in the municipality.

These provisions also state that subdivision and rural housing can potentially undermine the viability of the rural sector through land use conflict, loss of productive agricultural land, use of infrastructure and water that could be used for agriculture and land values exceeding agricultural value.

Furthermore, the key issues are to recognise the importance of the agricultural sector to the local economy; and recognise the potential for subdivision and rural dwellings to undermine agriculture.

Prior to detailing the objectives of this clause, we advise that this proposed subdivision meets the above provisions by:

- * The proposed subdivision will not undermine the rural sector.
- * The dwelling exists, and the subdivision of the dwelling and the creation of an additional allotment that will only be used for agricultural purposes supports the municipality's agricultural sector in a positive way.
- * There will be no land use conflict as the end result of this subdivision will not change the use of the land, as no dwelling will be able to be constructed upon Lot 2.
- * There will be no loss of productive agricultural land by this subdivision as previously detailed.
- * The proposal will not affect the established character of the area.

Given the above, this proposed subdivision is not affecting the existing established character of the area; and will not undermine agriculture of the municipality in any way.

In addition to all the above this proposal meets these provisions by way of the following:

- Even though the subdivision of a dwelling is discouraged, the proposal will not affect any agricultural land in the district or the local rural economy.
- The agricultural sector is a significant source of economic activity in the municipality, with this proposal not affecting the importance of the agricultural sector in any way.
- The proposed subdivision will not undermine the viability of the rural sector; and not change the character of the area.
- There will be no land use conflicts created by this proposal.

- Even though the minimum area of the residual allotment will be less than the minimum subdivision size of the zoning that is 20ha in area; this subdivision is seen to meet the purpose of these provisions as such will not adversely affect the agricultural industry of the municipality in any way; and the subdivision is able in accordance with Clause 35.07-3 within the Farming Zone provisions of the Swan Hill Planning Scheme.

FARMING ZONE PROVISIONS

Clause 35.07

PURPOSE

The subdivision meets the PPF, LPPF, MSS and LPP's as stated above.

The subdivision will not affect the use of the surrounding land.

The proposed subdivision will not adversely affect the continued operation of any land within the Swan Hill District used for agriculture as detailed above.

The intentions of these provisions are to protect valuable agricultural land; and as stated above the proposal will not remove or diminish any valuable agricultural land in any way.

Clause 35.07-1

TABLE OF USES

No use is proposed as part of this application.

Clause 35.07-2

USE OF LAND FOR A DWELLING

Access to the site will be provided to the satisfaction of the Responsible Authority.

All necessary services are available for the existing dwelling.

Clause 35.07-3

SUBDIVISION

A permit is required for this proposed subdivision.

This proposed subdivision meets these provisions by way of the following:

1. The subdivision is to create a lot for an existing dwelling.
2. The subdivision is a two lot subdivision.

Clause 35.07-6

DECISION GUIDELINES

The proposal meets the PPF, LPPF, MSS and LPP's as detailed above. No Regional Catchment Strategy applies to the land.

The subdivision will not affect the municipality's agricultural sector in any way.

The subdivision will not limit the operation of the agricultural production in the district.

There is no adverse environmental issue that would be created by this subdivision.

No flora and fauna issues exist to the site.

An open channel exists to the east and north of the site; with this proposed subdivision not seen to be affected by this proposal.

The subdivision will not have negative impacts on services within the area; with adequate services existing for the existing dwelling.

No traffic management measures are required for this proposal.

OVERLAY PROVISIONS

No overlays affect the subject land.

CONCLUSION

In summary, the proposed subdivision complies with all relevant provisions of the Swan Hill Planning Scheme, in particular the PPF, LPPF, MSS & LPP's.

Given all the above-mentioned, we now request Council support this application as proposed.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA
ROY COSTA PLANNING & DEVELOPMENT

That Council grant a permit for the subdivision of land in the Farming Zone at 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 allowed by this permit and as shown on the endorsed plans to accompany the permit shall not be amended for any reason 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.
 - f) No dwelling can be constructed on Lot 2.

Prior to the issue of Statement of Compliance:

- a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
- b) The owners must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

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/site can be retained within the boundaries of the lot 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.

B.22.3 SWAN HILL REGIONAL LIVESTOCK EXCHANGE STAKEHOLDER COMMITTEE

Responsible Officer: Director Infrastructure
File Number: S11-20-01
Attachments: 1 [↓](#) Draft Committee Charter

Declarations of Interest:

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

Summary

This report seeks the adoption of the charter for the Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee prior to potential members being approached to identify their interest in serving as committee members.

Discussion

As part of the development and declaration of the Local Law governing the operations at the SHRLE, a recommendation to establish a committee of interested stakeholders to provide advice as per the report:

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 to maximize 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

Internal consultation with relevant officers has been carried out and a review of similar committees' terms of reference was used as a base for the development of the proposed draft.

Financial Implications

Minor costs in supporting the committee work through staff time and administrative support.

Social Implications

The committee will bring diversity of views and experiences to help ensure the SHRLE is serving the needs of its key stakeholders.

Economic Implications

Improvements in the operations at the SHRLE will benefit local businesses and reduce costs to the ratepayer.

Environmental Implications

Not applicable.

Risk Management Implications

There is a risk that not all identified stakeholders would nominate a representative to the committee leaving the committee unbalanced..

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

1. That Council adopt the DRAFT SHRLE Advisory Committee Terms of Reference
2. That Council does not adopt the DRAFT SHRLE Advisory Committee Term of Reference
3. That Council amend the DRAFT SHRLE Advisory Committee Term of Reference

Recommendations

That Council:

- 1. Adopt the DRAFT SHRLE Advisory Committee Term of Reference, and**
- 2. Commence the process of advertising for external committee members.**
- 3. Nominate a Councillor to Chair the Committee.**

Date adopted	TBC - 2022
Last review	
Next review	November 2024
Responsible Officer	Operations Manager

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



SWAN HILL REGIONAL LIVESTOCK EXCHANGE (SHRLE) STAKEHOLDER COMMITTEE TERMS OF REFERENCE (ToR)

1. Purpose

- 1.1. The Swan Hill Rural City Council (Council) Stakeholder Committee (the Committee) is a formally appointed Stakeholder Committee of the Council.
- 1.2. The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to this Terms of Reference in order to facilitate decision making by Council in relation to the discharge of its responsibilities.
- 1.3. The Committee is to assist the Council by offering specialised advice and assistance with research on issues of interest to Council and the Community.
- 1.4. The Committee does not have any executive powers nor does it have any delegated financial responsibility.
- 1.5. The Committee does not have the authority to delegate tasks to subcommittees.

2. Duties and Responsibilities

The Committee will carry out the following duties and responsibilities:

- 2.1. Provide advice on Stakeholder needs and how the stakeholders can work to solve issues of common interest.
 - 2.1.1. Ensure compliance with statutory and mandated requirements.
 - 2.1.2. Suggest potential improvements and efficiency gains.
 - 2.1.3. Share knowledge gained at other Saleyards to facilitate best practice operations, where possible.
 - 2.1.4. Agree on priorities for improvements for consideration by the Council.
- 2.2. Provide advice to Council Officers
 - 2.2.1. Provide appropriate advice and recommendations to Officers when requested.
- 2.3. Reporting Responsibilities
 - 2.3.1. Report at least annually to the Council about committee activities, issues, and related recommendations through the circulation of minutes and committee chair reporting at Council Assembly.
 - 2.3.2. A review of the Committee will take place at least once every four years at which time the Terms of Reference will also be reviewed.
 - 2.3.3. The review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other relevant stakeholders, as determined by Council.

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
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- 2.4. Other Responsibilities
- 2.4.1. Perform other activities related to this Terms of Reference as requested by Council for a specific purpose.

3. Membership

- 3.1. The Committee will be a minimum of five members, consisting of:
- 3.1.1. A minimum of one Councillor, with a maximum of two, appointed by the Council.
- 3.1.2. One Council Officer responsible for the management of the SHRLE.
- 3.1.3. A representative of Agriculture Victoria, or other Government Agency with responsibility in the area of operations of the SHRLE.
- 3.1.4. A minimum of three external independent members, and a maximum of eight, with a view to maximising diversity and inclusion. Those are to be drawn from:
- 3.1.4.1. A minimum of one representative, if interested, from the following organisations: Selling Agents Association; Transporters; Producers and local business.
- 3.1.4.2. One independent member
- 3.2. Committee Support
- 3.2.1. Council Officers will support the Committee and will consist of representatives from the internal Council Department (Infrastructure) as responsible for the operations of the SHRLE.
- 3.3. Voting
- 3.3.1. All members shall have full voting rights, with the Chairperson having a casting vote as required.
- 3.4. Appointments and Tenure
- 3.4.1. The Council will appoint half of the external independent Committee members at the beginning of each Council term. The other half will renew mid-term to ensure continuity of knowledge.
- 3.4.2. The CEO, in consultation with the Mayor, can appoint external independent Committee members to fill any vacancy that occurs within the Council term and cannot reasonably be left vacant until the beginning of the next Council term.
- 3.4.3. The Council will nominate the Committee Chair on an annual basis.
- 3.4.4. The Chair of the Committee must be a Councillor Representative.
- 3.4.5. Tenure of the external independent members shall be a maximum of four years, with half the initial appointments being made for a maximum of two years.
- 3.4.6. Appointment of external members shall be made by the Council by way of a public advertisement, and Council Resolution, and be to the end of that current Council Term.
- 3.4.7. Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well balanced Committee.

- 3.4.8. People wishing to serve as an external independent member may nominate for successive terms without restriction.
- 3.5. Disqualification of a Member
- 3.5.1. If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.
- 3.5.2. If a member misses two consecutive committee meetings without an accepted apology they will have disqualified themselves from membership.
- 3.6. Members are expected to:
- 3.6.1. Contribute the time needed to study and understand the papers provided;
- 3.6.2. Apply good analytical skills, objectivity and judgement; and
- 3.6.3. Express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.

4. Meetings

- 4.1. Conduct of Meetings
- 4.1.1. The Chief Executive Officer, or their delegate, will provide the support required to enable the meetings of the Committee and invite members of staff or others to attend meetings to provide pertinent information as necessary.
- 4.2. Attendance and Quorum
- 4.2.1. All Committee members are expected to attend each meeting.
- 4.2.2. Quorum will be a majority of Committee members with a least two external independent members and at least one Councillor.
- 4.2.3. In the absence of the Chairperson from a meeting, the meeting shall appoint an acting Chairperson from the independent or Councillor Representatives present.
- 4.3. Meeting Administration
- 4.3.1. The Committee will aim to meet once a quarter, with ability to convene additional meetings as circumstances require.
- 4.3.2. To facilitate the operation of the Committee, the Chief Executive Officer or their delegate has responsibility to provide secretariat services and officer advice in respect of matters before the Committee.
- 4.3.3. Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials electronically.
- 4.3.4. Minutes will be prepared and distributed within one week of the relevant meeting.

5. Conflicts of Interest

- 5.1. In accordance with Sections 126 to 131 of the Local Government Act 2020, members of the Committee are required to disclose all conflicts of interests and may not be eligible to vote on a matter or attend a meeting at which the subject of the conflict will be considered, depending on the nature of the conflict.
- 5.2. Members of the Committee are to comply with the provisions of the Local Government Act 2020, and any supporting Regulations, concerning conflicts of interest.
- 5.3. Failure to comply with provisions of the Local Government Act 1989 and 2020 with regard to conflicts of interest may result in termination of the Member’s appointment.

6. Confidentiality

- 6.1. All Members are subject to Section 125 of the Local Government Act 2020 in terms of information that the person knows, or should reasonably know, is confidential information as defined by the Act.
- 6.2. Failure to comply with provisions of the Local Government Act 2020 with regard to confidentiality may result in termination of the Member’s appointment.
- 6.3. The Terms of Reference and Reports from the Committee to Council where appropriate, will be available on the Council’s website.
- 6.4. All independent members of the Committee shall sign a confidentiality agreement as shown in Appendix 1.

7. Document History

Version Number	Issue Date	Description of Change
1.0	TBC 2022	Initial release

Appendix 1 – Confidentiality Agreement

THIS AGREEMENT is made on the day of 20 __

BETWEEN

AND

I herewith agree that I must not whether during or after my membership of the Swan Hill Rural City Council Stakeholder Committee, unless expressly authorised by the Chief Executive Officer or in accordance with the law, make any disclosure or use of:-

- 1. Any information or trade secrets of the Council;
- 2. The position of the Council or of any Councillor or Council Officer on any confidential matter; or
- 3. Any other information whatsoever, the disclosure of which may be detrimental to the interest of Council or of any other person who has provided it to the Council on a confidential basis, unless I am required to disclose the information by law. I must use my best endeavours to prevent the improper publication or disclosure or use of any such information by anyone else.

The termination or expiry of my membership of the Committee, for whatever reason, does not affect or derogate from my obligations of confidentiality set out above.

Signed by: Date:
STAKEHOLDER COMMITTEE MEMBER

Signed by: Date:
(On behalf of Swan Hill Rural City Council)
CHIEF EXECUTIVE OFFICER

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
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B.22.4 COUNCIL PLAN – PROGRESS REPORT FOR THE SECOND QUARTER OF 2021/22

Responsible Officer: Director Corporate Services
File Number: S16-28-03
Attachments: 1 [↓](#) Council Plan – Progress Report December 2021

Declarations of Interest:

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

Summary

The purpose of this report is to present the second quarter progress update of Council's performance against the Council Plan 2021-2025. The period reported is from 1 October 2021 to 31 December 2021.

The quarterly progress report, provided as an attachment, offers a summary of the progress against the four Council Plan areas; Liveability, Prosperity, Harmony and Leadership.

The intent of this report is to give Councillors and the community the confidence that Council is on track to meet its published commitments over the four year period.

Discussion

In accordance with Section 90 of the *Local Government Act 2020*, Council developed and adopted a four-year Council Plan on 26 October 2021.

The plan is a strategic document outlining what Swan Hill Rural City Council will do to help achieve Council's and the community's vision for the municipality.

The plan describes Council's priorities and outcomes for its four-year term and how these will be resourced.

The plan has been divided into four strategic pillars:



Liveability

We will be a healthy, connected and growing community supported by a range of infrastructure and services.



Prosperity

We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.



Harmony

We will be a welcoming community for all, recognised for our maturity and respect for each other.



Leadership

We will ensure accountable leadership, advocacy and transparent decision making.

This report provides the second quarter update in relation to the actions taken and progress made to achieve these goals and strategic initiatives in the 2021/22 financial year.

Regular reporting to Councillors and the community is a key principle of transparency and good governance. This report is provided to Council on a quarterly basis and published online for the community to access.

The following objectives were marked as complete and ongoing during the second quarter:

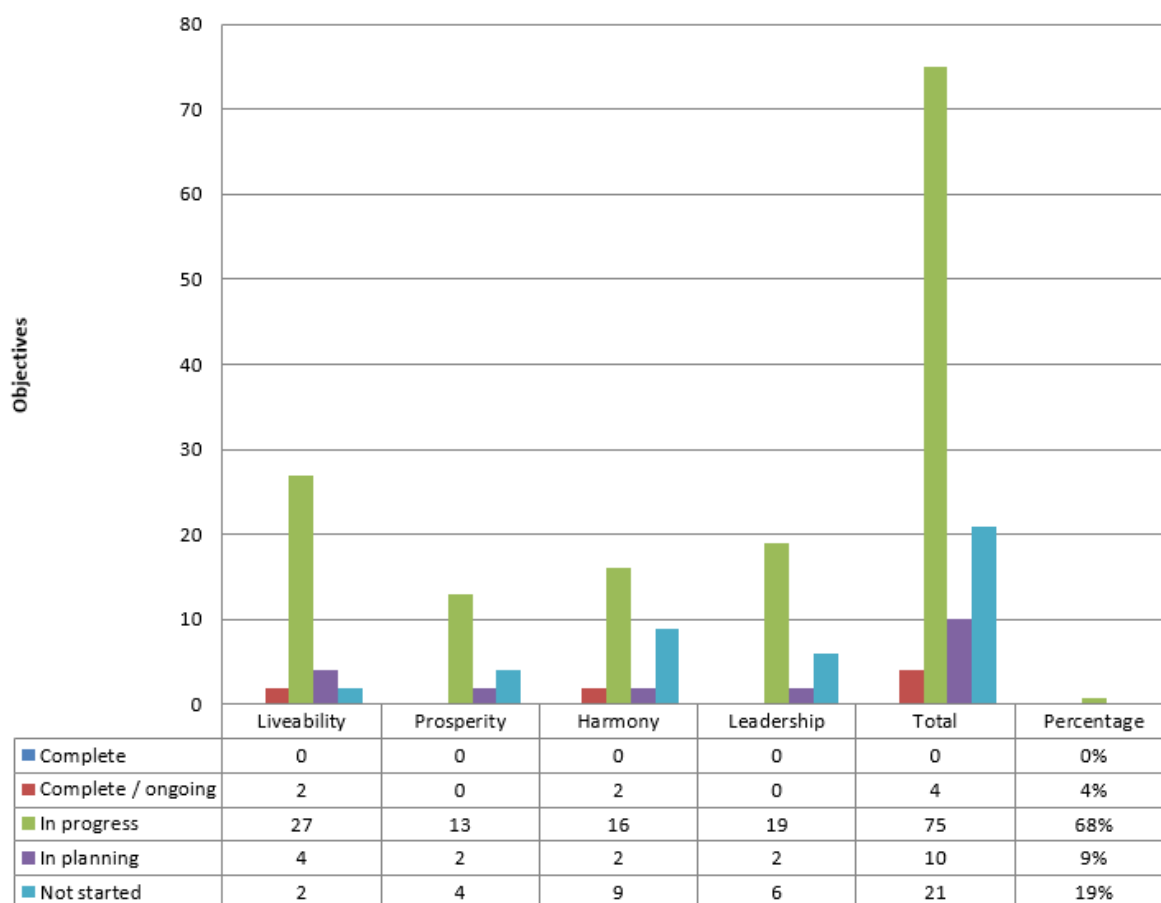
- 1.1.3.4. Actively participate in the Central Murray Regional Transport Forum.**
- 1.4.1.2. Support local creatives in developing their businesses (Arts Action) -** Programs that support and develop local creatives include the collaboration with Arts Action as well as exhibitions directly targeting younger creatives such as Big Fish 5 and Blackout.
- 3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities -** Formal inclusion of Aboriginal community members through constitutional changes to Gallery Advisory Committee. Collaborating and mentoring of emerging Aboriginal curators for the upcoming exhibition Blackout.

3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance

Council has made progress on the following:

- 1.1.1.1. Finalise and implement rural living / rural residential strategy** - Final report expected May 2022, implementation to commence upon Council adoption, which is expected June 2022.
- 1.1.2.4. Continue development of Tower Hill stages** - Stage 13 released and sold as at 31/12/21. Stage 14 under development to be released in early 2022.
- 1.2.1.5. Develop irrigation strategies for key urban areas in the municipality** - Works will shortly commence on the irrigation system upgrade of Riverside Park in Swan Hill. Auditing of irrigation requirements within the municipality townships is currently being undertaken.
- 2.3.2.3. Review current assets and identify future needs - create a program to bridge the gap and identify funding requirements.** - The Storm Water Asset Management Plan (SWAMP) has been presented at assembly with minor updates required. The Transport Asset Management Plan (TAMP) 2020 is waiting on 2021 Asset condition data and will be updated to reflect results.
- 3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)** - The People Matters survey was completed in July 2021, internal data extractions completed. Data from both was submitted to Gender Equality Commissioner by 1/12/21. Data collected will form the basis of the GEAP which is on track for completion by March 2022.
- 4.1.1.4. Develop and implement a Workforce Development Plan** - Workforce Development Plan completed and approved in December 2021.
- 4.1.2.2. Develop and implement a Strategic Asset Management plan and supporting Asset Management plans** – Draft Strategic Asset Management Plan (SAMP) being updated to incorporate Council Plan and updated look to be similar. Expected to go to Assembly in February.

Progress Report Graph



Consultation

Council consulted the community during the development of the Council Plan 2021-2025.

Financial Implications

This report contains no financial implications, however many of the initiatives contained within the Council Plan requires Council to allocate funds in its 2021/22 budget to implement the Council Plan.

Social Implications

The report is provided and made available to the community to increase awareness of the activities of Council, provide a mechanism for transparency and could increase community involvement in decision making at Council level.

Economic Implications

Implementation of the actions will improve a number of economic outcomes for our community.

Environmental Implications

Implementation of the actions will improve a number of environmental outcomes for our community.

Risk Management Implications

Council is required to be compliant with the *Local Government Act 2020* in regards to the Council Plan and annual reporting. This quarterly report supports that compliance.

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

1. That Council adopt the second quarter Council Plan - Progress Report 2021/22 as presented
2. That Council adopt the second quarter Council Plan - Progress Report 2021/22 with amendments.

Recommendation

That Council adopt the second quarter Council Plan - Progress Report 2021/22 as presented.

COUNCIL PLAN

PROGRESS REPORT – DECEMBER 2021



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INTRODUCTION

What is the Council Plan?

The Council Plan is a strategic document outlining what the Swan Hill Rural City Council (Council) will do to achieve Council’s and the community’s vision for the municipality. The 2021-2025 plan describes Council’s Strategic Initiatives for its four-year term.

The Council Plan is an important document that drives everything the Swan Hill Rural City Council does over a four- year period. It sets the vision, priorities and outcomes for Council’s term and lists how progress will be measured. The plan guides Council’s annual budget, which determines the projects, services, events and other initiatives that will be funded and delivered in the next financial year.

Council is held accountable for its progress on the Council Plan’s outcomes through quarterly progress reports, and annually in the Swan Hill Rural City Council’s Annual Report.

How we will track and measure our progress

Each of the Council Plan Initiatives has a number of actions that will track Council’s progress. Council will report on its progress in completing the four-year priorities quarterly with updated progress commentary.

All actions will be marked with the following symbols to represent their current status:



Complete - the action has been completed.



Complete/ongoing - actions that span over a number of years that cannot be marked as completed until later years.



In progress - these actions are past the planning phase, and are in progress towards completion.



In planning - actions that are not complete or in progress but actions have been taken are marked as in planning stage.



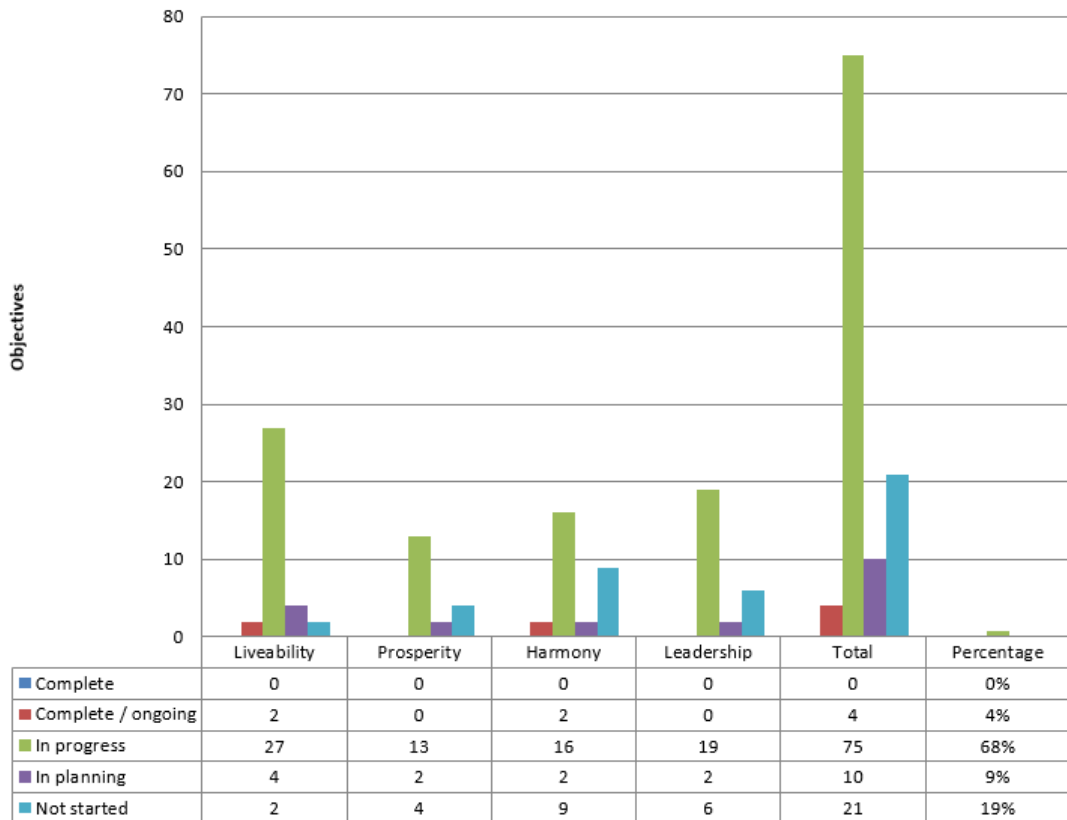
Not started - actions that have not been commenced at the time of reporting.

OVERALL RESULTS SNAPSHOT

The Council Plan 2021-25 includes 29 initiatives and 110 actions through which the achievement of the Council Plan may be measured over its four-year term.

Each action has a nominated responsible officer who is a member of the Leadership Team, reflecting the importance placed on achieving targets. As some objectives/actions span over a number of years they cannot be marked as completed until later years.

Progress Report Graph



The following objectives were marked as complete and ongoing during the second quarter:

- 1.1.3.4. Actively participate in the Central Murray Regional Transport Forum.**
- 1.4.1.2. Support local creatives in developing their businesses (Arts Action) -**
Programs that support and develop local creatives include the collaboration with Arts Action as well as exhibitions directly targeting younger creatives such as Big Fish 5 and Blackout.
- 3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities -** Formal inclusion of Aboriginal community members through constitutional changes to Gallery Advisory Committee. Collaborating and mentoring of emerging Aboriginal curators for the upcoming exhibition Blackout.
- 3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance**

Council has made progress on the following:

- 1.1.1.1. Finalise and implement rural living / rural residential strategy -** Final report expected May 2022, implementation to commence upon Council adoption, which is expected June 2022.
- 1.1.2.4. Continue development of Tower Hill stages -** Stage 13 released and sold as at 31/12/21. Stage 14 under development to be released in early 2022.
- 1.2.1.5. Develop irrigation strategies for key urban areas in the municipality -** Works will shortly commence on the irrigation system upgrade of Riverside Park in Swan Hill. Auditing of irrigation requirements within the municipality townships is currently being undertaken.
- 2.3.2.3. Review current assets and identify future needs - create a program to bridge the gap and identify funding requirements. -** The Storm Water Asset Management Plan (SWAMP) has been presented at assembly with minor updates required. The Transport Asset Management Plan (TAMP) 2020 is waiting on 2021 Asset condition data and will be updated to reflect results.
- 3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP) -** The People matters survey was completed in July 2021, internal data extractions completed. Data from both was submitted to Gender Equality Commissioner by 1/12/21. Data collected will form the basis of the GEAP which is on track for completion by March 2022.
- 4.1.1.4. Develop and implement a Workforce Development Plan -** Workforce Development Plan completed and approved in December 2021.
- 4.1.2.2. Develop and implement a Strategic Asset Management plan and supporting Asset Management plans –** Draft Strategic Asset Management Plan (SAMP) being updated to incorporate Council Plan and updated look to be similar. Expected to go to assembly in Feb.

STRATEGIC PILLARS

The Community Vision is supported by four themed pillars – which form the key directions and focus of this Council Plan.

Our vision for the municipality anchors and connects these pillars to deliver real outcomes for the community.



Liveability

We will be a healthy, connected and growing community supported by a range of infrastructure and services.



Prosperity

We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.



Harmony

We will be a welcoming community for all, recognised for our maturity and respect for each other.



Leadership











We will ensure accountable leadership, advocacy and transparent decision making.


















Liveability




1. We will be a healthy, connected and growing community supported by a range of infrastructure and services

1.1. A modern municipality: Vibrant, connected and resilient				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.1.1. Attractive urban areas and regional townships	1.1.1.1. Finalise and implement rural living / rural residential strategy	2022/23	In Progress 	Underway, final report expected May 2022, implementation to commence upon Council adoption, which is expected June 2022.
	1.1.1.2. Complete stage 1 of Vibrant Villages project	2021/22	In Progress 	Nyah, Nyah West, Lake Boga and Woorinen township earmarked works fully completed by end 2021.
	1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront Masterplan.	2021-2025	In Progress 	Concept design for splash park, upgrade pond and new wharf. Construction works for Marraboor River boardwalk/lookout, Monash Drive Carpark and Footpath upgrade to be constructed early/mid 2022.
	1.1.1.4. Complete and implement the Robinvale Riverfront Masterplan	2021-2025	In Progress 	Draft plan received Dec 2021
	1.1.1.5. Develop Nyah Riverfront Masterplan	2021/22	In Progress 	Consultant brief drafted and issued out early 2022. To include Nyah West Monash Av
	1.1.1.6. Develop Boundary Bend Riverfront Masterplan	2022/23	Not Started 	No funding in this years budget for this project - will commence once funding is available
	1.1.1.7. Develop a Small Town Strategy	2022/23	Not Started 	On work plan for 2023.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.1.2. Ensure adequate provision of a variety of safe and secure housing	1.1.2.1. Explore the development or sale of Council and other government land in urban areas	2022/23	In Progress 	Council continues to review land ownership with a view for development or sale. For example Feldtmann Lane and development of land in Ronald Street, Robinvale for housing.
	1.1.2.2. Develop and build houses on Council owned property	2021-2025	In Progress 	Ronald Street housing project has commenced first 4 houses due to be completed in April however there may be possible delays.
	1.1.2.3. Continue to Implement the Robinvale housing strategy	2021-2025	In Progress 	Three funded projects are underway to help in the provision of housing across the municipality. Two projects relate specifically to Robinvale - Seasonal Workers Accommodation Program and Robinvale housing Investment Strategy. In addition the construction of 4 dwellings in Ronald Street is underway.
	1.1.2.4. Continue development of Tower Hill stages	2021-2025	In Progress 	Stage 13 released and sold as at 31/12/21. Stage 14 under development to be released in early 2022.
	1.1.2.5. Assist South West Development Precinct developers	2021-2025	In Progress 	This is ongoing as developers require assistance.
1.1.3. Excellent transport links to allow ease of movement	1.1.3.1. Advocate for a review of the Swan Hill Town Bus route	2022/23	In Progress 	Letter has been sent to PTV and local MPs advocating for review of the Swan Hill Town bus route in light of the growth of the town. Ongoing regular communication with PTV to see how they are going (every two months).
	1.1.3.2. Advocate for the completion of the Murray Basin Rail Project	2021-2025	In Progress 	Council continues to support the Rail Freight Alliance and its work in advocating for the completion of the Murray Basin Rail Project. Council has previously signed a petition seeking additional State government funding and has acknowledged the Federal Government's contribution of a further \$200m for the completion of the project.
	1.1.3.3. Advocate for the continual improvement of the Murray Valley Highway and upgrade of the Robinvale Sea Lake Road	2021-2025	In Progress 	Recent improvements to MVH following adoption of the Central Murray Regional Transport Strategy several years ago include completion of enhancements to the Lake Charm to Lake Boga section and construction of truck stops/rest areas between Robinvale and Swan Hill. A list of possible improvements has been provided to the department of transport for inclusion in the Murray Valley Highway strategy.
	1.1.3.4. Actively participate in the Central Murray Regional Transport Forum	2021-2025	Complete and Ongoing 	The technical group of the CMRT Forum met in September.
	1.1.3.5. Implement relevant actions from the CMRT strategy	2021-2025	In Progress 	Currently undertaking a study for A-Double access jointly with Gannawarra Shire.

1.2. Careful and responsible management of our Environment for a sustainable future				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.2.1. Engage, empower and mobilise communities to prepare for, adapt to and mitigate the effects of a changing climate	1.2.1.1. Support initiatives that align with policy such as the Circular Economy and provide tangible outcomes for the community, for example: ↑ cleaner air for all, quality and smell ↓ litter, roadside dumping, co-mingling waste	2021-2025	In Planning 	Following release of State-wide educational material from Sustainability Victoria Council will review and amend our policies and community information materials.
	1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality	2022/23	In Planning 	Currently in the pre-planning stage, with detailed planning to occur during Q1 of 2022. Once the form and scope of the advocacy document has been agreed upon a timeline will be developed with the aim of having the final document completed by the end of Q1 2023.
	1.2.1.3. Develop drainage strategies for key urban areas in the municipality	2023/24	In Planning 	Preparing consultancy brief.
	1.2.1.4. Implement effective diversion and reuse of waste resources	2022/23	In Progress 	Working on different waste stream diversion with mattress processing business case completed.
	1.2.1.5. Develop irrigation strategies for key urban areas in the municipality	2022/23	In Progress 	Works will shortly commence on the irrigation system upgrade of Riverside Park in Swan Hill. Auditing of irrigation requirements within the municipality townships is currently being undertaken. As part of Vibrant Villages project will be rolling out a new automated cloud based irrigation systems in small townships including Managatang, Nyah / Nyah West with completion by June 2022
1.2.2. Accessible open spaces and healthy rivers and lakes	1.2.2.1. Improve the presentation of the Lake Boga foreshore and its environs in collaboration with the community	2021-2025	In Progress 	An irrigation plan and cultural heritage assessment has been developed for the southern end of Lake Boga (between Caravan Park and housing estates). A landscape master plan for this section of public land is currently begin developed and will be completed by 30 June 2022.
	1.2.2.2. Prepare a Murray River and lakes access strategy for the municipality incorporating - camping / walking and bike tracks	2024/25	In Progress 	Drafting ELT and Council Report for Camping & Trail Strategy.
	1.2.2.3. Plan and construct open space development of the decommissioned Number 9 Channel	2022/23	In Progress 	Project managed through the PMO preparing tenders.

1.3. Building Healthy Communities				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.3.1. Encourage active and healthy lifestyles for people of all ages, abilities and interests	1.3.1.1. Continue to implement master plans for all recreation facilities	2021-2025	In Progress 	Detailed designs for Robinvale Football Change rooms completed. Consultant brief drafted for conceptual designs and governance model for Swan Hill Sporting Hub - issued out March 2022. Preparing a funding application with SRV for the construction Robinvale Football Change room due Feb 2022.
	1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail	2022/23	In Planning 	Planning is underway, discussions are being held with VicRail and VicTrack to ascertain their requirements for the railway crossing.
	1.3.1.3. Support initiatives leading to better outcomes for children and families	2021-2025	In Progress 	Virtual early years information hub has been established and was due to be launched pre-Christmas. Delayed by Covid outbreak.
	1.3.1.4. Partner with agencies to address preventable illnesses and active lifestyles	2021-2025	In Progress 	Assisting with transition of Primary Care Partnership into new Primary Health Unit which is due end of March 2022.
1.3.2. Spaces where people of all ages, abilities and backgrounds can flourish	1.3.2.1. Reinvigorate performance spaces across the area, including Robinvale Community Art Centre	2022/23	In Progress 	Applying for grants for significant audio visual upgrades to Robinvale Community Arts Centre. Notified by July, installation by Christmas if successful.
	1.3.2.2. Incorporate child and family-friendly principles into development of outdoor spaces	2022/23	In Progress 	Part of ongoing Child Safety Standards work, in conjunction with other work areas including Parks and Gardens.
	1.3.2.3. Review and implement the public art policy	2021/22	In Progress 	Implementation of Public Art Policy is currently being reviewed with ELT and Council. It will be considered by Council in March 2022.







1.4. Foster Creative and Cultural opportunities				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.4.1. Promote and celebrate the creative and cultural pursuits within the region	1.4.1.1 Deliver creative industries projects across the region	2022/23	In Progress 	Continuing inter LGA and interstate opportunities using the ACRE Project as a vehicle. 2022 will see ACRE Exhibition tour to Gannawarra Shire.
	1.4.1.2. Support local creatives in developing their businesses (Arts Action)	2022/23	Complete and Ongoing 	Programs that support and develop local creatives include the collaboration with Arts Action as well as exhibitions directly targeting younger creatives such as Big Fish 5 and Blackout. Workshops presented by industry experts will target professional development, business plans, legal issues and copyright for Aboriginal artists of our region and will be a feature during the exhibition Blackout.
	1.4.1.3. Enhance artistic outreach programs in smaller towns and communities, including Fairfax Youth Initiative and ACRE programs	2022/23	In Progress 	New strategic plan for Fairfax underway, grant applications for operational funding submitted in December 2022, and partnership with Country Education Partnership agreed.












Prosperity

2. We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy

2.1. Effective partnerships for prosperity				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.1. Support diverse educational opportunities that fosters life-long learning	2.1.1.1. Establish an effective relationship with the education sector through regular engagement	2022/23	In Progress 	Regular meeting with SuniTAFE to consider shared opportunities.
	2.1.1.2. Advocate for the establishment of an education hub in Swan Hill	2023/24	In Progress 	Councillors considering invitation to support grant application for Federal funding of Country Universities Centre in Swan Hill.
	2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill	2023/24	In Progress 	The Planning Early Years Infrastructure Project in Manangatang and Woorinen South commenced in September 2021. Rachael Williams from Local Logic Place is the consultant contracted to facilitate community consultation about the future of early years infrastructure including preschools and Maternal and Child Health in both of these small communities. Brandrick's Architects have been contracted to develop concept designs for renovation of existing infrastructure and/or options for relocating early years infrastructure onto primary school sites. We will be going back to these communities at the start of the 2022 school year to present the first draft of the concept plans.
	2.1.1.4. Assist youth with diverse employment pathways through the Empower and Engage! Programs	2022/23	In Progress 	Empower and Engage programs focusing on Manangatang and Robinvale - established links with Student Representative Councils at both schools, and regular presence in both towns.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.2. Support our key industries	2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Committee	2022/23	Not Started 	To be commenced
	2.1.2.2. Consider the establishment of an Industry Support Committee (Manufacturing and other)	2022/23	Not Started 	To be commenced
	2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes	2022/23	In Progress 	Reviewing preferred base data approach to support the development of the new strategy.
	2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement	2023/24	In Planning 	Scope document for tender being drafted. Scope to be finalised once a decision from Heritage Victoria has been made by early March 2022.
	2.1.2.5. Develop an Economic recovery plan in response to Covid-19	2021/22	Not Started 	A response plan was developed in late 2020 and will be used as background for the development of a recovery plan in 2022.
	2.1.2.6. Establish a Livestock Exchange Stakeholder committee to improve stakeholder engagement and to better meet the needs of Livestock Exchange users	2022/23	In Planning 	Aiming to have established by April 2022.

2.2. A thriving diverse economy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.2.1. Encourage the growth and development of our economy	2.2.1.1. Develop a new planning scheme that is clear in its intention, supports growth and builds confidence and certainty in land use	2024/25	Not Started 	On work plan for 2024/25.
	2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process	2021-2025	In Progress 	Better Approvals team continue to support existing and proposed businesses in the municipality.
	2.2.1.3. Actively pursue the establishment of a designated area migration agreement (DAMA)	2021-2023	In Progress 	Background work is underway to determine regional interest.









2.3. Infrastructure that enables prosperity				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.3.1. Digital connectivity that allows people to live, work and play across our region	2.3.1.1. Advocate for high speed broadband access to all businesses and residents	2022/23	In Progress 	Working with NBN and Telstra with Federal funding application.
	2.3.1.2. Seek innovative solutions for broadband and mobile connectivity	2022/23	In Progress 	Working with NBN and cross Border Commissioner funding application.
2.3.2. Assets for our current and future needs	2.3.2.1. Complete road network services review, identify and pursue funding opportunities, focusing on the agricultural sector and industry	2022/23	In Progress 	Currently undertaking a study for A-Double access jointly with Gannawarra Shire.
	2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year	2021-2025	In Progress 	Participation and review of 22/23 program completed and when final approval is obtained the 22/23 program can be planned.
	2.3.2.3. Review current assets and identify future needs - create a program to bridge the gap and identify funding requirements.	2021-2025	In Progress 	The Storm Water Asset Management Plan (SWAMP) has been presented at assembly with minor updates required. The Transport Asset Management Plan (TAMP) 2020 is waiting on 2021 Asset condition data and will be updated to reflect results.
	2.3.2.4. Continue to plan and seek funding to implement the development of community infrastructure	2021-2025	In Progress 	Drafting a funding application with State Government to support the Robinvale Riverfront Masterplan development including a new nature / adventure playground and skate park. Finalise Local Roads Community Infrastructure projects round 2 and 3.









Harmony







3. We will be a welcoming community for all, recognised by our maturity and respect for each other.

3.1. Communities that are safe, welcoming and inclusive				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.1. The diversity of our communities is celebrated	3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network.	2022/23	In Progress 	Local LGBTIQ+ committee has been rejuvenated with secretariat now - meet was held with new LGBTIQ+ Commissioner and partner agencies in December.
	3.1.1.2. Support co-designed development of multicultural events and activities	2022/23	In Progress 	Ongoing on a case by case basis
	3.1.1.3. All-abilities events and activities are well-planned and promoted	2022/23	In Progress 	Ongoing - working with other multicultural groups to promote events grants, and providing knowledge of existing events, lining Harmony Day and Lantern Festival committees.
	3.1.1.4. Continue to develop the annual Harmony Day and Lantern Festival events.	2022/23	Not Started 	
3.1.2. Encourage the growth and positive development of our youth	3.1.2.1. Improve Youth Support Services outreach to young people in Manangatang and Robinvale	2022/23	In Progress 	Ongoing - Novo Youth Council operates with a co-design model for all events - including PUSH, planned for February 4th 2022.
	3.1.2.2. Ensure young people are involved in co-design of annual events	2023/24	Not Started 	
	3.1.2.3. Support and redevelop the Fairfax Youth Initiative to enhance leadership outcomes for rural and remote youth involved in creative pursuits	2022/23	In Progress 	Strategic work underway for redesigned FYI model - multiple applications for funding for 2022-2025 submitted.
	3.1.2.4. Undertake the youth wellbeing actions from the Youth Strategy, specifically mental and sexual health.	2023/24	In Progress 	Ongoing - Empower and Engage programs focusing on Manangatang and Robinvale and focusing on mental health as a result of Covid - planned for resumption of school 2022

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.3. Flourishing community organisations	3.1.3.1. Actively promote the benefits of Volunteering in all our communities, streamline the process to facilitate volunteering in Council activities and programs	2022 - 2024	Not Started 	
	3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups	2022/23	In Progress 	Drafting ELT and Council Report on the Future Community Planning.
	3.1.3.3. Improve engagement with community based special interest groups	2022/23	In Planning 	Council to take a more active profile and to initiate meetings with service and other organisations
3.1.4. Our elderly and vulnerable are cared for	3.1.4.1. Support the development of Residential Aged Care services	2023/24	In Progress 	Respond to opportunities for development or increase of aged care places in the region
	3.1.4.2. Determine Council's role in aged care services	2022/23	In Progress 	Information update to be provided to Councillors on current status of aged care reforms. Scheduled for February 2022.
	3.1.4.3. Undertake actions in the Municipal Early to Middle Years Plan associated with improving services to greater assist vulnerable families	2022/23	In Progress 	Ongoing - Recruitment for Enhanced Maternal and Child Nurse to expand the program, due Feb 2022. Infrastructure work underway as per 2.1.1.3
	3.1.4.4. Actively engage with local support networks to assist with accessibility and inclusion initiatives	2022/23	In Progress 	Ongoing - Youth Program working with schools, headspace, and other agencies such as health services to ensure inclusion in all events and programs.
	3.1.4.5. Review Community Access and Inclusion Strategy (CAIS).	2021/22	Not Started 	

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.5. All members of our Communities are supported	3.1.5.1. Work in partnership with local agencies to prevent all forms of Family Violence.	2021 - 2025	In Progress 	Submission for Prevention of Family Violence funding due in late February 2022.
	3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)	2021/22	In Progress 	The People matters survey was completed in July 2021, internal data extractions completed. Data from both was submitted to Gender Equality Commissioner by 1/12/21. Data collected will form the basis of the GEAP which is on track for completion by March 2022. Gender Equality Committee operational and TOR confirmed by ELT Dec 2021.
	3.1.5.3. Ensure that we consider people of all abilities in the development of infrastructure and events	2021-2025	In Progress 	Swan Hill Riverfront all abilities equipment recently installed. Will be considered as part of the Gender Impact Assessments.
	3.1.5.4. Develop a Building Safer Communities program	2022/23	Not Started 	Not commenced

3.2. An engaged and respected Aboriginal community				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.1. Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community	3.2.1.1. Develop a Reconciliation Action Plan	2022/23	Not Started 	Awaiting recruitment of appropriate staff
	3.2.1.2. Adequately resource Aboriginal Engagement	2022/23	In Progress 	New Council web page dedicated to engaging with local Aborigines on key elements including welcome to country ceremonies, public art program and project developments. Funding request in 2022/23 budget for additional resources.
	3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties	2021-2025	Not Started 	Recruitment for vacant positions and extra funding for Aboriginal support needs to be achieved to enable this work to proceed.




STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.2. Encourage and support community leadership	3.2.2.1. Continue to offer Aboriginal scholarships and leadership opportunities	2021-2025	Not Started 	Opportunities for scholarships will be advertised in February/March 2022
	3.2.2.2. Continue to assist to develop Our Place identifying an Aboriginal language name and business model	2021/22	In Progress 	This work is ongoing depending on the site and development of "Our Place"
	3.2.2.3. Proactively support leadership within our Aboriginal community	2021-2025	Not Started 	
3.2.3. Celebration and recognition of Aboriginal and Torres Strait history and culture	3.2.3.1. Investigate and seek funding for Aboriginal tourism opportunities	2022-2025	In Planning 	This is ongoing and is limited as Council is often not an acceptable body to apply. Drafting consultant brief for Activating Pentland Island.
	3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities	2021-2025	Complete and Ongoing 	Collaborating and mentoring of emerging Aboriginal curators for the upcoming exhibition Blackout. Formal inclusion of Aboriginal community members through constitutional changes to Gallery Advisory Committee. Ongoing adoption of recommendations from Australian Museums and Galleries Association's "First Peoples: A roadmap for enhancing Indigenous engagement in museums and galleries"
	3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance	2021-2025	Complete and Ongoing 	Funding support NAIDOC Week











Leadership





1. We will ensure accountable leadership, advocacy and transparent decision making.





4.1. Excellent management and administration				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.1. Well managed resources for a sustainable future	4.1.1.1. Invest in the development of employees to enable a highly skilled and engaged workforce	2021-2025	In Progress 	Training needs analysis has been completed following the staff review process in September 2020, Organisational Training Plan implementation has commenced.
	4.1.1.2. Promote a culture of continuous improvement with a focus on efficiency and customer service	2021-2025	Not Started 	Ongoing work will see improvements when the IT strategy is implemented and changes to customer interactions.
	4.1.1.3. Embed rigor in our planning process to ensure long-term sustainability and continuity of Council's services	2021-2025	Not Started 	
	4.1.1.4. Develop and implement a Workforce Development Plan	2021/22	In Progress 	Workforce Development Plan completed and approved in December 2021.
4.1.2. Provide robust governance and effective leadership	4.1.2.1. Implement a Project Management Framework and system	2021/22	In Progress 	Framework is implemented within the PMO and key staff training is planned to be delivered over Jan/Feb 2022 followed by Directors and wider organisation. Software solution being reviewed between 2 suppliers and working with ICT for ELT.
	4.1.2.2. Develop and implement a Strategic Asset Management plan and supporting Asset Management plans	2021/22	In Progress 	Draft Strategic Asset Management Plan (SAMP) being updated to incorporate Council Plan and updated look to be similar. Expected to go to assembly in Feb.
	4.1.2.3. Provide Councillors with professional development and support to ensure effective governance	2021-2025	In Progress 	Councillors provided with opportunities to attend MAV and LGPro courses and workshops
	4.1.2.4. Work with Town Representative groups to better plan and deliver projects	2021-2025	In Progress 	Drafting ELT and Council Report on the Future Community Planning.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.3. Sound, sustainable: o Financial management o Excellence in service delivery o Strategic planning	4.1.3.1 Deliver projects on time, on budget and within scope	2021-2025	In Progress 	Ongoing and achieving but subject to large cost increases in materials caused by the pandemic. PMO is targeted to be cost neutral
	4.1.3.2. Working to budget and ensure future planning to meet financial needs	2021-2025	In Progress 	The Financial Plan has been adopted by Council at the July 2021 Council meeting. The quarterly finance report for Sept 2021 was tabled at the November Council meeting and the Dec 2021 quarterly report will be presented to Council at the February Council meeting. Budget worksheets have been distributed to managers/coordinators and are due back on 14/01/2022.
	4.1.3.3. Review two service delivery areas in years 2 (Parks and Gardens / Library) and 4 (Economic and Community development / Circular economy) of this Council Plan to improve and ensure accessibility and consistency of our customer experience	2022/23 & 2024/25	Not Started 	Not commenced

4.2. Transparent communication and engagement				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.2.1. Effective and authentic engagement with our community	4.2.1.1. Review our Community Engagement Strategy to ensure our engagement is meeting the needs of the community	2022/23	Not Started 	Not commenced
	4.2.1.2. Embed the Community Engagement principles and practices across the organisation	2023/24	In Progress 	Community Engage Coordinator has started to attend the weekly PMO meetings and will assist with the development of PMO training across the organisation.
	4.2.1.3. Build constructive relationships with special interest groups in our community	2021-2025	In Planning 	Work in partnership with EDU, aligning KSI for their team to establish a key stakeholder group.
	4.2.1.4. Review our use of social media platforms across Council with a view of increasing Councils exposure and ensuring consistent moderation	2021/22	In Progress 	Social Media Policy has been reviewed. Online webinar completed re: defamation, the online slides have been emailed out to managers of social media sites. Currently doing an audit of Council managed Social media tools.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.2.2. Visible presence in our community	4.2.2.1. Maximising the opportunities for Councillors and senior staff to represent Council at relevant community meetings, functions and events	2021-2025	Not Started 	Restricted opportunities due to COVID-19 limitations
	4.2.2.2. Continue quarterly Coffee with a Councillor around the municipality	2021-2025	In Planning 	Team has discussed starting these back up, COVID outbreaks/restrictions are still a barrier.
	4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups	2022/23	Not Started 	COVID-19 has not permitted the commencement of structured tours.
	4.2.2.4. Create a culture where staff are ambassadors for the Council	2021-2025	In Progress 	Review and continue to improve internal communication tools. Acknowledge and reward staff appropriately

4.3. Bold leadership, strong partnerships and effective advocacy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.3.1. Create meaningful partnerships across our communities	4.3.1.1. Continue involvement in community groups	2021-2025	In Progress 	Ongoing
	4.3.1.2. Support Robinvale with its Committee for Robinvale Euston (C4RE)	2022/23	In Progress 	Scheduled initial meeting in October 2021 was unable to take place. New date to be established in first quarter 2022.
	4.3.1.3. Support the health and wellbeing partnerships that address preventable illnesses.	2023/24	In Progress 	Finalising the transition from the Primary Care Partnership model to the Primary Health Unit model, due by end of March 2022.
	4.3.1.4. Continue to support and work with Swan Hill Incorporated	2021-2025	In Progress 	CEO meets with Swan Hill Inc on monthly basis to discuss opportunities.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.3.2. Strong relationship with State and Federal governments to influence advocacy and funding opportunities	4.3.2.1. Continue to advocate on the following issues: <ul style="list-style-type: none"> Improved Healthcare for our people, including a new hospital for Swan Hill A new Murray River Bridge at Swan Hill Complete the Murray Basin Rail Project Housing and enabling infrastructure Better use of environmental water and the development of a plan specific to the Murray River between Swan Hill and Robinvale. 	2021-2025	In Progress 	Construction of 4 houses in Ronald St Robinvale, part funded by State Government Grant. Various studies on housing opportunities in Robinvale and the region are underway - due early 2022. Advocacy against proposal by State Government to remove rates from social housing. Representations to Federal and State Governments on need for improved water and wastewater infrastructure for small towns.
	4.3.2.2. Review Council's advocacy strategy on an annual basis	2021-2025	In Progress 	Advocacy Strategy adopted on 21 May 2019 - review by 30 June 2022. Investigating new (more modern) ways of producing this information - through media and website.
4.3.3. Working together in promotion of the municipality	4.3.3.1. Positively promote our region as a great place	2021-2025	In Progress 	Continue with Tourism promotion across the municipality and region and during all recruitment.
	4.3.3.2. Continue to work with Murray River Tourism and Swan Hill Incorporated to promote the municipality	2021-2025	In Progress 	Former CEO Board member of Murray River Tourism Board. We continue to work actively on issues of mutual interest, eg Workshop scheduled for February 2022. CEO and Chair of Swan Hill Inc meet monthly to discuss opportunities and issues of common interest.



B.22.5 PUBLIC TRANSPARENCY POLICY

Responsible Officer: Director Corporate Services
File Number: S20-03-04
Attachments: 1 [↓](#) Public Transparency Policy

Declarations of Interest:

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

Summary

The Public Transparency Policy made under sections 57 & 58 of the Local Government Act 2020 (the Act) has now been in operation since August 2020. The Policy is now due for review after more than 12 months of operation.

Discussion

The Public Transparency Policy is a sound document. However, Council now has a better understanding of the requirements of sections 58(b)(i) and (ii) of the Act which relate to the public availability of Council Information. The section states:

Council Information must be publicly available unless –

- (i) The information is confidential by virtue of this Act or any other Act; or
- (ii) Public availability of the information would be contrary to the public interest.

It is proposed to make changes to sections 6.2 and 6.3.1 and add an appendix to the document.

Section 6.2 – Access to Information

Minor changes have been made to the wording of the first paragraph (including dot points) to state the general availability of Council information and what is not available.

The last paragraph has been included to reference a newly inserted appendix containing a list of generally available Council information.

Section 6.3.1 – Public Interest Test

In section 6.2 reference is made to the conditions under which Council Information may not be made publicly available. Section 6.3.1 has been amended to provide greater clarity in circumstances where the Chief Executive Officer may refuse to make Council Information publicly available where it would be contrary to the public interest.

Section 6.3.1 has been amended to expand on the public interest test model. The previous wording of this section did not provide a community friendly explanation of the 'public interest test' and referred to the body of knowledge under the Freedom of Information regime which required interested parties to research complicated case law in order to understand the workings of the public interest test.

The new wording was sourced from the City of Melbourne policy document and provides understandable examples of how the 'public interest test' will be applied when ascertaining the public availability of Council Information.

Appendix 1

This appendix has been provided to give general guidance on the types of documents that may be available to the public, subject to the Policy. The list provided is an expansion of what was provided in the model policy document provided by Local Government Victoria during the initial policy development and has been compared against the policy documents of several other Councils.

This list is important in informing our community about the type of documents that may be publicly available. With the repeal of regulation 12 of the Local Government (General) Regulations 2015, there are several documents which are no longer prescribed as being available for public inspection and it is left up to Council to generally identify the documents to be publicly available through this Policy. Not having a guiding list of publicly available document types opens Council up to the risk of protracted, ill-informed and expensive FOI requests where once we could have just said yes, here it is.

Consultation

Several policies from other Councils were examined for examples of how the 'public transparency principles' had been applied.

Financial Implications

Not applicable.

Social Implications

With the availability of publicly accessible information, this policy impacts upon a person's freedom of expression and their ability to take part in public life.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

This policy poses risks under the Charter of Human Rights & Responsibilities Act 2006. It impacts on an individual's freedom of expression where Council proposes to regulate or restrict an individual's access to information (including access to material on the internet). It also impacts on an individual's right to take part in public life where it affects communication of information and ideas about public and political issues or affects the ability of a person to participate in local council meetings.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

1. That Council adopt the Public Transparency Policy as presented.
2. That Council adopt the Public Transparency Policy with amendments.

Recommendation

That Council adopt the Public Transparency Policy as presented.

Date adopted	August 2020
Last review	February 2022
Next review	February 2026
Responsible Officer	Information Coordinator

Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
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POLICY TITLE PUBLIC TRANSPARENCY POLICY

POLICY NUMBER CPOL/GOV023

1. PURPOSE

This Policy supports Swan Hill Rural City Council (Council) to provide good governance and accountability. It specifies how Council information is to be made publicly available. Council must adopt and maintain a Public Transparency Policy under Section 57 of the *Local Government Act 2020* (the Act). This Policy gives effect to the *Public Transparency Principles* (Section 58 of the Act).

2. OBJECTIVES

The objective of Council's Public Transparency Policy is to formalise support for transparency in decision-making processes and public awareness of the availability of Council information. This Policy seeks to promote:

- a) Greater clarity in Council's decision-making processes;
- b) Increased confidence and trust in the community through greater understanding and awareness;
- c) Enhanced decision making;
- d) Improvement of Council's performance;
- e) Access to information that is current, easily accessible and disseminated in a timely manner;
- f) Reassurance to the community that Council is spending public monies wisely.

A Transparency Policy is an integral part of Council's Good Governance Framework.

3. SCOPE

This policy applies to Councillors and Council staff of the Council.

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4. DEFINITIONS

For the purposes of this Policy, Council adopts the following definitions:

Municipal Community: Includes –

- (a) People who live in the municipal district; and
- (b) People and bodies who are ratepayers of the Council; and
- (c) Traditional owners of land in the municipal district of the Council; and
- (d) People and bodies who conduct activities in the municipal district of the Council.

Consultation: The process of seeking input on a matter.

Closed Meetings: When Council resolves to close the meeting to the general public, in order to consider confidential information.

Confidential Information: Means the following information that is not publicly available—

- Council business information** - Information that would prejudice the Council's position in commercial negotiations if prematurely released;
- Security information** - Information that if released is likely to endanger the security of Council property or the safety of any person;
- Land use planning information** - Information that if prematurely released is likely to encourage speculation in land values;
- Law enforcement information** - Information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- Legal privileged information** - Information to which legal professional privilege or client legal privilege applies;
- Personal information**, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- Private commercial information** - Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released;
- Confidential meeting information** - Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
- Internal arbitration information** - Confidential information relating to internal arbitration about an alleged breach of the councillor code of conduct.
- Councillor Conduct Panel confidential information** - Confidential information relating to a Councillor Conduct Panel matter
- Confidential information under the 1989 Act** - Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

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Transparency: A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of the Act).

5. RESPONSIBILITIES

All Councillors and staff have responsibilities to promote and facilitate access to Council information in accordance with the public transparency policy.

Council	Champion the commitment and principles for public transparency through leadership, practice and decision-making.
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this Policy.
Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this Policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Organisational Development Manager	To monitor implementation of this Policy and conduct periodic reviews to drive continuous improvement.

6. POLICY

6.1. What Will Council Be Transparent With

6.1.1. Decision Making at Council

- Will be undertaken in accordance with the Act and the Governance Rules.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council will be entitled to communicate their views and have their interests considered.

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6.1.2. Council Information

Council will provide information in accordance with the Act. A comprehensive list of information is available including all policies, plans, reports which can be found in the Part II Statement in accordance with the Freedom of Information Act 1982. Part II of the *Freedom of Information Act 1982* requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds. This is published annually each January.

6.2. Access to information

Council Information will be made available to the public, unless either the:

- Council Information is Confidential Information; or
- Release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.

Consideration will be given to accessibility and cultural requirements.

Council will assist people whose first language is not English, where possible, to access interpreter services to enable them to understand Council documents.

Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this Policy.

A list of the categories of Council Information which will generally, subject to this Policy, be made available either on the Council Website, at the Council Offices or on request, is set out at Appendix 1 to this Policy.

6.2.1. Freedom of information (FOI) applications

Council will comply with the requirements of the Freedom of Information Act 1982. Council will assist people to access information without the need for a Freedom of Information request where possible. Further information can be found in the Freedom of Information section of Council's website.

6.3. Information Not Available

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*.

6.3.1. Public interest test

Council Information will not be made publicly available if doing so would be contrary to the public interest.

When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, amongst other things:

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- The sensitivity of the Council Information;
- Whether the Council Information comprises a draft, or otherwise is no longer current;
- Any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.

Without limiting the above, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:

- Disclose Personal Information or Health Information of an individual other than the Requestor;
- Disclose information or opinions of a preliminary nature such that they might either;
 - Mislead the Community with respect to Council's position on a matter;
 - Have a substantial adverse effect on the economy of the Municipal District;
- Prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
- Impair or otherwise impact on;
 - Council's ability to obtain information in future that is similar in nature to the Council Information;
 - Negotiations with respect to employment arrangements for Officers;
 - Defence, prosecution and settlement of legal proceedings;
- Impact on the reasonable allocation of Council's resources, including in responding to requests for Council Information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.

6.4. Human Rights Charter

This Policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*.

6.5. Non-Compliance With This Policy

If a member of the community questions a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied, this can be reported to the Chief Executive Officer.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222, or via the website – www.ombudsman.vic.gov.au.

6.6. Monitoring, Evaluation and Review

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Council will monitor processes, information requests and decision making to understand the overall level of success in the Policy’s implementation. A summarised report will be presented at the Audit and Risk Committee meetings.

This Policy will be reviewed every four years or more frequently if relevant legislation changes.

7. RELATED POLICIES/PROCEDURES/DOCUMENTS

- POL/GOV022 Governance Rules
- Public Transparency Principles
- Governance Framework
- POL/GOV002 Community Engagement Policy
- POL/CORP211 Privacy Policy
- POL/CORP207 Freedom of Information

8. RELATED LEGISLATION

- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Local Government Act 1989
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Health Records Act 2001
- Equal Opportunity Act 2010

9. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	August 2020	Initial Release
1.1	February 2022	Review

Signed: _____ MAYOR Date: _____

Appendix 1

For the purposes of Clause 6.2 of this Policy, the following Council Information will generally, and subject to this Policy, be made available either on the Council Website, on request by a member of the Community or by public inspection at the Council Office.

Documents such as:

- Plans and Reports adopted by Council
- Council Policies
- Project and Service Plans
- Service Agreements, Contracts, Leases and Licences
- Relevant technical reports and/or research that informs Council's decision making

Process information such as:

- Practice notes and operating procedures
- Application processes for approvals, permits, grants, access to Council services
- Decision-making processes
- Guidelines and Manuals
- Community Engagement Processes
- Complaints Handling Processes

The following Council Information will be available on Council's website:

- Meeting Agendas and Reports to Council and Delegated Committees
- Minutes of Council meetings and meetings of Delegated Committees
- Audit and Risk Committee Charter
- Terms of Reference for Delegated Committees and Advisory Committees
- Submissions received under section 223 of the *Local Government Act 1989*
- Gift Registers for Councillors
- Travel Registers for Councillors and Council Staff
- Registers of Conflicts of Interest disclosed in open session by Councillors
- Registers of Leases entered into by Council
- Register of Delegations
- Register of Donations and Grants
- Register of Election Campaign Donations
- Summary of Personal Interest Returns
- Any other Public Registers or Records required by the Act or any other Act

The following Council Information will be available by public inspection at the Council Office

- Register of Authorised Officers
-

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B.22.6 SOCIAL MEDIA POLICY AND PROCEDURE

Responsible Officer: Director Corporate Services
File Number: S17-16-01
Attachments: 1 [↓ Social Media Policy](#)

Declarations of Interest:

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

Summary

This report seeks a Council resolution to adopt the reviewed Social Media Policy and Procedure.

Discussion

The Social Media Policy and Procedure have been reviewed.

A number of minor changes have been suggested in the Procedure:

- Wrongs Act 1958 added to Enabling Legislation
- Linked In included as a social networking site
- Text removed under heading comment management – “and the administrator should reply to the author privately, through private messaging, email or phone”
- Text replaced under comment management - Replace “always” with “exercise sound judgement and common sense and where appropriate”

The reviewed policy and procedure also include updates to related policy names, formatting, dates and Council department titles.

Consultation

Media Unit, Executive Management Team.

Financial Implications

The Media Unit continues to resource the Social Media Policy and Procedure implementation. Social media continues to provide a cost-effective means of communication.

Social Implications

The continued use of social media will improve community participation and understanding of Council programs and initiatives.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The procedure provides guidance to employees and Councillors on appropriate use of social media, including content and comment management.

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

1. Adopt the attached policy and procedure
2. Seek to make changes to the attached policy and procedure.

Recommendation

That Council adopt the attached Social Media policy and procedure.

Date adopted	February 2013	Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
Last review	February 2022	
Next review	February 2025	
Responsible Officer	Community Engagement and Communications Coordinator	



POLICY TITLE SOCIAL MEDIA

POLICY NUMBER POL/GOV017

1. PURPOSE

The purpose of this policy is to improve the effectiveness of Swan Hill Rural City Council’s (Council) communication and engagement with the community.

2. SCOPE

This policy applies to all Council employees and Councillors.

3. POLICY

Council is committed to actively using social media as a form of community engagement.

Council will establish protocols for managing Council’s social media platforms, including content approval, setting up new platforms, social media monitoring and comment management.

Council will also provide guidelines for employees and Councillors about the personal and professional use of social media platforms.

4. RELATED POLICIES/PROCEDURES/DOCUMENTS

- POL/CORP225 Website Policy
- POL/CORP218 IT Acceptable Use Policy
- POL/GOV003 Media Policy
- POL/STAFF104 Disciplinary Policy
- POL/CORP203 Corporate Credit Card Policy
- CPOL/GOV025 Community Engagement Policy
- Communications & Engagement Strategy 2019-2022
- POL/CORP211 Privacy Policy

5. RELATED LEGISLATION

- Copyright Act 1968 (Cth)
- Defamation Act 2005 (Vic)
- Local Government Act 2020 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Wrongs Act 1958

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6. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	February 2013	Initial release
1.1	August 2014	Review
1.2	December 2026	Review
1.3	November 2018	Review
1.4	February 2022	Review

Signed: _____ Mayor Date: _____

Date adopted	February 2013	Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
Last review	February 2022	
Next review	February 2025	
Responsible Officer	Community Engagement and Communications Coordinator	



POLICY TITLE SOCIAL MEDIA PROCEDURE

POLICY NUMBER PRP/GOV017

1. ENABLING POLICY

Social Media POL/GOV017

2. ENABLING LEGISLATION

Copyright Act 1968 (Cth)
 Defamation Act 2005 (Vic)
 Local Government Act 2020 (Vic)
 Privacy and Data Protection Act 2014 (Vic)
 Wrongs Act 1958

3. PURPOSE

To establish protocols for managing the use and content of Swan Hill Rural City Council's (Council) social media sites, and provide guidelines for employees and Councillors about the personal and professional use of social media platforms.

4. SCOPE

This procedure applies to all Council employees and Councillors.

5. PROCEDURE

5.1. General principles

Social media includes web-based and mobile-based technologies, which are used to turn communication into interactive dialogue between organisations, communities and individuals.

Social media is expected to be used by Council as a medium to update the community on Council projects, promote Council events and to seek feedback. It can also be used to promote community events and news.

Social media should be seen as a conversational tool, rather than just a promotional tool.

Social Media Procedure PRO/GOV017		
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For the purpose of this procedure, social media is described as (but not limited to):

- Social networking sites like Facebook, Linked In
- Video and photo sharing sites like Instagram, YouTube, Snapchat
- Micro-blogging sites like Twitter
- Blogs, including corporate blogs, personal blogs or blogs hosted by traditional media
- Forums and discussion boards like Whirlpool Yammer or Google Groups
- Online encyclopaedias such as Wikipedia
- Any other websites that allow individuals or companies to use simple publishing tools

Social media should be used as part of wider campaigns, including mainstream media advertising, media releases, Council websites, community announcements, printed promotional material and other methods of communication. Advice is available from the Communications and Community Engagement Co-ordinator.

5.2. New Council social media sites

While Council should aim to avoid diluting the corporate social media profile, individual programs or events can establish their own social media presence in accordance with this procedure.

All new Council social media sites must be approved through the Media Unit. The Executive Leadership Team is to be informed of any planned new social media sites prior to work starting to create them.

An employee wanting to set up a social media site must provide evidence that the site is needed, its purpose and how the site will be administered.

Prior to approval being granted, the administrator must seek advice from the Communications and Community Engagement Co-ordinator about engagement, practical uses and management of their social media presence.

The use of all Council social media sites will be reviewed on an annual basis by the administrator to ensure they remain relevant and useful.

5.3. Managing Council's official social media sites

5.3.1. Content

While social media is often more casual than other communication tools, it still represents the views and image of Council. At all times, the site's administrator should ensure they:

- Use only approved social media sites
- Behave with caution, courtesy, honesty and respect, just like they would with any other Council-related communication
- Comply with relevant laws and regulations, including the Local Government Act and Privacy and Data Protection Act prohibiting the disclosure of personal and confidential information, the Copyright Act and the Defamation Act.
- Reinforce the integrity, reputation and values of Council
- Use correct spelling and proper grammar

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- Keep messages short and simple
- Link to Council's websites for more details when necessary
- Engage in conversations when appropriate
- Create a dialogue, ask questions to help engage users, when appropriate
- Include photos and videos where possible to help engage users
- Think about what the community wants to know, not just what Council wants them to know

Images of people are considered to be their personal information, so administrators must ensure they comply with Council's Privacy Policy POL/CORP211. It states "...SHRCC will take reasonable steps to advise the individuals concerned of what information is being sought about them, for what purpose, whether any law requires the collection of the information and the main consequences, if any, of not providing the information."

Particular care should be taken when including photos of people under the age of 18. Written parental consent must be received.

The following content is not permitted on Council's social media sites at any time:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trademark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation.
- Illegal material or materials designed to encourage law breaking
- Material that could compromise Council, employee or system safety
- Materials that would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material that would bring Council into disrepute
- Personal details or references to Councillors, Council employees or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements that might be considered to be bullying or harassment
- Commercial and external advertising
- Trolling

5.3.2. Responsibility

The Media Unit is responsible for Council's corporate social media sites. Other employees must only administer approved sites that relate to their areas of responsibility and must have the prior authorisation of their Director or the Chief Executive Officer. Employees must ensure compliance with this procedure.

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Each social media site should have an appointed administrator to ensure consistency. The Community Engagement and Communications Coordinator and/or Media Officer, through Council’s corporate page, should be a secondary administrator. Log-in and password details should also be forwarded to the Media Unit to be included on a register.

External social media training will be available for administrators and other employees and Councillors as needed.

5.3.3. Content approval

Content for social media sites will comprise a mixture of existing communications re-worked for the appropriate medium, and content produced exclusively for social media.

Existing communication – Items that don’t require additional approval for publication on social media include published media releases, information from public notices and Local Government notices, event promotion and leveraging website updates. These items will have had prior approval from the Chief Executive Officer or relevant Director.

Depending on subject matter and length, press releases and other communication forms might be paraphrased to lighten or humanise the tone.

Exclusive communication – For all other content, including responding to questions or comments, the site administrator must exercise sound judgement and common sense to ensure posts are appropriate, accurate and comply with relevant legislation.

Administrators should only post, respond and engage in conversation on issues where they are comfortable and knowledgeable about the topic. If they are unclear on facts, they should seek advice and approval from relevant Managers, Directors or the Chief Executive Officer.

For issues that could present legal concerns or for those that are politically sensitive in nature, the administrator should seek the advice and approval of their Director or the Chief Executive Officer. Guidance can also be provided by the Media Unit.

5.3.4. Frequency

Social media sites must be updated regularly to engage with users and to remain effective and relevant.

Council’s corporate sites should aim to have at least one post per business day. On other sites, administrators should aim to post at least once a week.

5.3.5. Monitoring

Sites must be monitored by their administrator to ensure posts that require a reply receive one in an appropriate timeframe, usually within 24 hours.

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Inappropriate comments should be removed immediately or the site disabled until the inappropriate content is removed.

It is appropriate to note on the site, if possible, the hours during which it is monitored. For example: “*Council employees will monitor this page during business hours, usually Monday to Friday from 8.30am until 5pm (excluding public holidays).*”

The administrator might like to subscribe to status updates of their site via RSS to assist with monitoring, and should contact the IT Department for advice.

The Media Unit will monitor content posted on all official Council social media sites to ensure adherence to the Social Media Policy and Procedure for appropriate use, messaging and consistency.

5.3.6. Comment management

Administrators should ensure, where appropriate they:

- Answer questions as soon as possible
- Correct any incorrect information as soon as possible
- Respond accurately at all times. If they do make a mistake, administrators should acknowledge it and correct it as soon as possible
- Exercise sound judgment and common sense when responding
- Do not enter or start arguments
- If they are unclear on facts, seek advice and approval from relevant Managers, Directors or the Chief Executive Officer.

Negative or inappropriate comments, or those that raise legal, privacy or political concerns, should be managed immediately and in consultation with Directors or the Chief Executive Officer.

Inappropriate comments or those that raise legal or privacy concerns should be removed. Ensure the comment is captured and forwarded to records before removal.

For negative comments, general principles are:

Straight problem – exercise sound judgement and common sense and where appropriate respond, either privately or on the public forum. Take action to rectify the problem.

Constructive criticism – exercise sound judgement and common sense and where appropriate respond. Thank the user for their suggestion and forward the suggestion to relevant program manager for consideration. If the suggestion is taken up, further response at a later date might be appropriate.

Warranted criticism – exercise sound judgement and common sense and where appropriate respond, Be positive, empathetic. Alert the program manager and communicate any response to the problem/issue if appropriate.

Trolling – do not respond and if necessary, remove it from the page. (Trolling is when posts are inflammatory or off-topic with the main purpose

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being to provoke an emotional response or to disrupt the normal, relevant conversation.)

It is appropriate to note on the site, if possible, that content deemed unsuitable could be removed. For example: *“Swan Hill Rural City Council reserves the right to remove content that does not comply with its Social Media Policy or any associated policies. To view the policy, visit swanhill.vic.gov.au.”*

Comments on the Facebook wall/timeline can be restricted so that only the administrator can post directly. Members of the public have the option to comment only on administrator posts. Although not recommended, this feature can be disabled if necessary.

5.3.7. Promotion

Council's social media sites should be promoted using social media buttons to link from Council's main website and other program websites.

Social media sites should be promoted in Council communications like employee and community newsletters, email groups, advertisements and media releases.

Sites should all be linked (for example, liking each other on Facebook, and following each other on Twitter).

Employees are also encouraged to link to social media sites by using social media buttons on their email signatures. Please see the IT Unit to alter email signatures.

5.3.8. Records management

Daily or weekly feeds (depending on site's usage) will be established through the IT Unit to capture and send to the Records Management Unit.

Records officers will be required to monitor feeds and any content deemed relevant to another file will be recorded there.

5.4. Employee guidelines for using social media

Only employees authorised by their Director must administer Council social media sites and content.

The Media Unit is responsible for Council's corporate social media sites. Any officer who would like their program or event included on Council's corporate social media sites should contact the Media Unit at least a week prior to their proposed post date.

Other employees must only administer sites that relate to their areas of responsibility, after approval from their Director, and must be aware of the guidelines contained in this procedure.

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When representing Council on social media sites, all employees are required to comply with the statutory requirements contained in the Privacy and Data Protection Act and Local Government Act, which prohibit the disclosure of personal and confidential information, and act within the guidelines of the Staff Code of Conduct.

Posts must accurately reflect Council’s position on the topic as determined by Council and in accordance with the Council Plan and Council policies. Employees should also be aware that defamation and libel laws cover them as it does everyone else. It could be considered defamatory to harm another person’s reputation through social media sites.

Non-compliance with the Social Media Policy and Procedure by Council representatives will result in action under Council’s Disciplinary Policy POL/STAFF104.

5.4.1. Personal use of social media

Employees should be conscious about mixing their personal and work lives. There is no separation for others between your personal and business profiles within social media.

Any online activity that brings damage to Council’s reputation will ultimately be the responsibility of the employee who created or published the content. Employees should use common sense and take the same caution with social media as with all other forms of communication.

It is not appropriate to use Council email addresses to create personal accounts in sites unrelated to Council.

Information – If posting about Council, employees should only share publicly available information and engage only in discussions where they are comfortable and knowledgeable about the topic.

Opinion – It is recommended that employees not use personal accounts to make adverse comments about Council or its programs, services, projects, elected members, employees, volunteers, community members or decisions.

If personal comment is made, employees should not identify themselves as Council employees and should be mindful of the Swan Hill Rural City Council Staff Code of Conduct, their position description and delegated responsibility level.

Employees should consider using a formal disclaimer to separate official Council positions from theirs and others’ personal opinions.

Personal opinions should not be expressed using Council hash tags or other identifications.

Access – When accessing social media via the Council’s internet system, employees must do so in accordance with this procedure and with Council’s IT Acceptable Use Policy POL/CORP218. This policy allows employees to use internet resources for personal purposes provided use is limited, lawful and reasonable in terms of time and cost to Council.

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Personal access to social media should not interfere with your work. Examples of reasonable use include using social media during a lunch break.

Council resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate, as defined in this procedure.

5.5. Councillor guidelines for using social media

The Mayor is the official spokesperson for Council, and can work with the Chief Executive Officer and the Media Unit to establish official social media sites and profiles to represent Council.

Councillors with their own social media sites and profiles should ensure they state that comments and posts are being made in their role as an individual and are not necessarily the views of the Council.

Councillors must seek guidance from the Chief Executive Officer or Mayor prior to posting on Council’s official social media sites, especially relating to issues of a legally or politically sensitive nature.

All posts about Council issues should be accurate. If Councillors are uncertain, they should seek the advice of the relevant Manager, Director or the Chief Executive Officer.

Councillors are required to comply with the statutory requirements contained in the Privacy and Data Protection Act, Local Government Act and Councillor Code of Conduct, which prohibit the disclosure of personal and confidential information.

Matters raised in closed sessions of Council and at Councillor Assemblies are confidential and cannot be mentioned in any way on social media sites.

Councillors should also be aware that defamation and libel laws cover them as it does everyone else. It could be considered defamatory to harm another person’s reputation through social media.

Social media sites should not be used to post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate.

5.6. Social media during caretaker mode

Council’s social media sites should not be used for election campaigning.

Any publication on official Council social media sites during caretaker mode requires certification by the Chief Executive Officer. This excludes publications relating to standard operational requirements, for example, posts promoting community events.

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Council should consider limiting access to social media sites during caretaker mode (for example, restricting Facebook wall/timeline posts or temporarily closing down a site) and should undertake constant monitoring to ensure no electoral matter is posted.

Councillors - During caretaker mode it is especially important that Councillors ensure their social media sites state that comments and posts are being made in their role as an individual, and that views expressed are not necessarily the views of the Council.

5.7. Social media used in crisis communication

Social media can be an effective way to communicate important messages in the case of a municipal or Council crisis. However, in times of crisis, social media posts can have far reaching effects. Therefore employees and Councillors should note that informal comment or discussion on social media is to be avoided.

Council emergency management - In the event of a declared Council crisis, any communication, including that on social media, is to be approved by the Disaster Recovery Committee in conjunction with the Council Crisis Communication Plan.

Municipal emergency management - In the event of a municipal disaster, communication, including that on social media, is to be approved by the Municipal Emergency Command Centre, in conjunction with Council's Media Policy and Procedure.

5.8. Advertising

Social media can be an effective tool to promote events, generate community interest or increase awareness of community consultation. Advertisements can be targeted to specific audiences, age brackets and areas and using a number of social media platforms.

All social media advertising requests must be approved by a Director or the Chief Executive Officer and submitted to the Media Unit. A corporate credit card is required for advertising costs and a pre-determined budget must be agreed upon before advertising will be approved.

6. RELATED POLICIES/PROCEDURES/DOCUMENTS

POL/CORP225 Website Policy
 POL/CORP218 IT Acceptable Use Policy
 POL/GOV003 Media Policy
 POL/STAFF104 Disciplinary Policy
 POL/CORP203 Corporate Credit Card Policy
 CPOL/GOV025 Community Engagement Policy
 Communications & Engagement Strategy 2019-2022
 POL/CORP211 Privacy Policy

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7. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	February 2013	Initial release
1.1	August 2014	Review
1.2	December 2026	Review
1.3	November 2018	Review
1.4	February 2022	Review

Signed: _____ CEO Date: _____

B.22.7 EXTENSION OF APPOINTMENT

Responsible Officer: Director Corporate Services
File Number: S18-14-05-001
Attachments: Nil

Declarations of Interest:

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

Summary

At an unscheduled Meeting of Council held on 18 November 2021, Ms Rosanne Kava was appointed as Council's "acting Chief Executive Officer (ACEO)" commencing on Monday 22 November 2021, with the appointment to be reviewed on a 3 monthly basis until such time as an appointment for a permanent CEO is made.

A three-month review is now due for consideration.

Discussion

The ACEO Commenced employment with Council on Monday, 22 November 2021. At that time, it was anticipated that the appointment may be for a minimum of 3 months if Council was able to secure a permanent CEO. The potential start date of a permanent CEO is likely to be late April early May 2022 according to Davidsons, the appointed executive search firm. The ACEO tenure was Temporary (minimum 3 months up to 6 months or until such time that a permanent Chief Executive Officer is appointed).

The three month review of the ongoing appointment of the ACEO is now due. Council following its review will be required to inform Ms Kava in writing of the outcome.

Council may choose to continue Ms Kava's appointment as ACEO for a further 3 months or until the CEO position is filled or choose to appoint someone else to the position of ACEO.

Consultation

Not applicable.

Financial Implications

Salary cost for the acting CEO will be met from the Salary and Wages budget.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The Local Government Act 2020 requires Council to appoint a CEO and an acting CEO when a vacancy arises. This resolution of Council will keep Council compliant with the Local Government Act 2020.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Council may choose to adopt or amend the recommendation.

Recommendation

That Council appoint Rosanne Kava or other person to continue in the role of Acting Chief Executive Officer until such time as that a permanent Chief Executive Officer is appointed.

B.22.8 APPLICATION OF 2021/22 RATES SURPLUS

Responsible Officer: Director Corporate Services
File Number: S15-28-14
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks a Council resolution for the application of surplus funds derived from the 2020/21 financial year as a result of COVID-19 impacts and government stimulus initiatives.

Discussion

The Financial Statements for 2020/21 were finalised in September 2021. Council received clear audit opinions from the Auditor-General's Office and the better than expected result was discussed at the October Council Assembly meeting.

The purpose of this report is to seek Council approval to the application of the \$2 million in surplus funds.

The \$2 million surplus is the 'Rates Determination Result' which means it excludes non-cash items such as depreciation, profit/loss on sale of assets, non-monetary contributions from developers, etc.

The Original Budget was prepared to achieve a \$56,000 rates surplus, the Actual was \$2,052,834.

A significant portion of the surplus (\$870,200) was derived from facilities that were closed and other business restrictions imposed on Council by the State Government due to the COVID-19 pandemic.

Economic stimulus grants to assist with the pandemic were also received during the year. The largest came from the Working For Victoria Jobs Program (WFV). It employed 47.1 full time staff (mostly engaged as temporary staff through an employment agency) and injected \$1.8 million into our operational budget.

There were \$681,000 savings in employee costs (3%). The cost saving occurred because we were able to engage some of our stood-down workforce (8.2 EFT

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\$421,000) under the WFV Jobs program, and from other stand-down savings and delays in recruitment and other employee related cost savings (\$260,000).

Additional income from building permits (\$140,000) linked to first homeowner grants also contributed to the result; however there was reduced income in a number of areas such as, hire and leasing (\$206,000). Changes in the building and properties management staff resulted in an under-spend of \$185,000, mainly in programmed building maintenance and vandalism.

We also had \$760,130 in outstanding grants to fund expenditure incurred during the year. This money is expected in the 2021/22 financial year.

Officers have considered a number of uses for this surplus, and recommend they be applied in the following manner:

1. \$600,000 Waste Management Reserve (Cell Replacement)
2. \$760,000 Data & ICT Strategy Implementation
3. \$600,000 MAV WorkCare Liability
4. \$90,000 Additional Planning Officer(s)

The suggested use of funds is supported by the following:

- (1) Specialist consulting firm, Golder has been engaged to determine what Financial Assurances Council needs to have in place to satisfy Environmental (EPA) requirements for future rehabilitation and after care of our landfill sites. The preliminary estimate provided is around \$6.5 million. Council currently has \$4.2M in various waste reserves, and believe it is prudent to increase our Waste Reserves to cater for expected cell construction and capping works. The financial assurance calculation is required to be audited by an Authorised EPA Auditor and this will confirm whether the assessment made by Golder is adequate and assessed in accordance with relevant guidelines. An aerial survey of the Swan Hill landfill site indicates that the construction of a new cell is likely within the next 12-18 months.
- (2) ICT consultant, Susan Sly of Lueur, has provided a roadmap and estimate to implement the requirements of Council's Data & ICT Strategy. The three year staged estimate of \$3.6 million is \$2.8 million more than was identified in the 2022-2031 - 10 Year Major Projects Plan. In order to uplift core business functionality as suggested in the strategy it is recommended that \$760,000 be allocated in 2021/22 to enable the products and services to get underway. It is proposed the remainder of the funds be added in Years 1 & 2 of the 2023-2032 - 10 Year Major Projects Plan.
- (3) MAV has advised that this Council's share of the MAV Self Funded WorkCare Scheme liability is \$924,000. Council has placed \$305,000 in a WorkCover Stabilisation Reserve and seeks the use of this and \$600,000 of the rates surplus to meet this unexpected expense.

- (4) Council is experiencing a surge in both planning and building applications, and associated enquiries. With the resignation of two staff, there is a backlog of applications and statutory timelines that are currently not being met. Funds are required for short-term additional planning resources to deal with applications, including South West Development Precinct.

Consultation

The above application of the 2020/21 surplus funds was discussed by Councillors at the October 2021 Council Assembly meeting.

Financial Implications

The 2021/22 financial position is likely to return a deficit without the injection of the \$600,000 to offset the MAV WorkCare liability payment. Without the proposed funds allocations the roll-out of the Data & ICT Strategy will be stalled and there is a likelihood of not complying with statutory deadlines without the engagement of short-term planning staff/consultants.

Social Implications

Having sufficient funds available in a specific purpose waste reserve, future proofs not only Swan Hill households and commercial/industrial businesses, but also waste diverted from other townships in our municipality.

The additional temporary resources in the Planning Department will improve outputs in keeping with applicant expectations and statutory timelines.

Economic Implications

The increase in waste reserve balances and additional budget allocation in the current financial year will enable Council to provide appropriate and timely waste facilities, investment in ICT business solutions, and temporary staff resources - collectively enabling us to better address and service the future needs of our community.

Environmental Implications

The additional funds in waste reserves, will close the funding gap that currently exists and provides those funds when required to meet EPA requirements in the creation of new landfill cell(s), and capping and revegetation of existing landfill sites across the municipality.

Risk Management Implications

The risk management implications are generally assessed individually as part of the 10 Year Major Projects plan and through other Asset Management Plans.

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

Council may choose to adopt or amend the recommendation.

Recommendation

That Council note the report and approve the appropriation of the 2020/21 rate surplus to the following specific purposes:

- (1) \$600,000 Waste Management Reserve (Cell Replacement)**
- (2) \$760,000 Data & ICT Strategy Implementation**
- (3) \$600,000 MAV WorkCare Liability payment**
- (4) \$90,000 Additional Planning Resources (temporary appointment)**

B.22.9 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 DECEMBER 2021

Responsible Officer: Director Corporate Services
File Number: 42-20-00
Attachments: 1 [↓](#) Income and Expenditure
 Balance Sheet

Declarations of Interest:

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

Summary

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

Discussion

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

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

The forecast result is expected to be worse than budget at this stage of the financial year. The predicted deficit assumes that Major Projects and Capital Works for the remainder of the financial year will be within budget.

Significant forecast variations to budget include:

	Current Forecast Variances		Previous Forecast Variances	
Grants Commission – Financial Assistance Grants (including Transfer from Reserve)	\$297,366	Favourable	\$297,366	Favourable
Grants Commission – 2021 Underpayment	\$110,267	Favourable	\$110,267	Favourable
Employee Costs (net) – excl Working for Victoria	\$390,000	Favourable	\$232,000	Favourable
WorkCover Premiums	\$229,300	Favourable	\$229,300	Favourable
WorkCover Levy – MAV Scheme	(\$924,000)	Unfavourable	(\$300,000)	Unfavourable
Commercial Leases	\$24,960	Favourable	(\$89,610)	Unfavourable
Leisure Centre Contributions	-	-	(\$45,300)	Unfavourable
Carparking	(\$115,000)	Unfavourable	(\$36,000)	Unfavourable
Cleaning Costs	(\$6,590)	Unfavourable	(\$6,590)	Unfavourable

	Current Forecast Variances		Previous Forecast Variances	
COVID-19 Response (Cleaning, Masks, Security)	(\$33,800)	Unfavourable	(\$12,700)	Unfavourable
Transfer from COVID-19 Reserve	\$33,800	Favourable	\$12,700	Favourable
Border Crossing Management – COVID-19 response	(\$10,070)	Unfavourable	-	-
Planning Contractor	(\$82,000)	Unfavourable	(\$60,000)	Unfavourable
Pioneer Settlement Admissions	(\$199,000)	Unfavourable	-	-
Livestock Exchange	(\$128,000)	Unfavourable	-	-
Swan Hill Indoor Sports & Recreation facility hire	(\$36,000)	Unfavourable	-	-
Net Variation to 2021/22 Budget	(\$448,767)	Unfavourable	\$331,433	Favourable

Consultation

Consultation occurred as part of the Budget preparation process.

Financial Implications

The report shows a predicted rates determination result of \$448,767 below the budgeted surplus for the 2021/22 financial year.

The appropriation of 2020/21 rate surplus monies will rectify this projected position, returning a better than budget result. Refer previous Agenda item “Application of 2020/21 Rate Surplus.”

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The anticipated deficit is subject to income and costs trending as they have to date for the final six months of the year.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Nil

Recommendation

That Council note that the anticipated end of financial year result is \$448,767 below the adopted budget surplus of \$102,000 without the appropriation of 2020/21 surplus monies.

**SWAN HILL RURAL CITY COUNCIL
STATEMENT OF INCOME & EXPENDITURE
FOR THE 6 MONTHS ENDING 31/12/2021**

	Actual Year To Date 31/12/2021 \$000	Budget Year To Date 31/12/2021 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2021/22 \$000	Notes
OPERATING INCOME :-						
Rates, garbage charges and marketing levy	30,018	30,022	(4)	0.0%	30,022	
Statutory fees & fines	483	523	(40)	-7.6%	1,045	
User fees	1,926	2,270	(344)	-15.1%	4,539	1
Grants - Operating (recurrent)	3,746	4,947	(1,201)	-24.3%	9,893	2
Grants - operating (non-recurrent)	1,095	836	259	31.0%	1,672	3
Grants - capital (recurrent)	169	717	(548)	-76.4%	1,434	4
Grants - capital (non-recurrent)	1,416	4,924	(3,508)	-71.2%	9,847	5
Contributions - cash non recurrent	190	128	63	49.0%	255	6
Interest income	138	156	(18)	-11.3%	311	7
Proceeds from disposal of assets	179	831	(652)	-78.5%	1,662	8
Other revenue	474	1,512	(1,038)	-68.7%	3,024	9
TOTAL INCOME	39,834	46,863	(7,029)	-15.0%	63,704	
OPERATING EXPENSES (Excluding Depreciation) :-						
Employee benefits	11,144	10,704	441	4.1%	21,407	
Contract payments materials & services	7,170	8,837	(1,667)	-18.9%	17,673	10
Bad & doubtful debts	-	1	(1)	0.0%	2	
Finance costs	123	99	24	24.2%	198	11
Other expenses	553	600	(47)	-7.8%	1,200	
TOTAL OPERATING EXPENSES (Excl. Depn.)	18,990	20,240	(1,250)	-6.2%	40,480	
OPERATING RESULT (Excl. Depn.)	20,844	26,623	(5,779)	-21.7%	23,224	
CAPITAL ITEMS :-						
Capital works/asset purchases	8,191	13,178	(4,987)	-38%	26,355	12
SURPLUS (DEFICIT) AFTER CAPITAL ITEMS	12,653	13,446	(793)	-6%	(3,131)	
ADD FINANCING TRANSACTIONS						
Loan principal redemption	(4,980)	(4,980)	-	0.0%	(5,165)	
Transfers to/from reserves	4,385	4,385	-	0.0%	8,398	
Proceeds from loans	-	-	-	0.0%	0	
TOTAL FINANCING TRANSACTIONS	(595)	(595)	0	0.0%	3,233	
BUDGET RESULT SURPLUS	12,058	12,851	(793)	-6.2%	102	

- 1 User fees and charges are below forecast due mostly to the impact of the COVID-19 pandemic. The Pioneer Settlement (\$199K) has been closed due to the state lockdowns. Parking fees (\$56K) are below forecast due to the decision from Council to waive meter fees. The Livestock exchange (\$36K) is currently below forecast also.
- 2 Fifty per cent of Council's 2021/22 Victoria Grants Commission allocation was received in advance in June 2021. This variance will remain for the year and is offset by increased cash holdings on the Balance Sheet and in transfers from reserves.
The full year result for the Victoria Grants Commission allocation will be \$407,633 better than forecast due to an additional \$297,366 from the indexation of our allocation in the 2022 year, and \$110,267 being the underpayment from 2021.
- 3 Grant funding of \$230K has been received for the Seasonal Worker Accommodation Action Team which had not been forecast. Funding for Roadside Weeds and Pests of \$75K have been received in full while the budget allowed for this to be received throughout the year.
- 4 The first instalment of the Roads to Recovery grant has been received. This grant funding will be received in full by the end of the financial year.
- 5 Timing issue. Project milestones are yet to be completed for a number of significant capital works projects. Refer note 12.
- 6 Contributions of \$42K were received for the Art Gallery ACRE project which has not been forecast.
- 7 Timing issue. Current term deposits have accrued \$40K in interest income and will be recognised at maturity.
- 8 The budget had allowed for the sale of lots in Ronald St Robinvale over the financial year. These lots will not be sold until the end of the year.
- 9 The budget had allowed for \$1,082K of sales at Tower Hill. To date no sales have been received, however once titles have been issued, settlement of the lot sales will be completed.
- 10 The majority of this variance (\$600K) relates to the payment of the waste management contract. There have been delays in receiving and authorisation of contractor payments. Payment of the EPA levy is also \$154K below forecast due to contractor delays. Distribution of the Our Region Our Rivers funding is \$468K below forecast due to project milestones of the partner Council's not being met to date.
- 11 Timing issue. Council's interest expenses were forecast over the year, however the repayment of the \$4.795M interest only loan has now fallen due and been repaid. The full year result will meet forecast.
- 12 Significant capital works projects forecast for the 2021/22 year such as the Our Place building, road reconstructions and resheets, Swan Hill Aerodrome runway and terminal upgrades, Ronald St and Tower Hill developments have all had minimal expenses to date. Council also has almost \$18M in works carried forward from the 2020/21 year that will further delay the 2021/22 budgeted works.

**SWAN HILL RURAL CITY COUNCIL
SUMMARISED BALANCE SHEET
AS AT 31/12/21**

	This Year Actual As At 31/12/2021 \$000	Last Year Actual As At 31/12/2020 \$000	\$ Movement Y.T.D. \$000	% Movement 2021/22	Budget As At End 2021/22 \$000
CURRENT ASSETS:-					
Cash and Cash Equivalents	45,105	48,253	(3,148)	-6.5%	22,969
Trade & Other Receivables	14,976	12,023	2,953	24.6%	3,909
Inventories	105	240	(135)	-56.3%	146
Other Assets	208	12	196	1633.3%	311
TOTAL CURRENT ASSETS	60,394	60,528	(134)	-0.2%	27,335
CURRENT LIABILITIES:-					
Trade & Other Payables	681	2,923	(2,242)	-76.7%	3,375
Trust Funds & Deposits	386	285	101	35.4%	2,514
Provisions	5,153	5,504	(351)	-6.4%	5,835
Interest Bearing Loans & Borrowings	320	5,234	(4,914)	-93.9%	268
Lease Liabilities	241	0	241	100.0%	75
TOTAL CURRENT LIABILITIES	6,781	13,946	(7,165)	-51.4%	12,067
NET CURRENT ASSETS	53,613	46,582	7,031	15.1%	15,268
NON-CURRENT ASSETS:-					
Trade & Other Receivables	111	111	-	0.0%	130
Property, Plant, Equipment & Infrastructure	497,263	491,842	5,421	1.1%	530,745
Right-of-use Assets	444		444	100.0%	204
Intangible Assets	3,072	3,072	0	0.0%	3,196
TOTAL NON-CURRENT ASSETS	500,890	495,025	5,865	1.2%	534,275
NON-CURRENT LIABILITIES:-					
Interest Bearing Loans & Borrowings	2,540	2,397	143	6.0%	2,350
Lease Liabilities	189	458	(269)	-58.7%	142
Provisions	1,752	1,669	83	5.0%	1,650
TOTAL NON-CURRENT LIABILITIES	4,481	4,524	(43)	-1.0%	4,142
TOTAL NET ASSETS	550,022	537,083	12,939	2.4%	545,401
EQUITY:-					
Accumulated Surplus & Reserves	338,104	327,090	11,014	3.4%	311,757
Asset Revaluation Reserve	211,918	209,993	1,925	0.9%	233,644
TOTAL EQUITY	550,022	537,083	12,939	2.4%	545,401

B.22.10 COUNCILLOR CANDIDATE FOR THE NEXT FEDERAL ELECTION

Responsible Officer: Chief Executive Officer
File Number: S16-04-05-14
Attachments: Nil

Declarations of Interest:

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

Summary

Cr Stuart King has written advising he has been pre-selected as a political party candidate for the electorate of Mallee to stand in the upcoming Federal Election and foreshadowed a request for a leave of absence from Council. The report outlines the responses open to Council in response to this information.

Discussion

Cr King has advised the CEO in writing that he has been pre-selected by a political party as a candidate for the Federal Election, which is likely to be held in March or May this year, or potentially as late as September if the lower house election proceeds separately to the half-Senate Election.

A councillor who is a Prospective Candidate, should declare his/her intended candidacy at a meeting of the council as soon as practicable after notifying the CEO pursuant to Guideline 1. This is the first opportunity for Cr King to do so.

The Local Government Act 2020 and the Councillor Code of Conduct (Section 2.23) provide some guidance in relation to elections. Key points include:

- Councillors must comply with Conflict of Interest provisions as outlined in S126-136 of the Act as well as the *Local Government (Governance and Integrity) Regulations*. In particular, Councillors must
 - Ensure their private interests as a nominee do not affect their public duties as Councillor
 - Not use their position as Councillor for private benefit
 - Declare any conflicts of interest and not take part in any decision making processes on these matters
- It is an offence for a Councillor to misuse their position to gain an advantage for themselves or others, including use of public funds or resources in an improper or unauthorised way.
- A Councillor must resign immediately if they are successful in a State or Federal Election.

The MAV has put out a clear set of guidelines for Councillors Standing for State or Federal Elections – see [Candidature of councillors in state or federal elections 2021 MAV Guidelines](#)

The latest time for a Councillor candidate for a State or Federal election to request to commence Leave of Absence is at the time they become a Nominated candidate, ie when they formally nominate to the Electoral Commission. Prior to that time they are known as a Prospective Candidate and may continue to function as a Councillor, so long as they continue to carry out the role and comply with other requirements.

Based on this, Cr King is now classified as a Prospective Candidate and must apply for leave of absence no later than the date of his nomination to the Australian Electoral Commission at which point he becomes a Nominated Candidate. In the meantime, as a Prospective Candidate, he may continue to operate as Councillor but cannot use any Council resources or platforms for electioneering or party political statements. A Prospective Candidate is also not permitted to use Council activities, including council meetings, events, network meetings and council-related external activities in relation to their candidacy.

Cr King has advised he wishes to start a Leave of Absence from 16th February 2022.

Once a Leave of Absence has been granted by Council and commences the Councillor allowance would cease and all other assets (phone, computer, name badge etc) would be returned to Council for safekeeping until after the Election.

Consultation

Cr King has been provided with some general advice regarding his options on the timing of his Leave of Absence and has been reminded of any requirements re the use of Council resources in the lead up to an Election and during any Leave of Absence.

Cr King has been provided with a copy of their latest advice from MAV to Councillor candidates. Nominating Councillors are encouraged to familiarise themselves with relevant legislation and guidelines and MAV recommends he/she seek independent legal advice in regards to the various issues associated with running as a candidate whilst still a Councillor.

Financial Implications

Minor savings in Councillor allowance for the period for which Cr King would be on Leave of Absence.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The lack of certainty of the Federal Election date creates some complexities.

Until he commences leave of absence Cr King may continue in his duties as a Councillor, including attending Assemblies and the Council meeting. Any Councillor candidate needs to be careful in the use of any Council resources and ensure any public political statements he/she chooses to make are made in a private capacity as a candidate for the Federal Election and outside any Council platforms or mechanisms.

Councillors standing for Federal parliament cannot suffer any penalty arising from their decision to stand as a candidate for election.

Council Plan Strategy Addressed

Leadership - Bold leadership, strong partnerships and effective advocacy.

Options

Council may choose to adopt or amend the recommendation.

Recommendations

That Council:

- 1. Note Cr King's advice of his pre-selection as a political party candidate for the next Federal Election.**
- 2. Favourably consider Cr King's request for Leave of Absence from 16th February 2022 to stand as a candidate for the next Federal Election.**

B.22.11 LEAVE OF ABSENCE

Responsible Officer: Chief Executive Officer
File Number: S16-04-05-10
Attachments: 1 [↓](#) Leave of absence

Declarations of Interest:

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

Summary

Mayor Cr Jade Benham has received a written request from Cr Ann Young for leave of absence from Council for the period 17 February 2022 to the 3 March 2022.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Council may approve or not approve the recommendation.

Recommendation

That Council approve Cr Ann Young leave of absence for the period 12 February 2022 to 3 March 2022.

REF: 365/22/
JB/SKL

7 February 2022



Councillor Jade Benham
Mayor
Swan Hill Rural City Council
PO Box 488
SWAN HILL VIC 3585

Dear Councillor Benham,

LEAVE OF ABSENCE

I request a leave of absence from Council for the period 17 February 2022 to the 3 March 2022.

If I should require an extension to the leave of absence I will notify you.

Yours sincerely



Cr Ann Young
Swan Hill Rural City Council

45 Splatt Street SWAN HILL VIC 3585
PO Box 488 SWAN HILL VIC 3585
DX30166 Swan Hill
Telephone: (03) 5036 2333 Fax: (03) 5036 2340
Email: council@swanhill.vic.gov.au
ABN 97435620016

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.22.1 SIGN & SEAL REPORT

Responsible Officer: Chief Executive Officer

Attachments: Nil.

Declarations of Interest:

Rosanne Kava - 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
1085	Section 173 Agreement – Hayes Road, Lake Boga – “Haven Estate” Stage 7	Between Swan Hill Rural City Council and W.J.Pye and J.D.C Pye	21/12/2021
1086	Kerbside Waste Collection and Disposal – Swan Hill Municipality contract 22376201	Between Swan Hill Rural City Council and Cleanaway Industrial Solutions Pty Ltd	21/12/2021
1087	Section 173 Agreement for private assets in Road Reserve (Steicke – White Road, Woorinen	Between Swan Hill Rural City Council and Steicke Farms Pty Ltd	21/12/2021
1088	Citation “Australia Day – Citizen of the Year”	Citation – Beryl Lowe	21/12/2021

DECISIONS WHICH NEED ACTION/RATIFICATION

15 February 2022

1089	Section 173 Agreement – 81 Pethard Road and 45 Kenneth Roads Robinvale	Between Swan Hill Rural City Council and FA Zappia Pty Ltd and F.Zappia and A.M.Zappie	01/02/2022
1090	Waste Management Services Swan Hill, Robinvale Landfills and Rural Transfer Stations, Contract 22376202	Between Swan Hill Rural City Council and Enviro X Solutions Pty Ltd.	01/02/2022

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

C.22.2 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 [↓](#) Councillor Assembly Record of Attendance

Declarations of Interest:

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

Summary

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

Discussion

Whilst Minutes have not been recorded, Agenda items and those in attendance are reported and presented to Council.

An assembly of Councillors is defined as a meeting that is planned or scheduled at which at least half of the Council and one Officer are in attendance, and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent assemblies of Council are attached.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Leadership - Bold leadership, strong partnerships and effective advocacy.

Options

Council Assemblies are reported to ensure good governance and transparency.

Recommendation

That Council note the contents of the report.

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
11 January 2022 at 1pm, Via Zoom**

AGENDA ITEMS

- Councillor Only Session (Recruitment Agencies)
- Public Transparency Policy
- 10 River Road, Swan Hill 2021-080

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Stuart King
- Les McPhee

OFFICERS

- Rosanne Kava, Acting Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Helen Morris, Organisational Development Manager
- Joel Lieschke, Director Corporate Services
- Kate Jewell, Development Manager
- Anthony Duffin, Information Co-ordinator

Other

- Nick Kelly (McArthurs)
- Seamus Scanlon (Davidson Executive and Boards)
- Grant Nichol (NGS Global Pty Ltd)

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
18 January 2022 at 1pm, Zoom meeting**

AGENDA ITEMS

- 210 Prince Road Murrawee 2021-145
- Plaques and Memorials
- National General Assembly Notice of Motions
- Country Universities Centre Commonwealth funding
- Davidson Executive and Boards
- Councillor only session

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Chris Jeffery
- Cr Les McPhee

OFFICERS

- Rosanne Kava, Acting Chief Executive Officer
- Helen Morris, Acting Director Corporate Services
- Heather Green, Director Development and Planning
- Kate Jewell, Development Manager

Other

- Seamus Scanlon (Davidson Executive and Boards)

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
25 January 2022 at 1pm, Swan Hill Town Hall – Council Chambers**

AGENDA ITEMS

- South West Development Precinct
- Workforce Development Paln
- Yarraby Road, Nyah

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Bill Moar
- Cr Chris Jeffery
- Cr Stuart King
- Cr Jade Benham

Apologies

- Cr Les McPhee
- Cr Ann Young
- Cr Nicole McKay

OFFICERS

- Rosanne Kava, Acting Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Helen Morris, Acting Director Corporate Services
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Kate Jewell, Development & Planning - Planning & Compliance
- Laura O'Dwyer, Enterprise Assets Manager

Other

- Nil

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
1 February 2022 at 1pm, Swan Hill Town Hall – Council Chambers**

AGENDA ITEMS

- Rail Freight Alliance
- Social Media Policy
- CMA visit
- LMW visit
- Country Universities Centre Commonwealth Funding

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Chris Jeffery

OFFICERS

- Rosanne Kava, Acting Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Helen Morris, Acting Director Corporate Services
- Heather Green, Director Development and Planning
- Felicity O'Rourke, Community Engagement and Communications Coordinator
- Kate Jewell, Director Development and Planning
- Tamara Broadsmith, Planning Team Leader

Other

- Reid Mather, Rail Freight Alliance
- Camille White and Owen Hayden, NCCMA
- David Girdwood, LMW
- Duncan Taylor, Community University Centre

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
8 February 2022 at 1pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Our Place up-date
- Aged Care up-date
- SHRCC Livestock Exchange Stakeholder Committee
- Q2 KSI documents
- Community University Centre continued discussions
- Federal Candidates requests to meet with Councillors
- Application for Remote Roads Upgrade Pilot Program
- Acting Chief Executive Officer

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Nil

OFFICERS

- Rosanne Kava, Acting Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- Helen Morris, Acting Director Corporate Services
- Heather Green, Director Development and Planning
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment
- Ian Baker, Project Management Office – Manager
- Laura O'Dwyer, Asset Manager

Other

- Nil

CONFLICT OF INTEREST

- Cr Stuart King declared a conflict of interest in regards to the "Federal Candidate request to meet with Councillors" item. Cr King left the room at 4,10pm and did not return.
- Ms Rosanne Kava, Acting CEO declared a conflict of interest in regards to the "Acting Chief Executive Officer" item and left the room at 2.53pm and returned at 3.15pm.
- Ms Laura O'Dwyer, Assets Manager declared a conflict of interest in regards to the "Application for Remote Roads Upgrade Pilot Program" item. As she lives in Quambatook. She did not take part in scoring of alternatives that resulted in Quambatook Road scoring highest for possible grant application.

SECTION D – NOTICES OF MOTION

D.22.1 GLASS COLLECTION

Having given due notice, **Councillor Bill Moar MOVED that:**
Council write to the State Government requesting that the full costs of setting up for the glass collection be covered by the State Government given that the Container Deposit Scheme is being introduced by them in 2023, and requesting that early adopters of the glass collection scheme also have their costs reimbursed.

Preamble

Swan Hill Rural City Council is a member of the Loddon Mallee Waste Resource Recovery Group, and as such advocates on matters waste and recyclables within our municipality.

As we transition to a more circular economy in this area, the separation of glass as a separate recycling stream will occur over the next several years. This will occur in a number of possible ways, one of which is the CDC (Container Deposit Scheme) to be implemented by the State Government in 2023, and the others involve either kerbside collection or central drop off point (administered through Council's waste management services).

This initiative will come at a cost. Given the inherent financial pressure rural and remote municipalities have due to lack of competition, long distances and lower income levels this additional burden will be difficult to absorb by Council and the ratepayers. The ability to absorb such extra costs needs to be considered when designing reimbursement or funding models to enable Council to fulfil the Victorian State Government Policy objective. In order to minimise the cost of this transition to ratepayers we ask that all transitional costs be funded by the State Government.

SECTION E – FORESHADOWED ITEMS

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION H – IN CAMERA ITEMS